

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.

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R.1995 d.204, effective March 15, 1995.
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Chapter Historical Note

Chapter 25, Motorized Bicycles, was originally 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 was adopted as R.1979 d.3, effective January 8, 1979. See: 10 N.J.R. 507(a), 11 N.J.R. 78(a). Pursuant to Executive Order No. 66(1978), Subchapter 8 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 was adopted as R.1983 d.489, effective November 7, 1988. See: 15 N.J.R. 684(a), 15 N.J.R. 1865(d). Pursuant to Executive Order No. 66(1978), Chapter 25 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 was readopted as R.1995 d.204. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

13:25-1.1 Definitions

SUBCHAPTER 2. MOTORIZED BICYCLE LEARNER'S PERMITS

13:25-2.1 Requirements for issuance of motorized bicycle learner's permits
13:25-2.2 Prerequisites for validation of motorized bicycle learner's permits

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
13:25-3.2 Permits
13:25-3.3 Physical and mental qualifications
13:25-3.4 Motorized bicycle operating privilege status
13:25-3.5 Law-knowledge tests
13:25-3.6 Written test
13:25-3.7 Oral test
13:25-3.8 Visual acuity and color perception check generally
13:25-3.9 Visual acuity test standards
13:25-3.10 Color perception check standards
13:25-3.11 Necessity of motorized bicycle operating test
13:25-3.12 Motorized bicycle operating test maneuvers
13:25-3.13 Motorized bicycle used in operating demonstration
13:25-3.14 Failure of motorized bicycle operating test
13:25-3.15 Expiration of motorized bicycle operator license; no-fee renewal
13:25-3.16 through 13:25-3.17 (Reserved)
13:25-3.18 Eyes and weight numerical code chart

13:25-3.19 Surrender of motorized bicycle operator license upon issuance of driver's license

SUBCHAPTER 4. CONVULSIVE SEIZURES

13:25-4.1 Satisfaction of physical qualifications
13:25-4.2 Physically unqualified pending hearing
13:25-4.3 History of seizures and physician's report
13:25-4.4 Medical-vision advisory panel
13:25-4.5 Medical-vision advisory panel review of case
13:25-4.6 Medical-vision advisory panel report of findings
13:25-4.7 Medical-vision advisory panel recommendation
13:25-4.8 Restoration qualifications
13:25-4.9 Interval report of seizures

SUBCHAPTER 5. CARDIOVASCULAR DISORDERS

13:25-5.1 Medical-vision advisory panel
13:25-5.2 Case history and physician's statement
13:25-5.3 Medical-vision advisory panel review and recommendations
13:25-5.4 Medical-vision advisory panel findings report
13:25-5.5 Consideration of restoration
13:25-5.6 Case referral
13:25-5.7 Interval reports

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. SERIOUS TRAFFIC OFFENSES

13:25-7.1 (Reserved)
13:25-7.2 Reckless operation
13:25-7.3 Careless operation
13:25-7.4 Excessive speed

SUBCHAPTER 8. PROCEDURE TO REGULATE OPERATION OF MOTORIZED BICYCLES ON SPECIFIC HIGHWAYS

13:25-8.1 Recommendations of governing bodies
13:25-8.2 Standards for resolution and recommendations
13:25-8.3 Posting of regulatory signs
13:25-8.4 Enforcement of regulations
13:25-8.5 Operation of motorized bicycles permitted on specific highways
13:25-8.6 Operation of motorized bicycles prohibited on specific highways

SUBCHAPTER 9. HELMETS

13:25-9.1 Approval of helmets
13:25-9.2 Helmet approval specifications
13:25-9.3 Reflectorized surface on helmets
13:25-9.4 Identification label on helmets
13:25-9.5 Helmet straps
13:25-9.6 Notice of approval
13:25-9.7 Withdrawal of approval

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 Law and Public Safety.

“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 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 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 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).

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 New Jersey 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).

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 per cent must be attained by the applicant.

(e) An applicant who fails the written test may 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).

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).

13:25-3.13 Motorized bicycle used in driving demonstration

The motorized bicycle used for the driving demonstration will be provided by the applicant who must have a valid motorized bicycle learner's permit in his or her possession.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.14 Failure of motorized bicycle driving test

An applicant who fails the motorized bicycle driving test may not be retested until a period of at least two weeks 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).

13:25-3.15 Expiration of motorized bicycle license; photo license requirement; fee

(a) Every motorized bicycle license shall expire on the last day of the 48th calendar month following the calendar month in which the license was issued.

(b) Photo licenses shall be mandatory for all initial motorized bicycle licensees and for motorized bicycle license renewals issued to applicants therefor who are under the age of 21.

(c) The fee for issuance of a motorized bicycle license with a photo shall be \$2.00.

(d) No fee shall be charged for issuance of a motorized bicycle license renewal without a photo.

New Rule, R.1985 d.112, effective March 18, 1985.
See: 17 N.J.R. 48(a), 17 N.J.R. 709(b).
This section was originally "Accounts, records, reports and preservation". It was repealed and this new rule adopted.
Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.16 Restoration fees

(a) A fee of \$50.00 shall be payable to the Director for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any law or regulation.

(b) A fee of \$50.00 shall be payable to the Director for the restoration of vehicle registrations which have been suspended or revoked by reason of the registrant's violation of any law.

New Rule, R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-3.17 (Reserved)

Repealed by R.1985 d.112, effective March 18, 1985.
See: 17 N.J.R. 48(a), 17 N.J.R. 709(b).
This section was formerly "Receipt of affidavit".

13:25-3.18 Eyes and weight numerical code chart

(a) The following numerical codes will designate the indicated color of eyes and the licensee's weight:

Eye Color	Weight
1—Black	0—Under 121 pounds
2—Brown	1—121 to 140 pounds
3—Gray	2—141 to 160 pounds
4—Blue	3—161 to 180 pounds
5—Hazel	4—181 to 200 pounds
6—Green	5—201 to 220 pounds
7—Special Code	6—Over 220 pounds

Eye Color
8—Special Code
9—Special Code

13:25-3.19 Surrender of motorized bicycle license

An individual's motorized bicycle license shall become null and void upon issuance to the individual of a valid basic driver's license or motorcycle license in the State of New Jersey. Said motorized bicycle license shall be surrendered to the Division at the time of such issuance.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

SUBCHAPTER 4. CONVULSIVE SEIZURES

13:25-4.1 Satisfaction of physical qualifications

Any person who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall as a prerequisite to the issuance of a motorized bicycle learner's permit or motorized bicycle license, renewal of a motorized bicycle license or retention of a motorized bicycle license establish to the satisfaction of the Director that he or she has been free from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination for a period of one year with or without medication and that he or she is physically qualified to operate 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).

13:25-4.2 Physically unqualified pending hearing

When it shall appear to the Director that a licensed motorized bicycle operator or an applicant for a motorized bicycle learner's permit or motorized bicycle license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination the Director may, upon notice and an opportunity to be heard, suspend the motorized operating privilege of, or refuse to issue a motorized bicycle learner's permit or a motorized bicycle license to such person as physically unqualified to operate a motorized bicycle with safety; provided, however, the Director may, in the exercise of his or her discretion, suspend such motorized bicycle license or refuse to issue such motorized bicycle learner's permit or motorized bicycle license pending hearing, if it shall appear to the Director to be in the interest of public safety that immediate action be taken.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.3 History of seizures and physician's report

(a) When it shall appear to the Director, upon information received or an investigation conducted, that a licensed motorized bicycle operator or an applicant for a motorized bicycle learner's permit or motorized bicycle license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, he or she may require from such person on forms approved by the Director:

1. A statement by the applicant or licensee of his or her case history;
2. A statement by the treating physician including diagnosis, treatment and prognosis;
3. Any other information which the Director may deem necessary to evaluate the motorized bicycle operator's qualification to operate 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).

13:25-4.4 Neurological Disorder Committee

(a) The Director shall appoint a Neurological Disorder Committee of three members to advise him or her as to issuing licenses to persons suffering from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination.

(b) The Director shall appoint the Committee upon consultation with and advice of the Medical Society of the State of New Jersey.

Amended by R.1995, d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.5 Committee review of case

When the Director deems it necessary to refer a specific case to the Committee, all available information concerning the licensed motorized bicycle operator or applicant, including the licensee's or applicant's statement of the case history and the treating physician's statement as to diagnosis, treatment and prognosis will be referred to the Committee for review, advice and recommendation.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.6 Report of findings

Each member of the Committee shall separately report his or her findings and recommendations to the Director.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.7 Committee recommendations

Notwithstanding the provisions of N.J.A.C. 13:25-4.1, the Director, upon consultation with the members of the Committee, may grant a motorized bicycle learner's permit or initial motorized bicycle license or permit a motorized bicycle operator to retain his or her motorized bicycle license although such person may have suffered a seizure, period of impaired consciousness, or from impairment or loss of motor coordination within a one-year period from the date of the Director's determination when the specific characteristics or a person's disorder do not adversely impact on the person's ability to safely operate 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).

13:25-4.8 Restoration qualifications

(a) When the Director has denied an applicant a motorized bicycle license or has suspended the license of a licensed motorized bicycle operator pursuant to this subchapter, issuance or restoration may be considered providing the individual submits:

1. A current statement of his or her case history;
2. A current statement by the treating physician including diagnosis, treatment and prognosis;
3. A current report covering the results of an electroencephalographic examination, if required;
4. Satisfactory evidence that N.J.A.C. 13:25-4.1 or 4.7 have been complied with where applicable.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.9 Interval report of seizures

(a) As a condition precedent to the issuance, retention or restoration of motorized bicycle operating privileges pursuant to this subchapter, the individuals shall agree in writing to submit to the Director periodic reports on forms approved by the Director. The reports shall contain a statement of the individual's case history and a statement by the treating physician.

(b) These reports shall be submitted every six months for a period of two years from the date that approval is given to hold a motorized bicycle license.

(c) Subsequent reports shall be submitted on a yearly basis.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-4.10 Driver reexamination

When necessary in the interest of public safety, and/or that of the operating individual, as a condition precedent to the issuance, retention or restoration of motorized bicycle operating privileges, the Director may require that a motorist be given a motorized bicycle driving test and examination at a Division of Motor Vehicles Driver Testing Center.

New Rule, R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

SUBCHAPTER 5. CARDIOVASCULAR DISORDERS
13:25-5.1 Cardiovascular Committee

The Director, in consultation with the Medical Society of New Jersey, shall appoint a Cardiovascular Committee of specialists in cardiovascular disorders for the purpose of guiding him or her in making determinations as to whether persons are physically qualified to operate a motorized bicycle with safety.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.2 Case history and physician's statement

(a) Where it shall appear to the Director upon information or investigation that any applicant for a motorized bicycle license or licensed motorized bicycle operator suffers or has suffered from a cardiovascular condition, he or she may require from such person on forms furnished by the Director:

1. A statement by the applicant or licensed driver of his or her case history;
2. A statement by a physician including all pertinent information relative to the applicant's or licensed driver's case including diagnosis, treatment and prognosis.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.3 Review and recommendation

(a) When the Director deems it necessary to refer a specific case to the Committee, all available information including the applicant's or licensed motorized bicycle operator's statement of his or her case history and the attending physician's report will be referred to the Cardiovascular Committee for review and recommendation.

(b) If in the opinion of the Committee it is advisable, the applicant or licensed driver may be required to be examined by a specialist in internal medicine or cardiology including x-ray and/or electrocardiogram.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.4 Findings report

The members of the Cardiovascular Committee will report their findings and recommendations to the Director and the Director will determine whether or not a person may be issued a motorized bicycle license.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.5 Consideration of restoration

When the Director has denied an applicant a motorized bicycle license pursuant to this subchapter, restoration of the motorized bicycle operating privilege may be considered; provided, however, the period of time has expired which is determined by the Director, upon consultation with the Cardiovascular Committee, to be applicable in the case.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.6 Case referral

Upon application for restoration, the case may be referred to the Cardiovascular Committee as provided in N.J.A.C. 13:25-5.3.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.7 Interval reports

(a) As a condition precedent to the issuance, retention or restoration of motorized bicycle operating privileges pursuant to this subchapter, the individual shall agree in writing to submit to the Director periodic reports on forms approved by the Director. The reports shall contain a statement of the individual's case history and a statement by the treating physician.

(b) These reports shall be submitted every six months from the date that approval is given to hold a motorized bicycle license.

(c) When necessary in the interest of public safety, and/or that of the operating individual, the Director may, in his or her discretion, waive or change the interval report requirement of (b) above.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-5.8 Driver reexamination

When necessary in the interest of public safety, and/or that of the operating individual, as a condition precedent to the issuance, retention or restoration of motorized bicycle operating privileges, the Director may require that a motorist be given a motorized bicycle driving test and examination at a Division of Motor Vehicles Driver Testing Center.

New Rule, R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

SUBCHAPTER 6. (RESERVED)
Historical Note

This subchapter, which formerly contained rules concerning point system regulation, was originally adopted pursuant to N.J.S.A. 39:4-14.3 and 39:4-14.3a et seq. and was filed and became effective on February 21, 1978, as R.1978 d.58. See: 10 N.J.R. 19(a), 10 N.J.R. 121(d). The subchapter was subsequently repealed effective September 6, 1983, by R.1983 d.360. See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).

SUBCHAPTER 7. SERIOUS TRAFFIC OFFENSES

13:25-7.1 (Reserved)

Repealed by R.1990 d.210, effective April 16, 1990.
See: 22 N.J.R. 323(a), 22 N.J.R. 1270(c).

Section was "Operating a motorized bicycle under the influence of alcohol."

13:25-7.2 Reckless operation

A person who drives a motorized bicycle on a highway heedlessly, in willful or wanton disregard of the rights or safety of others, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of reckless driving and may, in the discretion of the director, forfeit his driving privileges for a period not to exceed 180 days.

13:25-7.3 Careless operation

A person who drives a motorized bicycle on a highway carelessly, or without due caution and circumspection, in a manner so as to endanger or be likely to endanger a person or property, shall be guilty of careless driving and may, in the discretion of the director, forfeit his driving privileges for a period not to exceed 30 days.

13:25-7.4 Excessive speed

If an individual operates a motorized bicycle in a speed in excess of 25 mph on a flat surface, such motorized bicycle will be considered a motorcycle and such individual will be subject to all laws applicable to motorcycle drivers.

 SUBCHAPTER 8. PROCEDURE TO REGULATE
OPERATION OF MOTORIZED BICYCLES
ON SPECIFIC HIGHWAYS
13:25-8.1 Recommendations of governing bodies

(a) Pursuant to the authority in N.J.S.A. 39:4-14.3 whenever the governing body of a county or municipality deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under their jurisdiction, said governing body shall adopt a resolution advising the Director of Motor Vehicles of highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. A copy of the resolution shall be filed with the Director of Motor Vehicles who may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

(b) Pursuant to the authority in N.J.S.A. 39:4-14.3 whenever the Commissioner of Transportation deems it in the public interest to permit or prohibit the operation of motor-

ized bicycles on highways under his jurisdiction, he shall file a recommendation with the Director of Motor Vehicles specifying the highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. The Director may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

13:25-8.2 Standards for resolution and recommendations

(a) In adopting the resolution and recommendation provided for in section 1 (Recommendations of governing bodies) of this subchapter, the governing body of a county or municipality and the Commissioner of Transportation shall be guided by the provisions of N.J.S.A. 39:4-14.3a. The governing body shall attach to the resolution a statement justifying the recommendation. Said statement may include the criteria considered in reaching its conclusions.

(b) In adopting the resolution and recommendation provided for in section 1 (Recommendation of governing bodies) of this subchapter, the governing body of a county or municipality and the Commissioner of Transportation shall consider factors such as, but not limited to, the following:

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

13:25-8.3 Posting of regulatory signs

Upon the adoption of regulations by the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-14.3c prohibiting or permitting the operation of motorized bicycles on specified highways or portions thereof which are deemed unsafe or safe for the operation of motorized bicycles, the county, municipality or Department of Transportation shall cause to be erected traffic signs regulating the use of motorized bicycles. The State or political subdivision with jurisdiction over the highway shall be responsible for the erection of such signs approved by the Department of Transportation. The design and position of the signs to be posted shall be in conformance with the "Manual on Uniform Traffic Control Devices".

As amended, R.1983 d.608, eff. January 3, 1984.

See: 15 N.J.R. 1440(a), 16 N.J.R. 52(a).

Signs to be approved by the DOT.

13:25-8.4 Enforcement of regulations

Regulations promulgated by the Director of Motor Vehicles shall be effective from the time the regulatory signs provided for in section 3 (posting of regulatory signs) of this subchapter are posted by the county, municipality or the Department of Transportation.

13:25-8.5 Operation of motorized bicycles permitted on specific highways

(a) The provision of section 1 (Recommendations of governing bodies) and section 2 (Standards for resolution and recommendations) of this subchapter having been satisfactorily complied with by the County of Ocean, motorized bicycles may be operated on the dualized portion of County Road No. 7 (Long Beach Boulevard) in the Township of Long Beach.

(b) The provisions of section 1 (Recommendations of governing bodies) and section 2 (Standards for resolution and recommendations) of this subchapter having been satisfactorily complied with by Surf City Borough, motorized bicycles may be operated on the dualized portion of Barnegat Avenue in Surf City Borough.

R.1979 d.481, eff. December 10, 1979.
See: 11 N.J.R. 452(a), 12 N.J.R. 48(d).
As amended, R.1980 d.113, eff. March 18, 1980.
See: 11 N.J.R. 628(b), 12 N.J.R. 209(d).

13:25-8.6 Operation of motorized bicycles prohibited on specific highways

The provisions of section 1 (Recommendations of governing bodies) and section 2 (Standards for resolution and recommendations) of this subchapter having been satisfactorily complied with by the Commissioner of Transportation, the operation of motorized bicycles prohibited upon that portion of State Highway 35 between the Brielle Circle and Seventeenth Avenue in the Township of Wall.

R.1979 d.481, eff. December 10, 1979.
See: 11 N.J.R. 452(a), 12 N.J.R. 48(d).

SUBCHAPTER 9. HELMETS**13:25-9.1 Approval of helmets**

No person shall sell, offer for sale, or distribute any protective helmets for use by the operators of motorized bicycles unless they meet the helmet approval specifications set forth at N.J.A.C. 13:25-9.2.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-9.2 Helmet approval specifications

Safety helmets shall meet the specifications established by the United States Department of Transportation as set forth in 49 CFR § 571.218.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-9.3 Reflectorized surface on helmets

Each helmet worn by the operator of a motorized bicycle shall, in compliance with N.J.S.A. 39:3-76.7, have a reflectorized surface on both sides, or have securely affixed thereto reflectorized material on both the left and right side of the helmet. Such reflectorization must cover an area of at least four square inches on each side of the helmet. If reflectorized safety tape is attached to each side of the helmet, it must be affixed in a permanent, weather-proof manner.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-9.4 Identification label on helmets

Each approved helmet shall be labeled in accordance with 49 CFR § 571.218.

Amended by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).

13:25-9.5 Helmet straps

Each approved helmet must be equipped with either a neck or chin strap.

13:25-9.6 (Reserved)

Repealed by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).
Formerly "Notice of approval".

13:25-9.7 (Reserved)

Repealed by R.1995 d.204, effective April 17, 1995.
See: 27 N.J.R. 440(a), 27 N.J.R. 1619(a).
Formerly "Withdrawal of approval".