

**CHAPTER 25
MOTORIZED BICYCLES**

Authority

N.J.S.A. 39:2-3, 39:3-10a, 39:4-14.3, 39:4-14.3a et seq. and 39:5-30.

Source and Effective Date

R.2000 d.152, effective March 14, 2000.
See: 31 N.J.R. 3924(a), 32 N.J.R. 1401(a).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Motorized Bicycles, expires on March 14, 2005.

Chapter Historical Note

Chapter 25, Motorized Bicycles, was adopted as R.1978 d.58, effective February 21, 1978. See: 10 N.J.R. 19(a), 10 N.J.R. 121(d).

Subchapter 8, Procedure to Regulate Operation of Motorized Bicycles on Specific Highways, was adopted as R.1979 d.3, effective January 8, 1979. See: 10 N.J.R. 507(a), 11 N.J.R. 78(a).

Subchapter 6, Point System Regulation, was repealed by R.1983 d.360, effective September 6, 1983. See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).

Pursuant to Executive Order No. 66(1978), Subchapter 8, Procedure to Regulate Operation of Motorized Bicycles on Specific Highways, was readopted as R.1983 d.608, effective December 14, 1983. See: 15 N.J.R. 1440(a), 16 N.J.R. 52(a).

Subchapter 9, Helmets, was adopted as R.1983 d.489, effective November 7, 1983. See: 15 N.J.R. 684(a), 15 N.J.R. 1865(d).

Pursuant to Executive Order No. 66(1978), Chapter 25, Motorized Bicycles, was readopted by R.1990 d.210, effective March 16, 1990. See: 22 N.J.R. 323(a), 22 N.J.R. 1270(c).

Pursuant to Executive Order No. 66(1978), Chapter 25, Motorized Bicycles, was readopted as R.1995 d.204, effective March 15, 1995. See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Motorized Bicycles, was readopted as R.2000 d.152, effective March 14, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS

13:25-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Applicant” means every person who has made application for a motorized bicycle license as provided by N.J.S.A. 39:4-14.3.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Examinations” means a test or series of tests designed to check the applicant’s visual acuity, color perception, knowledge of laws and safe operation of motorized bicycles administered by the Division of Motor Vehicles.

“Motorized bicycle” means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 c.c. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

“Motorized bicycle driving test” means that portion of the motorized bicycle license examination wherein the applicant for a New Jersey motorized bicycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motorized bicycle.

“Motorized bicycle learner’s permit” means a permit issued by the Director of the Division of Motor Vehicles to a person 15 years of age or older in accordance with the provisions of N.J.S.A. 39:4-14.3 for the purpose of fitting himself to become a motorized bicycle driver.

“Motorized bicycle license” means a motorized bicycle license issued by the Director of the Division of Motor Vehicles, in accordance with the provisions of N.J.S.A. 39:4-14.3, to an individual who is 15 years of age or older and who does not have a New Jersey driver license of any class other than an agricultural license issued pursuant to N.J.S.A. 39:3-11.1.

“Permit” means a motorized bicycle learner’s permit issued under the provisions of N.J.S.A. 39:4-14.3. Anyone operating a motorized bicycle under a permit for the purpose of fitting himself or herself to become a motorized bicycle driver shall limit said operation to daylight hours under any circumstances.

“United States” means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).
Amended by R.2000 d.152, effective April 17, 2000.
See: 31 N.J.R. 3924(a), 32 N.J.R. 1401(a).

In “Director”, substituted a reference to the Department of Transportation for a reference to the Department of Law and Public Safety; and inserted “Division”.

SUBCHAPTER 2. MOTORIZED BICYCLE LEARNER’S PERMITS

13:25-2.1 Requirements for issuance of motorized bicycle learner’s permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no motorized bicycle learner’s permit shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth and proof that the applicant’s presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

New Rule, R.1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:25-2.2 Prerequisites for validation of motorized bicycle learner’s permits

(a) No motorized bicycle learner’s permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:

1. Successful completion of a law-knowledge test; and
2. Minimum standard in visual acuity is attained.

Recodified from 13:25-2.1 and amended by R.1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).
Prior text at 13:25-2.2, Provisional requirements, repealed.

SUBCHAPTER 3. MOTORIZED BICYCLE LICENSES

13:25-3.1 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law

(a) All applicants must have reached the age of 15 years.

(b) As a condition for obtaining a motorized bicycle license, all applicants shall be required to furnish to the Division proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

(c) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Division pursuant to (b) above unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.

(d) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motorized bicycle in this State if he or she is the holder of a current driver's license or motorized bicycle license in good standing from the country in which he or she resides. The Director may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(e) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motorized bicycle in this State pursuant to (d) above but for the fact that he or she is not the holder of a driver's license or motorized bicycle license from the country in which he or she resides shall be eligible to make application for a New Jersey motorized bicycle license or learner's permit. The Director shall suspend or revoke any motorized bicycle license or learner's permit issued pursuant to this subsection upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(f) The Division shall not issue a motorized bicycle license or learner's permit to a person who is entitled to operate a motorized bicycle in this State pursuant to (d) above, or who is entitled to operate a motorized bicycle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-state license to the Division upon issuance of a New Jersey driver's license or motorized bicycle license.

Amended by R.1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:25-3.2 Permits

(a) The following applicants must produce a valid permit when appealing for an examination:

1. Initial applicants;
2. Applicants appearing for retesting.

13:25-3.3 Physical and mental qualifications

(a) A person may be prohibited from obtaining or holding a New Jersey motorized bicycle license or learner's permit if he or she:

1. Has any physical disability, which cannot be compensated for by use of a prosthetic device(s) or special motorized bicycle equipment which would render him incapable of operating a motorized bicycle in a safe manner as determined by an actual operating demonstration.
2. Through any mental or physical defect is incapable of operating a motorized bicycle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a licensed physician, may be required.

Amended by R.1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Amended by R.2000 d.152, effective April 17, 2000.

See: 31 N.J.R. 3924(a), 32 N.J.R. 1401(a).

In (b), substituted a reference to licensed physicians for a reference to New Jersey licensed physicians.

13:25-3.4 Motorized bicycle operating privilege status

(a) An individual may neither apply for nor receive a motorized bicycle license during a period of suspension or revocation of any of his or her driving privileges.

(b) An individual may neither apply for nor receive any class of driver license during a period of suspension or revocation of his or her motorized bicycle operating privileges.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.5 Law-knowledge tests

The law-knowledge test for applicants who have a limited knowledge of English may be given as an oral test. This test will include a demonstration of an ability to read and understand road signs in common use.

13:25-3.6 Written test

(a) The written test shall consist of a series of questions concerning the safe operation of a motorized bicycle and the New Jersey motor vehicle laws and traffic regulations, information regarding which is contained in the motorized bicycle operator manual and any supplement thereto.

(b) The written test questionnaire shall contain no more than 30 questions.

(c) The percentage value of each question shall be an equal percentage.

(d) A passing grade of 80 percent must be attained by the applicant.

(e) An applicant who fails the written test shall not be retested until a period of at least one week has elapsed.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

Amended by R.2000 d.152, effective April 17, 2000.

See: 31 N.J.R. 3924(a), 32 N.J.R. 1401(a).

In (e), substituted "shall" for "may" following "test".

13:25-3.7 Oral test

(a) The oral test is a test given to applicants for a New Jersey motorized bicycle license who are unable to read English or experience difficulty in understanding the English language so that they are unable to complete the written test.

(b) This test shall consist of two parts as follows:

1. Slides, transparencies or other facsimiles which can be used to show the image of official traffic control devices. The number of slides, transparencies and/or other facsimiles shall not exceed 30. Applicants will be required to read and explain the meaning of each slide, transparency or other facsimile. The percentage value of each slide, transparency or other facsimile shall be an equal percentage. A passing grade of 80 percent must be attained by the applicant.

2. Questionnaires concerning the safe operation of a motorized bicycle, the New Jersey motor vehicle laws and regulations, as may be contained in the motorized bicycle operator's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions shall not exceed 30. A passing grade of 80 percent must be attained by the applicant.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.8 Visual acuity and color perception check generally

(a) All applicants will be required to meet the minimum vision standards as set by the Division of Motor Vehicles.

(b) Color perception tests will consist of the applicant's ability to distinguish between red, amber and green as used on official traffic control devices.

13:25-3.9 Visual acuity test standards

(a) Vision will be considered as passing when a minimum of 20/50 is attained in at least one eye, with or without corrective lenses. This rating will be determined as measured by the Snellen chart.

(b) When the vision in either eye is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a New Jersey registered physician, ophthalmologist or optometrist must be presented.

(c) When the vision in either eye is less than 20/50 and corrective lenses will improve the vision, then corrective lenses will be required to be worn while operating a motorized bicycle; except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant's visual well being, a statement to this effect, signed by a New Jersey registered physician, ophthalmologist or optometrist, must be presented.

(d) When there is no vision in one eye, the good eye must meet the minimum standard of 20/50 with or without corrective lenses.

(e) In the event any special device or equipment is used or needed to meet the minimum requirements of this section, the matter may be referred to the Director or his or her designee for final determination.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.10 Color perception check standards

(a) The color perception check will measure the applicant's ability to distinguish red, amber and green as used on official traffic control devices.

(b) An applicant may not be denied a motorized bicycle license solely upon the basis of a color deficiency.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.11 Necessity of motorized bicycle driving test

Every applicant for a New Jersey motorized bicycle license must satisfactorily complete a practical demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorized bicycle.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.12 Motorized bicycle driving test maneuvers

(a) The motorized bicycle driving test may include, but is not limited to, the following maneuvers:

1. Starting;
2. Stopping;
3. Steering;
4. Turning;
5. Turning around;
6. Signalling.

(b) General attentiveness and perceptual ability shall be considered.

Amended by R.1995 d.204, effective April 17, 1995.

See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).