

CHAPTER 26

MOTORIZED BICYCLES

Authority

N.J.S.A. 39:4-8, 39:4-8.3, 39:4-14.3a, 39:4-14.3b,
39:4-14.3f, 39:4-198 and 39:4-202.

Source and Effective Date

R.2005 d.236, effective June 20, 2005.
See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 26, Motorized Bicycles, expires on December 17, 2010. See: 42 N.J.R. 1495(a).

Chapter Historical Note

Chapter 26, originally Electrical Bureau, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 26 was readopted as R.1984 d.316, filed July 11, 1984. See: 16 N.J.R. 1321(b), 16 N.J.R. 2151(b). Chapter 26 was retitled "Bureau of Maintenance Engineering" from "Electrical Bureau" by R.1989 d.230, effective May 1, 1989. See: 21 N.J.R. 628(a), 21 N.J.R. 1151(a). Pursuant to Executive Order No. 66(1978), Chapter 26 expired on August 6, 1989. Chapter 26, Bureau of Electrical Engineers, was adopted as new rules by R.1989 d.458, effective September 5, 1989. See: 21 N.J.R. 1653(b), 21 N.J.R. 2804(a).

Chapter 26, Bureau of Electrical Engineering, was readopted by R.1994 d.401, effective July 8, 1994. See: 26 N.J.R. 1764(a), 26 N.J.R. 3183(c).

Chapter 26, Bureau of Electrical Engineering, was repealed by R.1996 d.366, effective August 5, 1996. See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).

Chapter 26, Motorized Bicycles, Subchapter 1, Procedure to Regulate Operation of Motorized Bicycles on Specific Highways, was recodified from N.J.A.C. 13:25-8 by notice of administrative change, effective January 3, 2005. See: 37 N.J.R. 88(b).

Chapter 26, Motorized Bicycles, was readopted as R.2005 d.236, effective June 20, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PROCEDURE TO REGULATE OPERATION OF MOTORIZED BICYCLES ON SPECIFIC HIGHWAYS

16:26-1.1 Purpose and scope

This chapter governs the procedure and standards for permitting and prohibiting the operation of motorized bicycles on highways, pursuant to N.J.S.A. 39:4-14.3.

Repeal and New Rule, R.2005 d.236, effective July 18, 2005.
See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Section was "Recommendations of governing bodies".

16:26-1.2 Definitions

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

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Department" means the New Jersey Department of Transportation.

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

"Motorized bicycle" means a pedal bicycle with a helper motor having either a maximum piston displacement of less than 50 cubic centimeters (cc) or rated at no more than 1.5 brake horsepower, and the bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

New Rule, R.2005 d.236, effective July 18, 2005.

See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Former N.J.A.C. 16:26-1.2, Standards for resolution and recommendations, recodified to N.J.A.C. 16:26-1.4.

16:26-1.3 Ordinances and resolutions of counties and municipalities

A county or a municipality may by ordinance or resolution authorize the adoption of regulations concerning the operation of motorized bicycles on the highways within the jurisdiction of the county or the municipality. No such ordinance or resolution shall be effective until submitted to and approved by the Commissioner, as provided in N.J.S.A. 39:4-8.a.

Repeal and New Rule, R.2005 d.236, effective July 18, 2005.
See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Section was "Posting of regulatory signs".

16:26-1.4 Standards for resolution and recommendations

(a) In adopting the resolution and recommendation provided for in N.J.A.C. 16:26-1.1, the governing body of a county or municipality and the Commissioner shall consider factors related to the interest of safety and the expedition of traffic, such as, but not limited to, the following:

1. Accident experience;
2. Traffic patterns;
3. Traffic volumes;
4. Physical characteristics of the highway; and
5. Posted speed limits of the highway.

Recodified from N.J.A.C. 16:26-1.2 and amended by R.2005 d.236, effective July 18, 2005.

See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Former N.J.A.C. 16:25-1.4, Enforcement of regulations, repealed. Rewrote the section.

16:26-1.5 Operation of motorized bicycles permitted on specific highways

(a) The Commissioner has determined that the operation of motorized bicycles is permitted on the following highways or portions of highways:

1. The dualized portion of County Road No. 7 (Long Beach Boulevard) in the Township of Long Beach; and
2. The dualized portion of Barnegat Avenue in Surf City Borough.

Amended by R.2005 d.236, effective July 18, 2005.

See: 36 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Rewrote the section.

16:26-1.6 Operation of motorized bicycles prohibited on specific highways

(a) The Commissioner has determined that the operation of motorized bicycles is not permitted on the following highways or portions of highways:

1. That portion of State Highway 35 between the Brielle Circle and Seventeenth Avenue in the Township of Wall.

Amended by R.2005 d.236, effective July 18, 2005.

See: 37 N.J.R. 1009(a), 37 N.J.R. 2679(a).

Rewrote the section.