

PUBLIC HEARING
before
SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
on
SENATE NO. 1386 and SENATE NO 904
(Motorized Bicycle Bills)

Held:
June 23, 1976
Senate Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Carmen A. Orechio (Chairman)
Senator Alene S. Ammond

* * * *

1954-1955

REPORT

STATE LAW ENFORCEMENT AND CRIME COMMISSION

OF

REPORT TO THE GOVERNOR AND LEGISLATURE

FOR THE YEAR 1954-1955

BY THE COMMISSIONERS

W. J. ...
J. ...
A. ...
H. ...
C. ...
S. ...
L. ...
D. ...

With
June 15, 1955
James C. ...
State House
Tucson, Arizona

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...
...

1954-1955

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SENATE, No. 1386

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1976

By Senators MENZA, DUNN, ORECHIO and McDONOUGH

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motorized bicycles and amending R. S. 39:1-1
and section 2 of P. L. 1975, c. 250, and supplementing Title 39
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

4 39:1-1. As used in this subtitle, unless other meaning is clearly
5 apparent from the language or context, or unless inconsistent with
6 the manifest intention of the Legislature:

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

9 "Authorized emergency vehicles" means vehicles of the fire
10 department, police vehicles and such ambulances and other vehicles
11 as are approved by the Director of the Division of Motor Vehicles
12 in the Department of Law and Public Safety when operated in
13 response to an emergency call.

14 "Automobile" includes all motor vehicles except motorcycles.

15 "Berm" means that portion of the highway exclusive of roadway
16 and shoulder, bordering the shoulder but not to be used for vehi-
17 cular travel.

18 "Business district" means that portion of a highway and the
19 territory contiguous thereto, where within any 600 feet along such
20 highway there are buildings in use for business or industrial pur-
21 poses, including but not limited to hotels, banks, office buildings,
22 railroad stations, and public buildings which occupy at least 300
23 feet of frontage on one side or 300 feet collectively on both sides
24 of the roadway.

25 "Commercial motor vehicle" includes every type of motor-driven
vehicle used for commercial purposes on the highways, such as the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

26 transportation of goods, wares and merchandise, excepting such
27 vehicles as are run only upon rails or tracks and vehicles of the
28 passenger car type used for touring purposes or the carrying of
29 farm products and milk, as the case may be.

30 "Commissioner" means the Director of the Division of Motor
31 Vehicles in the Department of Law and Public Safety of this State.

32 "Crosswalk" means that part of a highway at an intersection
33 included within the connections of the lateral lines of the sidewalks
34 on opposite sides of the highway measured from the curbs or, in the
35 absence of curbs, from the edges of the shoulder or, if none, from
36 the edges of the roadway; also, any portion of a highway at an
37 intersection or elsewhere distinctly indicated for pedestrian cross-
38 ing by lines or other marking on the surface.

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

42 "Department" means the Division of Motor Vehicles in the
43 Department of Law and Public Safety of this State acting directly
44 or through its duly authorized officers or agents.

45 "Deputy commissioner" means deputy director of the Division
46 of Motor Vehicles in the Department of Law and Public Safety.

47 "Deputy director" means deputy director of the Division of
48 Motor Vehicles in the Department of Law and Public Safety.

49 "Director" means the Director of the Division of Motor Vehicles
50 in the Department of Law and Public Safety.

51 "Division" means the Division of Motor Vehicles in the Depart-
52 ment of Law and Public Safety acting directly or through its duly
53 authorized officers or agents.

54 "Driver" means the rider or driver of a horse, bicycle or motor-
55 cycle or the driver or operator of a motor vehicle, unless otherwise
56 specified.

57 "Explosives" means any chemical compound or mechanical
58 mixture that is commonly used or intended for the purpose of
59 producing an explosion and which contains any oxidizing and com-
60 bustive units or other ingredients in such proportions, quantities,
61 or packing that an ignition by fire, by friction, by concussion, by
62 percussion, or by detonator of any part of the compound or mixture
63 may cause such a sudden generation of highly heated gases that the
64 resultant gaseous pressures are capable of producing destructive
65 effects on contiguous objects or of destroying life or limb.

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

69 "Flammable liquid" means any liquid having a flash point below
70 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

71 "Gross weight" means the combined weight of a vehicle and any
72 load thereon.

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

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

78 "Inside lane" means the lane nearest the center line of the road-
79 way.

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

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

86 "Limited-access highway" means every highway, street, or road-
87 way in respect to which owners or occupants of abutting lands and
88 other persons have no legal right of access to or from the same
89 except at such points only and in such manner as may be determined
90 by the public authority having jurisdiction over such highway,
91 street, or roadway; and includes any highway designated as a
92 "freeway" or "parkway" by authority of law.

93 "Local authorities" means every county, municipal and other
94 local board or body having authority to adopt local police regula-
95 tions under the constitution and laws of this State, including every
96 county board of chosen freeholders with relation to county roads.

97 "Magistrate" means any municipal court, county district court,
98 criminal judicial district court, County Court and the Superior
99 Court, and any officer having the powers of a committing magis-
100 trate and the Director of the Division of Motor Vehicles in the
101 Department of Law and Public Safety.

102 "Manufacture" means a person engaged in the business of
103 manufacturing or assembling motor vehicles, who will, under
104 normal business conditions during the year, manufacture or
105 assemble at least 10 new motor vehicles.

106 "Metal tire" means every tire the surface of which in contact
107 with the highway is wholly or partly of metal or other hard non-
108 resilient material.

109 "Motorized bicycle" means a pedal bicycle having a helper
110 motor characterized in that *either* the maximum piston displace-
111 ment is less than 50 cc. *or said motor is rated at no more than 1.5*

112 brake horsepower and *said bicycle* is capable of a maximum speed
113 of no more than 25 miles per hour on a flat surface.

114 "Motorecycle" includes motorecycles, motor bikes, bicycles with
115 motor attached and all motor operated vehicles of the bicycle or
116 triecyle type, [having a piston displacement of 50 cc. or more rated
117 in excess of 1.5 brake horsepower and capable of maximum speeds
118 in excess of 25 miles-per-hour,] *except motorized bicycles as defined*
119 *in this section*, whether the motive power be a part thereof or
120 attached thereto and having a saddle or seat with driver sitting
121 astride or upon it, or a platform on which the driver stands.

122 "Motor-drawn vehicle" includes trailers, semitrailers, or any
123 other type of vehicle drawn by a motor-driver vehicle.

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

127 "Noncommercial truck" means every motor vehicle designed
128 primarily for transportation of property, and which is not a
129 "commercial vehicle."

130 "Official traffic control devices" means all signs, signals, mark-
131 ings, and devices not inconsistent with this subtitle placed or
132 erected by authority of a public body or official having jurisdiction,
133 for the purpose of regulating, warning, or guiding traffic.

134 "Omnibus" includes all motor vehicles used for the transporta-
135 tion of passengers for hire, except school buses if the same are not
136 otherwise used in the transportation of passengers for hire.

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

139 "Outside lane" means the lane nearest the curb or outer edge of
140 the roadway.

141 "Owner" means a person who holds the legal title of a vehicle, or
142 if a vehicle is the subject of an agreement for the conditional sale or
143 lease thereof with the right of purchase upon performance of the
144 conditions stated in the agreement and with an immediate right of
145 possession vested in the conditional vendee or lessee, or if a
146 mortgagor of a vehicle is entitled to possession, then the conditional
147 vendee, lessee or mortgagor shall be deemed the owner for the
148 purpose of this subtitle.

149 "Parking" means the standing or waiting on a street, road or
150 highway of a vehicle not actually engaged in receiving or discharg-
151 ing passengers or merchandise, unless in obedience to traffic regu-
152 lations or traffic signs or signals.

153 "Passenger automobile" means all automobiles used and
154 designed for the transportation of passengers, other than omni-
155 buses and school buses.

156 "Pedestrian" means a person afoot.
157 "Person" includes natural persons, firms, copartnerships, asso-
158 ciations, and corporations.
159 "Pneumatic tire" means every tire in which compressed air is
160 designed to support the load.
161 "Pole trailer" means every vehicle without motive power
162 designed to be drawn by another vehicle and attached to the towing
163 vehicle by means of a reach, or pole, or by being boomed or other-
164 wise secured to the towing vehicle, and ordinarily used for trans-
165 porting long or irregularly shaped loads such as poles, pipes, or
166 structural members capable, generally, of sustaining themselves as
167 beams between the supporting connections.
168 "Private road or driveway" means every road or driveway not
169 open to the use of the public for purposes of vehicular travel.
170 "Railroad train" means a steam engine, electric or other motor,
171 with or without cars coupled thereto, operated upon rails, except
172 street cars.
173 "Residence district" means that portion of a highway and the
174 territory contiguous thereto, not comprising a business district,
175 where within any 600 feet along such highway there are buildings
176 in use for business or residential purposes which occupy 300 feet
177 or more of frontage on at least one side of the highway.
178 "Right of way" means the privilege of the immediate use of the
179 highway.
180 "Road tractor" means every motor vehicle designed and used for
181 drawing other vehicles and not so constructed as to carry any load
182 thereon either independently or any part of the weight of a vehicle
183 or load so drawn.
184 "Roadway" means that portion of a highway improved,
185 designed, or ordinarily used for vehicular travel, exclusive of the
186 berm or shoulder. In the event a highway includes two or more
187 separate roadways the term "roadway" as used herein shall refer
188 to any such roadway separately, but not to all such roadways,
189 collectively.
190 "Safety zone" means the area or space officially set aside within
191 a highway for the exclusive use of pedestrians, which is so plainly
192 marked or indicated by proper signs as to be plainly visible at all
193 times while set apart as a safety zone.
194 "School bus" means every motor vehicle operated by, or under
195 contract with, a public or governmental agency, or religious or
196 other charitable organization or corporation, or privately operated
197 for compensation for the transportation of children to or from
198 school for secular or religious education which complies with the

199 regulations of the Department of Education affecting school buses
200 including "School Vehicle Type I" and "School Vehicle Type II"
201 as defined below:

202 "School Vehicle Type I" means any vehicle with a seating
203 capacity of 17 or more, used to transport enrolled children, and
204 adults only when serving as chaperones, to or from a school, school
205 connected activity, day camp, summer day camp, nursery school,
206 child care center, preschool center or other similar places of edu-
207 cation. Such vehicle must comply with the regulations of the Divi-
208 sion of Motor Vehicles and either the Department of Education or
209 the Department of Institutions and Agencies whichever is the
210 appropriate supervising agency.

211 "School Vehicle Type II" means any vehicle with a seating
212 capacity of 16 or less, used to transport enrolled children, and
213 adults only when serving as chaperones, to or from a school, school
214 connected activity, day camp, summer day camp, nursery school,
215 child care center, preschool center or other similar places of edu-
216 cation. Such vehicle must comply with the regulations of the Divi-
217 sion of Motor Vehicles and either the Department of Education or
218 the Department of Institutions and Agencies whichever is the
219 appropriate supervising agency.

220 "School zone" means that portion of a highway which is either
221 contiguous to territory occupied by a school building or is where
222 school crossings are established in the vicinity of a school, upon
223 which are maintained appropriate "school signs" in accordance
224 with specifications adopted by the director and in accordance with
225 law.

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

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

234 "Shoulder" means that portion of the highway, exclusive of and
235 bordering the roadway, designed for emergency use but not ordi-
236 narily to be used for vehicular travel.

237 "Sidewalk" means that portion of a highway intended for the
238 use of pedestrians, between the curb line or the lateral line of a
239 shoulder, or if none, the lateral line of the roadway, and the
240 adjacent right of way line.

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

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

244 "Solid tire" means every tire of rubber or other resilient
245 material which does not depend upon compressed air for the
246 support of the load.

247 "Street" means the same as highway.

248 "Street car" means a car other than a railroad train for trans-
249 porting persons or property and operated upon rails principally
250 within a municipality.

251 "Stop," when required, means complete cessation from move-
252 ment.

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

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

261 "Trackless trolley" means every motor vehicle which is pro-
262 pelled by electric power obtained from overhead trolley wires but
263 not operated upon rails.

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

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

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

274 "Truck" means every motor vehicle designed, used, or main-
275 tained primarily for the transportation of property.

276 "Truck tractor" means every motor vehicle designed and used
277 primarily for drawing other vehicles and not so constructed as to
278 carry a load other than a part of the weight of the vehicle and load
279 so drawn.

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

1 2. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is amended to
2 read as follows:

3 2. a. Motorized bicycles shall not be **[used]** *operated with motor*
4 *engaged* upon interstate **[and primary]** *highways or upon high-*
5 *ways with a posted maximum speed in excess of 40 miles an hour*
6 *or upon the railroad or right-of-way of an operating railroad within*
7 *the State of New Jersey or upon any public land where expressly*
8 *prohibited by the governing body, department or agency having*
9 *jurisdiction thereof.*

10 b. **[Motorized bicycles shall not be operated by a person under**
11 **15 years of age.]** *No person shall operate a motorized bicycle who*
12 *shall not have attained the age of 17 years and who shall not be in*
13 *possession of a valid driver's license.*

14 c. *The valid driver's license shall be in the possession of the*
15 *operator at all times when he is operating a motorized bicycle with*
16 *motor engaged on the highways of this State. The operator shall*
17 *exhibit his driver's license when requested so to do by any police*
18 *officer or magistrate, while in the performance of the duties of his*
19 *office and shall write his name in the presence of the officer, so that*
20 *the officer may thereby determine the identity of the licensee. Any*
21 *person violating this subsection shall be subject to a fine not ex-*
22 *ceeding \$50.00.*

23 **[c. Regulations]** d. *Unless otherwise determined by the direc-*
24 *tor, statutes, rules and regulations applicable to bicycles shall*
25 *apply whenever a motorized bicycle is operated upon any [public*
26 *road or upon any path set aside for the exclusive use of motorized*
27 *bicycles] highway or upon any public land.*

28 e. *Article 15 of chapter 4 of Title 39 of the Revised Statutes*
29 *pertaining to accidents and reports shall be applicable to all acci-*
30 *dents involving motorized bicycles. Any law enforcement officer*
31 *investigating an accident in which a motorized bicycle is involved*
32 *shall report the accident to the Division of Motor Vehicles. Said*
33 *report shall include information relating to the cause of the acci-*
34 *dent and extent of injury, if any, to the driver and such other in-*
35 *formation as may be required.*

1 3. (New section) No person engaged in the business of selling
2 motorized bicycles at retail shall sell or offer to sell any motorized
3 bicycle unless such motorized bicycle is in conformity with this act
4 and regulations promulgated hereunder by the director.

1 4. (New section) Every owner or registered owner of a motor-
2 ized bicycle registered or principally garaged in this State shall
3 maintain liability insurance coverage, under provisions approved

4 by the Commissioner of Insurance, insuring against loss resulting
 5 from liability imposed by law for bodily injury, death and property
 6 damage sustained by any person arising out of the ownership,
 7 maintenance, operation or use of a motorized bicycle wherein such
 8 coverage shall be at least in: a. an amount or limit of \$15,000.00,
 9 exclusive of interest and costs, on account of injury to, or death of,
 10 one person, in any one accident; and b. an amount or limit, subject
 11 to such limit for any one person so injured or killed, of \$30,000.00,
 12 exclusive of interest and costs, on account of injury to or death of,
 13 more than one person, in any one accident; and c. an amount or
 14 limit of \$5,000.00, exclusive of interest and costs, for damage to
 15 property in any one accident.

1 5. (New section) Except as otherwise provided by this act, any
 2 person who violates any of the provisions of this act shall be sub-
 3 ject to a fine not exceeding \$200.00 or imprisonment for a term not
 4 exceeding 60 days or both.

1 6. (New section) The director may promulgate such rules and
 2 regulations as may be necessary to effectuate the purposes of this
 3 act.

1 7. This act shall take effect immediately.

STATEMENT

This bill is intended to restrict the use of motorized bicycles to certain highways, to require that operators of motorized bicycles be 17 years of age and possess valid driver's licenses, and to impose requirements on operators of motorized bicycles as to their use. The present statute, recently enacted, only requires operators to be 15 years of age. In addition, the existing statutes prohibit use on primary highways—a vague and unenforceable term. Besides responding to these problems, this bill attempts to impose appropriate restrictions to maximize safety without causing undue inconvenience to operators of motorized bicycles which are becoming a popular mode of transportation in this State.

SENATE, No. 904

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators BUEHLER and HAGEDORN

AN ACT concerning motorized bicycles, amending R. S. 39:1-1 and
repealing section 2 of P. L. 1975, c. 250.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

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

2 39:1-1. As used in this subtitle, unless other meaning is clearly
3 apparent from the language or context, or unless inconsistent with
4 the manifest intention of the Legislature:

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

7 "Authorized emergency vehicles" means vehicles of the fire
8 department, police vehicles and such ambulances and other vehicles
9 as are approved by the Director of the Division of Motor Vehicles
10 in the Department of Law and Public Safety when operated in
11 response to an emergency call.

12 "Automobile" includes all motor vehicles except motorcycles.

13 "Berm" means that portion of the highway exclusive of roadway
14 and shoulder, bordering the shoulder but not to be used for vehic-
15 ular travel.

16 "Business district" means that portion of a highway and the
17 territory contiguous thereto, where within any 600 feet along such
18 highway there are buildings in use for business or industrial pur-
19 poses, including but not limited to hotels, banks, office buildings,
20 railroad stations, and public buildings which occupy at least 300
21 feet of frontage on one side or 300 feet collectively on both sides
22 of the roadway.

23 "Commercial motor vehicle" includes every type of motor-driven
24 vehicle used for commercial purposes on the highways, such as the
25 transportation of goods, wares and merchandise, excepting such

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26 vehicles as are run only upon rails or tracks and vehicles of the
27 passenger car type used for touring purposes or the carrying of
28 farm products and milk, as the case may be.

29 "Commissioner" means the Director of the Division of Motor
30 Vehicles in the Department of Law and Public Safety of this State.

31 "Crosswalk" means that part of a highway at an intersection
32 included within the connections of the lateral lines of the sidewalks
33 on opposite sides of the highway measured from the curbs or, in the
34 absence of curbs, from the edges of the shoulder or, if none, from
35 the edges of the roadway; also, any portion of a highway at an
36 intersection or elsewhere distinctly indicated for pedestrian cross-
37 ing by lines or other marking on the surface.

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

41 "Department" means the Division of Motor Vehicles in the
42 Department of Law and Public Safety of this State acting directly
43 or through its duly authorized officers or agents.

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45 of Motor Vehicles in the Department of Law and Public Safety.

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48 "Director" means the Director of the Division of Motor Vehicles
49 in the Department of Law and Public Safety.

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51 ment of Law and Public Safety acting directly or through its duly
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54 cycle or the driver or operator of a motor vehicle, unless otherwise
55 specified.

56 "Explosives" means any chemical compound or mechanical
57 mixture that is commonly used or intended for the purpose of
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59 bustive units or other ingredients in such proportions, quantities,
60 or packing that an ignition by fire, by friction, by concussion, by
61 percussion, or by detonator of any part of the compound or mixture
62 may cause such a sudden generation of highly heated gases that the
63 resultant gaseous pressures are capable of producing destructive
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66 primarily as a farm implement for drawing plows, mowing
67 machines, and other implements of husbandry.

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69 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

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71 load thereon.

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74 the use of the public for purposes of vehicular travel.

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76 draught animals or beasts of burden.

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80 of the lateral curb lines or, if none, the lateral boundary lines of
81 two or more highways which join one another at an angle, whether
82 or not one such highway crosses another.

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84 or more clearly marked lanes for vehicular traffic.

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86 way in respect to which owners or occupants of abutting lands and
87 other persons have no legal right of access to or from the same
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89 by the public authority having jurisdiction over such highway,
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91 "freeway" or "parkway" by authority of law.

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93 local board or body having authority to adopt local police regula-
94 tions under the constitution and laws of this State, including every
95 county board of chosen freeholders with relation to county roads.

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97 criminal judicial district court, County Court and the Superior
98 Court, and any officer having the powers of a committing magis-
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102 manufacturing or assembling motor vehicles, who will, under
103 normal business conditions during the year, manufacture or
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106 with the highway is wholly or partly of metal or other hard non-
107 resilient material.

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109 motor characterized in that the maximum piston displacement is

110 less than 50 cc. rated no more than 1.5 brake horsepower and capa-
111 ble of a maximum speed of no more than 25 miles per hour.】

111A “Motorcycle” includes motorcycles, motor bikes, bicycles with
112 motor attached, and all motor operated vehicles of the bicycle or
113 tricycle type, [having a piston displacement of 50 cc. or more rated
114 in excess of 1.5 brake horse power and capable of maximum speeds
115 in excess of 25 miles-per-hour,】 whether the motive power be a
116 part thereof or attached thereto and having a saddle or seat with
117 driver sitting astride or upon it, or a platform on which the driver
118 stands.

119 “Motor-drawn vehicle” includes trailers, semitrailers, or any
120 other type of vehicle drawn by a motor-driven vehicle.

121 “Motor vehicle” includes all vehicles propelled otherwise than
122 by muscular power, excepting such vehicles as run only upon rails
123 or tracks [and motorized bicycles].

124 “Noncommercial truck” means every motor vehicle designed
125 primarily for transportation of property, and which is not a
126 “commercial vehicle.”

127 “Official traffic control devices” means all signs, signals, mark-
128 ings, and devices not inconsistent with this subtitle placed or erected
129 by authority of a public body or official having jurisdiction, for the
130 purpose of regulating, warning, or guiding traffic.

131 “Omnibus” includes all motor vehicles used for the transporta-
132 tion of passengers for hire, except school buses if the same are not
133 otherwise used in the transportation of passengers for hire.

134 “Operator” means a person who is in actual physical control of
135 a vehicle or street car.

136 “Outside lane” means the lane nearest the curb or outer edge
137 of the roadway.

138 “Owner” means a person who holds the legal title of a vehicle, or
139 if a vehicle is the subject of an agreement for the conditional sale or
140 lease thereof with the right of purchase upon performance of the
141 conditions stated in the agreement and with an immediate right of
142 possession vested in the conditional vendee or lessee, or if a
143 mortgagor of a vehicle is entitled to possession, then the conditional
144 vendee, lessee or mortgagor shall be deemed the owner for the
145 purpose of this subtitle.

146 “Parking” means the standing or waiting on a street, road or
147 highway of a vehicle not actually engaged in receiving or discharg-
148 ing passengers or merchandise, unless in obedience to traffic regu-
149 lations or traffic signs or signals.

150 "Passenger automobile" means all automobiles used and
151 designed for the transportation of passengers, other than omni-
152 buses and school buses.

153 "Pedestrian" means a person afoot.

154 "Person" includes natural persons, firms, copartnerships,
155 associations, and corporations.

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

158 "Pole trailer" means every vehicle without motive power
159 designed to be drawn by another vehicle and attached to the towing
160 vehicle by means of a reach, or pole, or by being boomed or other-
161 wise secured to the towing vehicle, and ordinarily used for trans-
162 porting long or irregularly shaped loads such as poles, pipes, or
163 structural members capable, generally, of sustaining themselves as
164 beams between the supporting connections.

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

167 "Railroad train" means a steam engine, electric or other motor,
168 with or without cars coupled thereto, operated upon rails, except
169 street cars.

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

175 "Right of way" means the privilege of the immediate use of the
176 highway.

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

181 "Roadway" means that portion of a highway improved,
182 designed, or ordinarily used for vehicular travel, exclusive of the
183 berm or shoulder. In the event a highway includes two or more
184 separate roadways the term "roadway" as used herein shall refer
185 to any such roadway separately, but not to all such roadways,
186 collectively.

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

191 "School bus" means every motor vehicle operated by, or under
 192 contract with, a public or governmental agency, or religious or
 193 other charitable organization or corporation, or privately operated
 194 for compensation for the transportation of children to or from
 195 school for secular or religious education which complies with the
 196 regulations of the Department of Education affecting school buses
 197 including "School Vehicle Type I" and "School Vehicle Type II"
 198 as defined below:

199 "School Vehicle Type I" means any vehicle with a seating
 200 capacity of 17 or more, used to transport enrolled children, and
 201 adults only when serving as chaperones, to or from a school, school
 202 connected activity, day camp, summer day camp, nursery school,
 203 child care center, preschool center or other similar places of edu-
 204 cation. Such vehicle must comply with the regulations of the Divi-
 205 sion of Motor Vehicles and either the Department of Education or
 206 the Department of Institutions and Agencies whichever is the
 207 appropriate supervising agency.

208 "School Vehicle Type II" means any vehicle with a seating
 209 capacity of 16 or less, used to transport enrolled children, and
 210 adults only when serving as chaperones, to or from a school, school
 211 connected activity, day camp, summer day camp, nursery school,
 212 child care center, preschool center or other similar places of edu-
 213 cation. Such vehicle must comply with the regulations of the Divi-
 214 sion of Motor Vehicles and either the Department of Education or
 215 the Department of Institutions and Agencies whichever is the
 216 appropriate supervising agency.

217 "School zone" means that portion of a highway which is either
 218 contiguous to territory occupied by a school building or is where
 219 school crossings are established in the vicinity of a school, upon
 220 which are maintained appropriate "school signs" in accordance
 221 with specifications adopted by the director and in accordance with
 222 law.

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

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

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

234 "Sidewalk" means that portion of a highway intended for the
235 use of pedestrians, between the curb line or the lateral line of a
236 shoulder, or if none, the lateral line of the roadway, and the
237 adjacent right of way line.

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

239 "Slow moving vehicle" means a vehicle run at a speed less than
240 the maximum speed then and there permissible.

241 "Solid tire" means every tire of rubber or other resilient
242 material which does not depend upon compressed air for the
243 support of the load.

244 "Street" means the same as highway.

245 "Street car" means a car other than a railroad train for trans-
246 porting persons or property and operated upon rails principally
247 within a municipality.

248 "Stop," when required, means complete cessation from move-
249 ment.

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

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

258 "Trackless trolley" means every motor vehicle which is pro-
259 pelled by electric power obtained from overhead trolley wires but
260 not operated upon rails.

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

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

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

271 "Truck" means every motor vehicle designed, used, or main-
272 tained primarily for the transportation of property.

273 "Truck tractor" means every motor vehicle designed and used
274 primarily for drawing other vehicles and not so constructed as to

275 carry a load other than a part of the weight of the vehicle and load
276 so drawn.

277 "Vehicle" means every device in, upon or by which a person or
278 property is or may be transported upon a highway, excepting
279 devices moved by human power or used exclusively upon stationary
280 rails or tracks [or motorized bicycles].

1 2. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is repealed.

1 3. This act shall take effect immediately.

SENATE, No. 660

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator McDONOUGH

AN ACT to amend and supplement "An act concerning motorized bicycles, amending R. S. 39:1-1 and supplementing Title 39 of the Revised Statutes," approved October 31, 1975 (P. L. 1975, c. 250).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is amended to
2 read as follows:

3 2. a. Motorized bicycles shall not be used upon interstate [and
4 primary] highways or upon public highways where a maximum
5 speed limit for motor vehicles is fixed at a speed in excess of 50
6 miles per hour or upon the railroad or right-of-way of an operating
7 railroad within the State of New Jersey or upon any public land
8 where expressly prohibited by the governing body, department or
9 agency having jurisdiction thereof.

10 b. [Motorized bicycles shall not be operated by a person under
11 15 years of age.] No person shall operate a motorized bicycle upon
12 any highway or public land who shall not have attained the age of
13 17 years and who shall not be in possession of a valid license to
14 operate an automobile or motorcycle.

15 c. Regulations applicable to the operation of bicycles shall apply
16 whenever a motorized bicycle is operated upon any [public road]
17 highway or upon any [path set aside for the exclusive use of
18 motorized bicycles] public land.

1 2. (New section) No person shall operate or ride upon a motor-
2 ized bicycle unless such person wears a protective helmet and
3 either goggles or a face shield of a type approved by the director
4 of the Division of Motor Vehicles. The director is authorized and
5 empowered to adopt rules and regulations covering the types of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

6 helmets, goggles and face shields and the specifications therefor
 7 and to establish and maintain a list of approved helmets, goggles
 8 and face shields which meet the specifications as established here-
 9 under.

1 3. (New section) No person engaged in the business of selling
 2 motorized bicycles at retail shall sell or offer to sell any motorized
 3 bicycle unless such bicycle is in conformity with the safety and
 4 performance standards applicable to motorized bicycles promul-
 5 gated by the National Highway Traffic Safety Administration in
 6 the United States Department of Transportation.

1 4. (New section) Every owner of a motorized bicycle principally
 2 garaged or operated in this State shall maintain liability insurance
 3 coverage, under provisions approved by the Commissioner of In-
 4 surance, insuring against loss resulting from liability imposed by
 5 law for bodily injury, death and property damage sustained by any
 6 person arising out of the ownership, operation or use of a motor-
 7 ized bicycle wherein such coverage shall be at least in: a. an
 8 amount or limit of \$15,000.00, exclusive of interest and costs, on
 9 account of injury to or death of one person in any one accident;
 10 and b. an amount or limit, subject to such limit for any one person
 11 so injured or killed, of \$30,000.00 exclusive of interest and costs, on
 12 account of injury to or death of more than one person in any one
 13 accident; and c. an amount or limit of \$5,000.00, exclusive of interest
 14 and costs, for damage to property in any one accident.

1 5. (New section) Any person who violates any of the provisions
 2 of this act or any person who operates or causes to be operated a
 3 motorized bicycle and who knows or should know from the attendant
 4 circumstances that the motorized bicycle is without liability in-
 5 surance coverage required by this act shall be subject to a fine of
 6 not less than \$50.00 nor more than \$200.00 or imprisonment for a
 7 term of not less than 30 days nor more than 3 months or both,
 8 in the discretion of the municipal judge. A complaint for violation
 9 of this act may be made to a municipal court at any time within 6
 10 months after the date of the alleged offense.

1 6. This act shall take effect immediately.

STATEMENT

This bill amends the motorized bicycle law to:

- (1) Clarify the law with respect to the high speed highways on which motorized bicycles may not be operated;
- (2) Limit the operation of motorized bicycles on highways and

public lands to those 17 years of age or older who are in possession of a valid driver's license;

(3) Require operators of motorized bicycles to wear helmets and either goggles or face shields;

(4) Require that motorized bicycles conform to the applicable Federal safety standards;

(5) Require liability insurance on motorized bicycles in the same amount as is required for motor vehicles and snowmobiles; and

(6) Establish penalties for violation of these provisions.

SENATE, No. 1552

STATE OF NEW JERSEY

INTRODUCED JUNE 21, 1976

By Senators BUEHLER and HAGEDORN

(Without Reference)

AN ACT concerning motorized bicycles and suspending the operation and effectiveness of P. L. 1975, c. 250.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds that: a. widespread accidents and enforcement problems are apparent with respect to the operation of
2 motorized bicycles as liberalized under P. L. 1975, c. 250, and b.
3 evaluation of the results of a public hearing on these problems and
4 proper evaluation and action on pending legislative proposals with
5 respect to the law pertaining to operation of motorized bicycles
6 will require a period of time.

1 2. Those provisions of P. L. 1975, c. 250 which authorize the
2 operation of a motorized bicycle upon any highway or public property by a person who is not the holder of a valid motor vehicle or
3 motorcycle driver's license are suspended for a period of 120 days
4 from the effective date of this act.
5 3. This act shall take effect immediately.

STATEMENT

P. L. 1975, c. 250 was intended to facilitate the use of "motorized bicycles"—essentially ordinary bicycles outfitted with small "helper" motors and capable of speeds not greater than 25 miles per hour—as convenient and economical means of short-distance transportation. The new law put these vehicles in a separate class from "motor vehicles" and authorized their operation on certain highways by persons 15 years of age or older.

In practice, difficulties have been experienced with the new law. In some instances motorized bicycles have been operated by young,

inexperienced and unsafe drivers; and there have been complaints of traffic hazards.

It is the purpose of this bill to suspend the operation of pertinent provisions of P. L. 1975, c. 250 for 120 days. This will protect the public safety for a sufficient period to enable the Legislature to restudy the subject and enact more effective regulatory legislation that will promote the advantages of the motorized bicycle while at the same time obviating the hazards of indiscriminate use.

[OFFICIAL COPY REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1748

STATE OF NEW JERSEY

ADOPTED MAY 20, 1976

By Assemblyman KOZLOSKI

AN ACT to amend and supplement "An act concerning motorized bicycles, amending R. S. 39:1-1 and supplementing Title 39 of the Revised Statutes," approved October 31, 1975 (P. L. 1975, c. 250).

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. Section 2 of P. L. 1975, c. 250 (C. 39:4-14.3) is amended to
4 read as follows:

5 2. a. Motorized bicycles shall not be **[used]** operated upon
6 interstate **[and primary]** highways, or upon public highways in
7 (1) any residential or business district where a maximum speed
8 limit for motor vehicles is fixed at a speed in excess of 40 miles
9 per hour or (2) any undeveloped or open area where a maximum
10 speed limit for motor vehicles is fixed at a speed in excess of 50
11 miles per hour, or upon the railroad or right-of-way of an operating
12 railroad within the State of New Jersey.

13 b. Motorized bicycles shall not be operated by a person **[under**
14 15 years of age] unless he is the holder of a valid motor vehicle
15 driver's or motorcycle operator's license or a motorized bicycle
16 operator's license. A motorized bicycle operator's license may be
17 issued by the director to any applicant, 17 years of age or older,
18 who successfully passes a written examination of his knowledge
19 of the laws and ordinary usages of the road. The examination
20 shall be in a form prescribed by the director and shall be conducted
21 in the same places as are written examinations for driver's licenses.
22 A fee of \$3.00 shall be payable to the director for admission to the
23 examination and issuance of a motorized bicycle operator's license,
24 which shall be valid for a period of 2 years. Any person while
25 operating a motorized bicycle with the motor engaged upon a high-

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill
is not enacted and is intended to be omitted in the law.

24 way or public land shall have in his possession his operator's
25 license or driver's license.

26 c. **[Regulations]** Unless otherwise determined by the director,
27 statutes, rules and regulations applicable to bicycles shall apply
28 whenever a motorized bicycle is operated upon any **[public road**
29 ~~or upon any path set aside for the exclusive use of motorized~~
30 **bicycles]** highway or upon any public land.

31 d. Article 15 of chapter 4 of Title 39 of the Revised Statutes
32 pertaining to accidents and reports shall be applicable to all acci-
33 dents involving motorized bicycles. Any law enforcement officer
34 investigating an accident in which a motorized bicycle is involved
35 shall report the accident to the Division of Motor Vehicles. Said
36 report shall include information relating to the cause of the accident
37 and extent of injury, if any, to the driver and such other informa-
38 tion as may be required.

1 *2. (New section) Any person in the business of renting motor-
2 ized bicycles shall be required to have each of such motorized
3 bicycles covered by a policy of liability insurance in such amount
4 as shall be determined by the director with the advice of the Com-
5 missioner of Insurance.*

1 ***[2.]** *3.* (New section) The director may promulgate such
2 rules and regulations as may be necessary to effectuate the pur-
3 poses of this act.

1 ***[3.]** *4.* This act shall take effect immediately, but shall
2 remain inoperative for a period of 90 days hereafter.

SENATOR CARMEN A. ORECHIO (Chairman): Good afternoon. At this time I will open our public hearing on Motorized Bicycles. Before we start, I would like to introduce the members of our panel. On my right is Senator Alene Ammond and on my left is Attorney Steve Robbins, who is a member of the committee staff. I am Carmen Orechio, Chairman of the Senate Law, Public Safety and Defense Committee.

Our first speaker this afternoon will be Senator Alex Menza.

Incidentally, anyone else who wishes to speak and who has presented his or her name to the member of the committee, Mr. Robbins, please be advised that all speakers will speak from the same position that Senator Menza is speaking from now.

SENATOR ALEXANDER J. MENZA: Thank you, Mr. Chairman. I have a prepared statement that I would like to read to you for the record.

Today's public hearing on proposed amendments of the motorized bicycle law is a matter of life and death. This is not overdramatizing the subject. This is a statement of fact.

This law was signed October 31, 1975, which makes this the first summer the mo-ped law will be in effect. That is precisely the reason amendments must be passed immediately.

Fifteen and sixteen year-olds on summer vacation have the time to take to the roads on mo-peds. Fifteen and sixteen year-olds who have no driver's education, no experience in maneuvering in heavy traffic and possibly no knowledge of the rules of the road - these teenagers are being given the right to drive a motor vehicle that can reach a speed of 25 miles per hour on a flat surface.

Realistically, we must separate the subject of the motorized bicycle into two parts - the first, the value and the benefits of the mo-peds; the second, the safety factor.

The advantages of the mo-peds are many. They are economical. They save gas. They are an anti-pollution factor.

I sponsored S-1386 because I believe there are excellent benefits to be realized from the use of mo-peds - if they are properly regulated.

The purpose of my legislation is simply to assure the safety factor. We are presently faced with a law that permits unlicensed, uninspected, uninsured motorized bikes to be operated - up to 25 miles per hour - by untested, unlicensed, uninsured 15 and 16-year-olds, or motorists with revoked licenses.

Under present law, we are faced with violations that cannot be litigated and violators that cannot be prosecuted.

In an article published in today's edition of the Post of Paramus, the problem is put simply this way: "If a 15-year-old mo-ped operator goes through a stop sign, he cannot be charged with a motor vehicle violation since he is unlicensed. Instead, an officer must file a charge of juvenile delinquency and, faced with the near certainty that after filling out pages of paperwork the officer will watch an offender let off with a slap on the wrist, enforcement is discouraged."

S-1386, simply stated, requires possession of a valid driver's license in order to make sure that anyone driving a mo-ped will have already been tested by state regulations and standards. A valid driver's license as a prerequisite prohibits the 15 and 16-year-olds who have no prior driving experience, from operating the mo-ped. It also makes violators subject to punitive measures.

The present law has been attacked by law enforcement officials, the Division of Motor Vehicles, State Safety Council, P.T.A.'s and many civic and professional groups and concerned parents. Indeed, many communities have already passed local

ordinances banning motorized bikes from their towns. Many more communities have passed resolutions attacking the wisdom of the law.

I quote from two resolutions passed by just two municipalities in my own legislative district. From Westfield: "The said legislation is unwise and will have a serious detrimental impact upon the safety and welfare of the citizens of Westfield and the State of New Jersey and in particular will greatly increase the likelihood of harm to children."

From Cranford - another relatively small town in my district: "The motorized bicycle will prove popular not only with the pre-driver education, 15 and 16-year-olds, but also with the 10 to 14-year-olds claiming to be 15, and with motorists whose driver's licenses have been revoked for drunk driving or for other reasons."

The present law prohibits use of mo-peds on a primary highway. This a vague and unenforceable term. There is no legal definition of primary highway in New Jersey.

The Ocean County Board of Freeholders designated 190 streets in 32 municipalities as primary roads - according to one irate Bricktown resident - specifically to prohibit the use of mo-peds.

The present law, by being so vague, lends itself to misinterpretation, controversy and a maze of misunderstanding.

Kurt Winston, acting manager of the State Highway Safety Office has been quoted as saying a summons given to a person driving a mo-ped on the Garden State Parkway would not hold up, if contested.

S-1386 retains the prohibition on interstate highways and adds to the prohibited list, highways with a posted maximum speed above 40 miles per hour, or any public land where expressly prohibited by the governing body or agency with jurisdiction.

The AAA Auto Clubs of New Jersey fully support limiting mo-peds to highways with up to a 40 mile per hour speed limit. AAA points out that permitting mo-peds in undeveloped or open areas where the speed is 50 miles per hour is dangerous, "In fact, some of our most dangerous highways are in 'undeveloped' areas where narrow roadways, with 50 mile per hour speed limits, are already overburdened with traffic." AAA said this presented "extremely hazardous situations to the operator and motorist."

S-1386 mandates minimum insurance coverage because the potential for personal injury and property damage exists. Insurance coverage is essential. It is essential for the same reasons that insurance coverage is mandated by the State for drivers of vehicles. And a motorized bicycle is essentially a power-driven, motor vehicle and must be legislated as such.

S-1386 makes it necessary to report all accidents involving a mo-ped. At this time, there is no regulation for filing crash reports by the police. This is in itself appalling. There is, under the present law, no means to gather statistics for an evaluation of the mo-ped law.

I was one of the four Senators to vote against the original mo-ped bill that was signed into law. My feeling at that time was that the measure was irresponsible and hazardous, especially to 15 and 16-year-olds.

I would like to quote from the Ridgfield News publication: "There is no vindictiveness in the crusade by safety officials and police to improve the mo-ped legislation. Their whole aim is to ensure the safety of drivers."

I share that aim. I welcome the support of the New Jersey League of Municipalities and the AAA Auto Clubs of New Jersey. It is their feeling that S-1386 corrects the flaws of the mo-ped law.

S-1386 meets the objections raised by opponents of the law by imposing appropriate

restrictions to maximize safety. I believe this proposed legislation does so, moreover, without undue inconvenience to the operation of motorized bikes, whose growing popularity I welcome. I add, in conclusion, that they are beautiful, beautiful bikes. I have been meaning to buy one, but not yet; I will wait until the legislation before us is passed and becomes law, in which case I will buy one. I understand they sell for about \$35.

Thank you, Mr. Chairman. Are there any questions?

SENATOR ORECHIO: No questions. Thank you, Senator.

We will now hear from Steve Lozowick, Counsel to Motor Vehicle Director Waddington.

STEVE LOZOWICK: Thank you, Mr. Chairman. In my capacity as confidential agent to Director Waddington of the Division of Motor Vehicles, the following statement will represent the Division's position concerning proposed restrictions and controlling motorized bicycle operation in New Jersey.

The Division of Motor Vehicles is wholeheartedly in support of Senator Menza's bill, S-1386. At present the support for Senator Menza's bill is to the exclusion of any other legislation yet introduced on the subject of motorized bicycles, including, with all due respect, Assembly Bill #1748, introduced by Assemblyman Kozloski.

My testimony here today, I should point out as a representative of the Division, is merely to comment on the legislation before you. While we do not wish to usurp the legislature's prerogatives to write laws and to formulate legislative policy, it is the Division's responsibility to, when requested, act in an advisory capacity when it can provide some expertise on a particular subject.

So, it is in this capacity, then, that I wish to state that the Division finds the present law totally unacceptable from a safety standpoint. One weakness in the current law is the provision that motorized bicycles shall not be used on interstate and primary highways. This aspect of the present law is technically defective in view of the fact that, first, "primary highway" is not defined anywhere in motor vehicle law. Secondly, the term "primary highway", as Senator Menza said, is a vague and unenforceable term which has caused much consternation to law enforcement officers and municipal prosecutors seeking to enforce it.

It is the Division's position and opinion that the present law is also defective from a highway safety point of view because, number one, it allows 15 and 16 year-olds who do not have a valid license to operate them. Secondly, it does not require liability insurance. And, thirdly, those older than 17 years do not need a valid driver's license to operate them. This precipitates individuals who are on the revoked list - or suspended - to operate a motorized bicycle.

The Division's support of the Menza bill is based on the following reasons: First, the 40 mile per hour road limit provision in the Menza bill. This section prohibits the use of motorized bicycles on roads with a posted speed limit in excess of 40 miles per hour, instead of the 50 mile per hour road limit restriction in Mr. Kozloski's bill. The 40 mile per hour restriction in the Menza bill incorporates what safety experts agree to be a reasonable and safe speed differential. Traffic safety experts appear to agree that a moving vehicle exceeding the speeds of other traffic by 20 miles per hour - or a moving vehicle traveling 20 miles per hour less than the rest of moving traffic - presents an inherently unsafe condition.

What the speed restriction of 40 miles per hour in the Menza bill does do is to guarantee that a mo-ped expecting to be moving at 20 or 25 miles per hour will not create this inherently unsafe condition on our roadways. To permit a motorized bicycle on a highway that has a posted speed limit of 50 will be allowing it a 25

mile per hour speed differential and, obviously, slow-moving mo-peds will become a hazard when not capable of safely entering the traffic mix when other vehicles are lawfully proceeding at a 50 mile per hour rate.

Secondly, the Menza bill has a provision for liability insurance. While the Division does not presume to tell the legislature what kind of insurance is needed - in fact, an opinion on this question could be had from the Department of Insurance - it is their position that an aggrieved party, whose person or property has been damaged by a negligent motorized bicycle operator, should be able to collect for his damages from a financially secure and a financially responsible party. Compulsory liability insurance is merely the recognized means to protect the victim.

While the Division is aware that the supporters of A-1748 intend to later require insurance of some kind, we do not endorse this type of piecemeal approach to the problem.

It is my understanding that the Motorized Bicycle Association and most motorized bicycle retailers are against the mandatory liability insurance because it may be too costly to the operator. It has been our view that the cost of insurance is proportionately too high for the cost of the motorized bicycle. But this is really not the issue. Rather, the issue should be whether innocent victims of motorized bicycle operators can collect money damages against a financially responsible person. For this reason, the cost of insurance should not be based on the cost of the vehicle but on the liability protection that it purchases.

A third reason for our support of the Menza bill is the valid driver's license requirement. Once a person 17 years old, or older, has been granted a driver's license, it is presumed that he is familiar with the rules of the road. Conversely, there is a presumption that a 15 or a 16-year-old is not familiar with the rules of the road. This restriction will also prohibit drivers whose regular license has been suspended for violations of the law, from legally operating a motorized bicycle. If a driver is considered a poor risk to operate a regular motor vehicle, there is no reason to believe he will be less of a threat to public safety when operating a motorized bicycle.

With reference to licenses, the Division does not favor A-1748's provisions for a written test license, whereby a person who does not hold a valid New Jersey driver's license may receive a license to operate a motorized bicycle by passing only a written test. The ability to physically operate a vehicle shouldn't be presumed, rather, it should be manifested. Since mo-peds - as I understand it - can weigh up to, or around, 85 pounds, while some bicycles weigh under 20 pounds, if we are going to test motorized bicycle applicants at all, we should also test their ability to physically operate one.

Further, mo-peds - I am using the term mo-peds and motorized bicycles interchangeably - are expected to integrate with the traffic mix at considerable speeds. This means that the vehicle, if it is to be operated safely, must be under the firm physical control of the operator, which often is in direct proportion to the state of the operator's physical condition. For example, failing eyesight is just as dangerous when operating a mo-ped as it is when operating some other vehicle.

Concerning the requirement that the Division issue mo-ped licenses, it is also worth noting that there will be some cost involved, although probably not too much. Anytime a government agency is required to do something it does not now do, there will be additional cost.

The fourth reason is the compulsory accident reporting requirement for the reporting of all mo-ped accidents, irrespective of property damage or personal injury. The Division may gather data to arrive at some valid statistics concerning accidents.

This, in turn, may influence future mo-ped restrictions. Presently, the Division is unable to give you any hard data, or any hard statistics, on the amount of crashes that have occurred in New Jersey, although I can tell you that one man was recently killed in Union County while operating a motorized bicycle. I understand that he was on the revoked list while operating a motorized bicycle.

A fifth reason - and I will try to make this brief - is the provision making it unlawful for a retailer to sell a mo-ped that is not in accordance with the law. This is another reason for our support. The Menza bill contains a provision where it is unlawful for a retail business to sell a motorized bicycle unless it conforms to our rules and regulations and to the law. This restriction will prevent any motorized bicycle dealer from tampering with the motor or attaching some unlawful device so that its capacity is increased to speeds higher than 25 miles per hour.

In closing, I wish to emphasize that in balancing the choices available, the Division of Motor Vehicles must put the safety aspect before any commercial marketing needs. Although the Division is aware that some of these safety provisions may have a restrictive effect on the number of mo-ped sales, we are not willing to sacrifice safety at any cost. It is our hope that the collective voice of the dedicated police officials and traffic safety spokesmen that you will hear today will persuade you to consider strongly supporting Senator Menza's bill and the voice of those who stand to gain in some other way will be given that appropriate way. Thank you.

SENATOR ORECHIO: Thank you, Mr. Lozowick.

Our next speaker is Mr. Harry Nelson, Highway Safety Manager Specialist with the Department of Transportation's Highway Safety Division.

H A R R Y N E L S O N: I want to thank you for the opportunity to appear here today and briefly state the position of the Federal Government with respect to this legislation and with respect to the matter of motorized bicycles.

At this point in time, we are merely trying to develop information from each of the states and act in an advisory capacity in the preparation of your laws. In this regard, we conducted a survey of the 50 states of the Union, Puerto Rico, the Virgin Islands, Guam, and the District of Columbia. I will go through that survey very quickly for your edification.

The purpose of the project was to find out how the states were controlling the use of motorized bicycles on public highways through the administration of motor vehicle and traffic laws. An analysis of response during 1975 revealed a degree of confusion over the meaning of certain terms. Questions and answers were carefully evaluated. This report discusses only those questions and responses considered to be clear and understood by both parties.

Although all jurisdictions participated, not all questions were responded to by each state. It was found that there was no general agreement as to what type of vehicle should be considered a motorized bicycle. Terms such as mo-ped, motor-assisted bicycle, and motorized bicycle are commonly used throughout the country to denote anything from mini-bikes, small motorcycles, to bicycles with helper motors on them.

Specific findings were, states were not consistent in classifying motorized bicycles. They were identified most frequently as motorcycles or motor-driven cycles.

Out of the 53 responses, 24 states considered them motorcycles; 21 motor-driven cycles; 3 considered them bicycles; and 5 as something other. Motorized bicycles were registered as motorcycles in 33 states and as motor-driven cycles in 10 states. They were not registered as bicycles in any of the states.

The survey attempted to identify the number of motorized bicycles for the years

1972, 1973, and 1974. None of the states reported the actual numbers of registered motorized bicycles. Five states indicated that this data was available but a manual search would be required to provide this data. 36 states required titling of motorized bicycles. 34 states required inspection of motorized bicycles. When inspected motorized bicycles were generally checked, they were checked according to motorcycle inspection criteria. Those states that gave motorized bicycle operator's tests usually employed motorcycle operator's examinations. Operator's licenses were mandated in 47 states. Most often, in 21 of those states, a motorcycle operator's license was required. Only 1 state indicated that a special motorized bicycle operator's license was issued.

The most frequent minimum age for licensing motorized bicycle operators was 16 years of age. Age ranged, however, from 13 to 17. Of the 45 responses, two states had it at 13; 5 states had it at 14; 7 had it at 15; 30 had it at 16; and 1 had it at 17. Most states usually required motorized bicycle operators to obey the rules of the road. Motorized bicycle operators were subject to special requirements as follows:

On expressways - Of the 47 responses, 27 were permitted; 20 were not permitted. You must realize, this has a bearing on the fact that in many of the states they are considered motorcycles, so they are permitted on the expressway.

On interstates - 47 responses, 25 permitted; 22 did not permit.

On bikeways - 40 responses, 15 permitted; 23 did not permit.

Motorized bicycles were required - or bicyclists - to wear helmets in at least 41 states. Eye protection was required for motorized bicycle operators in 31 states.

Accident and fatality data were usually kept as a part of motorcycle accident records. 33 states indicated that specific accident fatality data for motorized bicycles was not available. In addition to this survey, the National Highway Traffic Safety Administration took another step toward developing information when it published a notice in the Federal Register establishing Docket 75-29 to receive public comments and recommendations on motorized bicycles and how they should be regulated.

As of the day before yesterday, we received 83 comments. Of the 83 comments the question, "How should mo-peds be regulated?", 32 had no opinion; 3 said they should be banned; 23 said they should be regulated as a motorcycle; 20 as a bicycle; 5 said they should have special regulation. As to minimum age, 67 had no opinion, 4 said 14; 3 said 15; 3 said 16. When asked if helmets should be used, 67 had no opinion; 15 said yes, 1 said no. When asked if helmets should be required, 64 had no opinion; 8 said they should be required; 7 said they should not be required. Eye protection -- and so on down the line.

But that is the state of the art, as we see it in the country today. Our only policy is that we request that the states identify data on motorcycles, or motorized bicycle- mo-ped - crash investigations. They need reporting. It should be mandatory. An analysis should be made of those records so that we can pass on this information to the rest of the states. Thank you.

SENATOR ORECHIO: Thank you very much.

Our next speaker is Mr. Max Winget, Public Affairs Counsel, AAA Automobile Club of New Jersey.

M A X W I N G E T: My name is Max Winget. I am Director of Traffic Safety for the AAA Auto Club in Trenton. Today I am going to present to you a paper on behalf of the Public Affairs Council of all the AAA Clubs in New Jersey, representing more than 450,000 members, in support of Senate Bill 1386.

There have been many bills introduced to revise the original motorized bicycle legislation passed last year. In our opinion, Senate Bill 1386 is the only one which incorporates all the changes necessary to protect the safety and health of all New Jersey

residents.

At the outset, let me emphasize that the New Jersey AAA Clubs are not anti-mo-ped. We believe that motorized bicycles can play an important role in both recreational and business travel, but only if properly regulated and utilized by trained, experienced operators.

Here are some of the major provisions of S-1386 which we feel are most important:

1. The limitation of mo-ped operation to highways with a speed limit of 40 miles per hour, or less. With a maximum operational speed of 25 miles per hour, a motorized bicycle cannot safely mix with automobile and truck traffic traveling at speeds in excess of 40 without causing undue hazards to the mo-ped operator and motorist alike.

2. Restricting mo-ped operation to persons 17 years-of-age, or older, in possession of a valid driver's license. New Jersey's high motor vehicle density and highway traffic congestion demand that anyone operating a motorized vehicle of any kind must have proven knowledge of driving safety and rules of the road. Passing New Jersey's driving test will assure that mo-ped operators meet this requirement.

3. Requiring minimum liability insurance protection for mo-ped operators. For the protection of motorized bicycle operators, as well as motorists and pedestrians, minimum insurance coverage - \$15,000, \$30,000, \$5,000 - is an absolute necessity.

4. Mandating that accidents involving a motorized bicycle be reported to the Division of Motor Vehicles. This will enable the State to keep accurate records concerning the relative safety of mo-peds operated on New Jersey highways, the same procedure being followed for other motor vehicles.

Currently, untrained, inexperienced and uninsured 15-year-olds are operating motorized bicycles on our highways. That the original legislation allowing such a dangerous situation to exist was passed in the first place is unfortunate. That the obvious faults in the law have remained uncorrected for so long is appalling.

If the Legislature is waiting to act until the list of youngsters injured or killed in mo-ped accidents grows longer, they may not have long to wait. With youngsters out of school and heavy summertime traffic filling our highways, the dangers to mo-ped operators increases daily.

If the Legislature does not pass this bill before it adjourns for the summer, it will be more or less condoning the carnage that will take place at the New Jersey Shore and in every city and town in the State.

On behalf of our more than 450,000 members, and all motorists and parents in this State, we respectfully urge the members of this Committee to act quickly and favorably on S-1386.

That is the end of the formal statement. I thought you might be interested in the results of a survey which we recently took among our members. I will capsule it. Of those answering the questions in the survey, 85% favored complete repeal of Assembly #1071; 86% favored requiring a driver's license or motorcycle license; 85% favored requiring minimum insurance protection; 76% favored limiting their operation to roads with speed limits of 40 miles per hour or less. That was the result of a survey conducted by our Club in Central New Jersey among our members. I will leave a copy of that here for your edification.

For your further information, in closing, some additional information which you might want to consider is that the uniform vehicle code, which is a national standard used as a base by states upon which to formulate traffic regulations, has now changed their recommendations for motorized bicycles. They now recommend that states consider

any bicycle with a motor on it as a motor vehicle. I am not recommending that New Jersey necessarily do this but I think it is significant to point out that these people who formulate the uniform vehicle code do consider this vehicle in this perspective.

Thank you very much for the opportunity of speaking to you.

SENATOR ORECHIO: Thank you very much for coming.

Our next speaker will be Mr. Joe Katz.

J O S E P H K A T Z: Thank you, Mr. Chairman and Senator Ammond. I am a member of AAA. I am just going to make a few remarks and I would then like to call on Mr. Paul Zimmerman of the Motorized Bicycle Association of America to pick up. I think he is one of the foremost experts on this vehicle in the country.

We went to a similar hearing, held by the Assembly Transportation Committee. Mr. Lozowick was there and argued for the sponsors of the Division's bill, sponsored by Senator Menza and the committee heard from us and we argued for some provisions in the present law. The committee voted out a compromise which we did not fully support originally but agreed to support as meeting all of the major problems remaining from the 1975 legislation which separated mo-peds from motorcycles.

The biggest problem raised by the bill, I think - according to the press and everyone else - is that it banned the mo-peds from interstate highways - which we are all familiar with - and from primary roads - which nobody seems to know about. We, ourselves - I went to work with the Motorized Bicycle Association shortly thereafter - cast about for some workable formula to define what kind of roads they should not be permitted on. We had surveys made by traffic engineers and it was very difficult. Surprisingly, Assemblyman Kozloski introduced a bill which had a formula. I have never talked to the Assemblyman about this. I forgot to ask him where it came from. This seems to meet the problem. It provides that you can't go on roads that are posted above 40 miles per hour in business and residential districts, which are defined in Title 39. Those are built-up areas. You can't go on roads that are posted faster than 50 miles an hour in all other areas.

Now, the problem with the Division of Motor Vehicle's bill is, it has a blanket prohibition on all roads that are posted in excess of 40 miles per hour. Now, under our laws in New Jersey, many suburban streets, especially in the outlying suburbs - even in Lawrence Township where I live - the houses are a certain distance apart, I think every 300 feet, and the residual speed limit is 50 miles per hour. Now, you can own a mo-ped and live on a quiet residential road, or street, in Lawrence Township and under the Division of Motor Vehicle's bill, you couldn't ride the mo-ped out of your driveway. It would be impossible for mo-peds to operate in the State of New Jersey. That is the largest deficiency in that bill.

I think the committee substitute - the Assembly Committee substitute - meets most of the problems. They adopt the speed limit formula of the Kozloski bill.

Second - and we had argued against this because it does represent a substantial financial loss to motorized bicycle industry in New Jersey, which started off small and it is a growing and important industry-- While it is the subject of profit, which Mr. Lozowick finds fault with, it is also the subject of substantial satisfaction for many people, whether they are businessmen or customers - just like any other business is. They agreed to support this legislation and support it vigorously, even though it rules out the 15 and 16-year-old market. The Assembly Committee substitute says you must be 17 to operate a mo-ped, but it does make provision for a class of people who, for one reason or another, choose not to learn how to drive a car. There are people like that. I have a cousin like that. I don't know whether she would want to ride a mo-ped but she never chose to get a driver's license. Older people don't want to have to pass the

automobile driver's test.

But, it was felt that there is a need for licensing so they could enforce the law and have some hold over somebody who is a violator, and also a need for knowledge of rules of the road. Even though the representative of the Division raised an objection to extra work for the Division, we don't think it is so onerous and, besides, a fee is spelled out in the committee substitute - I believe it is \$3.00 - to give the same rules of the road test that young kids take in high school, or that you can go down to a motor vehicle agency and take - the written test showing that you know the rules of the road.

As Mr. Zimmerman will show you, the rest of the operation of a mo-ped is not that difficult or complicated. You would have a license and there would be a record.

Now, some people have talked about, and there have been some newspaper clippings about, 9 year-olds or 13-year-olds operating mo-peds. Now, they could with this bill. They could with the Division of Motor Vehicle's bill. They could drive a tractor trailer or a truck but they will be in violation of the law.

This bill meets a couple of the other problems. It also provides for full accident reporting and it provides that someone who has been a drunken driver or is otherwise on the revoked list for a car can be denied because the Director of the Division of Motor Vehicles is not required to issue a special mo-ped license and if his driver's license is revoked, he is not eligible to use that. So, it covers that.

There is one problem and that is the insurance problem. I am puzzled over the great concern of the Division of Motor Vehicles with the sale of insurance because the insurance industry has not seen fit to establish a rate for mo-peds, as it has for motorcycles, for automobiles, for apartments - fire and casualty - for houses, or for anything else. If you are compelled to buy mo-ped insurance, you have to pay motorcycle rates. A mo-ped can't go faster than 25 miles per hour. It has a motor that has a fraction of the power of a lawnmower. A mo-ped can't go as fast as a 10-speed bicycle. Yet, you have to pay the same insurance as applies to a motorcycle, which can go 75 or 80 miles per hour. We don't think that is fair and, frankly, commercially that would destroy the mo-ped industry, since you can buy one of these vehicles - these run between 300 and 400 dollars - for \$150 and if you have to pay \$60 per year, which is the going rate for motorcycle insurance, it becomes economically prohibitive. That is why the committee did not support compulsory insurance as long as it was at motorcycle rates.

I would like to turn the rest of my time over to Mr. Zimmerman who will pick up some of the other points, including some of the statistics supplementing those of the U. S. Department of Transportation representative.

SENATOR ORECHIO: Mr. Paul Zimmerman, representing the Motorized Bicycle Association of America.

P A U L Z I M M E R M A N: Thank you, Mr. Chairman. My name is Paul Zimmerman. I am the Executive Director of the Motorized Bicycle Association, the members of which are manufacturers, importers, distributors, and dealers of motorized bicycles. The members of our organization, in toto, sell approximately 17, 18 or 20 brands - different varieties of motorized bicycles. The ones you see in front of you are two brands, they happen to be representative of the two major designs of motorized bicycles.

If I might take just a few minutes - and it will be just a few, Mr. Chairman - one thing that struck me about some of the press reports about motorized bicycles is that it becomes very obvious to me - maybe I am admittedly overly-sensitive in this regard - that many of the reports are not talking about motorized bicycles. This is through no fault of the press. It really is the fault of mis-information and ignorance. These vehicles, because they are new in the United States - though by no means new

around the world, there are 33 million of them which have been manufactured and about 15 of them are in use throughout the world today, it is the working man and student's transportation vehicle in most parts of the world, Europe especially - and because they haven't been here very long, they are often confused with everything, including mini-bikes, trail bikes, motorcycles, motor-driven cycles.

I would like to point out a few of the characteristics of these vehicles, which definitely distinguish them and which is the reason why 17 states - 11 during the last two years, including New Jersey - have passed special laws regarding these vehicles.

The common characteristic of all of them is that they are two-wheel cycles with operable pedals, which can be mounted, started, pedaled, controlled, and stopped like a bicycle. They must have pedals. You must pedal the vehicle in order to use the engine, if you wish to use the engine. You may continue to pedal the vehicle without using the engine. The structure and controls are analogous to those of a bicycle and that is not coincidental. The vehicle was developed by European bicycle manufacturers after World War II - or during World War II, about 35 years ago - for the reason that fuel was even more expensive then in Europe, relatively speaking, than it is in the United States now and automobiles and other means of transportation were just not available.

The common characteristics -- I would like to describe it in relation to a motorcycle, with which this is often confused. In addition to the pedals, which all of these have if you will notice, the right handlebar on this vehicle is a handlebar and a hand brake. All motorized bicycles have two hand brakes, like an ordinary pedal bicycle. They have pedals like an ordinary bicycle. The right hand on a motorized bicycle is a hand brake. On a motorcycle it is also a hand brake. The right hand on this vehicle is the hand throttle; that will take you up to the maximum speed. In New Jersey the maximum speed allowable for these vehicles is 25 miles per hour. The left hand of these motorized bicycles, just like a regular bicycle, is a handlebar and a hand brake to activate the brake. On a motorcycle, the left hand activates the clutch because the motorcycle - the common motorcycle - has gearshifts. These are completely automatic transmission. Your right foot when you are operating a mo-ped, or a motorized bicycle, is a pedal, as it is on an ordinary bicycle. Your right foot on a motorcycle operates both a kick-starter - and these you pedal to start - and a foot brake, which is required of all motorcycles.

The Federal Government governs all equipment on motorized bicycles - anything with a motor. The Federal Government says that for these vehicles, because of their light weight and low speed, the brakes - both brakes - may be on the handlebar, like a regular bicycle. A motorcycle requires a foot brake.

Your left foot on this vehicle is similar to a cycle; it is a pedal. On a motorcycle - a common motorcycle - it is a gearshift. So, the point is that the coordination and the skills necessary to operate a motorcycle are considerably in excess of what is necessary to operate a motorized bicycle. The truth is, and I have not run into anyone who hasn't agreed with this after they have operated the vehicle, that anyone who has operated a bicycle will feel comfortable on a motorized bicycle in a few minutes. That is because the skills are not different. There is not the hand-eye-foot coordination that is required of a motorcycle.

The engines on motorized bicycles are common. They are all single-cylinder, one-spark-plug engines of between one and two horsepower - depending on the state law. New Jersey states that in order for a vehicle to be considered a motorized bicycle under the law passed last year, the engine can be no greater than 1.5 horsepower and of no greater size than 50 cubic centimeters. As Mr. Katz stated, your average lawn mower --

My gasoline-powered lawn mower at home is 3 1/2 horsepower. These are 1 1/2 horsepower vehicles.

As I said, you pedal to start. You activate the engine by pressing a switch under the handlebar. You can continue pedaling without using the engine. If you want to cut off the engine, you press that same switch. Thereafter, you operate it in similar fashion. However, you must pedal it, very often, when the engine is on. If you go up a steep incline, the vehicle is of such low acceleration - purposely so, it adds to its simplicity of operation - that you have to pedal to help the engine along. One of the appeals of the vehicle, in addition to its inexpensive cost and inexpensive maintenance - that is, cost of fuel and cost of maintaining the vehicle - is, indeed, its low power and speed. That is why it is appealing to people. It is calm and it is easy. It is simple.

The weight of all the vehicles is between 60 and 100 pounds and, as I said before, the safety equipment is strictly regulated by the Federal Department of Transportation.

Unlike ordinary pedal bicycles, the maximum speed of these vehicles, under New Jersey law, for instance, is 25 miles per hour and is less of a speed than your child can ride a 10-speed bicycle at. Nonetheless the equipment on these is very strictly controlled by the federal government. You can't import this vehicle - or now there are domestic manufacturers of these vehicles also -- Columbia Manufacturing Company just joined our association and is one of the largest producers domestically of ordinary pedal bicycles - 3 and 10-speed bicycles. It has just announced that it will start manufacturing mo-peds in July and it has joined our organization.

The tires, the lighting - head lamp, tail lamps, stop light, reflectors - must be permanently affixed to the vehicle. All must meet certain wattage requirements. The tires must meet tread depth and sidewall strength. The breaking tests are very severe. If you try to import one of these vehicles, or sell one, that doesn't meet these standards - and you must have a plate on it, as these do, to indicate that it meets the standards - you are in violation of federal law, with everything that implies. The vehicle can be seized, you are subject to fines, recalls, and dire consequences.

So, the result is, you have a vehicle here which can't go faster than an ordinary bicycle, yet it has safety equipment that is far in excess of that required by an ordinary bicycle.

I will not go in detail, Mr. Chairman, into the provisions of the two bills. We feel that the committee substitute to A-1748 attacks and solves the problems, as Mr. Katz indicated. We saw some of the problems. The problem that arose immediately was the fact that no one knew what a primary highway was. As Mr. Lozowick indicated, this caused great problems for law enforcement officials. It has also caused tremendous problems for consumers who are riding these vehicles to work through dozens of towns, utilizing the vehicle the way it is supposed to be utilized in legal fashion and, yet, they really do not know if they are riding on a legal highway or not, because they don't know if they are riding on a primary road.

Therefore, we supported the substitute of the word primary road with definite speed limits and we feel the speed limits outlined at 40 miles per hour in residential and business areas and 50 miles per hour speed limit in open, rural areas is sufficient and is fair. There are a vast number of roads in this state which are perfectly applicable - very applicable - to the use of the motorized bicycle and which happen to have 50 mile per hour speed limits because they are not zoned otherwise. If you prohibit the vehicles on those types of roads, we feel that is rather unfair and unnecessary for safety purposes.

While we don't fully agree that there is a magic between a 15-year-old operating a motorized bicycle and a 17-year-old operating a motorized bicycle, we do understand what several law enforcement officials have pointed out about their experience - that is, the difficulties they have in prosecuting individuals under 17 years of age for violations of the traffic laws. That is why we agreed to support the provision of A-1748, which requires a driver's license, therefore automatically setting a 17-year-old minimum age for operation - a valid automobile driver's license or a motorized bicycle license for those who do not have any other type of license.

I might point out in terms of the survey that Mr. Nelson referred to, done by the federal government, that I am very familiar with that. There have been changes and some updating in the last two years. There are now 17 states that have passed specific motorized bicycle laws, including New Jersey. Eleven of these laws were passed in 1975 and so far in 1976 and there are several other states, including Delaware, as a matter of fact, where legislation is pending.

I might add that in most of the states - most of those 17 states - no driver's license at all is required for an operator of the vehicle on the theory - the actual practice - that the vehicle is so simple to operate that it is superfluous. In the states that do require a driver's license, however, they approach it in the same way as A-1748 - any valid driver's license is acceptable.

I might also add that in these 17 states that have specifically analyzed motorized bicycles over the last few years, none of the states require the operator of the vehicle to wear a helmet, the grounds being the lighter, slower capacity of the vehicle.

I would like to address myself, finally, to the one area, I guess you would say, of disagreement. Mr. Katz has alluded to it. The gentleman from AAA mentioned it also. That is the question of insurance. You are dealing here with a vehicle whose speed is strictly limited by law. It is a violation of law to sell this vehicle or to operate a vehicle like this if it is over the specifications set forth in the New Jersey law - that is, if its engine is greater than 1.5 horsepower or if it is greater than 50 cc.'s or if a speed can be achieved which is greater than 25 miles per hour. If someone is operating a vehicle like that, over any of these specifications, he is operating a motorcycle and should be ticketed and should be stopped and should be prosecuted to the full extent of the law. This vehicle is something different.

The maximum speed of the vehicle is 25 miles per hour. It has safety equipment on it, extensive safety equipment, as I have described. We just do not see that it is at all fair to the operator of this vehicle as opposed to the operator of a bicycle, which can go faster and doesn't have the safety equipment, to require the operator of this vehicle to maintain required liability insurance. The vehicle is lighter than other motor vehicles. It is more maneuverable. Its speed is strictly prescribed. Insurance is available. Insurance is being sold. You can buy insurance if you want the insurance. However, to expound just a little on what Mr. Katz said, in Europe - where insurance is also available - the actuarial statistics have proven this to be such a safe vehicle that in France, for instance, your insurance is available for \$15 per year, as opposed to insurance costing far in excess of that for motorcycles or for automobiles.

To date the insurance industry has not moved with great alacrity in this area, although we in the industry have been pressing them to come up with a special motorized bicycle, or mo-ped, insurance policy. They have not done this so far. We are hopeful that in the next few years they will as statistics become available, because we feel certain that you will get an insurance rate that is fair. You will get a low premium insurance rate, given the exposure provided by these vehicles, which is very low.

However, right now, if a law were to be passed requiring mandatory insurance on these vehicles, the only insurance that could be purchased would be motorcycle insurance. It would be insurance for motorcycles that fall within the size of approximately 50 to 100 cc. engines. Remember, these are under 50 cc. engines. These would be lumped in with a vehicle that can go 60 or 70 miles per hour and which is complicated to operate, as I described, compared to the mo-peds. The minimum cost of that type of insurance is \$60. When measured against the cost of the vehicle, when measured against the amount of damage that the vehicle can do, and when measured against the fact that the insurance is available - people will sell you insurance, freely, if you want to buy it - we just don't think it is fair when a bicyclist isn't required to carry insurance of that size that operators of these types of simple vehicles be required to maintain such insurance.

In closing, Mr. Chairman, I would like to point out one thing in the bill under consideration today - Senator Menza's bill - which may seem minor but which I think can present a safety hazard. Senator Menza's bill changes the definition of motorized bicycles - that is on page 3 of the bill, on the bottom, line 109. Motorized bicycle, in quotation marks, is the language added to the current law, Assembly No. 1071. It says, "Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5...horsepower...capable of a maximum speed of...25 miles per hour on a flat surface." On a flat surface is a good addition because, obviously, the vehicle is going to be going slightly faster when it goes down hill, just like a cycle or just like any situation. The standard should be on a flat surface. However, and this is a technical point, but I think it is an important point, when you say the size of the engine - 50 cc. - and the amount of horsepower - 1.5 - are guarantors, if you will, of that maximum speed -- we in the industry always want a maximum speed and, indeed, all these 17 states that have passed laws have a maximum speed in them, with the exception of one and we are trying to get them to put a maximum speed in their law. The vehicle should be restricted by speed.

When you said a maximum speed - 25 miles per hour in this instance - your brake horsepower - 1.5 - and the size of your engine - 50 cc. - are what guarantee, if you will, that unless you rip that engine out - which is considerably expensive with relation to the cost of these vehicles - and put another engine on it - in which case, why not buy a motorcycle in the first place if you want to do that and go fast - you cannot modify that engine because you have those guarantees of the horsepower.

This would change that - and I don't quite understand the reason for it - to either 50 cc.'s or 1.5 horsepower would keep the same maximum speed. We would say that wouldn't be a good idea. I think you should keep the definition the way it is in the current law to have both guarantors of that speed, because you could get a 50 cc. vehicle that is 20 horsepower. If you adopted this definition, it would fit under that. Now, admittedly, it shouldn't be able to go more than 25 miles per hour. But it could be 10, 15, or 20 horsepower and maybe someone could get it to go that fast. Whereas, if the engine can't be more than 50 cc. and the horsepower can't be more than 1.5, no one, barring major work on that engine, is going to get it to go faster than 25 miles per hour. So, we would recommend, in order to guarantee the speed, that that be kept as it is.

In summary, Mr. Chairman, we have felt from the very start - and I somewhat disagree with the representative of the Department of Motor Vehicles in this regard - that there were some vague statements in the law and it had to be improved, for instance, the definition of a primary highway and the speed, so everyone will know where this vehicle can be used. We have seen the problems that the law enforcement officials have although we don't particularly agree, as I have stated, with their reasoning & some of the

law enforcement officials, in terms of a 15-year-old, versus a 17-year-old - but we do see the problem in terms of law enforcement and that is why we are supporting the House Committee substitute, which would raise the age to 17 and require a driver's license. We think that House Committee bill solves the problems and we prefer it. We support that bill.

SENATOR ORECHIO: Thank you very much.

Our next witness is Senator Dodd.

SENATOR FRANK J. DODD: Mr. Chairman, Senator Ammond, I wasn't sure what this hearing was today but I was up here voting and talking about income taxes and this looked a lot better.

I presented the committee with a statement. I will not read it. I will be very brief. I do have a few conceptual comments that I would like to make on this piece of legislation and other legislation that is pending having to do with the mo-peds.

At the outset I feel that this is just another infringement; this is just another attempt and effort by government to regulate every single thing that we do in our lives. I don't think I will have to go into the details. I heard the last two previous speakers give the technical details having to do with these machines. Just for the sake of pure logic, I can't see what the difference is between the safety factors of a bicycle and these machines before us today. One has a motor and, oddly enough, the one with the motor goes slower than the one without the motor. If we are going to regulate anything, perhaps we should put Governors on bicycles, on tricycles -- I can see my six-year-old niece wearing a safety helmet and goggles on her tricycle.

We could also require joggers that run very fast to wear helmets and safety goggles and reflecting equipment on their backs. This is just another infringement. We can't let anything go by. We can't let a thing slip by us without putting a law onto it.

Every nation in the world, except the United States, has come to accept these as a common way of commuting to work; to beat the tremendous cost of gasoline; parking and the attendant costs that go along with that. People, I have no doubt, will be hurt and injured on these, as they are with bicycles. We don't outlaw them. Certainly, cars cause more deaths, per year, than any wars we have ever been engaged in and we don't outlaw them.

I submit to you, Mr. Chairman, that this bill and any other bill having to do with stringent regulations is nothing more than an infringement on people's personal lives and their ability to live them as they wish.

I am shortly introducing a bill that will allow motorcyclists to ride without a helmet. There was a technicality years ago when the National Safety Highway Act - I believe that was the title of it - was passed and we would have lost 10% of Federal funding if we didn't put that in. Now, that has since been reversed, or changed, and we will not lose the funds on that.

The premise is very simple. People know that you stand a better chance with a helmet, as you stand a better chance with safety belts. If you recall, two years ago we were considering a bill to fine people \$10 if we caught them without their safety belts on. Now, they know they are going to get hurt if they don't use them. They are forewarned. It is not government's job to lead people around by the hand in almost every facet of their daily lives. God knows, we do enough as it is. But, let's stop this. Let's rethink government's position and what our functions are as legislators, and not baby sitters. Thank you, Mr. Chairman.

SENATOR ORECHIO: Thank you, Senator Dodd.

Is Senator Buehler in the Chamber? Senator Buehler.

SENATOR HERBERT J. BUEHLER: Mr. Chairman, Members of the Law Revision Committee, thank you for the opportunity to appear before you regarding motorized bicycle legislation.

It is rare that I have to vigorously oppose my fellow colleague and very good friend, Senator Pat Dodd. This is one of those rare times. I am not going to read my prepared statement. You have that for the record.

I would like to characterize the October legislation that was passed by both Houses and signed into law by the Governor, as it presently stands, as being nothing short of legalized suicide. The way the prevailing law exists in the State of New Jersey - one of the most densely populated states - it cannot be compared with Bermuda or any of the other places that have motorized bicycles.

I also feel that the law enforcement of the current legislation is ludicrous. I am sure that there will be members of the law enforcement agencies testifying here today to the fact that it is virtually impossible for them to regulate the statute, as it exists today.

I personally toured, in my district, and saw in two areas - in West End, Longbranch and Belmar - where the bicycles started their rental last week. Schools are letting out all over the state. Tourists are coming from all over the Northeast. These bicycles will be rented at varying fees. The proprietors, themselves, are being undermined by the lack of any teeth in our statute, in terms of who will be riding these mo-peds.

I stopped on girl on Main Street in Asbury Park and questioned her and she told me her age was 9 and she could barely reach the pedals. This, to me, is the kind of problem that we are going to be confronted with during the months of July and August.

While I have one piece of legislation before this committee that would repeal the current statute, I am mindful of the fact that this vehicle is going to be in operation in the State of New Jersey in 1976 and in future years. Other pieces of legislation that have also been introduced seek to regulate, control, license, insure and to provide safety equipment.

So, Mr. Chairman, the bottom line of my testimony is, I intend tomorrow, cosponsored with Senator Garrett Hagedorn-- We introduced legislation and we are putting it up on second reading, emergency, tomorrow to put the brakes on the use of mo-peds in the State of New Jersey for those people who are not licensed currently for a period of 120 days. I feel that this is a most emergent and critical matter. I don't want to see injuries to youngsters who are not capable, who are not trained, who are not licensed, who are not wearing the proper equipment, and who are driving a vehicle that makes speeds of 25 miles per hour - consistent speed, not to be compared with a ten-speed or a three-speed where you have to get a little muscle behind it to keep it at that speed consistently. It is heavier than a ten-speed. It weighs about 125 pounds, maybe more. I lifted one and I can just about lift 100 pounds. That weighs about 125 pounds.

A youngster was seriously injured and remained in the hospital in East Brunswick for six months as a result of being hit by a mo-ped. The family paid out \$6,000 in medical expenses and it precipitated East Brunswick to put in an ordinance restricting the use of the mo-ped in East Brunswick. I hate to think that we are going to force other municipalities around the state to do likewise.

But, unless the Legislature acts tomorrow, as I hope they will, on Senator Hagedorn's and my bill, to put this in abeyance - to curb it - for 120 days, so that we can get proper legislation in order, I think we are doing a great disservice to the

young people of this state and to all of us who are concerned about their safety.
Thank you, Mr. Chairman.

SENATOR ORECHIO: Thank you, Senator.

We will now hear from John Conover, a self-employed businessman from Allenhurst, New Jersey.

J O H N C O N O V E R: Thank you, ladies and gentlemen, for allowing me to speak. My name is John Conover. I am a resident of Monmouth County and a businessman in Monmouth County, in Allenhurst, New Jersey, a recreational, resort community which will bring, and has brought, a lot of the motorized bikes to its area. As Senator Buehler pointed out, West End and some of the other shore communities have been inundated with these bicycles - motorized bicycles.

I personally know of one 11-year-old child in a shore community that was injured - broke his arm - while operating one of these vehicles and, in spite of that, the father allows his 9-year-old child to operate the vehicle.

I feel that the controls that have been proposed in Senator Menza's legislation are excellent. I also agree with Senator Buehler that something has to be done, particularly in the shore communities, quickly, to avoid serious problems with these vehicles over the summertime.

I have had personal experience. These vehicles have to be started, apparently, by running - or peddling them - to get the engine running. I haven't been on one of them myself but I came very close to hitting an operator of one of them on Ocean Avenue in Deal one day. She was a young woman, obviously old enough to drive a car. She was trying to start it and was unable to and came right out against a red light and I came very close to hitting her and in the process almost hit another car by trying to avoid her. I think this is the type thing that we are confronted with. I think we need controls and we need training so that the operators can operate them properly.

I don't object to ages of 14 and 15 if they are properly licensed. I am in the insurance business also. I don't have any ax to grind there because I don't write that much insurance in that field, or in the field of motorcycles, so my interest in being here today has nothing to do with my particular business. I am only concerned about the safety of the people operating the vehicles - the mo-peds - and operating other vehicles, and pedestrians. I thank you very much for giving me a moment to speak.

SENATOR ORECHIO: Thank you, Mr. Conover.

We will not hear from Mrs. Alice Ruotolo, representing the New Jersey Consumer's League.

A L I C E S. R U O T O L O: Thank you, Mr. Chairman. I represent the Consumer's League of New Jersey. We would like to make this statement.

The Consumers League of New Jersey supports legislation which is designed to protect operators of motorized bicycles for their own safety and that of other operators and pedestrians.

Although many municipalities have local laws, the constantly increasing number of mo-peds, which cross over local boundaries, necessitates a statewide law to deal with the tremendous safety problems in the State.

We like the bill that Mr. Menza has put in - 1386. It has some excellent provisions. We feel that there are a couple of gaps.

First, we would like to have legislation passed which would restrict operation of mo-peds to certain roads and highways clearly defined by the law. We are not saying which ones you are going to stipulate would be allowed for mo-peds, but it should be

clarified so that everyone understands. Otherwise, an increasing number of mo-peds will be driven on congested four-lane highways and the arrests by local officers will not be upheld in court.

Second, we support legislation which would require the training, testing and licensing of operators no younger than 17 years of age, just as are the operators of automobiles.

Third, legislation which requires registration and licensing of all mo-peds conforming to the Federal safety standards as to brakes, lights and safety equipment-- As a consumer organization, we feel that every consumer has that right - to be sure that the object they are buying will meet the Federal safety standards.

Fourth, we support legislation which requires operators to wear helmets and either goggles or face shields. In the death that occurred recently near Rahway, I read in the press that one of the officers present said that the man who was killed might have been saved if he had been wearing a helmet. I don't think we can refute that.

Five - require liability insurance in the same amount as is required for motor vehicles and snow-mobiles. If a person can afford to buy a mo-ped, I feel that the insurance should not be too much of a burden for him to carry.

Six - establish penalties for violations of these provisions. Parents of minor operators should be made responsible for medical bills and property damage resulting from an accident.

The bill that we like - 1386 - did not, as we see it, require helmets. We feel that is quite necessary. I know it is a rather "hot potato" in Trenton. You had an exhibit here last week, I understand, according to pictures in the press. Nevertheless - and I don't believe in an over-supply of governmental restrictions either - we also should have some sort of sympathy for the people who are nearby - pedestrians and innocent bystanders. I thank you for the opportunity of presenting our viewpoint.

SENATOR ORECHIO: Thank you for coming, Mrs. Ruotolo.

Our next speaker is Mrs. Sandra Weeks, Safety Chairwoman for the Union County Council of PTA.

S A N D R A W E E K S: Thank you. My name is Sandra Weeks and I am here as Safety Chairwoman for the Union County Council of PTA, an organization of 44,000 parents and teachers who work together as volunteers to promote the welfare of children and youth.

The Union County Council of PTA objects to the current law which permits the unlicensed operation of motorized bicycles on public roadways at speeds of 25 miles per hour by anyone 15 years of age or older. We do not believe that anyone of any age should be permitted to operate any type of motorized vehicle on any public roadway without a valid driver's license.

Since 15 and 16-year-olds and motorists with revoked driver's licenses can drive no other motorized vehicle on public roadways, we believe the current law was written to entice this captive market into purchasing the motorized bicycle in spite of the obvious safety hazards these particular operators present to themselves and to others sharing the roadways.

We object to the classification of the motorized bicycle as a bicycle and the arguments we have heard that claim "anyone can go 25 miles per hour on a 10-speed bicycle." The 33rd annual Tour of Somerville, "the Indianapolis 500 of bicycle racing" held annually in Somerville, New Jersey, was won this past Memorial Day by Dave Boll, a member of the United States National Cycling Team, who set an American cycling record by completing the 50-mile bicycle race in 1 hour, 47 minutes and 18 seconds for an average speed of 25 miles per hour. "Anyone" cannot attain and sustain a speed of 25

miles per hour on a 10-speed bicycle, and those few who do train long and hard to get there. That argument was just a loose excuse to justify passage of the motorized bicycle law.

Now, however, anyone can attain and sustain a speed of 25 miles per hour on a motorized bicycle and that anyone includes any driver who has been convicted of driving while under the influence of alcohol, or any untested 15 and 16-year-old, despite a lack of knowledge of the traffic safety laws or a lack of ability to control the motorized bicycle at the speed of 25 miles per hour in traffic, or any 10 to 14-year-old who finds a 15-year-old friend's motorized bicycle very attractive and very accessible for driving with a mere claim of being the required 15 years of age.

We believe that these particular drivers, the captive market of revoked license drivers and the legal 15 and 16-year-olds and the underage 10 to 14-year-olds, tempted by the "attractive nuisance" so available to them, will cause many accidents resulting in serious injuries and death to many children and young people throughout New Jersey.

We urge you to protect our children, the children and youth of New Jersey, by amending the current law to require a minimum age of 17 years and a valid driver's license for the operation of motorized bicycles in New Jersey.

That is the end of my prepared statement. I was surprised and delighted to hear about Senator Buehler's proposal tomorrow to forbid the use of motorized bicycles during the next few months without a valid driver's license. I think it is an excellent proposal.

I also support Senator Menza's bill. As an individual, I would like to make one suggestion. With this question of where to operate them - on the 40 miles per hour road, or the Assembly bill with the 50 miles per hour speed - on page 7, lines 5 and 6, I wonder if it wouldn't be clearer -- if, in fact, the Motorized Bicycle Association and the police officers are going to accept the 40 miles per hour in the urban areas and the 50 miles per hour in the rural areas, this is going to confuse the operator of a motorized bicycle. -- if you make it 17 and valid, we will then assume it will be driven responsibly by someone who does know and obeys the law. I think it would be easier for everyone to understand if you forbid the use of them on interstate highways or on highways with a posted minimum speed of 40 miles per hour, or greater. Then any road that said it had a minimum speed of 40 miles per hour, or any interstate highway, they could not ride them on, but any other one they could. Then they would not have to be trying to figure out if they can ride on a 40 mile or a 50 mile per hour road. This would just be a suggestion for clarification.

From a PTA standpoint, our main thing is 17 and valid and we urge your support of Senator Buehler's bill tomorrow, and then some long-term 17 and valid requirements for later. Thank you very much.

SENATOR ORECHIO: Thank you for coming, Mrs. Weeks.

Our next witness is John Karakashian, President of the New Jersey Traffic Safety Coordinators Association.

J O H N K A R A K A S H I A N: Thank you, Senator. My name is John Karakashian, President of the New Jersey Traffic Safety Coordinator Association.

On behalf of the Traffic Safety Coordinator Association whose members represent many of the counties and municipalities in New Jersey, I extend my appreciation to you for allowing me to appear before you. I hope that I can do justice to the many ideas and concerns that have developed since the introduction of the motorized bicycle, namely the "mo-peds."

So much effort on the part of so many people who are concerned and dedicated

like you and I, to improve and make our State, county and municipal roads safe from the unnecessary loss of life and limb, have the interest also, as a result of these hearings today, on the number of legislation presented to date.

The members of our Association have been concerned for some time and have experienced, in our respective counties, much concern from the interested public and local police department personnel that persons purchasing and riding the roads with mo-peds need to recognize that there is a responsibility involved other than fun and for economics. The motorist driving a vehicle is expected to adhere to the right-of-way and is expected to show responsibility and consider driving a privilege.

It is apparent that when the original legislation was provided for permitting this type of motorized vehicle on the roads that restrictions were not considered and now it has become a policing problem in many of the communities.

Many of our members have received and have also experienced the many hazards and complaints from the general public that presently, as the rules exist, persons purchasing this type of vehicle are and will be in conflict with other responsible motorists on our roads under existing state regulations.

Presently, there are dealers in our communities who have been encouraging prospective buyers to purchase these motorized vehicles for economy and encouraging persons that there is no need for liability or licensing required.

I have with me today, police personnel from various police departments in Burlington County who are concerned, as we are in our State Association, and would only substantiate what I have outlined in our concern.

You have before you today, various bills offered by many officials for this public hearing. However, it is the consensus of the members of our Association that Senate Bill 1386, for intents and purposes, provides, in our opinion, the provisions that will help the local authorities the means for regulation and monitoring the mo-peds.

Therefore, in closing, we wish to go on record with your committee as endorsing the present legislation as it now stands without any amendments until such time that Bill 1386 has been given a chance to be evaluated for its merits for providing regulations and safety on the roads throughout the State. Thank you, Mr. Chairman, that is my prepared statement.

SENATUR ORECHIO: Thank you for coming.

Our next witness is Mr. Allan Bass of the same organization. Are you passing, Mr. Bass? Fine. I guess you realize it is hot.

Our next speaker is Mr. Roden S. Lightbody from the Ocean County Traffic Engineering Division of the Ocean County Traffic Safety Committee.

R O D E N S. L I G H T B O D Y: Thank you, Mr. Chairman. Public Laws Chapter 250 of 1975 revision to Title #39 designates Assembly Bill 1071, which was approved by both Houses, and signed into law by the Governor, permitting the use of mo-peds on all state, county and municipal roads, except for limited access roadways and the questionable "primary roads."

The mere fact that a definition of primary roads is non-existent, leads one to believe that little, if any, research was conducted into the safety of the operations of mo-peds on state, county, or municipal roads.

A modification of the mo-ped bill refers to a use of mo-peds on any road, up to and including a 40 mile per hour speed.

It should be indicated that some state, county, and local roadways are four-lanes, undivided, with no shoulders, posted 35 miles per hour and less, and have a capacity of 24,000 vehicles per day with over 2,000 vehicles utilizing same within a

peak hour period.

This causes tremendous difficulty with a mo-ped operator who, unlike bicycle operators, insist upon driving in the traveled lane as a "motorcycle" operator does.

For a mo-ped operator, determining a speed limit along an unposted road creates difficulty. Under existing state law, business and residential districts are defined under Title 39:1-1, indicating 300 feet of house frontage in a 600 foot marking along one side of the roadway for a residential district. There is also another definition, under another statute, for a business district.

This will create difficulty for a mo-ped operator, determining whether it is 299 feet or 301 feet, which would then make a difference whether he could operate on a 25 mile per hour roadway or a 50 mile per hour roadway.

The mere fact that most municipalities have signed roadways under the business and residential zoning also creates difficulty where they would want to ban the use of mo-peds, or motorized bicycles, on a 25 mile per hour posted road.

Unfortunately, the increase in mo-ped rentals and the use of them has brought about increased speeds where identical mo-peds under one horsepower now accelerate at speeds up to 40 miles per hour. There also is available a 3-speed mo-ped and also mo-peds which do not have pedals. They are now in use in Ocean County in the shore resort towns. This will cause great difficulty in not only the operation but also to law enforcement officials who have now had the burden of determining whether or not a mo-ped is being operated on the roadway. This is unfair to the police departments and the state police to make this determination.

Present Senate and Assembly Bills and A-1071, do not consider angle parking on roadways where mo-ped operators have difficulty with vehicles backing from parking stalls.

At this time it is necessary to note that the average bicyclist 15 years of age, or older, is 6 foot above the ground at eye level and the bicycle seat is approximately 36 inches above the ground. The mo-ped seat appears to be 28 inches above the ground and the average mo-ped operator is between four foot six inches and five foot above the ground. This causes extreme difficulty of being seen by motorists at intersections, causing a low silhouette. This was indicated to the Governor of New York by the National Highway Traffic Safety Administration.

The following observations of mo-ped operations have been noted in Ocean County:

1. A disregard of all traffic laws pertaining to operation of mo-peds. We have them five abreast. If you would like to make a visit to Ocean County on a week-end, you can see this in the shore resort towns.
2. A disregard for the operation to the right side of roadway with traffic.
3. A disregard for traffic signs and signals.
4. A disregard for the vehicle maintenance pertaining to the operation of mo-peds. For one, horns may not work; they may not be loud enough so that a pedestrian could hear - or even a person in a vehicle - a mo-ped operator.
5. The operation of mo-peds by unlicensed drivers or a driver on the revoked driving list.
6. Age limit requirement presently causes an identification problem to police departments trying to determine if a driver is capable and is 15 or 16 years of age.
7. The comparison of mo-peds to bicycle operators should note that the muscular activity of a bicycle operator keeps an alertness to reaction of braking/accelerating, etc. However, the mo-ped operator becomes relaxed while operating a motor, causing a

deficiency in reactions to stopping, turning, etc.

8. The requirement of the use of helmets is relaxed and has been influencing the operation of motorcycles to relax this requirement for them. It should be so noted that the Office of Highway Safety, Division of Motor Vehicles, supports the continued use of helmets on motorcycles. Then why not mo-peds?

9. The non-use of helmets or goggles gives no eye protection which could be serious to the mo-ped operator from a wind causing a tearing condition in the eye and causing obscured vision, as well as foreign substances causing permanent eye damage.

10. The riding of more than one on a mo-ped. It is designed for one seat and one person but we have so noted many being driven on the back of the mo-ped on, I would imagine, the luggage compartment.

There is presently no way, other than the Juvenile Courts, to process a violator between the ages of 15 and 16 1/2, causing a continued backlog in juvenile cases and a minimum hearing date of two months in some counties.

Under present law, there is no requirement of accident reporting of mo-peds with other than motor vehicle collisions. Mo-ped accidents, such as falling off, or pedestrians, etc., are recorded, for the most part, as incident reports.

Alarmed by this problem with bicycles, Ocean County has started to gather information on a special form to eliminate dangerous operations and procedures of bicycles that were involved in accidents other than motor vehicle.

It should be noted further, that damages caused to parked cars by mo-peds make it difficult to obtain identification of both the operator or the mo-ped owner. For this reason, operators should be licensed and mo-peds registered, again as indicated by the National Highway Traffic Safety Administration.

Ocean County, alarmed with the number of bicycle accidents and fatalities, undertook a program guided by the Ocean County Engineer's Office and the Ocean County Traffic Safety Committee to promote bicycle education and operation.

With the assistance of the Ocean County Board of Chosen Freeholders, it produced the first "Bicycle Driving Manual" which has been requested by other counties, municipalities, and states.

Through efforts of local officials, police departments, and news media, Ocean County has promoted classroom instruction and field operations, along with bicycle inspections. This has helped to reduce the number of bicycle-related accidents and reduced fatalities in 1974 - we had three - to zero in 1975, and so far to zero in 1976.

The fact is that teenage and adult bicycle and mo-ped operators are unaware of the laws regarding the operation of bicycles and mo-peds on roadways and by permitting the use of mo-peds, additional safety instruction and operation is now warranted, which is not being promoted by the State of New Jersey.

The following recommendations are proposed:

1. An immediate repeal of Assembly Bill 1071.
2. That no reference be made to "speed limits" in determining what roadways may permit mo-ped use.
3. That all roadways be inspected and approved for mo-ped operation by the respected jurisdictions having authority over same and approved by the Commissioner of the Department of Transportation.
4. That all mo-ped drivers be licensed and a minimum of 17 years of age.
5. All mo-peds be registered and inspected.
6. Helmets be utilized and lights used at all times.
7. Liability insurance must be secured for mo-peds.

I am sure we could add to this. I am sure that no one wants to see someone hurt. The youngster that was in the hospital for six months and who had \$6,000 worth of hospital expenses - no one would want to promote that, I am sure -- no one in this room, especially.

I urge that consideration be given to these points and to the other points that have been made by earlier speakers and that something be done to regulate the operation of mo-peds and motorized bicycles.

Mr. Chairman, I thank you and please accept my invitation to visit Ocean County. We would be very happy to have you and Senator Alene come down and tour Ocean County and observe the use of mo-peds. We have over 300, in a three-square-mile area, presently on the roads on weekends. Thank you.

SENATOR ORECHIO: Thank you for coming, Mr. Lightbody.

We will now hear from Mr. Manny Menendez, President of the Student Government Association of Montclair State College and a former officer of the New Jersey Student Association.

M A N N Y M E N E N D E Z: Thank you, Mr. Chairman. I promise to make this short.

I think the concerns of all the individuals here today are concerns of the students of the State of New Jersey. I just want to address myself in a realistic fashion to a bill that I think has a lot of merit; that is Bill A-1748, the Kozloski Bill. I think this is the most realistic bill and makes a lot of sense. It provides that people 14, 15 and 16 cannot drive these mo-peds, which eliminates the concern of many individuals here. Under the bill, one has to be 17 years of age and has to have a valid motor vehicle license or a valid mo-ped license.

It eliminates the confusion of what a primary highway is and it focusses on residential and urban areas, providing that in residential and urban areas a speed of 40 miles and under and in undeveloped and rural areas, 50 miles or less, for mo-peds. It requires accident reporting. I think that is very important so statistics can be gathered. Also I think the insurance question, which is important, is not of immediate concern because I don't believe there are proper policies yet that would cover mo-peds. What I mean is that the cost for college students is very expensive. I have used a mo-ped for the last three months in going to school and it saved me at least \$100 in gas, oil, etc. that I would use in a car.

I am convinced for college students it is a utilitarian means of transportation and I support mo-ped riding.

Everyone here has been talking about sensational occurrences. People talk about persons being killed. Well, people are being killed walking across the street. They are being killed in their homes. They are being killed on bicycles and in many other ways. We can extend that to anything and say that people are being killed in these sensational ways. You might hear of a nine-year-old driving a mo-ped, but I am sure there have been nine- ten- and eleven-year-olds driving cars and other vehicles illegally.

Someone mentioned that the average speed in Somerville was 25 miles per hour. The thing he forgot to focus in on was that the individual went 50 miles. At times they were going 50 and at times they were going 10, but the average speed was 25. The same thing applies at Indianapolis. The average speed is lower than the fastest speeds, naturally. Again we can focus in on the sensational things, but I think what Senator Dodd said is really true, that government tries to move in on everything and regulate it.

All I am saying is that I think that the most realistic bill that can be most easily implemented for the citizens of the State of New Jersey and in particular the students of this State is A-1748. It has been pounded through my head through the years that you can lead a horse to water but you can't make him drink. I think that is the case here. You can put all sorts of regulations on; but, no matter what they are, it doesn't mean that people are going to follow them. You have to make realistic regulations and stick to them. I think that this bill does that.

Thank you for your time. (Applause)

SENATOR ORECHIO: Thank you, Mr. Menendez.

Our next speaker will be Mr. William K. Hayes, Ocean County Traffic Coordinator. You don't desire to speak? If anyone else wishes to pass up the opportunity to speak, you are welcome to do so. You may realize that your remarks will be repetitive. So if anyone feels he no longer desires to testify when I call your name, just let us know.

Our next speaker is Lieutenant Robert Fastiggi, Pompton Lakes Police, who is Secretary of the New Jersey Police Traffic Officers' Association.

ROBERT FASTIGGI: Thank you, Mr. Chairman.

I am Lieutenant Robert Fastiggi, Pompton Lakes Police, and I am Secretary of the New Jersey Police Traffic Officers' Association.

As a member and Secretary of the New Jersey Police Traffic Officers' Association, an association made up of professional, regularly appointed Police Officers of all ranks, dedicated to traffic safety in New Jersey, I make the following statement to this committee hearing regarding what is popularly known as the "mo-ped," motorized bicycle.

Chief Anthony J. Parenti of the Fanwood, New Jersey, Police Department, the President of our Association, along with a committee of which I am a member, composed a Position Paper, stating the views of the New Jersey Police Traffic Officers' Association regarding the law governing mo-peds. I concur with his testimony. Mr. Chairman, I thought he would be on before me, but he will be here. I concur with his testimony and his recommendations for amendments to the present law. These amendments are necessary to insure a safer operation of the mo-peds and a way of controlling their use.

I have asked the following question of the manufacturers of the mo-ped, but except for rhetoric regarding the issue, the question still has not been answered to my satisfaction.

They, the manufacturers of the mo-ped, advocate that the machine is a fuel-saving device, that people may go shopping on them for miscellaneous items. That is very true and I agree with them. I do not own a mo-ped, but I do own a bicycle and shop and do little errands. Of course, I am not too young, but I am strong enough to pedal a bicycle, as are our 15- and 16-year-old youths. By the way, these 15- and 16-year-old youths are not now of age to own a New Jersey driver's license, so they would not be saving any fuel in any event.

The point I am attempting to make is that in the advertisements that I have seen, it goes something like this: No driver's license required to operate the mo-ped on New Jersey roads. Therefore, I offer that the mo-ped manufacturers are looking for the youthful purchaser.

I brought this question up at a panel talk show on the Morris County radio station a few months back. That is the time I am referring to concerning rhetoric, and it still comes.

Then, of course, we have the revoked driver's license. There is on record cases where subjects who have been placed on the revoked list in New Jersey for driving while intoxicated have purchased a mo-ped only to have become involved in accidents, again due to being under the influence of alcohol.

Need I say more. The need is great for amendments, and now. Let us not wait until the horses have broken from the gate free corral. We have had too many accidents already. Build the gate on the corral.

In conclusion, I, personally, and the New Jersey Police Traffic Officers' Association, collectively, support Senator Menza's Bill 1386.

Respectfully submitted, Robert Fastiggi.

SENATOR ORECHIO: Thank you, Lieutenant.

We will now hear from Chief Anthony J. Parenti of the New Jersey Police Traffic Officers' Association.

ANTHONY J. PARENTI: Thank you, Mr. Chairman.

Before I start, I would like to say that many of my colleagues from the New Jersey Police Chiefs Association would like to have been here today. However, as you may know, they are at a Police Chiefs Conference in Cape May. Since I am a junior

member of the Police Chiefs Association, lacking seniority, I was chosen to come to represent the Association. However, I also represent the New Jersey Police Traffic Officers' Association, of which I am President. The Association encompasses 250 member police departments in the State of New Jersey. As I said, I will also be speaking on the position of the New Jersey State Association of Chiefs of Police, and the Union County Police Chiefs Association.

In the relatively short history of the motorized bicycle in New Jersey, there has been more public attention focussed on this subject than any other traffic safety problem. A significant part of this concern evolved from the lack of knowledge and experience of the motorized bicycle in this country. Statistics simply were not available and the public didn't know what to expect.

Our Association opposed the passage of Assembly Bill 1071 because of the ambiguity of the "primary road" and the general lack of regulation for the operator of the bike. Although we did agree that the motorized bicycle could become a useful mode of transportation in our motorized society.

I would like to briefly point out parts of the motorized bicycle law that police and safety officials are concerned about.

Item 1. Operation by anyone 15 years or older. In New Jersey anyone under 18 years of age is a juvenile and any violations of the law for the juvenile are processed through the Juvenile Delinquency laws. The only exception is provided for anyone 17 years of age and in possession of a valid New Jersey driver's license. Such a person could have violations of the motor vehicle law heard in local courts. Therefore, anyone 15 or older, when in violation of a traffic regulation, must be processed through the juvenile court system as a juvenile delinquent. In essence, we are making "criminals" of juvenile violators. Aside from being unjust to the juvenile, this will add to our already overburdened court system, and the authority that I speak of is NJS 2A:4-14. Therefore, we recommend that the driving age for the motorized bicycle be raised to 17 years.

Item 2. No license required for operation. We recognize the motorized bicycle as having a significant place in our commuting society. It is an economic as well as ecological way to travel. However, untrained, unlicensed and unregulated riders who lack proper skill and knowledge will undoubtedly make the motorized bicycle an extreme hazard to other users of the road as well as to themselves. In New Jersey traffic, one must have proven ability and knowledge of traffic regulations in order to operate on our roads. Licensing is the accepted method of achieving both objectives. Therefore, it is our recommendation to require that operators of motorized bicycles possess a valid vehicle operator's license or a motorcycle license or a special license.

Item 3. Prohibit operation on a primary road. In passing the existing law our legislators apparently felt that motorized bicycles should not be permitted on certain roads. However, the Legislature did not specify which roads the motorized bicycle should not operate on other than Interstate Highways, railroad right-of-ways and primary roads. Since there is no legal definition of a "primary" road in New Jersey, it became uncertain to both the police and users of the bicycle as to just where they could operate. Therefore, we recommend that the motorized bicycle by law cannot go over 25 miles per hour. Experience has proven that indifferences in speed can cause traffic accidents. Therefore, because of the motorized bicycle 25 mile per hour restriction, they should not be permitted on roads where they will cause a great indifference in speed. Forty miles per hour should be the maximum speed limit where motorized bicycles are permitted.

Item 4. Liability Insurance. Although the motorized bicycle and conventional bicycle have the same classification by this law, the insurance industry takes a different view. The homeowners policy covers the conventional bicyclist liability, but it is questionable about the motorized bicycle coverage. Since the motorized bicycle has a motor which contributes to forward motion, it is able to sustain a built-up force with little, if any, effort on the part of the operator. This sustained force could cause serious injury and property damage. Liability insurance coverage is for the protection of just compensation for other users of the road as is required in this State for other vehicles. Therefore, we recommend that operators of motorized bicycles be required to carry the minimum insurance coverage as required for other vehicles in this State.

Item 5. Monitor accident experience. Presently motorized bicycle accidents are not reportable to the Department of Motor Vehicles unless they are involved with a motor vehicle or the operator is killed. Crash-injury experience is essential data for accident prevention and control. Therefore, we recommend the requirement that all motorized bicycle accidents be reported to the Department of Motor Vehicles on the standard accident report form, provided they involve any personal injury or property damage in excess of \$200.00.

The members of the New Jersey Police Traffic Officers Association have voluntarily been sending motorized bicycle accidents to the office of Highway Safety. Since the law has been enacted, 49 accidents have been reported. This figure does not represent the actual number of accidents, only those that have voluntarily been reported.

The following is a breakdown of the accidents thus far reported.

Action of the Motorized Bicycle:

Involved with a motor vehicle going in the same direction	11
At right angles with a motor vehicle	12
While making a left turn	5
Operators that fell off the motorized bicycle	9
Bicyclists who struck a fixed object off the road	7
Struck motor vehicle on the road	1
Struck a pedestrian	1
Head on with a motor vehicle	1
Struck a defect in the road	1
Unknown	1

The "unknown" was an accident which occurred where the mo-ped operator was in an accident and fled the scene on foot. All the police found was the motorized bicycle. Naturally, they still have it in possession because since it was not registered, they have no idea whom it belongs to.

Accidents in municipality in which the operator resides	36
Accidents where the operator was from out-of-town	12
Unknown	1
Operators under 17 years of age involved in accidents	18
Operators 17 years or older	30
Unknown	1
Operators that lost control of the bike	21
Operators committing traffic violations	21
Operators not seen by the motor vehicle driver	2
Accidents fault of motor vehicle operator	3
Unknown	2

Twenty-eight accidents occurred on municipal roads, 16 on county roads and 5 on State roads.

Injury experience:

We had 1 motorized bicyclist killed, 32 receiving moderate to incapacitating injuries, 11 receiving minor injuries, 4 receiving no injury and 1 was unknown.

I would just like to add something I put together a few minutes ago; that is, although we did not get abstracts of the driving records of all the persons involved in motorized bicycle accidents, we did send in 12 so far. We do intend to cover all 49. So far, we found of the 49 motorized bicycle accidents that took place in the State of New Jersey since December, 3 were on an advisory notice that their licences were going to be revoked and 4 were on the revoked list.

The New Jersey Police Traffic Officers Association concludes that the motorized bicycle issue is a problem facing the personal safety of all New Jersey citizens. The Legislature must competently understand this new concept in motorization and properly regulate its operation or tragic consequences may result.

Because of the varied and widespread concern with the motorized bicycle, the issue became a battleground, which is not an ideal environment for achievement. We are of the opinion that the solution to this problem rests in the hands of our legislators. Safety groups and citizens have encouraged remedies to the law and communicated with the legislators. Accident experience so far clearly demonstrates the need for amendments to the law. Senate Bill 1386 is a constructive influence toward making the motorized bicycle what the Legislature originally intended when first passing the law. We urge you to act on S-1386 as quickly as possible.

One other remark relative to Senator Dodd, with all due respect to the Senator, I do agree that sometimes the Legislature does have a tendency to over regulate, and I think they did over regulate when they took the Motorized Bicycle Law and regulated it as it is on the law books today. Thank you very much. (Applause)

SENATOR ORECHIO: Thank you, Chief Parenti.

Our next speaker is Captain James Tedesco, President of the Middlesex Traffic Officers Association.

J A M E S T E D E S C O: Thank you, Mr. Chairman.

My name is Captain James Tedesco. I am President of the Middlesex County Traffic Safety Officers Association, comprised of 25 communities in Middlesex County.

Mr. Chairman, I don't intend to belabor you with statistics. There have been others before me who have done that quite eloquently. However, I intend to give you a little "grass roots" experience that our Association has encountered since the present law has been signed by the Governor.

Our Association opposed the original bill before the Governor signed it. Our community of South Amboy, itself, dispatched a telegram to the Governor before he signed the bill, apparently to no avail. Since the bill was signed, our Association lobbied for change within the system through our own Association and other safety organizations. There has been much rhetoric on the subject on TV, in newspapers, and in editorials to the point where it is reaching an emotional state. I am pleased to say - and this is a credit to the news and the media - that there are more of the average public that are aware of the aspects of this law, almost as many as are aware of the income tax bill. I find I can meet people on the street and discuss the present law and they are very knowledgeable on it.

Our Association has invited many speakers to our county meetings - our monthly meetings - and amongst them was the original author of the present bill, Assemblyman Froude. I give him a lot of credit for attending our meeting because he knew he was

going into a lion's den. We also had some mo-ped people at our meeting. At the meeting that Assemblyman Froude attended, he admitted to our membership and to the mo-ped people that he had made mistakes in his original bill. I give him a lot of credit for saying that; although he does admit that there are good aspects of the bill, he has admitted that there are some mistakes and there should be some changes.

From personal experience - I come from a small community of around 10 thousand people - I didn't think that these vehicles would present much of a problem in our small urban community. However, I notice they are popping up now like daisies. I am very surprised there have been so many on our local roads in such a short time. We didn't have a problem the first few months, but I believe that was on account of the weather. Now that the weather is improving, I have noticed a great many of these vehicles on our local streets. Fortunately, we have had no accidents so far.

However, my main concern - and I am going to be very brief and conclude very shortly - is what just happened this past Monday. We received a report in Police Headquarters that we attribute to one of the young boys in our town whose name is well known to the police, that he is spreading the word amongst his other friends who are well known to the police to get one of these vehicles because the cops can't do anything about it. I don't think the Legislature would be pleased to hear anything like that. It gives you some idea of the problems the police are confronted with.

The vehicles that I see operated in our town are operated by adults that I personally know that have New Jersey drivers' licenses.

So as President of the Middlesex County Traffic Officers Association, I would say that we would like to go on record as recommending that the age be increased from 15 to 17 to insure a more responsible driver and the driver be required to have a license of some sort - motorcycle, motor vehicle, bus or what have you - and also have that license in his possession while operating the mo-ped. Third, we would like to have all accidents reported. This will aid the Division of Motor Vehicles in promulgating new rules and regulations as problems arise. And, fourth, to require insurance of a minimum amount to protect the innocent public from negligent operators. Five, that a speed limit be required of 40 miles or less.

Mr. Chairman, I believe Senator Bill 1386 meets all these requirements and the Middlesex County Traffic Safety Officers Association wholeheartedly supports this amendment. Thank you. (Applause.)

SENATOR ORECHIO: Thank you for coming, Captain.

Our next witness is Lieutenant Chris Kramer, representing the Piscataway Police Department. He is passing up the opportunity to speak.

Lieutenant Tulio Caparelli, South Plainfield Police.

T U L I O P. C A P A R E L L I: Thank you, Mr. Chairman.

My name is Lieutenant Tulio P. Caparelli, a member of the South Plainfield Police Department, specifically the Traffic Bureau, and a member of the New Jersey Traffic Officers Association and the Middlesex County Traffic Officers Association.

I don't want to reiterate what has already been said, but I would like to officially go on record as supporting and advocating Senator Menza's Senate Bill 1386.

I have also been asked by our Chief of Police to read a written statement he prepared. With your permission, I would like to do so.

Chief Tyler is in favor of Senate Bill 1386, which, if passed, will amend the mo-ped law. He contends that operators of such motorized units should be of sufficient age, 17, and required to possess a valid New Jersey operator's license, and that such vehicles not be allowed on public highways whereon speeds of over 40 miles

per hour obtain and are permitted by State law. Such a motorized unit can become a dangerous instrumentality under the control of the very young and/or immature operator.

Valid operators' licenses will indicate such training and maturity qualities. He contends too that operators be required to carry sufficient liability insurance and report to the Division of Motor Vehicles all accidents involving damage over \$200 in property damage and personal injury. Such information not only will be helpful in the compilation of data indicating day time, weather, numbers of accidents, age groups, etc., but will in the course of time cause changes in the laws to better protect the pedestrian, operator and the citizens alike.

This is signed by our Chief of Police, Edward Tyler.

Thank you for allowing me to present this, Mr. Chairman. (Applause.)

SENATOR ORECHIO: Thank you very much.

Our next speaker will be Patrolman Floyd Sheets, representing the Middlesex Traffic Officers Association. (Mr. Sheets foregoes the opportunity to speak.)

Our next speaker then will be Patrolman Dennis Crump, Traffic Safety Coordinator from Beachwood, New Jersey.

D E N N I S R. C R U M P: Thank you, Mr. Chairman.

Rather than reiterate many of the views that have been presented in this matter, many of which I am in agreement with, in support of Bill 1386, I would like to point out something which is more in line with rationale than basic objectivity.

First of all, I support the age requirement of 17, not solely on the basis of prosecution, although that would be part of it, as it comes under regulations, but because of the exposure that this person would have to motor vehicle laws, to prepare him to operate safely on the roads, as is the 17-year-old to qualify for his driver's license, which actually does show that he is capable of performing properly, although he may not. You don't learn to swim by being thrown into 30 feet of water. It is a rather hazardous way of doing it and I think that is what we would be doing here if we had a 15- or 16-year-old operator. What you create here is unfavorable prior conditioning. You put a 15-year-old or a 16-year-old on the road who knows nothing about traffic regulations or traffic flow or traffic laws. He does things the wrong way consistently and then, as a matter of conditioning, begins to feel that this is the proper and only way of doing them. This is what we wish to avoid.

One of the mechanical problems of the mo-ped is its minimal acceleration. It has a very low capability to merge with existing traffic or to perform basic evasive maneuvers. It obstructs the passage of other vehicles lawfully proceeding because they ride in the traffic lane.

I think what we have here is a problem of attitude. These young people operating these mo-peds no longer feel that they are on bicycles; they feel that they are on motorcycles. The problem of acceleration you might think would be served better by maybe putting on a 450 cc. engine. If you are going to ride in the traffic lane, have something that is capable of maneuvering properly, which would have to be a motorcycle.

I don't think we should minimize statements such as about the 9-year-old who was killed because really our moral purpose as human beings, not just as professionals, is to look at statistics like this, look at them objectively, and find ways to reduce them and not to open new areas to increase them.

One Senator spoke of over regulation and used the analogy of outlawing motor vehicles. What we would do then when we're faced with things that occur on the highway is not do everything we possibly can because you would just say, "leave your car at home and don't use it." We should do everything that we reasonably can to provide for the safety of the operator and those persons that he affects. In line with that thinking

about regulation, we would have to do away with stop signs, traffic lights and lane markings. I think that is kind of a kamikaze approach to traffic safety.

Laws are not basically means of prosecution; they are means of guidance. People look at laws to see what they are supposed to do and how to do things safely. You don't have the opportunity to stop your car and run 200 feet down the road every five minutes to find out whether there is a hazard ahead. The sign is put there and it is a warning device to help you to operate safely. If we don't need laws and regulations, we don't need police officers and we don't need Senators. I think we need these things and these regulations are guidelines for people to follow. They are feedbacks from experienced persons who know what happens when certain things aren't followed properly.

I, personally, support Bill 1386 and I am very anxious to see it put into effect. Thank you, Mr. Chairman. (Applause.)

SENATOR ORECHIO: Thank you for coming.

Our next speaker is Officer Thomas Kane of the Cranford Police Department, serving as a Traffic Safety Officer.

T H O M A S E. K A N E: Thank you.

I am Cranford Police Officer Thomas E. Kane, here today to speak to you on behalf of the Township of Cranford and the Cranford Police Department on the subject of motorized bicycles.

On May 25, 1976, by a unanimous vote, the Cranford Township Committee passed the following resolution in support of S 1386:

On motion of Miss Brande, seconded by Mr. Marotta and passed, the following resolution was adopted:

"RESOLVED, that the Members of the Senate of the State of New Jersey are hereby urged to vigorously support Senate Bill No. 1386 introduced in the Senate of the State of New Jersey, April 26, 1976, concerning motorized bicycles and amending the applicable sections of the Revised Statutes so as to restrict the use of motorized bicycles to certain highways, to require that operators of motorized bicycles be 17 years of age and possess valid drivers' licenses, to impose requirements on operators of motorized bicycles as to their use, and to impose appropriate restrictions to maximize safety without causing undue inconvenience to operators of motorized bicycles, and

"BE IT FURTHER RESOLVED, that a copy of this resolution, duly certified by the Township Clerk, be forwarded to the Governor of New Jersey, Legislators from the 20th District and sponsors of the legislation."

We are not seeking to prohibit the use of motorized bicycles, but we do ask protection for the general public through restriction of the operation of motorized bicycles to those 17 years of age and older who have proven they have the knowledge and ability to operate a motorized bicycle or vehicle safely by maintaining a valid driver's license.

Of the 12 motorized bicycles currently registered with the Cranford Police Department, 7 are owned and operated by drivers who have had their driving privileges revoked for various violations. They are permitted to drive motorized bicycles at speeds of 25 miles per hour on our residential streets even though they are known to be hazardous drivers and their drivers' licenses have been revoked. How can we protect the citizens of our community from being injured by these irresponsible drivers or protect the driver against himself when the State law legalizes their actions?

And how can we protect the citizens of our community from being injured by the 15- and 16-year-old drivers of motorized bicycles, or how can we protect their younger

friends who borrow the mo-ped for a little ride? Despite an intensive bicycle safety education program in the schools and the community, the Cranford Police Department found it necessary to issue 1600 warnings to 10- to 16-year-old juveniles for committing traffic violations while bicycling during the past two years. During this same period, 170 bicycles were impounded from juveniles under the age of 17. Most of our accidents are caused by the 10- to 17-year-old bicyclist who insists on riding on the wrong side of the road, making improper turns, ignoring red lights and stop signs, and violating other traffic safety laws. We are convinced that these same youthful drivers will be fascinated by the power and speed of the motorized bicycle and, unaware or deliberately ignoring the rules of the road, will cause far more accidents at the speed of 25 miles per hour and that this increased speed will result in a much greater force of impact with more severe injuries to the young mo-ped driver or to the unprotected pedestrians or bicyclists who may be hit by the fast-moving motorized bicycles.

A motorized bicycle capable of an operating speed of 25 miles per hour is, in our opinion, a motor vehicle. We ask you to respect the driving skills necessary to safely operate the motorized bicycle at the same time you are respecting its environmental advantages. We support S 1386, a mo-ped amendment bill pending before you, and ask you to release this bill from committee today and urge its enactment into law. Thank you.

SENATOR ORECHIO: Thank you.

We will not hear from Richard Weiner from Livingston, New Jersey, a 15-year-old mo-ped rider.

RICHARD WEINER: Mr. Chairman and members of the Committee, thank you very much for letting me speak here today.

I am here to represent 15- and 16-year-old riders. I am 15 years old and have over 750 miles on my mo-ped, so I have had all the experiences of a mo-ped. I am sure most of the people who have spoken have not ridden a mo-ped as I have. A major point to be considered in this matter is the standpoint of the 15- and 16-year-old riders. Our choice of self-transportation is now bicycles and mo-peds.

Before purchasing my mo-ped, I was the rider of a 10-speed. A mo-ped compared to a 10-speed - there is no comparison safetywise. On my 10-speed, I can go down hill at 50 miles per hour and I would say normal riding would be at 20 miles per hour. On several occasions, going down hills, my brake pads fell out, causing a dangerous situation. There are no shock absorbers and they have thin tires. So if you go over bumps, you lose control. Also, on approximately 90 percent of the 10-speeds, there are no lights. On my mo-ped, I feel totally safe both on the side roads and in traffic. I have ridden through deep crevices and my mo-ped handled perfectly where a bicycle couldn't have made it. Bicycles can be just as fast. To prove that, I had a race with a friend on a 10-speed. On the flats, he kept up to my top speeds; down hills, he beat me by far.

I feel that they should be compared with bicycles. If fifteen- and sixteen-year-olds can ride bicycles, which are more dangerous than mo-peds, the mo-peds should be able to be ridden by fifteen- and sixteen-year-olds.

What I would like to propose is a written and road test for 15- and 16-year-olds to prove that a driver is capable. If caught underage, without a license, a fine should be imposed. I feel before taking this away from the 15- and 16-year-olds, a trial licensing would at least give the responsible 15- or 16-year-old a chance.

Also, I would like to ask the members voting on the issue to ride a mo-ped for 10 or 15 miles and prove to yourselves how safe this vehicle is to ride.

Again I thank you letting come up and speak.

SENATOR ORECHIO: Thank you for coming.

Our next witness is John Hanst from Livingston, New Jersey, a mo-ped rider, a bicycle rider and a mo-ped dealer.

J O H N H A N S T: Mr. Chairman, thank you for letting me speak.

I am sorry Miss Weeks has left because I wish to differ with some of her facts. I have been thinking for quite a while how I could explain to you the difference between a mo-ped and a motorcycle, which is what most of the policemen have compared it with so far. I have ridden over 4,000 miles a year on my bicycle for many years. I have been lecturing to traffic safety committees - Essex and Hudson and any others that are willing to hear me speak, most of whom have asked me - on mo-ped safety, and I speak strictly on the mo-peds, not on the law.

Now the best comparison was made by Mrs. Sandra Weeks when she mentioned that the Tour of Somerville was done at 25 miles an hour by a racing champion. What she did not state - and her error was - that the Tour of Somerville is not 25 miles an hour, but averages over 27 miles an hour. I have finished the Tour of Somerville on many occasions in excess of 25 miles an hour and been close to dead last. There are about 100 cyclists in that field there. Any normal bicycle that can be bought in any store, any 10-speed, is able to attain 50 miles an hour plus. The record on a bicycle is in excess of 100 miles an hour. Any record book will show that. The normal 10-speed that is sold has a potential of 50 miles an hour, but is a copy of a racing bicycle. A real racing bicycle has tremendous braking capacity, which at best is still a stopping distance of 60 feet at 25 miles an hour. The mo-peds that are sold, if they are legal, as described by the gentleman from the government, who told how they should be made, stops in 15 feet, by the U. S. law. These are the things you should consider here when thinking about mo-peds. The mo-ped is slower and safer than any bicycle sold on the market today. There is no doubt about that. You can take the mo-ped apart piece by piece. In every area, the mo-ped is safer than a bicycle.

If you are going to permit bicycles on the roads and the streets and allow children to ride bicycles, you should consider the mo-ped in the same category and enact laws that affect both of them. You cannot separate them. If anything, the bicycle is the more dangerous of the two.

The only problem that I have seen with cyclists riding mo-peds is that some police departments have decided to totally ignore the current mo-ped law. Because they feel there are some problems in actually locking them up, they completely turn their backs on the use of mo-peds, which is wrong. The mo-ped law passed last October 31st was excellent and it should be left alone. It should be left alone until there is sufficient experience by mo-ped riders and police departments to clearly show if there are any changes needed.

One policeman who spoke - I suspect he was indicating all the hoodlums in town were going to get mo-peds. If all the hoodlums in his town got mo-peds, he would be better off because they are slower, they can't get away as fast as they could on their bicycles, and they are going to be much easier to apprehend. And, if they try to run away, they are going to leave their mo-peds, as the other police officer stated, because they can't get away with them.

I want to thank you very much.

SENATOR ORECHIO: Thank you for coming.

The next speaker is Mr. Jacques Dickinson, representing the New Jersey Motorized Bicycle Dealers Association. (Mr. Dickinson foregoes the opportunity to speak.)

Bernard A. Knapp, representing Bernie's Bicycle Shop. (No response.)

Our next witness will be Stephen Peshkin, representing Stata Mo-Peds, Inc., Asbury Park.

S T E P H E N P E S H K I N: Mr. Chairman, I thank you for the opportunity of allowing me to speak today. This is extemporaneous. I really didn't expect to get up here.

I just want to give you a few first-hand experiences that I have run into as a motorized bicycle dealer. Stata Mo-Peds has been in business since December of 1975 and we have what I feel is a broad base of experience regarding motorized bicycles. We are probably the largest mo-ped dealer in Monmouth County. We have come up with a few statistics of our own that I don't think have been brought out in this open hearing.

Number one, the average median age of the people who have bought bikes from us is well over 40 years of age. It is a credit to the people that the bikes are being used for the purpose they are designed for, and that is for good, inexpensive, reliable transportation to and from work. Not only that, but they are fun to ride. They serve a two-fold purpose.

We have sold approximately 200 units since we have been in business and, of that amount, less than 5 percent have been sold to youngsters under the age of 18. Since we have been in business and sold approximately 200 units, we have had one minor accident, which was proven on a police report to be the fault of the operator of a motor vehicle. Fortunately, that one incident caused minor injuries to the rider of the mo-ped and minor damage to the mo-ped.

A few other things come to mind that I would like to bring to your attention about utilization of these machines for the purpose for which they are designed. Number one, in a Memorial Day parade a couple of weeks ago, six of our units were used by a local fire department in the parade. They didn't have to walk and they loved it. On July 4th weekend, we have orders for four units from a local police department that feels that they are going to be unable to move their police cars because of a massive traffic jam that they are anticipating. That will be four mo-peds that policemen will be riding for traffic control on that weekend.

Among the people who have bought mo-peds from us, we have two police captains, one police sergeant, I think five patrolmen and a county judge from Monmouth County. These are mo-ped owners and they all utilize their bikes the way they are supposed to.

I disagree with the law in its present state in a few areas, not in totality. I think the concept is good and the concept should remain. It is something that is good for our environment and it is good when we consider our fuel shortage and our reliance on foreign fuel, etc., etc. It has all been said before.

The speed limits of these mo-peds, I don't think should be limited to a strict figure. I think two speed limits would be adequate: 40 in an urban area, 50 in a rural area.

Something else that hasn't been said is that there is nothing to prevent a mo-ped from being ridden on the shoulder of a road. Everybody is assuming that the mo-ped is going to be ridden right out in the middle of traffic and present a hazard to vehicular traffic. That is not so. It can be used with discretion on any road. If the traffic is going too fast, you are going to stay to the right. This is the way I ride my mo-ped and I ride every day, incidentally.

I think it is ludicrous to expect insurance on mo-peds and not bicycles. I think the structures established by the insurance companies right now are totally unfair in the rates. I think if they have a base of experience -- as has been said here before today many times, once they get their base of experience, they are going to find that their exposure to risk by a mo-ped is very, very little. In other states and other countries, there are some statistics that strongly bear that out.

I would strongly urge further clarification to assure that all the bikes sold in this State conform in every way with the standards set down by the DOT, and this is not being done today. There are many bikes on the road that do not conform to the 25 mile-an-hour speed limit and they present a safety hazard, clearly so. I propose that these riders and dealers who sell these bikes should be severely penalized. I think that something should be done about it.

I would also propose that sanctions be imposed on drivers of mo-peds who break traffic rules in some way. One way I have come up for doing that with regard to the problem of prosecuting youngsters under the age of 17 that do not have drivers' licenses is to have them take the written driver's test. After passing that test, an appropriate identification card could be issued to them, allowing them to ride on mo-peds and putting them under the jurisdiction of motor vehicle rules.

Anything else I could say would simply be a reiteration of what I have heard said here before. I do agree with Assembly Bill 1748; I do not agree with the age limitation in that bill. Thank you for your time.

SENATOR ORECHIO: Thank you for coming.

We will now hear from Leonard Fink, who is a bicycle importer as well as a mo-ped distributor, from Washington, D. C.

LEONARD A. FINK: Thank you, Mr. Chairman.

My name is Leonard A. Fink and I do represent one of the manufacturers of motorized bicycles as well as distributors, and New Jersey dealers, in particular.

Much has been said today - and I will make this very brief because it basically has all been stated. But I think some mention should be made on the efforts of the Legislature, itself, which when it initially enacted this motorized bicycle bill did so with an understanding - at least this was my impression - that "primary roads" had a very definite meaning; in fact, it had a meaning that it referred, in effect, to the State counterpart to Interstate Highways in the federal system. To the extent that that is in error, it is obviously something that ought to be corrected. And we would favor Bill 1748, which we think takes care of that.

The other area that has been commented on in great measure is the question of enforcement. I don't know frankly in New Jersey how the question of enforcement is handled when it comes to the question of bicycles. It is my understanding that bicycles must comply with the rules of the road in this State. It is also clear by reading the legislation with regard to motorized bicycles currently in effect that they also must comply. If the enforcement question is whether the people must appear before a Juvenile Court as opposed to another way, that is a matter which could be changed on a more omnibus basis; but I don't think it would be the basis for throwing out, with regard to this particular bill, the ability to ride on motorized bicycles.

There has also been much stated with regard to minimum age. New Jersey, as you probably know, is the only state which has a minimum age of 17; all the others are less. We agree there is nothing sacrosanct about the age of 17 and it might be worthwhile just calling to the Committee's attention the fact that in the United States on a federal level you can obtain a pilot's license at the age of 16. So obviously there is a level of responsibility which is not simply measured by age in this area.

Nonetheless, there are two ways of approaching that situation. We would agree with the current proposal in 1748. Another alternative would be to provide for the 15 to 17 year olds an opportunity to take a specific mo-ped operator's test and receive from the Department of Motor Vehicle express permission to drive.

All in all, those are our principal comments. The one thing we do want to focus on in addition is that we believe that Committee Substitute 1748 really deals with all the major questions which were oversights, deficiencies or holes in the existing legislation. We do disagree with the notion expressed in the current bill offered by Senator Menza both with regard to the question of primary highways and the limiting to 40 miles per hour because of the reasons already expressed - it is much too restrictive - and also with regard to the question of mandatory insurance. No state of the seventeen which currently have mo-ped legislation in effect has a mandatory insurance situation. And, in the absence of an insurance industry developing in this country, insurance comparable to that which is offered abroad, the premium for which is sometimes in the neighborhood of \$15 a year - this has already been mentioned - the effect of requiring mandatory insurance is nothing more than locking in an immediate market and a market which all too often will not move an insurance company or the insurance industry in the direction of creating responsible premiums for this particular type of vehicle.

Thank you for the opportunity of testifying. I stand ready to answer any questions or offer any further comment.

SENATOR ORECHIO: I don't believe there are any questions, but thanks for coming.

Our next witness is Michael Bondy.

M I C H A E L B O N D Y: Thank you, Mr. Chairman.

My name is Michael Bondy and I am a resident of Bergen County, New Jersey. I am here to represent myself. I am in the business of importing parts and accessories for motorcycles and I hope to be in the mo-ped business in the distant future. I haven't been able to import mo-peds at this time from Italy because the manufacturers are too busy.

I would like to touch on three points which were brought up in the proposed bill. One, helmets. Having been in the motorcycle business for 20 years and having been involved with helmets, I have been unable to date to find any positive evidence where helmets will cut down on accidents. The helmet may cut down on injury, but even this is a questionable item. We really do not know. In some instances, helmets will aggravate an injury and, in other cases, helmets will alleviate an injury. There really isn't adequate data to come up with a conclusion. Many states are now repealing the helmet laws. And there is, of course, a move afoot in New Jersey to do the same because people who ride motorcycles feel that helmets are discriminatory as far as their civil rights are concerned.

Insurance. It was pointed out - and I share the feeling - by Mr. Fink and others that ratings do not exist for motorized bicycles. Under Public Law 1975 mo-peds, which meet certain qualifications are really defined as bicycles. Therefore, by the same token, bicycles should be subject to all of the restrictions proposed in the bill by Mr. Menza. That, of course, goes to age limits.

I do share the feeling of Senator Dodd that we should be very careful to cut down the extent of government which we have in the State, the extent of rule-making. As a taxpayer in this State, I am particularly sensitive to this and I look negatively at the idea of having the Motor Vehicle Department administer licensing procedures, testing procedures, etc. etc. There is no end to the amount of bureaucracy we can acquire in this fashion. I think, at least for the present, we should try to gain more experience with P. L. 1975 to see whether amendments are required.

In my formal presentation, which I will hand to you, I will show to you that I have made a survey myself of about 17 or 18 mo-ped dealers and the names and addresses

of these dealers are given. None of them had any accidents to report whatsoever. So I think perhaps we are jumping off too quickly and too hard. I think we should let the present bill as it stands go for a while longer.

I would like to point out that federal safety standards, which were mentioned by a lady representing a consumers' group, do apply to mo-peds. These mo-peds that we are looking at right here meet the federal safety standards. Mo-peds that do not meet federal safety standards cannot be imported into this country. These standards are not necessarily appropriate in my opinion - and I am saying this as an engineer. However, there they are and we are all complying with them.

The mo-peds that we are looking at here are utility vehicles, nothing else. They cannot be used for competition. There are no organized sports involving mo-peds. There are not even rallies or any type of activities other than transportation, plain and simple. That's all they can be used for. It is not a toy. As one of the mo-ped dealers pointed out, a relatively small percentage of young people buy the mo-ped.

Now I would like to make a recommendation as far as safety is concerned - and this was touched on by previous speakers. The idea of having mixed traffic on the highways is conducive to a dangerous situation, and this applies to a vehicle that is capable of only 25 miles an hour versus a vehicle that is capable of what have you - 50 or 60 miles an hour - and also much higher acceleration. For the sake of safety, I would propose that the idea of bicycle lanes to include mo-peds be expanded and that bicycle lanes be set aside on highways and local streets, if applicable, where mo-peds which have about the same speed relationship would travel. I think this would contribute a great deal to safety.

Mr. Chairman and gentlemen, thank you very much for letting me speak.

(Mr. Bondy's written statement can be found beginning on page 16 X.)

SENATOR ORECHIO: Thank you for coming.

Our next speaker is Mr. Peter Walbridge. Would you tell us where you are from?

P E T E R W A L B R I D G E: My name is Peter Walbridge and I live here in Trenton, Lawrenceville, to be exact.

I had no intention of speaking today. Therefore, I don't have a prepared statement. In particular, what I wanted to speak for is the people who have lost licenses. I have lost my license for drunk driving. I got a mo-ped three months ago and it has helped me a lot in getting around. A young fellow over there stood up for the 15 and 16 year-olds, the younger people. I feel like I would like to stand up for the drunk-driving people or anyone who has lost his license.

Already there has been some commission within the State of New Jersey to go over the motor vehicle laws, especially in regard to drunk driving. New Jersey's are the harshest in the nation. We already have been punished. We have paid our fines and lost our licenses. Some of these people go ahead and drive anyway. Eventually they will get caught. But you don't have a bad apple in every barrel. But this is like a double punishment. I can't really see the sense in it. This is something for us to fall back on. Coming home from work at night, it used to take me two to two and one-half hours walking; now it only takes me fifteen minutes on a mo-ped. As for hitchhiking, that is not permitted. What are you going to do at 11:00 or 12:00 o'clock at night or 3:00 o'clock in the morning if you have to work that long?

I think generally over all people are being sensational about this; they are over reacting. There was an officer who stated in regard to Senator Dodd's statement, "why don't we just ban cars and everything?" I, myself, don't think Senator Dodd meant take away stop signs and just let them go. According to statistics and all, just ban the

cars altogether, just put them out of business. I think that is what he meant.

They also gave statistics on bicycle summonses. Well, why don't they just ban bicycles in that township or municipality? Why don't they just get rid of the problem? I think what they are doing here is over reacting to it. There really haven't been any statistics at all.

The way Mr. Buehler talks, he agrees to the extent that government is getting into your every-day life and whatever you do. Well, 1984 is only eight years away. Take myself. I lost my license for drunk driving. There are murderers who are in jail for a short time and they get furloughed and go and commit more murders. Have they stopped that? Have they stopped furloughs? Have they stopped parole? No. Now, just because you are a drunk driver and have a bad driving record or whatever, you can't drive a mo-ped. Why don't you stop them from riding bicycles too?

As for operating my mo-ped, I try to be a reasonable man. I believe that is a main variable. I may not be expressing that right. But isn't that a main variable in law - the reasonable man in any suit or anything like that?

I have one certain path I use going to work. I have to go along a very busy road, Olden Avenue Extension in Ewing Township. Anyone who knows Trenton knows how busy that is. So I use some sense. I go down the parking lots on one side, even though you are not supposed to, because you are supposed to follow the law for bicycles, which is to stay to the right of the road. But it is definitely not very safe, especially at 3:00 or 4:00 o'clock in the afternoon or any time during the day. I use common sense and go down until I can't go any further through parking lots, watching myself and watching the other cars and making sure no one pulls out. Then I cut across and go up the other side of the parking lots. An officer stopped me one time and asked me why I did this. I told him, it is a lot safer than going out in the street. This was at 12:00 o'clock at night and I had just gotten out from work. He said, "I was wondering why you are travelling on the sidewalk, riding your motorized bicycle." I told him it was a lot safer and that I feel a lot safer. He agreed with me. He said, "okay," and that was it.

As for an 11-year-old girl getting killed, I am sure there have been deaths on bicycles. Raising the age to 17 isn't going to stop anyone underage driving a mo-ped. Just several weeks ago, again on Olden Avenue, I think it was four or five kids broke into a lot of a car dealer and went on a rampage. The only way they got a lead on that was because one of them had stolen a car and was driving it down the street. That's not going to stop them. It is just going to happen, no matter what. I think a lot of people are over reacting to it. Also it would be a great help to 15 and 16 year olds because a lot of them are busy in high school. This way they won't have to depend upon parents for rides for a lot of things. I think they are over reacting and I think they should give it a chance for another year or maybe two years.

They are giving you all these statistics, but they are nothing compared to the summonses given out for bicycles.

I bought my mo-ped from Marty's Bicycle Shop and he gave me a copy of the bicycle law from the highway administration in New Jersey or the national highway administration. But they said there was like 10,000 accidents a year involving bicycles. How come they haven't banned bicycles or give you licenses for bicycles? Anyone who has his regular license revoked can just as easily go out and get drunk on a bicycle or anything else. No one is immune to it. No one is immune to losing his license for any reason at all.

I am just asking the Senate use a little bit of common sense and see how it

works out. Agreed - people are going to get confused and all because it is a new idea, just like the automobile when it first came out. Everyone was confused with that. They weren't used to it. I have experienced that myself as a mo-ped owner and operator. So I make extra sure that I am watching out for those people. If I see that they are hesitating, I wave them on and let them have the right-of-way. I think people are being totally negative about it. Definitely there are going to be some problems. There are always going to be problems with anything you do. I guess that is about it. Thank you.

SENATOR ORECHIO: Thank you for coming.

Our final speaker is Mr. Stanley Rice, part owner of Stata Mo-Peds in Asbury Park.

STANLEY RICE: Mr. Chairman, I would like to thank you for the opportunity to speak here today. I would like to briefly tell you that my background is perhaps different than other people in this room. I am a professional pilot and I work for a major airline, in addition to being a part owner of a mo-ped dealership. As a professional pilot, a very large part of my concern and experience has been in the area of safety. It would be an oversimplification to say that we could stop all airplane accidents simply by not flying airplanes, and I have heard that suggested here today.

I would like to comment very briefly on the area of safety and give you my impressions. I am also a graduate engineer and have more than a conversant knowledge of the laws of physics. I can say to you that, in my opinion, a motorized bicycle is far safer a vehicle than a 10-speed bicycle. I would also like to ask everyone who has something to do with the type of legislation which will eventually be passed for the State of New Jersey to at least take the time for a short ride on this vehicle so they can judge for themselves the handling and the braking capabilities of the vehicle.

To the gentlemen to my starboard, the people who are involved with law enforcement - I have been aware of the difficult problems with which they have been faced in attempting to enforce the existing law. I hope that a law will be enacted which will make their job easier so that we can eliminate hazardous operators of this vehicle, as well as manufacturers and dealers who handle vehicles that do not meet the federal specifications.

I can't also help but comment and think inwardly back to the time I was 15 years old. I am sure glad I am not anymore and I say this based upon the attitudes I have seen in this room. I would like to remind everybody here that the federal government allows a 14 year old to solo in a powerless aircraft and to solo in a powered aircraft at the age of 16. Perhaps we could all look toward that and come to the realization that we are just ignoring the hundreds of thousands of persons in our State between the ages of 15 and 17 when we eliminate them. Perhaps from an enforcement and legal standpoint, it would require some changes, but I am sure that these could be worked out. I think we do an injustice to these people when we abandon them.

My other comments are a repetition of what you have already heard, but in my opinion the insurance issue and the helmet issue for this particular vehicle should be the same as applies to a 10-speed bicycle because I consider it safer and less hazardous a vehicle than a 10-speed bicycle.

In closing, I would like to ask that anybody who has a real interest in this, whether they are on the law enforcement side of the fence or the commercial side of the fence, take the time to operate one of these vehicles. I would personally make one available to anyone who would like to do so if they would come to my place of business, which is in Asbury Park. Thank you.

SENATOR ORECHIO: Mr. Rice, before you leave, I would like to say I am somewhat perplexed by the comment you made and others have made. How can a mo-ped be safer

than a bicycle?

MR. RICE: The fact that a mo-ped can be stopped in a far shorter distance and is also far more maneuverable than a bicycle, in my eyes, makes it a great deal safer. I think the stopping difference is a very large factor. We are talking about a 15 feet or less stopping distance. I have been on very few bicycles on a straight-away from 20 or whatever speed the rider can get up to that come anywhere near close to matching that. I certainly invite side-by-side comparisons, not to mention what would happen going down a hill. The vehicles that are there on the floor - the yellow one has machine-drum brakes front and rear, very similar to the type that have been used in the automotive industry for a long period of time, with a mechanical advantage that comes to you through the hand lever. That is how that is achieved. The vehicle closer to me has a machine-drum brake in the rear and the standard caliper brake in the front.

SENATOR ORECHIO: You are addressing yourself to the braking of the vehicle. But the allegation that the mo-ped has a better safety record, I think also invites us to look at the other side of the coin. A bicycle that is pedalled with the power provided by one's strength, I think presents a different situation than where you have a motorized machine like this where you can have the maximum speed practically maintained from the beginning of your trip right until you brake it. They talk about a bicycle maintaining a speed of 25 miles an hour, similar to a mo-ped, but very rarely do we find the average cyclist riding down an avenue with the kind of endurance and strength to maintain that for a long period of time. I just question whether or not over all the mo-ped is really a safer vehicle than a bike.

MR. RICE: I think, sir, you would have to try it for yourself and then perhaps you would agree. I think it is both more maneuverable and stops faster, and from low speeds to higher speeds can accelerate faster than a bicycle. And this makes it safer.

SENATOR ORECHIO: Well, I have been on one and I still don't agree with you.

Thank you very much for coming, Mr. Rice.

We have one more speaker, Mr. Robert Greenwood.

STEVE LOZOWICK: For the record, I would like to make a correction in my earlier statement.

SENATOR ORECHIO: All right.

MR. LOZOWICK: For the record, I would like to make a correction in my earlier statement and I believe the stenographer has a copy of that. I made a statement earlier concerning a motorized bicycle fatality and I stated that the individual that was killed as a result of the accident had had his license revoked. I have since found out that the individual was not on the revoked list, but merely had an advisory point notice, which the Division traditionally sends out when an individual gets between 6 and 11 points. I just wanted to clear that up for the record. Thank you.

SENATOR ORECHIO: Thanks very much, Mr. Lozowick.

Mr. Robert Greenwood. We have relaxed the rules quite a bit today to permit some latitude to people who wish to speak and just arrive without telling us in advance. So we will give you a few moments to speak.

ROBERT S. GREENWOOD: Thank you, sir.

I am from Secaucus, New Jersey; and, as you stated, I wasn't really prepared to say anything.

As to the things addressed in your last question, sir, you know, the big question is: -- Say a mo-ped is travelling at a constant speed. We are talking about

accidents and fatalities here. If a mo-ped is travelling for one hour at 25 miles and hour or a bicycle is travelling for 20 minutes at 25 miles an hour, does that have any reflection in the respective accidents? We are talking about human beings here, it seems to me, more than machinery. This is what we should be speaking about. It is the operator who is causing the accidents, not the machine itself. It is the operator who has the control.

I am a dealer myself. Let's just say for argument's sake I know 50 mo-ped operators. I do not know one that would operate his mo-ped on a highway or street and be on the left side. Common sense, it would seem to me, would dictate you keep to the right side. I operate one constantly. I am partially handicapped and I have no trouble operating it. Common sense tells me to stay where it is safe and I am going to stay toward the right side. I think we are talking more about enforcement than anything else here.

I think one of the problems now is that proper enforcement of the current bill is not being done. So I urge you people to give some more time to the current bill and I urge the police departments in the State to start to actively enforce the bill that already has passed. It seems that all I hear from police personnel that I talk to is that they are afraid to enforce it. There is a bill; there are restrictions. So let's get down to the present bill because, even if this bill that is proposed does pass, what happens between today and the day that that is passed? Are we going to ignore the bill that is already there and its enforcement? I think that the present bill should be given time so consideration can be given as to whether it is worthy or not. If the enforcement is not being done, then how can we say that that bill is not sufficient. Thank you.

SENATOR ORECHIO: Before you leave, I just want to make one thing clear to you; that is, that one of the objections to the present legislation is that it provides that a person can ride a mo-ped at a minimum age of 15 years. Several of the bills that we have before us would change that minimum age from 15 to 17. So there are a number of factors that come to play in the evaluation of these other bills before us today as contrasted with the present law that we passed last November.

MR. GREENWOOD: I would like to make one other point here. The operator and the way he operates his vehicle does not determine exclusively whether or not there are going to be resulting accidents. The thing is, when you are contrasting the bicycle and the mo-ped, you have to consider the capability of the machines - you have to consider the maximum speed the machine can attain, whether it can be sustained or maintained, and also the weight of the vehicle. There is more than just the factor of how the person drives the vehicle and whether or not he uses good judgment.

MR. TEDESCO: Mr. Chairman, may I have 30 seconds to comment?

SENATOR ORECHIO: You can have 30 seconds, Captain.

J A M E S T E D E S C O: Thank you, Mr. Chairman.

Mr. Chairman, I have a lot more respect for your job now that I have sat through these proceedings.

I would like to make some observations after attending this hearing here this afternoon. I believe if you have listened to all the police officers here and personnel involved in traffic safety - and it is also my personal opinion - you understand that we are not opposed to the mo-ped vehicle, itself. I have had an opportunity to ride one and I think it is a splendid machine. I think it has a place in our modern, mobile society. Our principal concern is that we want to control the operator of this machine, not the machine because it is a good machine - it is a safe machine in many respects. Our primary concern is controlling the operator and getting the unsafe operators off

these machines, thus protecting the general public. Thank you.

SENATOR ORECHIO: Thank you very much, Captain.

The public hearing is now concluded. I would just like to say on behalf of the Committee, we appreciate your attendance. To those who did participate actively by speaking and presenting their views, we are most thankful; and those of you who just observed the proceedings, we appreciate your patience as well and your interest.

The procedure now is that as soon as the transcript of these proceedings is prepared, the Committee will evaluate these bills presently before it at a meeting to be announced in the future. Those who have left their names and addresses with our Committee Aide, Mr. Robbins, will be apprised of the date of that Committee meeting.

I might repeat that Senator Buehler has a bill that is coming before us tomorrow under an emergency measure that would delay the further implementation of the law that we passed last November for ninety days. That matter will be before us tomorrow. Our session will open at 2:00 p.m. Thank you all again for coming.

(Hearing Concluded)

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STATEMENT

by the

Honorable Frank J. Dodd
(D-District 26 - Essex)

before the

Senate Law, Public Safety and Defense Committee

on

Motorized Bicycles

Mr. Chairman, members of the Senate Law, Public Safety and Defense Committee, I thank you for this opportunity to appear before you today to speak against legislation which would have the effect of REVERSING the action taken by this Legislature in 1975, with respect to MOTORIZED BICYCLES, and which would significantly increase the State regulation of this form of transportation and its use by our citizens.

In 1975 we enacted what most of us thought was a fairly simple, fairly straightforward, fairly basic piece of legislation in the public interest. We recognized the existence of MOTORIZED BICYCLES; permitted their owners and operators to make use of them WITHOUT HAVING TO OBTAIN MOTOR CYCLE LICENSES; and we provided that the rules and regulations governing the use of BICYCLES should apply to MOTORIZED BICYCLES whenever such were operated on public roads or special pathways.

If there could be any real criticism of our action in 1975, it would be that it took us so long to get around to doing it. For IN FACT, motorized bicycles have been around for quite a while; they have been common in Europe for many years; and their sales have been significantly increasing in New Jersey. They provide a viable ALTERNATIVE FORM OF TRANSPORT for those who wish to travel short distances....for business....for shopping....or for the sheer pleasure of it.....but who do not possess, or who do not wish to use, an automobile.....or who do not wish, or who do not have the strength, to pedal a bicycle.....OR WHO DO NOT BELIEVE THAT GOOD THINGS NECESSARILY ALWAYS HAPPEN ON A HONDA.

Without making too much of this...the MOTORIZED BICYCLE has managed to bridge the GENERATION GAP....at the Jersey Shore one sees them being operated by the OLD, the YOUNG, and everyone IN BETWEEN.

The only serious restriction we imposed in 1975 on the use of MOTORIZED BICYCLES was that the operator had to be 15 years of age. That was, in fact, the only provision I really had problems with then. Because.....FIRSTLY.....MOTORIZED BICYCLES can, by definition in the law, only attain the far from MERCURIAL SPEED of 25 MILES PER HOUR.....SECONDLY.....there isn't a teenager worth his double digit age who can't slide his new TEN SPEED BICYCLE....or even his old THREE-SPEED RACER....AT LEAST THAT FAST.....and, THIRDLY.....we don't limit the age you have to reach before receiving a BICYCLE at Christmas. In fact, I saw so few differences between BICYCLES and MOTORIZED BICYCLES, insofar as AGE is concerned, that I would have been far happier had we been silent on this issue in our 1975 law.

The most sensible thing we did in 1975 was to prohibit the operation of MOTORIZED BICYCLES on interstate and primary highways. That, it seemed to me, was the KEY. For if there is anything DANGEROUS in this form of transportation, it is its use on roadways where its presence would create a hazard both to its operator and to other motorists.

Now we sit here in 1976, with no less than 8 pieces of legislation dealing with MOTORIZED BICYCLES pending in the two Houses of the Legislature. These bills range from a simple repeal of our 1975 MOTORIZED BICYCLE LAW, to comprehensive EQUIPMENT and INSURANCE bills. We have bills that treat MOTORIZED BICYCLES as if they were MOTORCYCLES....bills that restrict riders to those aged 17 and over.....bills that require special licenses....bills that require GOGGLES and HELMETS.....bills which, in fact, DO EVERYTHING BUT THE RIGHT THING.....and the RIGHT THING is to permit local government.....the counties and municipalities of New Jersey to determine for themselves those roads within their respective

jurisdictions where the use of MOTORIZED BICYCLES would be SAFE, and those where such use should be PROHIBITED.

THAT kind of legislation I would support.....all the rest has my vehement opposition.

Mr. Chairman.....we are dealing with MOTORIZED BICYCLES.....we are not dealing with FIREARMS....we are not dealing with a CONTROLLED DANGEROUS SUBSTANCE.....we are dealing with BICYCLES that have MOTORS and MOTORS so small that they travel in many instances at speeds far slower than BICYCLES WITHOUT MOTORS. I submit, Mr. Chairman, that none of the PENDING MOTORIZED BICYCLE BILLS is worthy of serious consideration. I submit, Mr. Chairman, that any attempt to regulate MOTORIZED BICYCLES in any manner different from the way we regulate BICYCLES is HYPOCRITICAL.....unintentionally hypocritical, of course,....but HYPOCRITICAL nevertheless.

NONE of the pending bills really addresses the SAFETY ISSUE correctly. That issue will ONLY be properly addressed if we permit those local units of government that best know their own roads and highways to determine where BICYCLES and MOTORIZED BICYCLES can be ridden without danger. It does not seem to me that the STATE GOVERNMENT has any proper role here. We have better things to do than create TRENTON BUREAUCRACIES to promulgate rules and regulations in areas where no State rules are required and where no State regulations are necessary.....And our LAW ENFORCEMENT OFFICERS have better things to do than to track down GOGGLE-LESS...., HELMET-LESS MOTOR-BICYCLISTS out for an afternoon drive.

Mr. Chairman....perhaps there is a point here that is MORE IMPORTANT than whether or not another MOTORIZED BICYCLE is ever sold in New Jersey. That point concerns the role of government in regulating the lives of our citizens. What I want to know is: WHERE DO WE GO FROM HERE.....Today.....we treat MOTORIZED BICYCLES as if they are EVEL KNIEVAL makers of our youth.....What do we do for AN ENCORE?

Rumor has it that if you awake early enough down at the Shore, you can see some pretty swift JOGGERS as the sun rises..... and word has it that SOME OF THEM use the sidewalks....and every once in a while one of them will actually CROSS THE STREET. Do we want to LICENSE THEM...require them to WEAR HELMETS....and GOGGLES? Of course not....the mere suggestion is ridiculous! But what these bills propose with respect to MOTORIZED BICYCLES is only slightly less ridiculous.

In short.....Government should protect the PUBLIC HEALTH and SAFETY in a manner which will eliminate DANGER without eliminating PERSONAL FREEDOM. Since MOTORIZED BICYCLES create NO MORE.....and a GOOD MANY LESS....potential safety hazards than PEDAL BICYCLES, we should impose no more stringent requirements on the one than on the other. And with respect to SAFETY, I submit that counties and municipalities are far better qualified to select SAFE ROADS than is the State.

I am no APOLOGIST for motorized bicycles.....I am very much an APOLOGIST for personal freedom.....and equally an ANTAGONIST to State governmental involvement in areas where the State government does not belong. The area of MOTORIZED BICYCLES is one such area and I urge this committee to direct its priorities elsewhere!.



NEW JERSEY SENATE

June 23, 1976

HERBERT J. BUEHLER

SENATOR, 10TH DISTRICT

P. O. Box 1362

WALL, NEW JERSEY 07719

201-531-0688

STATEMENT ON MOTORIZED BICYCLES
FOR IMMEDIATE RELEASE

Thank you for affording me the opportunity to express my views on the subject of most critical importance to the safety and welfare of the people of the State of New Jersey.

I am here to testify in behalf of my Bill S 904 which would repeal Chapter 250 of the Laws of 1975 i.e, the Motorized Bicycle Law. As the Senators are no doubt aware, Chapter 250 exempts from Title 39, pedal bicycles having a helper motor of less than 50 cubic centimeters and 1.5 horsepower, capable of a maximum speed of 25 miles per hour. As a result, the current state of the law in New Jersey does not require licensing, registration, insurance or motor vehicle safety regulations for either the vehicle or its operator. The only restrictions placed upon the use of these vehicles is that operator must be of the minimum age of 15, and their use is banned on interstate and primary highways and railroad rights of way.

This law is beset with myriad technical and conceptual infirmities and the application of this law to date and the unregulated use of these motorized bicycles has already resulted in injuries to the young people of the state.

As the Summer approaches and tens of thousands of students

in New Jersey and New York finish school, this motorized bicycle law poses a critical problem particularly in seacoast towns, not only in my district but all over the Jersey Shore. We anticipate the annual influx of vacationers to the Jersey Shore from all over this state and other areas of the Northeast. This year however, what could be a successful and enjoyable summer is in danger of being marred by tragedy as the result of traffic accidents resulting from the unregulated use of motorized bicycles, sanctioned by the motorized bicycle law.

This law allows inexperienced young drivers on the road with no requirements or responsibility placed upon them and no qualifications or method of determination of their capability or judgment capacity to drive a motorized vehicle in traffic.

This is not by way of criticism of young drivers. Many young people driving automobiles and motorcycles on the highways of this state exercise excellent judgment and maturity in their actions. However, these young drivers before being allowed on the road must, just as any driver in this state, indicate their ability to operate a motor vehicle and face the loss of their privileges to operate should they violate any of our motor vehicle laws. As it currently stands, drivers of motorized bicycles are exempt from the application of Title 39 which deals in part with traffic safety and as the law is currently constituted there is no sanction imposed on the unsafe operation of a motorized bicycle and there is no provision under the law to suspend or revoke the privileges of those who would operate

such a vehicle unsafely. This fact together with a lowered age limit for operation and the lack of necessity for qualification is begging the inevitable tragedy.

It should be noted that while the vehicles are banned from primary highways, such highways have yet to be defined.

Another apparent problem which has arisen since the passage of this law, and probably not anticipated at the time of its passage, is the fact that there is no practical way of enforcing the existing statutory age limit on operation.

Consider, Senators, the problems besetting the police officer in a crowded resort town. Not only must he deal with traffic tie ups, increased pedestrian traffic, the presence of children on bicycles and the inevitable increase in traffic accidents which occur in resort communities in the summer months and not only must he deal with the presence of a new contribution to traffic congestion, the motorized bicycle, but the already overburdened officer must deal with the added problem of enforcing a law which is nearly impossible to enforce under the best of conditions. When a police officer sees what he suspects to be a violator of the age provision of the motorized bicycle law, what is he to do? Pull him over to the side and ask for his driver's license? The youthful operator not only will not have a driver's license, but in all likelihood will have no identification on his person whatever to establish his or her age.

I have personally seen children who appear to be no more

than 9 years of age operating these motorized vehicles on heavily trafficked public streets. Constituents have reported similar incidents of purported violations to me.

Must we wait until a youngster is maimed or killed before these problems are dealt with.

I propose two bills which deal with this problem, with alternative approaches. One bill would totally repeal the motorized bicycle law and allow us in the Senate together with our colleagues in the Assembly to deliberate and arrive at a reasonable manner in allowing the use of these vehicles. This however, will apparently take time for passage. Time which we no longer have. The summer is open us and the fourth of July weekend is only 9 day away.

Therefore, I have intorduced another Bill which offers an interim solution to this critical problem and may save lives. The approach offered by this Bill is to amend the existing motorized bicycle law so that operators must hold a valid driver's license. At least then the operators of these vehicles would be limited to those who have already demonstrated their ability and fitness to drive a motor vehicle. This Bill would be operative for a period of 120 days from passage.

While it does not solve the problem inherent in Chapter 250 , as it does not deal with licensing, registration, insurance and safety regulations, it at least takes a step, albeit a severely limited one, toward regulating the use of

motorized bicycles.

I urge the Senate to act swiftly and decisively before avoidable and apparent tragedy strikes. The failure to act will ultimately be on our conscience.

#####

MICHAEL F. BONDY
145 SURBECK PLACE
HAWORTH, NEW JERSEY 07641

Prepared for presentation at hearing of:

New Jersey Legislative Committee,
Jersey City, New Jersey April 30, 1976

Mr. Chairman:

I am owner of Michael Bondy Associates, a firm engaged in the manufacture, importation, and distribution of motorcycle accessories, including helmets. At this time I am not engaged in the import and distribution of mopeds, but I expect to enter this business shortly.

P.L. 1975, Chapter 250, approved October 1975, represents in my opinion, the most constructive piece of legislation promulgated by the New Jersey legislature in response to our national objective - TO SAVE GASOLINE.

In its wisdom to fulfill the goals of energy conservation, the Legislature imposed minimal restrictions on the operator-qualifications of the moped - OVER 15 YEARS OF AGE.

An operator's license is not required, since no such license is required for bicycles. Why should we increase the workload of the Motor Vehicle Department and, hence, the cost of government?

By definition, the vehicle must not be capable of exceeding 25 mph. To insure easy enforcement, the law further limits engine displacement to 50cc and BHP to 1.5, and provides that the vehicle must be equipped with an operable bicycle crank and pedals so that it can be operated as a bicycle without the assistance of the engine. Such a vehicle, then, falls well within the performance-regime of a bicycle propelled by a middle-aged rider in fairly good health. 16 X

The moped is designed for one purpose only, individual transportation. The moped is not designed to be a recreational vehicle. It is completely unsuitable for any kind of sport or competition. (Unlike the bicycle which lends itself for use in competition and health-exercise).

After the law became effective, November 1st., 1975, concern was expressed by interested groups, such as the Organization of Chiefs of Police, Insurance Salesmen, and New Car Dealers. Dire predictions were published in the press about the potential danger of the moped and the need for an operator's license, liability insurance, the use of safety helmets, and increased age limit for the operator. The imposition of any or all of these requirements would eliminate the Legislature's intent to equate a motorized bicycle with a bicycle since no operator restrictions apply to a bicycle.

The popularity of motorized bicycles in New Jersey is still in its infancy. The potential fuel saving which we can attain with only 50,000 mopeds on the roads of New Jersey is staggering. Assuming an average fuel consumption per automobile of 10 miles-per-gallon, and that of a moped, 100 miles-per-gallon and assuming an annual operation of 5000 miles for the moped and the auto, 50,000 mopeds would create a fuel saving of 22½ million gallons.*

*(5000 miles per moped = 50 gallons
5000 miles per auto = 500 gallons

Difference = 450 gallons
Multiply by 50,000 (vehicles = 22½ million gallons.)

Page three:

Presentation - Legislative Committee - April 30, 1976

The fuel savings would increase even further as the usage of mopeds increases because of reduced traffic congestion - hence more efficient fuel usage by remaining automobiles - and less over-all pollution.

Now for the overriding consideration - SAFETY. How do we measure or assess SAFETY?

The New Jersey Office of Highway Safety publication "The Interchange" published a table in the Spring 1976 edition entitled N.J. Fatal Crash Experience. This table is reproduced in full in Appendix I. It shows that, in 1975, the most recent full year, 495 automobile drivers, 264 pedestrians, 26 bicycle riders and 33 motorcycle riders were fatally injured. The table is published without commentary. It leads me to believe that the automobile is most unsafe, followed by pedestrians, and so forth. This doesn't make good sense, yet the table is trying to tell me something. Is it a measurement of the safety of the traffic environment? Is there an inter-relation between the categories; of how the various people are getting killed? Drunken driving, drunken walking? There is also an item "Mileage Death Rate" - for 1976 - it is 2.2. Has anybody ever been asked how many miles in one year they walked? I am being somewhat facetious, mainly because I am dedicated to determine what "Safety" means. We should not isolate the term to categorize the vehicle by itself, we must use the term for the combination; vehicle-operator-traffic environment. Some years ago, under the prodding of the Federal Department of Transportation, New Jersey passed a helmet law making it mandatory for motorcycle riders, both operators and passengers, to wear an approved type helmet. The

Page four:

Presentation - Legislative Committee - April 30, 1976

idea behind this law is that motorcycles (generally single-track vehicles) are unsafe; or unsafe-er than two-track vehicles. We know that helmets in no way contribute to motorcycle safety; at best, a helmet may reduce the extent of head injury after an accident. A helmet does not contribute towards avoiding an accident. By the same token we might consider the idea of equipping automobiles and trucks with air cushions - not inside the passenger compartment, but up front where it counts. I recall having seen steam locomotives with cow catchers, so the idea of a large, two-track vehicle, to be equipped with a protective device to protect a pedestrian, a cow, or a moped rider, is not new.

Rather than to belabor this point of safety, which is obviously somewhat elusive, I decided to make a survey of my own. I (and/or my secretary) called a number of moped dealers in New Jersey* and asked the following question: "Do you know of any of your moped customers who was involved in an accident requiring medical attention?" and "Do you know of anybody at all who required medical treatment as a result of a moped accident?"

All the dealers answered in the negative - no accidents requiring medical treatment. Does this represent a trend? I hope so. And I hope, Mr. Chairman, that based on this scant, but most encouraging data, your committee will find it appropriate to recommend that P.L. 1975, Chapter 250, approved October 31, 1975, remain as is, until such a time that we gain more experience. The potential for enormous fuel savings, cleaner air and reduced traffic congestion should weigh heavily on your decision.

*See list of names and addresses, Appendix II.

APPENDIX I

Presentation - Legislative Committee - April 30, 1976

The Interchange

State of New Jersey
Office of
Highway Safety
4 Scotch Road
Trenton, N.J. 08628
Phone 609-292-3900
* * *

Brendan T. Byrne, Governor
John A. Waddington
Governor's Rep.
Curtis A. Winston
Acting Manager, O.H.S.
Thomas J. Strugala
Editor

Prepared by the O.H.S. Staff
Items may be reprinted
with credit line.

N.J. FATAL CRASH EXPERIENCE

	1968	1969	1970	1971	1972	1973	1974	1975	Cum. 1976
Driver	571	577	573	555	572	607	513	495	93
Passenger	348	314	321	343	305	343	218	258	59
Pedestrian	386	334	327	352	345	316	303	264	52
Bicycle	21	19	18	22	23	33	22	26	3
Motorcycle Dr.	22	26	34	37	56	48	46	33	—
Motorcycle Pass.	4	2	6	10	13	8	10	7	—
TOTAL FATALITIES	1352	1272	1279	1319	1314	1355	1112	1083	207
TOTAL FATAL CRASHES	1208	1151	1147	1181	1203	1200	1034	962	183
Mileage Death Rate	3.6	3.2	3.1	3.0	2.8	2.8	2.4	2.2	**2.3

*Up to and including March 19, 1976 **January only

APPENDIX II - Moped Dealers in New Jersey contacted in
Accident Survey
Presentation - Legislative Committee - April 30, 1976

Kawasaki Kingdom
45 Route 46 Eastbound
Pine Brook, NJ 07058

Hawthorne Cycle Inc.
249 Goffle Rd.
Hawthorne, NJ 07507

Dean of Sports
845 Belmont Ave
N. Haledon, NJ 07508

(No accidents at all!)

Cycles, Inc.
U. S. Rt 1
Rahway, NJ 07000

Cycle Sales & Service
Route 46
Garfield, NJ 07026

Clifton Marine & Cycle Co
Baldwin Ave. & Rte. 46
Lodi, NJ 07644

Tramontin Harley Davidson, Inc.
Rt. 80, Hope Interchange
Hope, NJ 07844

L. P. Andrews Auto-Cycle
601 River Drive
Garfield, NJ 07026

Bergen Honda
Rt. 46 East
Lodi, NJ 07644

Suzuki of Edison
920 Route 1
Edison, NJ 08817

Golden Cycle, Inc.
216 Route 17
Lodi, NJ 07644

International Sport Cycles
4000 Kennedy Blvd.
Union City, NJ

Amol Precision
99 W. Shore Drive
Dumont, NJ 07628

Amber Cyclery and
Hobby Shop
404 Cedar Lane
Teaneck, NJ 07666

Westwood Cycle Store
182 Third Ave
Westwood, NJ 07675

D'Ercole Sales
1 W. Main St.
Ramsey, NJ

Westwood Suzuki
701 Broadway
Westwood, NJ 07675

Dicks Motorcycle Shop
Madison Ave
Dumont, NJ 07628



ROOSEVELT SCHOOL

Parent-Teachers Association

RAHWAY, NEW JERSEY 07065

JUN 11 1976

May 10, 1976

Honorable Carmen Orechio, Chairman
Senate Committee on Law & Public Safety
State House
Trenton, New Jersey

RE: BILL # S 1386

Dear Honorable Orechio,

The Executive Board of the Roosevelt School Parent Teachers Association of Rahway, New Jersey, strongly supports passage of Bill # S 1386.

We feel that these are much-needed amendments to the motorized bicycle law.

We strongly urge the New Jersey Legislature to approve Bill # S 1386 without delay.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Loretta Pryor".

Loretta Pryor
President
Roosevelt School PTA

dr



JUN 21 1976

433 BELLEVUE AVENUE, ROOM D-403, TRENTON, N. J. 08618 :: (609) 695-3481

ROBERT H. FUST, *Executive Director*

JOHN E. TRAFFORD, *Asst. Executive Director*

June 18, 1976

Mr. Stephen S. Robbins
Secretary, Senate Committee on
Law, Public Safety & Defense
State House
Trenton, NJ 08625

Senate 1386

Dear Mr. Robbins:

The League Legislative Committee approves the provisions of Senate 1386 which corrects the various safety flaws and other weaknesses in Chapter 250, P.L. 1975.

We feel that Chapter 250 does not completely regulate the moped situation especially in the field of safety. We give strong support to S-1386 and urge that it be enacted into law as soon as possible and thereby tightening up Chapter 250 of 1975.

Very truly yours,

Robert H. Fust
Executive Director

RHF:gjc



STATEMENT BY THE OCEAN COUNTY LEGISLATIVE DELEGATION

SENATOR JOHN F. RUSSO
ASSEMBLYMAN DANIEL F. NEWMAN
ASSEMBLYMAN JOHN PAUL DOYLE

Before the New Jersey Senate Law, Public Safety
and Defense Committee Public Hearing June 23, 1976
RE: An Act Concerning Motorized Bicycles to Revise
P.L. 1975, C. 250.

Mr. Chairman, members of the Committee, we appreciate the time extended to us by the Committee to address ourselves to what has become a growing concern in municipalities of the ninth legislative district, if not throughout this state, with respect to various provisions of PL 1975, Chapter 250, more commonly referred to as the "Moped Law."

From the outset we would like to assure the members of the Committee that we hold the use of motorized bicycles in the general prospective such that they do provide to many citizens of this state an alternative form of transportation. New Jersey, as every other state, deals with the inherent problem of our society's over reliance on the automobile as the means of individual transportation. The introduction of an alternative, like the motorized bicycle, presents an economic, energy efficient, mode of transportation to be encouraged within the guidelines of overall traffic and highway safety. It is for this reason we do not wish to address these remarks to Senate Bill 1552.

However, the practical application of Chapter 250, during the period since enactment, has caused us great concern particularly with respect to our own district in Ocean County and the delicate balance required for traffic control and safety during the resort season in all our coastal communities.

In this regard, we would strenuously urge the committee to consider four specific areas of revision. Those are; Section two (2), Paragraph A, which outlines the roadways on which motorized bicycles can be operated; Section two (2), Paragraph B, the allowable age of a motorized bicycle operator; insurance requirements not outlined at all in Chapter 250; and,

a new provision to require a helmet as appropriate safety apparel for the operation of a motorized bicycle.

First, with respect to Section two (2) Paragraph A, of Chapter 250, and the intent that "motorized bicycles shall not be used upon interstate and primary highways," we have been advised on numerous occasions by local courts, police departments, county and municipal governing bodies, and operators themselves that the interpretation of the term, "primary highway" has made operation and enforcement a specific problem. Officials of the Federal Highway Administration would rate only two (2) per cent of New Jersey's entire road network as primary highways. In contrast, the naturally varied traffic patterns on roads in this state dictate a more precise definition for the operation of a small, lightweight vehicles with a speed capacity of little more than 25 miles per hour.

In this regard, we would urge the Committee to adopt revision to Chapter 250, contain in Senate Bill 1386 now under review. Senate Bill 1386 is precise in that it would not allow operation of a motorized bicycles on any road with a posted speed limit in excess of 40 miles per hour.

We note that Assembly Bill 1748 also suggests revision to the Section Two (2) of Chapter 250. However, A-1748 sustains some of the problems of Chapter 250 as enacted. First and foremost the safety factor. Highway safety experts cite as one of the contributory accident factors, vehicles traveling at rates of speed twenty (20) miles per hour above and below the normal flow of traffic. A motorized bicycle with a top speed of twenty-five (25) miles per hour would create such a traffic hazard on a rural road as outlined in the suggested amendment presented in A-1748. Second, the classification of residential and urban areas is often one of determination not easily recognizable by the operator.

Therefore, again, we would urge adoption of amendments as proposed in Senate Bill 1386.

In regard to the second area for revision, the amendment of Section Two (2), Paragraph B of Chapter 250. It is entirely unacceptable to the communities we represent that the present allowable age for operation of a motorized bicycle remain at 15 years of age. Putting a person of this age with no previous experience, prior training or knowledge of traffic regulations in the main flow of traffic on our public streets has proven to be detrimental to the overall consideration of highway safety.

We believe S-1586 again addresses this problem most adequately in providing that an operator shall be at least 17 years of age and in possession of a valid drivers license. We urge the adoption of those suggested amendments.

The third point is that of liability insurance. None of us should be required to make an agreement for an amendment to Chapter 250 by having to cite evidence of property damage or even more tragic evidence of humansufferingand injury which is potential in the operation of any vehicle. Adequate liability insurance should be demanded by all who seek the use and privilege of our public roadways. Section four (4) of S-1586 proposes a new section to Chapter 250 to provide this, and we wholeheartedly concur in this suggested provision.

The fourth point of our concern is not contained in any of the suggested amendments to Chapter 250 now under consideration by the Committee. It is our belief that an appropriate head protection be worn by the operators of a motorized bicycle. Presently in this state there is a similar requirement for the operation of motorcycles and we feel all reasons for this requirement would apply to the operation of the motorized bicycles.

To conclude, Mr. Chairman and members of the Committee, we would urge your prompt consideration and action on the suggested amendments. Communities throughout the state are now dealing on a day to day basis with many of the problems we've outlined. They have asked that we direct our energy in providing them with safety and enforcement tools to do the job. On their behalf, we could do no less than support that request. Again we extend to you our appreciation for your time and effort.

R E S O L U T I O N

WHEREAS, Title 39 of the Revised Statutes of the State of New Jersey were amended by Chapter 220 of the Public Laws of 1975, and,

WHEREAS, these amendments include provisions for operation of "motorized bicycles" as defined, and,

WHEREAS, this amendment provides that "motorized bicycles shall not be used upon interstate and primary highways or upon railroad or right-of-way of an operating railroad within the State of New Jersey, and,

WHEREAS, the term "primary highway" is not defined in R.S. 39: 1-1, in the New Jersey Administrative Code or in any traffic control publications by the State of New Jersey and,

WHEREAS, the lack of definition of the term "primary highway" has created confusion on the part of the general public and has created a burden on county engineering, planning and administrative personnel in attempting to define on a case by case situation which county roadways can be considered as "primary highways",

NOW, THEREFORE, BE IT RESOLVED that strictly for purposes of Title 39: 1-1 of the Revised Statutes of New Jersey, as amended, the term "primary highway" shall refer to the specified classes of county highways which are contained in the 1975 Functional Classification of Highways which has been jointly approved and may be periodically amended by the Ocean County Board of Chosen Freeholders, the New Jersey Department of Transportation and the United States Department of Transportation Federal Highway Administration and is on file with the Ocean County Engineering Department, the Ocean County Planning Board and the New Jersey Department of Transportation. The specified classes of County highways are: principal arterial, minor arterial, major collector and minor collector. These classes of roadways shall refer to areas in the County defined as urban or rural;

BE IT FURTHER RESOLVED that the Ocean County Engineer in conjunction with the Director of the Ocean County Planning Board are

- 2 -

hereby authorized to prepare a list and description of all county roadways which are classed as primary arterial, minor arterial, major collector, or minor collector and distribute said list and description and a copy of this resolution to the County Clerk, the County Sheriff, the Clerk of the Board of Chosen Freeholders, the Municipal Clerk and Chief of Police of all Ocean County municipalities, the New Jersey Secretary of State, the Commissioner, New Jersey Department of Transportation, the New Jersey Attorney General and the New Jersey State Police Director. Copies of the list, description and resolution shall also be made available to the general public for review at the County Engineer's office and the office of the County Planning Board during normal working hours.



(201) 349-3366
(201) 349-3367

WILLIAM K. HAYES

COORDINATOR

**TRAFFIC
& SAFETY**

CIVIL DEFENSE
DISASTER CONTROL
ROOM 108

COURT HOUSE SQUARE
TOMS RIVER, N.J.
08753

28 x

Edward L. Urbaniak
1318 Louis Street
Manville, New Jersey
June 20th, 1976.

Senate Law & Public Safety
Committee for New Jersey's Mopeds

Dear Members of the Committee:

I went down to my Insurance Agent and inquired, Why do you need Insurance for a moped. They said, a law was just passed by The New Jersey Legislature that requires Licence plates, registration & Insurance, the same as a motor cycle. I then went down to another Insurance Broker- same story- Still another agent- same story the third time.

Why don't you go down to an Insurance Company and say you want to buy a Moped for your Son, does he need Insurance on the Moped? Check out my story with three diferent Agents, same as I did. Take your boss along - so he can verify my story.

In case you don't know a girl's Moped, made in France or Italy is shorter and lower than a ten speed bicycle made in America. If you don't - believe me get up off your big fat Laurels and go look at them, better ask the dealer to show you the smallest Moped they make in a foreign Country? Don't take my word for it, I may be bluffing you- Go see for yourself- any way now you are convinced- I may be bluffing you again- Go see for yourself.

So why are you having this Public hearing this Wednesday June 23rd? The newspaper says you are letting the Insurance Companies set their own - Rates. Naturally they are going to have Mopeds Insured, more money for them Why not insure these Ten Speed Bicycles, Hell they go forty five miles per hour. Sorry, You are too dam fat to ride a ten speed bicycle at forty five miles per hour. (Got to watch your heart you know , Carefull there bud, the Public must not know about the Middle age spread. (OBESITY* excessively fat corpulent.)

Pick out the fattest guy here, I bet you \$100.00 he couldn't ride a Ten speed bicycle at 45 miles per hour. (How about it PORKY? Call my bet?) So who are you to judge which can go faster a moped or a Ten Speed Bicycle? Again I say Why not Insure Ten Speed Bicycles also?

You are discriminating against the Handicpped. I am a disabled and have not worked since May 16th, 1971. Five years and one month. The rehab- ilitation Board wants to send me to school. How can I go? I have no money, how can travel to and from work, after I finish school? There are no public service buses in omerville, N.J. only one or two buses from New York per day.

If you pass this bill, I will sue you for discrimination. I am an Indigent, and The State of New Jersey will pay my Attorney, even if you take it all the way to The supreme Court of New Jersey. How can I travel to school? My Social Security number is 154 - 07 - 2440 , Look it up. I cannot afford a car, insurance, nor sixty cents per gallon for gasoline.

My only solution is a moped, a motorized bicycle. Just right for an indigent, disabled worker? At Second injury Fund . \$ 40.00 per week is all my income. How can I live. If you insure Mopeds.

Remember, a Ladie's moped is shorter and lower than a bicycle? It is a motorized bicycle. A ten Speed Bicycle can be driven at 45 miles? Why not insure a ten Speed bicycle also. How silly can you get? Remember I am a disabled worker and need transportation, as I am also an Indigent and my Free Lawyer that New Jersey had furnished me will carry this case all the way to the Supreme Court of New Jersey. And you are going to pay him for representing me.

Your Witness- Ready for Cross examination- Your honor. I rest

GENERAL STATE FUND
DEPARTMENT OF THE TREASURY
STATE OF NEW JERSEY
TRENTON, NEW JERSEY 08625

EDWARD URBANIAK

WORKMENS COMPENSATION 06/05/76 TO 06/18/76

CLAIM #	ACCOUNT #	CHECK #	AMOUNT	DATE
81480	52150-380-100-500	8160654	80.00	6-18-76

NON-NEGOTIABLE

DETACH BEFORE CASHING CHECK AND
RETAIN AS EVIDENCE OF PAYMENT

30 x

BRODART, INC.	Cat. No. 23-221

BRODART, INC.

Cat. No. 23-221



