

R311  
1982C

PUBLIC HEARING  
before  
ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE  
on  
MOPEDS

Held:  
August 10, 1982  
Room 420  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Thomas F. Cowan, Chairman  
Assemblyman Wayne R. Bryant, Vice Chairman  
Assemblyman Edward K. Gill  
Assemblyman John W. Markert

ALSO PRESENT:

Laurence A. Gurman, Research Associate  
Office of Legislative Services  
Aide, Assembly Transportation and  
Communications Committee

New Jersey State Library

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MJZ: 1-45

ASSEMBLYMAN THOMAS F. COWAN (CHAIRMAN): The first bill we will consider, a moped bill, will not be concerned with registration, or helmets, or visors, or governors, but the manner of using them on private property. Is Assemblyman Riley here with A-682?

A S S E M B L Y M A N D E N N I S L. R I L E Y: Thank you, Mr. Chairman and members of the Committee. Obviously, I have introduced several items regarding mopeds; in fact, we have been working on this thing for about two and a half years. We have contacted every state in the Union, practically.

One area that we found to be not really strictly mopeds, but where we're having a problem, particularly in the rural portions of our district, is covered under A-682. It really does not just deal with mopeds; that is why I included it within another bill. Wayne also has rural portions in his district; I don't know if the rest of you do. We have a lot of trouble with the farmers in these rural portions having problems with motorcycles, and particularly mopeds, going across their properties. As of right now, there is really, unless they have very strict "No Trespassing" signs posted, etc., there is really not a whole lot they can do about it. In fact, it is not only that they are obviously going on their properties, they are destroying their crops, etc.

The farmers and the Boards of Freeholders in Gloucester and Camden Counties have actually brought this to our attention, and have asked us to introduce this bill, which we did. The bill is obviously fairly simple, and we would ask that the Committee proceed on this bill before we discuss anything on the mopeds. We think the purpose, obviously, is farms, and that is where the real problem is.

ASSEMBLYMAN COWAN: Are there any questions?

ASSEMBLYMAN GILL: This particular point, Mr. Chairman, was brought out when we had the agriculture tour week before last -- that some of the farmers were having difficulty, and I am quite sympathetic. I think at the very least, a moped driver or a motorcycle driver should get permission from the owner of the land he uses.

ASSEMBLYMAN RILEY: Ed, who happens to be one of my aides, said this crippled fellow was on the tour, and he said that that was one of the points that was really being brought out by the farmers -- if you were on the tour, I wasn't.

ASSEMBLYMAN BRYANT: We had the experience, also, with the larger complexes, commercial complexes, when they are closed down, like on Sundays, some of them -- the malls, and places like that.

ASSEMBLYMAN GILL: Just one question akin to this -- how would the driver, or the rider, get permission, in writing, or just verbal permission?

ASSEMBLYMAN RILEY: Yes, it would have to be written.

ASSEMBLYMAN GILL: It would have to be written. Would we require here an amendment to this -- it's a simple bill, but written permission instead of just permission?

ASSEMBLYMAN RILEY: Well, I think either one would come out okay, either written or oral, but I think it would become a proof problem at that point as far as in the court, and if I'm riding a moped or a motorcycle through somebody's property, I better have that in writing or I think it would be a little silly. Say for instance, it's your nephew or something, obviously you are not going to prosecute. You know, that may be the situation, but rather than getting into a proof situation, that is why I left it without -- You know, writing would obviously be the best way to

do it, but in some family situations, that may not be warranted. You could have --

ASSEMBLYMAN BRYANT: You know, a policeman could stop a person, see him riding, and ask him if he has permission. If the person can't prove he has permission, and at that point in time you are not home but he is your nephew, and he charges him, you could come to court and testify that, "I don't have a problem with my nephew riding on my land."

ASSEMBLYMAN GILL: It is a simple bill and it is a good cause. I don't think we ought to make it any more complicated than we have to.

ASSEMBLYMAN BRYANT: We have some other comments.

ASSEMBLYMAN COWAN: In that vein, have you considered anything so far as any type of amendment that speaks more specifically to this allowability?

ASSEMBLYMAN RILEY: With the written portion, to include written -- no, because of the problems. We would have a proof problem; I think we would have a family situation. We really haven't time now to do it. If the Committee wants to, that's fine with me. I have no objection to such an exception.

ASSEMBLYMAN COWAN: The only thing I was thinking -- going through my mind -- is something like the old Hatfields and McCoys, you know, where you have police running all over -- getting my nephew off here -- and then when he comes, it is a different story. I'm looking to protect the farmers, although I didn't make --

ASSEMBLYMAN RILEY: If you would like to insert "written permission," I would have no objection.

ASSEMBLYMAN COWAN: I think it would be advisable that you do have something here, because otherwise you could get into, you know -- you could open up Pandora's box, for no just reason, except to have the local police maybe run around. Perhaps there might be an officer out there who someone didn't like, and he would like to keep him a little busy sometimes doing that, than doing something else.

ASSEMBLYMAN RILEY: I would have no objection to that amendment. I think Assemblyman Gill's whole thing -- and probably Assemblyman Cowan's also -- I think just the words, "without the written consent," would suffice, and I think with kids in a mall, you would obviously need that anyway.

MR. GURMAN: Just another technical point about it, the statement makes reference to "dirt bikes." Now, of course, the title of the bill talks about motor vehicles, motorcycles and motorized bicycles, and right now the way the laws are written, there is no statutory reference to dirt bikes, so it certainly does not include bicycles per se up on top. I suspect you see a dirt bike as a motorcycle --

ASSEMBLYMAN RILEY: As a motorized bicycle. A dirt bike is a motorized bicycle under the statute.

MR. GURMAN: Well, technically by law it isn't, you see, and that is why I'm raising a technical point.

ASSEMBLYMAN RILEY: I stand corrected.

MR. GURMAN: That's right, so that's why I'm raising --

ASSEMBLYMAN MARKERT: A dirt bike is a motorcycle. It's a particular type of bike that is used to travel on dirt roads and in types of other --

ASSEMBLYMAN RILEY: I thought it was just one with a lesser speed. Fine, if you want to, for technical reasons -- (inaudible at this point because of several persons speaking at one time)

ASSEMBLYMAN GILL: The only thing that is slightly wrong is the statement; the bill is all right.

MR. GURMAN: Yes, I know. I made reference to the statement.

ASSEMBLYMAN RILEY: It is not in the bill itself; it's only in the statement. If you want to strike that from the reference in the statement, I have no problem with that.

MR. GURMAN: Again, there is just an "s" that is missing. It should be, "Enacted to prohibit the operation of motor vehicles, motorcycles or motorized bicycles," if we get very technical. Just put an "s" on bicycle. Did you want "written consent" though? Do you want "written consent" then?

ASSEMBLYMAN RILEY: Yes, I have no problem with that, as long as they stay off the farms and the malls --

ASSEMBLYMAN MARKERT: You mean there is going to be no more running in and picking corn?

ASSEMBLYMAN GILL: They ought to run in, and get ridden out.

ASSEMBLYMAN COWAN: Are there any other parties who wish to comment?

FROM AUDIENCE: I am President of the Moped Dealers' Association. This is another very good piece of legislation, but do you have a penalty for this use? It is a good idea to have a penalty.

ASSEMBLYMAN MARKERT: Yes we have -- \$25,000.

FROM AUDIENCE: Great, very good, excellent.

ASSEMBLYMAN COWAN: Is there anyone else out there who wishes to speak?

WILLIAM STEEL: I am William Steel from the New Jersey Motorcycle Dealers' Association. We are in complete sympathy with farmers and developed land. But, how about completely undeveloped land? Why shouldn't dirt bikes be permitted to use that, if they drove with permission, or used land that is not posted?

ASSEMBLYMAN GILL: Underdeveloped land is still owned by someone, is it not?

MR. STEEL: Yes.

ASSEMBLYMAN GILL: Is there any problem then in getting the permission of the owner?

MR. STEEL: Yes, in finding the owner.

ASSEMBLYMAN RILEY: If I may, Mr. Chairman, I believe that may already be covered under the Landowners' Liability Act, because I think at that point it would be under the recreational section of the Landowners' Liability Act. I think it would already be covered because that specifically covers undeveloped land. I mean, I have no objection; I'm just saying I believe it is already covered.

MR. STEEL: Well, it's just that this particular piece of legislation slams the door on any offer of usage, unless you have specific provision for coming into your property, and there is a lot of property in this State where the owner doesn't care.

ASSEMBLYMAN RILEY: Quite frankly, one of the things that has happened, also, is that a lot of litigation is resulting from the use of vehicles on property against the property owner's wishes. I think this would clarify -- in fact, that was brought to my attention as I am defending several suits in regard to that. We are defending the property owners, who are being sued, along with everyone else, as a result of accidents involving motorcycles and mopeds on private property. So, even though it may slam the door, it may slam the door for a good purpose, whether it is a municipality or not.

ASSEMBLYMAN COWAN: Do you mean suits initiated by people who are on private property without permission?

ASSEMBLYMAN RILEY: Yes, they are on there without permission.

ASSEMBLYMAN COWAN: Because of some malfunction of the machine, or perhaps a crevice they didn't see?

ASSEMBLYMAN RILEY: In all cases, there are alleged crevices on the property.

ASSEMBLYMAN GILL: Mr. Chairman, I feel there was a good point raised back here, "What do we do in the case of an undeveloped piece of property?" However, I am just wondering if we were to take that into consideration whether or not we would open the door to anyone to say, "I determine this is an undeveloped piece of property and, therefore, I have a right to use it." I would prefer it to go in the other direction and say, "We are not going to permit anybody to operate without permission, and it is going to be your responsibility, driver, to obtain that permission from whomever owns the property." Now, it may be a hardship, but I prefer to err that way than to run the risk of what we discovered a couple of weeks ago, where apparently the farmlands are being abused -- used and abused. I sympathize with your point of view, but I rather keep a tight (inaudible).

ASSEMBLYMAN COWAN: Is there anyone else who wishes to raise any points on the legislation before the Committee? If not, the amendments are --

ASSEMBLYMAN MARKERT: I'll move the amendments, Mr. Chairman.

ASSEMBLYMAN GILL: I second the motion.

ASSEMBLYMAN BRYANT: I have one question, Mr. Chairman. I must speak again about written permission. I looked through our laws of trespass and everything else. Even in trespass, we don't require written permission. What I'm saying is that I think you are going to burden the courts with problems by inserting the word "written." I can create a situation where my nephew comes to my property and I give him permission, and he rides on the property, and then, technically under this law, if he doesn't have written permission and a policeman stops him, I don't care what I do -- I can go into court and say, "Yes, I knew he was riding; he was riding with my son," and everything else, but he has to be convicted of this crime.

ASSEMBLYMAN COWAN: We don't want to set that kind of a situation.

ASSEMBLYMAN BRYANT: That is exactly what you are saying. He does not have written permission from me, so he has to be convicted.

ASSEMBLYMAN GILL: Wayne, without getting into that, do you --

ASSEMBLYMAN BRYANT: Oh yes, I think it is a great law, but I think you are going to have to leave some leeway, even though you do have some problems where I say, "My nephew is violating the law," and then I come to court. You will find most judges, before I can withdraw that complaint, will give me a tongue-lashing that the next time they are not going to allow that complaint to be withdrawn, when I just wanted to, you know, chastise my nephew for coming on my property, and then by the time I get to court I don't want to. If not, I think you are going to run into those problems. It could be my son. A cop stops him while he is riding and asks, "Do you have written permission from your father?" Let's say he doesn't have that written permission, the court has to fine him.

ASSEMBLYMAN GILL: Do you want to withdraw the amendment?

ASSEMBLYMAN MARKERT: I can see legally where we -- and, of course, I will take my lead from the two attorneys who are sitting here, one moving the bill, and the other addressing the problems of legality -- I would rather have the legislation released in the best form possible so we don't establish any kind of problems,

and I can see where that could be a problem. So, Mr. Chairman, with reference to that, I am going to also acquiesce to the removal of that particular amendment and, therefore, remove my motion of approval of that part of the amendment. Therefore, the bill would be left with those other wordings that were directed.

ASSEMBLYMAN RILEY: The technical ones.

ASSEMBLYMAN MARKERT: So, therefore, there will only be technical amendments, for which a motion is not necessary.

ASSEMBLYMAN GILL: I would move the bill as it stands.

ASSEMBLYMAN MARKERT: I second it.

(Roll called by Laurence Gurman)

Assemblyman Cowan - yes

Assemblyman Bryant - yes

Assemblyman Gill - yes

Assemblyman Markert - yes

ASSEMBLYMAN COWAN: We will now be considering a number of bills on the moped. We will be touching on the issues involved in a very general sense. You can relate specifically to any bill you wish, as to your comments, and any amendments you would propose, but we will be handling it generally and I believe right off the top that I think we should give it out straight in front that we will probably be coming up with a Committee substitute. So, we will go from there and the doors are open.

ASSEMBLYMAN RILEY: Thank you, Mr. Chairman. In the last session, I introduced a bill which I amended several times. I prefiled the bill A-162 this time, and I have submitted to Mr. Gurman several proposed amendments already; I have several more. My aides and I have contacted people from the insurance industry, police departments, other state legislatures, everything, trying to develop what we consider to be a comprehensive piece of legislation regarding mopeds.

The saga of mopeds I'm sure in most of your areas, is much as it is in my area. These things have become almost instruments of death with regard to our younger teen-agers. We have a situation where everyday we are reading of the problems of children being killed. The situation in the State of New Jersey is such today. They are unregulated -- not overregulated, as I presume you will hear later. They are not being properly handled. They are not being properly supervised. They are not being properly registered. They are not wearing helmets. They are not staying on the right side of the roads. They are having the governors removed where the governors exist. They are going at speeds in excess of what they are supposed to be. And, they are generally a nuisance on the highway.

I think it is imperative for the Legislature in the State of New Jersey to move forward on this issue in a comprehensive piece of legislation. I think A-162 can be a tool for that comprehensive piece of legislation, whether it be this bill as amended or a Committee substitute. One of the amendments which I had proposed was a situation regarding the bill which we just passed. I removed that and made it a separate bill because it deals with more than just motors and mopeds.

Another amendment I had proposed was a bill regarding the listening devices. I would not proceed with that amendment because of the fact that I believe Assemblyman Markert's bill would be more comprehensive, dealing with more than just mopeds or motorized bicycles and, therefore, I think that that should remain intact.

I think, though, that we must proceed with a situation where we can go after these instruments, these machines -- whatever we want to call them -- and I do not want to get hung up today on semantics of dirt bike, motorized bicycle, moped,

whatever. I think that we have to register all motorized vehicles in the State of New Jersey. These are being driven on State highways. Kids are being killed; adults are being killed, and I think that we have got to do something about it. One of the people who I have brought with me today is the district manager for the largest insurance company in the State of New Jersey dealing with mopeds, the foremost insurance company, Mr. Thomas McCann. Mr. McCann, besides being the district manager for the largest insurer of mopeds, has also a very personal experience which he will relate to you, where his brother-in-law was killed going under thirty miles an hour, when he went over the handlebars and was killed when his head struck a car. He was not wearing a helmet. So, I think he can relate to you from two different areas, but I'll just leave that to Mr. McCann.

As far as the bill itself is concerned, I would like to propose several additions or changes to it. Regarding Section 2, Line 15 -- we have obviously just had a recent change in the Division of Motor Vehicles regarding registration, so rather than require one year, I would change that to the last day of each twenty-fourth month. This way it would be biannual registration. I think that would remove some of the objections we have had.

We have, as I said, spoken to police departments and everything else, including many of the lobbyists. One of the major problems has been the bill's twenty-five miles per hour limitation. Regarding Section 14, Line 4, and Section 15, Line 3, I have changed that to thirty miles per hour. We have spoken, again, to the various groups, and everybody believes this would be adequate for acceleration purposes, where obviously we want to keep them to twenty-five miles per hour, but they would need it slightly higher in case they had to accelerate to get out of the way or something like that. That was brought up by several of the lobbyists, and we would do that. However, another section of the bill, a new section we would add, would be that these would not be operated on State highways where there is a speed limit in excess of twenty-five miles per hour. That may sound contradictory, but really obviously from twenty-five we would go to -- generally we would go to thirty-five miles per hour, and that would not be the situation.

Also, in Section 16, we propose a revision as follows: "Inspection of motorized bicycles or vehicles shall occur once every two years in a manner and according to the procedures established under Chapter 8 of Title 39 of the Revised Statutes, and shall take place at an authorized inspection station, an authorized reinspection station, or a licensed motorized bicycle dealer licensed by the Division of Motor Vehicles. The Division of Motor Vehicles shall promulgate rules and regulations to effectuate this situation." I think that would cover the problems in the situation they are talking about. One of the objections that was raised was that the Division of Motor Vehicles would be flooded. By putting them into the reinspection stations, and even the dealers if properly regulated, I think this would solve the situation. However, the one thing we must make sure of, is that the penalty is severe if we put governors on these machines and the governors are then tampered with. I am afraid it is too easy, and even discussing it with the dealers themselves, admissions were made that it is very easy to change the governors, to make these so they are not twenty-five or thirty miles per hour vehicles, but much faster. I think, therefore, that we have to go with a comprehensive bill to make it so that the penalties are severe, because the results of the use of these things are very severe. All we have to do is read everyday, and I have just circulated to the Committee several

of the items appearing in our local newspapers in the last several weeks. Also, this past June, the endorsement of the ideas of this bill from the New Jersey State Safety Council, from the Motor Club of America and from the National Highway Traffic Safety Administration -- all urging the ideas of this bill. I would quote one portion from the New Jersey State Safety Council: "Last year in the State of New Jersey, more than 1,333 moped riders were injured; six riders were killed. So far this year -- and this is only the small of '81, seven riders have died." Everyday we are reading about these same incidents -- the same type of newspaper articles, such as the ones included. People say, "Why is registration needed?" I think registration is needed for various reasons, one of which is pointed out on Page 2 of the handout, in the middle article: "Police Seek Identity of Accident Victim." People have been killed on these vehicles, and no one has even known who they were. There is no license plate. I'm sure many of you besides myself have spoken to police officers who say, "These things are not only hazards --." It is incomprehensible the problems they have in trying to ascertain who was riding these things. I spoke to a Lindenwold police officer who chased a moped, or whatever you want to call it. He said that he chased it two or three blocks, and when it got to a railroad track, it went down the railroad track. His words were, "How could I go any further? It went down the railroad tracks and there was no license plate, so I could not identify it." I think the days of us not being able to identify motorized vehicles in the State of New Jersey should be terminated, and terminated very quickly.

It is preposterous that vehicles can do the speeds that these vehicles can do. Today, they can elude police officers, as they do every day. Speak to any police department. They are going to cheer these bills -- legislation of a comprehensive bill regarding mopeds, whether it be this bill or your Committee substitute. I have never heard, and I have spoken to hundreds of police officers -- I've never heard anyone do anything but say, "Please, when?" -- not "no." The League of Municipalities endorsement is included; the Board of Freeholders from Camden County when it was their time; Gloucester County has seen the bill and endorsed things.

The major points of A-162 will be as follows: One, mopeds will be registered at sale, and reregistered every two years, and inspected every two years. Again, the purpose of registration is obvious. The purpose of inspection is even more obvious -- it's safety, and, even more obvious than that, to make sure someone doesn't tamper with these governors and put more real motorcycles on the road. Two, mopeds must display license plates now. Three, mopeds will be equipped with a governor restricting their maximum speed to thirty miles per hour, and the engines may not be modified to exceed a speed of thirty miles per hour. Four, all operators must wear a helmet. On this point, I realize you have already received articles saying you don't need them, "If you are going to govern them, why wear helmets?" The statistics -- Mr. McCann's testimony, I think, will tell one point. The other objection raised has been, "Well, they can't hear with helmets on." Quite frankly, that's nonsense. I spent all weekend putting on motorcycle helmets and moped helmets -- not moped helmets, bicycle helmets. Bicycle helmets are easy. With the motorcycle helmets, I could hear the beeps of the horns, and anything else they did. If someone was sitting next to me, I could hear him talk, and I defy anyone to say any different. They are extremely useful, and you can hear. We've got to be able to hear. Obviously, the bill being released today says we have to be able to hear what is going on; otherwise, the listening devices would not have been banned.

Don't be hoodwinked into believing that helmets would be counter-productive to Assemblyman Markert's bill; that is not the case. Helmets are essential. We do not need any more people killed because of them -- or maimed, or injured.

My stepson, also, had serious injuries resulting from a moped accident; he was not wearing a helmet and, again, head injuries. If you are going twenty-five or thirty miles per hour, I defy anyone to say that you can't suffer a serious, serious injury to the most sensitive portion of your body. The helmet portion cannot be removed from the bill. If the helmet portion is removed, then I do not want A-162 at all, because then I think it would be a useless piece of legislation.

The amendment I submitted regarding listening devices -- again, I will not proceed with it, even though I submitted it to the Committee, due to an obviously more comprehensive piece.

There have been indications that the passenger restrictions have been tightly covered. I do not believe that they are. I believe we ought to make much more of a penalty for carrying passengers on these vehicles, because the way I understand it from the dealers, they are not designed for same.

Finally, moped inspections can take place under the amendment as I introduced it at an authorized inspection station, an authorized reinspection station, or a licensed moped dealer, after the rules and regulations are drawn by the Division of Motor Vehicles. I think, again, that this would make sure that what we are trying to do is done, and not undone, by an unscrupulous dealer trying to make a quick sale, or by the purchaser himself.

I'm sorry -- one other point that is in the bill is that mopeds cannot be operated on State highways with speed limits above twenty-five miles per hour -- and I think I have already explained the reason for that, versus the thirty miles per hour.

Also, do not be fooled by one other thing that has been passed out, I believe, to me and to many of you, trying to compare the number of accidents on mopeds to the number of accidents on bicycles. First, obviously, in numbers we are talking about a much, much, much smaller number, but, second and much more important, the injuries percentagewise, and the results from these things seriouswise, are so grievous that I don't think any of us want to see another kid killed on a moped in the State of New Jersey.

I think the results of your working on a comprehensive bill toward solving the moped catastrophe could go a long way toward all of us being very proud that we are in the Legislature, and that we did something that was constructive for the kids of the State of New Jersey, and for the adults, too. Thank you, Mr. Chairman, and members of the Committee.

ASSEMBLYMAN COWAN: Are there any other questions?

ASSEMBLYMAN MARKERT: Mr. Chairman, I would like to ask just one question. With reference to the -- in your proposed amendments, or within the bill itself, and I have gotten confused there are so many bills -- I've read them all, but I forget whose bill is what -- State highways, are you addressing an amendment to lower it to anything above twenty-five miles per hour on a State highway?

ASSEMBLYMAN RILEY: They would be excluded.

ASSEMBLYMAN MARKERT: They are not allowed to use a State highway where there is a posted speed limit of anything other than -- above twenty-five miles per hour?

ASSEMBLYMAN RILEY: That is correct.

ASSEMBLYMAN MARKERT: Are there any State highways where it is less than twenty-five? I don't know of any.

ASSEMBLYMAN RILEY: No, no, not less, more.

ASSEMBLYMAN MARKERT: In other words, what you should be saying then, is you can't use a State highway, because I don't know of any State highway where there is a twenty-five mile per hour or less speed limit?

ASSEMBLYMAN RILEY: Oh, yes.

ASSEMBLYMAN MARKERT: There are?

ASSEMBLYMAN RILEY: There are. In our area there are several of them.

ASSEMBLYMAN MARKERT: State highways?

ASSEMBLYMAN RILEY: Yes.

ASSEMBLYMAN MARKERT: Or county highways?

ASSEMBLYMAN RILEY: No. There is the Whitehorse Pike in Audubon and Oaklyn which is twenty-five miles per hour.

ASSEMBLYMAN GILL: Particularly if the State highway goes past a school.

ASSEMBLYMAN MARKERT: That would be a zone. Then it is a zone speed, so you're -- I'm talking about a highway. In other words, --

ASSEMBLYMAN RILEY: (interrupting) Initially, -- the initial bill said "not allowed on State highways." If you change it to "not allowed on State highways," I would have no objection because that was the initial language in the bill.

ASSEMBLYMAN MARKERT: I was trying to just clarify the fact that there are State highways that are only twenty-five miles per hour, and I do not mean a highway where there is a zone speed, such as someone just mentioned, where schools are. I mean any highway; whether it be a State or an interstate highway, going past a school there is going to be a speed zone. I am not talking about that situation. I'm talking about a specific highway, a State highway, where posted speed limits are twenty-five miles per hour or less.

ASSEMBLYMAN RILEY: We do have some in Camden County. Audubon and through Oaklyn are very congested portions of Whitehorse Pike; they are actually residential neighborhoods, and that is why the speed limit.

ASSEMBLYMAN MARKERT: I see. Another question if I may, Mr. Chairman, through you. Assemblyman, with reference to speed, I remember the discussion very vividly that took place on the floor of the Assembly when we first addressed mopeds, and we got very heavily into a lot of detail, if I recall correctly, with the sizes, or the cc.s or capacities of the motors -- the speeds as to what they could generate, the maximum allowable under State law and what these motors were able to generate on a flat surface, if I recall correctly, and, to my knowledge, I don't think we allow in the State of New Jersey a motorized bicycle or moped -- whichever, but let's say moped and cover both -- I don't think we allow in New Jersey, under present statutes, a motor capable of exceeding that specific amount of speed that was addressed in that original legislation which was -- if I remember correctly --

ASSEMBLYMAN RILEY: That is correct.

ASSEMBLYMAN MARKERT: So, if you can't build a motor to exceed it, what are you going to put a governor on?

ASSEMBLYMAN RILEY: Well, apparently what they have been doing --

ASSEMBLYMAN MARKERT: Unless you build it in your garage.

ASSEMBLYMAN RILEY: -- is changing the motor, inserting other motors. In other words, they buy one vehicle, and the way the dealer described it to me was that they could exchange motors. Generally the dealers were saying they didn't do it, but that people could do that type of thing.

ASSEMBLYMAN MARKERT: In other words, I could go out and buy a "soup up" kit and soup up my moped?

ASSEMBLYMAN RILEY: Yes.

ASSEMBLYMAN MARKERT: I think we prohibit that under the current statute.

ASSEMBLYMAN RILEY: The bill as it presently stands, as it is presently read without the amendment, is twenty-five miles per hour. The dealers have implored me to change that to thirty-five, or thirty, so that they could accelerate. Therefore, I presume that they knew something about the capability of the machine. That is why I changed it to thirty under the amendment. The dealers could probably explain that better. I am not a cc. expert by any stretch of the imagination. The bill as presently written is the same as the statute, and just makes it prohibitive for anyone to change to over twenty-five, but the amendment was thirty to allow for whatever they were talking about with the cc.s.

ASSEMBLYMAN MARKERT: I realize, Mr. Chairman, that we are gathering information at this hearing, and that is why I am posing some of these questions. Mr. Chairman, one other thing, too. I realize today is a very important day for the industry, for the children and for the Assemblymen whose bills we are hearing today. However, it is also a very important day for me, and I am going to take leave of this meeting. I am not going to do so without the opportunity of knowing that everything is being recorded and, therefore, I will be able to get total text. But, since today is so very important to me, I am going to ask the Committee to excuse me. Before I do, I would just like to make a very small general statement, and I wanted you to hear it, and that's why I am doing it now, if I may, Mr. Assemblyman.

All too often, and I am going to say right now it's a philosophy I'm talking about, I want you to realize that -- all too often I think that we in this country try to protect ourselves from ourselves. I don't think really that laws can be written to tell me how to protect myself, how to walk down my stairs, how to sit in my chair, how to get out of my car, or any of the other things that might cause me to have an accident. I totally agree that all facilities and equipment should be made available to everyone to protect, or help them protect their lives, if they so deem fit. My biggest problem with mopeds specifically, is the fact that the parents just don't give a damn, because if the parents were concerned about their children and they were concerned about the safety of their children, I think they would take an active part in seeing to it that that safety was something that was going to be utmost in their minds, either before buying it, or after buying it, with the type of instruction and with the type of responsibility that the parents should have.

I have opposed any restrictive legislation at any time that says I must protect myself from myself and, where I can see that automobiles require that seat belts be built in for your own protection, they don't say that you have to wear them, because I'm sure it is something that they could not enforce, but if the individual wants to disconnect them, I think it is his own right and his own prerogative. I will never have any objection to requiring that every safety device that you can think of be carried on any moving vehicle, but to tell them that they have to wear it is something that is just a philosophy that I have always been on the opposite side of.

I wanted you to know that, Assemblyman, you know, so that I know at the discussion in our executive meeting when all the sponsors, I'm sure, are going to be available also, it could be a part of it. I wanted you to know where I was coming from before I take leave.

ASSEMBLYMAN RILEY: On that same line, I think in this situation we're talking about something maybe a little different. We are not talking about adults; we're talking mainly about minors.

ASSEMBLYMAN MARKERT: True, I realize that.

ASSEMBLYMAN RILEY: They need to be protected from themselves sometimes. (Inaudible at this point as several members speaking at once.)

ASSEMBLYMAN COWAN: Now, we do have a number of people here to testify, but I do appreciate all your comments. We have the Director of the Division of Motor Vehicles here today, a number of Assembly people, and other people who have asked, and who are on our list to testify. So, without any further ado I would just -- I have one point here. You mentioned passenger restrictions, and I am wondering what you are referring to there as far as straightening them. Are you talking about increasing the penalties?

ASSEMBLYMAN RILEY: Yes. If I could just comment on maybe one little thing Assemblyman Markert just mentioned. I think a little comment made by a Runnemedede police officer would be apropos for what you just stated. The Runnemedede police officer indicated that he had chased people several times and he was sure where they went, but he couldn't identify them because there were no license plates on the mopeds.

ASSEMBLYMAN MARKERT: Oh, I agree with you on that completely.

ASSEMBLYMAN RILEY: And, when he goes into a garage and goes up to the parents and says, "Your son just did this, this and this," the response is usually one of two, "No, it hasn't been out of the garage," or "My son doesn't own a moped."

ASSEMBLYMAN MARKERT: That is a different area; I'm only talking of --

ASSEMBLYMAN COWAN: Thank you; enjoy yourself.

ASSEMBLYMAN RILEY: Mr. Chairman, if possible, could you have Tom McCann go on first. He's really part of my testimony. I was just indicating what he will be talking about.

ASSEMBLYMAN BRYANT: May I ask a question through you, Mr. Chairman? Let me ask you this. We use the words "State highway;" you don't want to deal with any other highways?

ASSEMBLYMAN RILEY: I don't think we have any authority to, Wayne.

ASSEMBLYMAN COWAN: Okay?

ASSEMBLYMAN BRYANT: Yes.

ASSEMBLYMAN COWAN: Mr. McCann.

T H O M A S M c C A N N: As Assemblyman Riley indicated, my name is Tom McCann. I'm with Foremost Insurance Company. We are one of the largest insurers of motorcycles and mopeds in the State of New Jersey.

I'm not here so much in an official capacity, as I am vitally concerned with this legislation for personal reasons. One, I had a brother-in-law who was killed in a cycle accident, a stupid cycle accident. He should not have been killed. He should have been wearing a helmet; he wasn't. He was doing thirty miles an hour on a motorcycle; he hit a car, broadside, flipped over the top and came down on his head. He lived for about two weeks afterwards. If he had had a helmet, he would

have had a chance. He would have probably made it.

So, I feel very strongly about this legislation requiring helmets. Assemblyman Markert was discussing the freedom issue, which has been a long-brewing issue with the motorcycle riders. It is one I have had mixed feelings about personally. I think if an adult wants to kill himself, he should have the right. But, gentlemen, we are not talking about adults, we're talking about kids, generally under seventeen on mopeds. When they get older they move up to bigger bikes. It's strange in this State that we require people riding bikes that are 70 cc.s, when they are over seventeen, to have a helmet. If it is a 50 cc. bike and they are fifteen years old, they do not have to have helmets. They are not going to be any less dead.

I feel very strongly about this. I think Assemblyman Riley has done the State a service, and I think it is something we need.

Registration on mopeds -- gentlemen, they are motor vehicles. I think the Assemblyman has raised a lot of valid points about the police problem with it. From the insurance angle, it will certainly be a lot easier to insure a moped for theft if it is a registered vehicle. Right now, we have no idea where they go.

Passengers on mopeds were mentioned. This is, I understand, illegal at the moment. I would like to see somebody stop somebody sometime. I drive 30,000 miles a year in this State. One, I have never seen a kid on a moped with a helmet and, two, I have seen an awful lot of them with passengers on the back. I don't know if they get stopped; I don't know what happens with it. But, if there is a law against it, it should be enforced.

I think we have covered the Walkman devices pretty well. Everybody seems to be against them, so I won't get into that. The only other thing I wanted to mention was the inspection. These are motorized vehicles. They are capable of going fast; someone can walk out in front of them. Assemblyman Riley mentioned the governors on them -- inspecting them to make sure that the governors stay intact with the speed as limited. I would have them inspected for another reason. I would like to be sure that those brakes work. When a kid jumps out into the street and the moped is going down there, that moped should be able to stop; mechanically it should have the ability to do so. I do not believe the State is putting an undue burden on the owners of mopeds, to request them, once every two years, to certify that those brakes work.

ASSEMBLYMAN RILEY: Explain to them what the difference would be for coverage -- what you as the largest insurer of mopeds in the State would do.

MR. McCANN: Well, the insurance that we offer right now was required by law -- \$15,000-\$30,000 liability, and basically that is what every owner of a moped, and every owner of a motorized vehicle of any kind in the State should have. With the registration on this thing, the company would probably look most favorably upon offering a full package of insurance. Right now, we are just not going to insure these things for theft, or for physical damage. They are untraceable once they are gone. If they were registered as motor vehicles, it would be a much different story.

ASSEMBLYMAN COWAN: What is the average value of a moped?

MR. McCANN: New, they go for anywhere from \$300.00 to \$500.00, and I would imagine up to \$1,000.

ASSEMBLYMAN COWAN: Then the average is --

MR. McCANN: I would say in the \$500.00-\$600.00 range. Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you, Mr. McCann, and thank you, Assemblyman Riley. I do not see any of the sponsors of the bills here, but we do have a list of people who wish to testify, and we do have Assemblywoman Ogden.

A S S E M B L Y W O M A N M A U R E E N O G D E N: Thank you, Mr. Chairman. The number of my bill is A-1826. This is really a new addition that was just introduced last week. I would just like to give you a bit of background about my involvement with mopeds and helmets, and this bill. The difference in this bill from the others, such as Senator Hurley's or Assemblyman Weidel's in requiring helmets, is that this bill would also require protective eye gear, either goggles or a face shield.

This came about because of a conversation I had with Chief Perreni, who spoke previously, and who I believe would also be willing to speak on this issue, of the New Jersey Police Chiefs' Association. He and I had many conversations over the past year or so about mopeds, and he asked me last May how the moped bills were coming along. I told him I hoped we were finally going to get to them this year, but I really did not know. He said, "You know, something that I would like to see added is protective eye gear, such as goggles, a face shield or sunglasses, because in a very high percentage of cases where there are accidents with mopeds, what has happened is that the driver has lost control because something has flown into his eyes when he was going twenty-five miles an hour -- something like an insect or a piece of paper. We know how sensitive our eyes are and this, coming at that speed, makes a driver lose control. This, particularly at night, has been a source of a great number of accidents."

I would like to go back to what is my key concern with mopeds, and that is the requirement of helmets. I hope that Assemblyman Markert listens to this tape, because this concern began a number of years ago when our youngest son was fifteen. He saved up his money and bought a moped, as did a number of his friends. They all went to Motor Vehicle Registration, took the test, and were careful drivers. All of us who were parents wanted them to wear helmets, and they would say, well they wouldn't because so and so -- their friends were not required to wear helmets. I think we do have to remember, as was mentioned before, that these are fifteen year olds. They have something of a macho image of themselves on the mopeds. They are teen-agers turning into men, and to pay attention to what their parents say to them about wearing helmets is extremely difficult.

We did band together, the parents, and try to present a united front by saying, "All the sons had to wear helmets," but it was, frankly, an on and off affair. Sometimes they wore them, and sometimes they didn't, and unless we really kept after them constantly they didn't. I feel that there are enough potential arguments between parents and teen-agers without something like this, because this was really a very sore subject. All of us felt quite strongly that if the State did require helmets that they would wear them and, as a matter of fact, when we had a very bad accident in our town last year, we finally all just said, "Either you wear helmets, or you don't ride the mopeds," and our son's moped has never left the garage since then.

In Millburn Township where I was mayor, we tried to pass legislation to require helmets locally, but found out that we couldn't, that it was really a State matter. Then as I say, last year the whole question of head accidents and the lack of wearing helmets really came to a crisis in our town, when the son of a fireman was very badly injured. It wasn't another car involved again, it was just his looking

down from the road just for sort of a split second -- his mother is here and will testify. He almost died four times in the hospital, and he is certainly lucky to be alive today and to have made the progress that he has made. But, again, it was a head injury.

On the basis of that, I wrote, as mayor of the township, a number of letters supporting Assemblyman Weidel's bill and Senator Rand's bill about the jurisdiction. Many PTAs, when I was running for the Assembly last year, got in touch with me on this issue. There have been editorials in the weekly newspapers in our districts, and letters to the editor. This is a matter of great concern in the suburbs in my district. Last year in Livingston, there was a death of a moped rider, again without a helmet. So, it's not exactly an issue as Assemblyman Markert has said that the parents do not care. The parents do care, but it is practically something of a losing battle between the sons and the parents unless it comes to the crisis that it did, as I say, last year when we just had reached the point where we said, "Either you wear a helmet or you don't ride the bike," because if the picture is ever in the paper of what happened to Mike Pagnillo -- this really brought it home.

I don't want to take further time today to go into statistics or anything of that sort, but I would urge the members of the Committee to include in any bill that comes forth a helmet especially and, also, to consider protective eye gear. Thank you.

ASSEMBLYMAN COWAN: Thank you. Are there any questions? (no response) There are no questions. Thank you very much, Maureen. I will now call upon, if he is in the room, the Director of the Division of Motor Vehicles, Cliff Snedeker, who wishes to testify on the moped legislation.

C L I F F O R D W. S N E D E K E R: Mr. Chairman, I have a prepared statement with me which I won't read entirely to you. I will give you copies. Being a former legislator, and knowing you don't want to hear all that, you can read it at your leisure. I would like to introduce to you Mr. Robert Kline, a Deputy Director from the Division of Motor Vehicles. We have some statistics with us, and we will give you copies of these, also.

First of all, thank you for inviting us to testify on the moped legislation. I would like to bring to your attention some facts and figures we have available to us in the Motor Vehicles Division. We are concerned about the reckless manner in which some young operators have driven their mopeds. Some 68% of all moped injuries last year were suffered by persons from ten to nineteen years of age, and you will see in this chart before you, Exhibit "A," an indication of the number of moped people who -- The drivers who were injured in the past year, 1981, totaled 1,152 individuals. The moped passengers, if you will note, totaled 148, and they were illegal riders on mopeds.

If you will look at the age brackets of the individuals, you will find that they do come from the ten to nineteen year old age, and account for more than 60% of the number of injuries that occur on mopeds today. This is what we are concerned about.

The moped has changed drastically in the past few years from what I think you gentlemen and I thought we were going to pass as moped legislation -- to have some highway vehicles on the roadway to be used for transportation to save gasoline and to also make it easier for individuals to get around who couldn't afford maybe some of the higher priced vehicles, on some of the side and back roads. In 1978, there were 413 reported moped injuries in New Jersey. That number has jumped to over 1,300

reported injuries in 1981. In my opinion, an improved helmet to protect the head, with a face shield or goggles designed to protect the operator's eyes from flying objects such as bugs and stones, should be required by law. To date, a total of thirty moped fatalities have been reported on New Jersey roadways. We have brought with us today some of the autopsies, and if you gentlemen care to peruse some of these you will find that a number of them are from head injuries, which we feel could have been prevented with the proper head gear.

We have brought with us today some thirty motor vehicle accident reports of moped injuries throughout the State, fatalities throughout New Jersey. The first one in front of me is an eight year old, who was a passenger on the back of a moped, riding illegally. We have these available if you would like to go through these later on.

We feel that the cost of this is astronomical to the State of New Jersey and to all our residents in insurance, and I think you heard some testimony earlier -- I don't know if he indicated to you what the cost of insurance is on the moped, but generally that cost is about \$47.00 to \$60.00 a year -- to insure a moped. If that person is injured on a moped, he or she then collects under their automobile policy. If it is a young driver, that is penalized against the parents' automobile policy. If the parents do not have an automobile policy, it then reflects the rate of the person who is involved in the automobile accident with the individual.

In 1968, New Jersey legislators had the wisdom to enact laws that required approved helmets and eye protection through face shields or goggles for all motorcyclists. In those states where helmets and eye shields have been repealed, motorcycle deaths have increased a documented 45%, and we would like to present you with that statistic that is attached to Exhibit 2, indicating the number of injuries that have increased -- Exhibit 3, I'm sorry. If you will look on Exhibit 3, you will find the figures -- in which the states enacted some forty helmet laws throughout the United States -- the decrease in deaths through helmet protection. Again, when many of the states relaxed or repealed some of their laws in 1976 to 1979, -- some twenty-seven states reduced those laws and repealed some of them, the increase went up again in deaths by cycles.

Conservatively speaking, 25% of those killed to date on mopeds would have been alive today if they had been wearing helmets. In other words, seven of the thirty victims would have been alive today. Additionally, 25% of the major injuries to the head would have been minor ones had helmets been worn. A helmet would have lessened the impact to the head, thus the severity of the injury, and if some of the operators had been wearing eye protection, the accident could have been prevented altogether.

Last year, in addition to the 1,152 moped operators injured, another 148 passengers under nineteen years of age were injured, and two were killed. This is most alarming, because in the State of New Jersey it is unlawful for a motorized bicycle to carry more than one individual. In most cases, with license plates the law enforcement officials could better identify the offender and issue a summons for this dangerous infraction of the law -- double riding on mopeds. As of January, 1983, these infractions will be heard before a municipal judge, instead of a juvenile judge and, upon conviction, points will be assessed to the driver. We feel that our Division, through the Office of Highway Safety, will notify police departments, and we hope to notify the public, that those who drive will lose their license before they

receive it -- if they are young drivers fifteen years of age to seventeen years of age, they can possibly lose their license before they actually get their motor vehicle driver's license. We are going to come up with a campaign to educate the public to this fact for the youngsters who drive mopeds.

The citizens of New Jersey who are subject to moped violations could identify the moped as well, with the license plate on it. I am sorry to say, that with the ever increasing number of mopeds on our State highways, we have no way to identify them. I strongly urge that your Committee support the legislation requiring titling, registration and license plating for mopeds.

Titling would be a deterrent for theft, and would provide a positive identification of mopeds. An annual registration of mopeds would give positive identification to all concerned on the streets and highways. It would give the Division of Motor Vehicles and other interested agencies an accurate count of the mopeds in use. With laws requiring helmets, eye shields, titling, registration and license plates, the use of mopeds would be safer and regulated. The operators would be more responsible in their handling of the machines. We hope that this testimony will help you in some way to make a determination on the bills that you now have before you. We have reviewed many of these bills, and will be happy to work with this Committee and the sponsors. We offer to the Chairman and this Committee a member of the Highway Safety Team, Mr. John Deutsch, to work with you. He is in charge of pedestrian, moped and cycle safety, and he would be happy to work with your Committee and your Committee Aide in anyway at all that he can, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you very much. We will gladly accept that.

MR. SNEDEKER: We have brought along with us too, some of the brochures we have on "What Is a Moped and What Is Not a Moped," and if you would care to go through some of these -- we go from almost heavy motorcycles to the small moped itself. This is the actual moped, or what a moped is supposed to be. Some of these are almost into the stage of motorcycles today. We have many of the mopeds advertising as "the closest thing to a cycle." We are going to put on a strong enforcement program come January. We are going to educate the public before that date, and we are going to penalize those individuals who drive illegally, and ask the police departments to cooperate with us. We think it will be much easier come January 1 with the new laws passed by the Legislature in its wisdom. We will get off the highway the illegal unlicensed cycles, we hope, if you decide to have those registered. If there are any questions, Mr. Chairman, we will certainly be happy to try to answer them for you.

ASSEMBLYMAN COWAN: Do you think, other than what is existing out there now, what we are talking about -- before the point was raised about how we are dealing with fines, as far as strengthening the law itself is concerned with regard to passengers, and you mentioned revocation or perhaps even suspension of the licensing program itself. It would appear that perhaps that would be a more effective way of perhaps ridding us of that second rider.

MR. SNEDEKER: We think so, Mr. Chairman. We think that an education program really has to be started as soon as possible on the fines that the fifteen year olds are going to face, because if they get the points, they are going to get the points the same way the seventeen year old is. So, when the fifteen year old gets close to seventeen, he or she may not be able to get a legal driver's license to operate a car, and we think that is going to be a great detriment, yes sir.

ASSEMBLYMAN COWAN: That would be a way to put it in a proper perspective.

ASSEMBLYMAN GILL: I have just two questions, Cliff, if I may. We have heard a lot of comment about the size of the problem, and I quite agree, it is a problem. Would you care to estimate, since we do not register mopeds, how many we have in New Jersey?

MR. SNEDEKER: The deputy might be able to give you some figures; I don't know at this point here. It is very difficult to say at this point, because we went over some statistics that we had from the Office of Highway Safety in the State of New York, and they have a lot more. They have them registered in other states. We have a lot more that are not registered. We know there are a lot more on the highways than we can actually count. We have no idea since we have no registered titles on them.

ASSEMBLYMAN GILL: Secondly, we had mentioned, of course, the possible requirement for inspection. Would the cost of registration and so forth offset the increased cost of inspection, as far as the Motor Vehicle Bureau is concerned?

MR. SNEDEKER: We have not given any opinion on inspection. We would prefer, first of all, to try to register them to see if that would be at least better on a registration basis than maybe an inspection at that time. An inspection can be talked about later. We would prefer actually not to inspect them at this time at our stations, or any other way. I'm not sure that we are equipped today to consider that.

ASSEMBLYMAN GILL: I gather then that the requirements of this law, which does require inspection by the State -- you're not prepared to handle that?

MR. SNEDEKER: We are not prepared to handle inspections right at this time on mopeds. We would be prepared to see that the laws are enforced with regard to registration.

ASSEMBLYMAN GILL: All right.

ASSEMBLYMAN COWAN: There is a fiscal note attached to Assemblyman Kern's bill, and this deals with registration. I refer this back to the matter of what you're talking about with the inspection. I don't know what numbers they used here to get these figures, as far as the amounts.

MR. SNEDEKER: They might have gone to the industry, Mr. Chairman.

ASSEMBLYMAN COWAN: I hear figures of 140,000 and so forth, but in the fiscal year you are talking about revenues of \$875,000 and expenditures of \$59,000 -- close to \$60,000. And, for 1984, it's up to almost \$900,000, and if it is over \$900,000 in 1985, then the decreasing cost of registration, I guess, after they get the first bulk registered, then it would follow through that the cost would depreciate.

MR. KLINE: Assemblyman, if I could point out that that money is not dedicated, I don't believe, in that bill to the Division of Motor Vehicles.

ASSEMBLYMAN COWAN: No, not as a bill.

MR. KLINE: As a result, we face the same problems that we face with car inspections. The State collects a fee, but it is not dedicated to Motor Vehicles and, as a result, we do not particularly see that money.

ASSEMBLYMAN COWAN: There are a lot of very good points coming out today.

ASSEMBLYMAN GILL: As far as the State is concerned, it looks like more than enough income to take care of the probable costs of inspection.

MR. KLINE: As far as the State is concerned -- As far as the Division of Motor Vehicles, it may be a problem.

ASSEMBLYMAN GILL: We don't want to make a moneymaker out of this, just a --

ASSEMBLYMAN COWAN: Thank you very much, Cliff. We're going to see you a little bit later too?

MR. SNEDEKER: Yes.

ASSEMBLYMAN COWAN: Okay? Thanks, Cliff. Our next person we have listed is Dr. Mary Boyer. Good morning, doctor. Would you identify yourself, please?

D R. M A R Y B O Y E R: Good morning. I am Dr. Mary Boyer. I am the Director of Patient Services at Children's Specialized Hospital. This is a pediatric facility for rehabilitating children. I am responsible for a sixty-bed in-patient unit, and approximately 30% of my patients at this time are head trauma kids.

I am here specifically because I am concerned, of course, about the moped legislation and, very specifically, because I have two patients at this time who have sustained very severe head injuries as a result of moped accidents. The parents of both of these young people are here today and would also like to testify.

But, before I get to that, I would also like to speak in another capacity, and that is to speak for the New Jersey Head Injury Association. Letters have been sent to the Governor, and also to the sponsors of the bills, stating that this Association supports the legislation that is presently being considered. The New Jersey Head Injury Association is part of the National Head Injury Foundation, which is a membership organization composed of families and professionals who are concerned with the problems faced by the head injured and their families. We started the New Jersey Chapter just over a year ago; we presently have almost 200 members, and it is a very active and very concerned group. The Advisory Board and the Trustees have voted to go on record as in support of this, as I mentioned.

We are aware that the most severe head injuries and the most numerous, of course, do occur from motor vehicle accidents, but the fact remains that many of the moped injuries do not result in very minor problems. They don't result in fractures which heal in a few months and go away, but do result in fatalities and very severe injuries which can leave these young people permanently disabled for the rest of their lives.

I would like to briefly review the history of the two patients I am talking about and I am doing this, obviously, with the concurrence of their parents who are here. Michael is an almost seventeen year old boy who was involved in a moped accident in June of 1981. He suffered multiple skull fractures and multiple facial injuries, including a blowout fracture of the left orbit, which has left him blind, and cerebral contusions. He hit the left side of his forehead on a telephone pole while going at a low speed. He was unconscious within five minutes, and the injury to the bone was so severe that air and blood were mixed with the bone, infection supervened and the front part of his skull had to be removed.

Michael was in intensive care for two months before he was transferred to Children's Specialized Hospital. He spent another three months as an in-patient with us there, and since that time has been continued in an out-patient therapy program. He has been fortunate in that he has made a remarkable recovery, with almost complete resolution of his right sided weakness, but at this time, fourteen months after the accident, he continues to show many deficits in functioning which are preventing him from being re-integrated into school and from functioning as he did before the accident, and I don't need to tell you the tremendous toll this has taken on the family, as well as on the

patient -- fourteen months -- tremendous difficulties that they have gone through, and the boy, who is seventeen at this time, still has many, many problems which most likely will remain with him for the rest of his life.

The other patient that I would like to speak about is Ray, who at this time is almost eighteen years old. He sustained a severe head injury, also in a moped accident, in August of last year. He required neurosurgery to relieve the bleeding inside the skull and, again, spent two months in intensive care before he transferred to us for rehabilitation.

He has made slow but continuous progress, to the point of being able to walk slowly, but independently. He continues to have total paralysis of the right arm and shows deficits in memory. He has difficulty in expressing himself vocally, in organizing even simple tasks and in organizing his thoughts to put together some objective plan. For example, previously he had been above average in intelligence. He was functioning a month ago in math at a second or third grade level because of his problem-solving difficulties.

A further setback we have seen has been in the past month, with the onset of acute psychological deterioration due to his depression and frustration as he realizes as he improves the very significant disability that he still has.

Ray will certainly never return to a normal existence, attending college as he had anticipated, and it is questionable at this time whether he will ever be able to be self-sufficient in any location or job.

Surveys have been performed regarding the use of helmets. Most of this has been done in motorcycle studies, but they all indicate a very significant difference in the outcome of the accidents, whether a helmet is worn or not. Analyzing 900 accidents -- and this was a Southern California study -- 22% of the injuries occurred to the head and neck. They were two to four times more likely to have a head injury if a helmet was not used. In some states, these changes were very significant. In Oklahoma, it was eleven riders per thousand, compared to sixty-three per thousand, if they were wearing helmets.

One of the things I think that has shocked all of us as we have heard of this legislation coming up, is the comment which I heard the other day that, "It is just a few. We are just talking about a handful of kids in New Jersey. It's only been six or seven." All I would say to you is, "If this was your child, I think you would feel very differently." Those of us who spend our time putting these kids back together to try to get them back into the world would certainly urge you, very strongly, to support this legislation.

ASSEMBLYMAN COWAN: Thank you, doctor. Do you have any questions, Wayne? Doctor, were you on Channel 7? Are you from Mountainside?

DR. BOYER: Yes.

ASSEMBLYMAN COWAN: You did an excellent job.

ASSEMBLYMAN GILL: I'm on the Advisory Board of the hospital, so I can believe that.

ASSEMBLYMAN COWAN: Do we have the parents here, Mrs. Pagnillo and Mr. Steen? Do they wish to testify?

M R S. P A G N I L L O: I am a little emotional. I try to be very calm about this, but some of the things that I've heard -- I'm very -- I'll just start. You have heard about my son, Michael. He was fifteen at the time of his accident. He was only going twenty miles an hour. When he had to turn his reserve tank on, his head went into a telephone pole at twenty miles an hour. When I hear them speak of governors on

speedometers, I get very angry. A speedometer should not have to have a governor, because the speed should not go over twenty-five miles an hour. At twenty miles an hour, the devastation that can happen to a child is almost unbelievable, until it happens to you.

My son was in intensive care for thirty-two days due to the head injury, and almost died four different times. I don't want to get emotional about all the horror we have gone through, but we have suffered as a family. Fourteen months ago, I had a normal fifteen year old son. I now have a sixteen year old brain-damaged child. He is doing tremendously well; it is a miracle he is alive. He is regrowing the bone that was taken out of his forehead. I wanted him to wear a helmet, but peer pressure -- "Mom, nobody wears a helmet. I don't want to wear a helmet, they'll make fun of me." I held out on his moped for six months because I was against mopeds, but it gets to the point where your child says, "I'm the only one, Ma. You're always saying, 'You can't do this, you can't do that.' Everyone else's mother let's us do it. I'm the only one riding a ten speed." Finally, I gave in, but said, "Would you please wear a helmet?" "Ma, come on, no one wears a helmet. If there was a law, then I would have to." This is what he said to me. I said, "Well, Michael, there is no law. Would you please for my sake wear a helmet?" No, he would not wear a helmet.

When I hear statements that they impair the vision and impair the hearing, I get upset too. Michael has lost his vision because he did not wear a helmet. He has lost vision in his right eye; his left eye is impaired and he now wears glasses. Some of the vision is coming partially back. His right eye had been a non-seeing eye; now he can see somewhat. He lost his peripheral vision. As for impairing hearing when you were talking about headphones, I have seen children on mopeds wearing headphones. If a helmet impairs hearing, Lord knows what that does. If a helmet is going to prevent someone from losing his eyesight or his hearing or a head injury, I think surely there should be something more enforceable. They say, "Put the blame on the parents." Believe me, after your child has an accident, the blame is there. It will not go away, it's there. When they quote the statistics, the bicycle statistics are so much higher. Why even complain, it is such a low statistic for mopeds. There are more people riding bicycles. You are not going to see a five year old child riding a moped, but they have bicycles now. I have now made my two younger children -- they are not riding their bikes without a bicycle helmet, because I have seen what can happen in a bicycle accident. I had a fourteen year old cousin who was killed on a bike by a drunk driver. He suffered severe head injuries, and that killed him. I also have a friend whose son was killed on a motorcycle. He died of internal injuries, but not head injuries because the helmet protected his head.

Also the severity of the injuries of the seven kids that died, Lord knows what the horror of the injuries must have been. The statistics whether the number was 1,152, or as mentioned before 1,300, they are not broken arms and broken legs. These are maimed, crippled, brain-damaged children. The severity is far greater and far more extensive. These are things that are coming out all the time. People are not -- they are comparing statistics. They are not saying, "What are these statistics?" Well, I am living a statistic, and it's hell. It is just pure -- it's a tragedy. It is also something where I can't help my son, but I want to help someone else. Where families have to go through what any family is going through, no matter what their tragedy, for a simple safety law for a helmet, just

to wear the helmet -- what it can prevent. It is just beyond me.

I would just say to all those who are opposed to the bill, who are opposed to any bills for mopeds, I think if this had happened to you, your opinions would be greatly different. You would really be fighting to get something through to help, not only your children, but other children. My town, the Millburn/Short Hills area, for the past year, has written letters to Trenton, to individuals. They have sent petitions. The churches have done it, and I don't know what's happened. My town is yelling out to everyone, but somehow Trenton is not listening.

ASSEMBLYMAN COWAN: Thank you. Mr. Steen?

J A M E S S T E E N: Thank you, Mr. Chairman, and members of the Committee. I am heartened by what I seem to feel is the resolve of the Legislature to do something constructive to help save the kids of New Jersey, and I think this is a positive step in the right direction.

I am testifying at this Committee hearing today as a principal representing 3,600 members of the New Jersey Principals and Supervisors Association at the request of Henry Miller, Executive Director. I am also the parent of our son, Ray Steen, who suffered a tragic moped accident at the age of sixteen last August, 1981.

On Saturday night, August 22, 1981, while my son Ray was traveling down Smith Road in Parsippany on his moped, he hit a stone which caused his moped to go out of control, projecting his moped and his head into a telephone pole. He lay in stages of a coma as a result of this accident for five and one-half months, from August 22, 1981 until February 10, 1982. He spent two months of this time at Morristown Memorial Hospital, and was then transferred, in a coma, to Children's Specialized Hospital in Mountainside, New Jersey, where he is at present.

Dr. Boyer, Medical Director, has testified as to his medical prognosis. I plan to testify as to the emotional trauma that this accident has had upon Ray and his immediate family.

Pretend for a moment that you are the parent or victim of this accident. You are traveling on a moped down a narrow road. Your moped is capable of traveling anywhere from twenty-five to thirty-five miles per hour. You have satisfied all the existing laws for mopeds. You have passed the driver's test for mopeds. You carry liability insurance. You have been stopped by the Parsippany police several times and asked in the presence of your peers, who also drive mopeds, to show your insurance card and motor vehicle permit to drive a moped. You are friendly with many of the police officers. They use you as an example to your peers as having satisfied the very sketchy requirements for driving a moped. You would wear a helmet to please your parents, but your peers are very important to you. Helmets are not required by law and your peers think they look funny on anyone riding a moped. So, you decide not to wear a helmet. This decision changes the whole course of your life.

Down this narrow road, you travel at about twenty-five miles per hour. Two cars pass each other, forcing you to the side of the road. You hit a rock and it propels your moped and your head into a telephone pole. For five and one-half months, there is darkness. Upon waking up from the coma, you can't walk, you can't talk, and your right arm is paralyzed. The original prognosis is that you will be a global aphasiac who will possibly be institutionalized for the rest of your life and never able to process words. You can't talk. You can't comprehend what is said to you. All your dreams of going to college and getting a background in business

administration to help you meet your responsibilities as manager of a food chain store have been struck a lasting blow. Because your dominant right arm is paralyzed, it will cause you difficulty in finding work even in such areas as a sheltered workshop. Eventually, you have recovered enough to remember some of the past. You remember what your past life was like and become increasingly more aware of your limitations. They so upset you, that you start having hallucinations and delusions. You are transferred to another hospital for psychiatric observation. You now know that not only are you physically handicapped, but also mentally handicapped. You go into a severe depression. If only I had been required to wear a protective helmet. Why did I ever ride a moped?

As the parent of this helmetless victim, you go through many traumatic moments. You visit the hospital every day that your son is in Morristown Memorial. You visit as much as you can at Children's Specialized Hospital. You see him hooked up to tubes, unconscious and incontinent. You ask yourself, "Why me, Lord? Why my family?" You get no answers, but plenty of support, love, and concern. Your other son is about to start college. He doesn't want to go because he loves his brother and is concerned about the financial strains that hospital costs will have upon the family. He is finally convinced by a neurosurgeon that his brother will live and would want him to go to school. The emotions from this head injury to your son build up inside your body. You're short with people, anxious for any signs of improvement in your son's condition. You suffer from guilt and hysterical sobbing at times. "Please God, heal my child," you pray many times. The emotional strain between you and your wife causes you to seek professional counseling before it destroys your marriage. Life will never be the same for your son and your family, and you know it. You long for the past, but hope for a brighter future. It is a living hell -- all because a young bubbly boy with an effervescent personality and a strong will was in the wrong place at the wrong time on a moped without a helmet.

Committee members, it is my strong recommendation, and that of the State Principals Association that you develop stricter laws regarding motorized vehicles. It is my personal belief that not only should helmets be required, but also that mopeds should be registered to determine proof of age and degree of competency to operate motorized vehicles. New Jersey laws require helmets for motorcycles. Mopeds are as dangerous, if not more dangerous, than motorcycles because of the age that they are permitted to be driven by our youth. When athletes play organized interscholastic football and baseball, they are required to wear protective helmets. Moped drivers are permitted to travel faster than athletes on a football field or baseball diamond without helmets for their protection. Why shouldn't our children be provided with the same safety requirements?

You have the opportunity and responsibility to develop stricter laws for the safety of our youth and all ages of moped drivers in this State. Please do not naively place the responsibility of helmet enforcement in the hands of the parents. I said that before the Assemblyman left. Educators have long understood that peer pressure is much stronger than parent pressure during the teen-age years. Do something now to save a child and let him reach his full potential by enacting stronger legislation for mopeds. We need your support, and we are confident that we will get it, to protect the children of the State of New Jersey. Thank you.

I have copies of this testimony for you.

ASSEMBLYMAN COWAN: Yes, we would appreciate it, Mr. Steen.

MRS. PAGNILLO: Mr. Chairman, my copy is not available today. I do have --

ASSEMBLYMAN COWAN: Oh, that's all right, we have it on tape. It has been recorded. However, we would appreciate any material you have, Mrs. Pagnillo. Speaking on behalf of the Committee, I certainly want to thank both of you for coming down today. We realize that it is a very difficult thing.

MR. STEEN: I share the concern that we're here because we know what has happened to our children is going to change their lives. We're here because we want to do something to save the rest of the children of the State of New Jersey from having to experience the trauma that we have gone through, and what my son is going through, and what Mrs. Pagnillo's son is as well. Thank you.

ASSEMBLYMAN COWAN: Thank you.

MR. PASCUITI: Mr. Chairman, may I say a few words also?

ASSEMBLYMAN COWAN: You certainly may.

J A M E S P A S C U I T I: Mr. Chairman, members of the Committee: My name is James Pascuiti. I am Director of Counseling at Children's Specialized Hospital. I have worked with the children of the two parents that are here today, as well as other children at the hospital who have sustained head injuries. I have been working with them very closely for the past five years. Obviously, I am sitting in a wheelchair. I have been in this wheelchair for nineteen years, and have had to overcome many problems, many obstacles, barriers, attitudes, etc. But, with regard to what these children with these head injuries are going through, I would not want to trade with them today, my position for theirs. They may be able to walk out, they may be able to go out into the community, but their judgment is impaired from the residual problems they have sustained, and their lives will never be the same. They will never be able to share and enjoy some of the same relationships, as well as what society offers us today. They will be a burden to society if we are looking at things from a financial standpoint. The astronomical costs that it takes to rehabilitate a child -- the figures were not presented today. At a number of rehab hospitals in the State of New Jersey, the cost may be well in excess of \$300 a day, and these children are in the hospital sometimes more than a year. You do not have to be a mathematician to realize how expensive that is.

Beyond that, there is out-patient treatment. Beyond that, the child is not able to go to work, and when they get older they start receiving Social Security benefits. So, the cost is astronomical. I just wanted to add a personal note about seeing and working with the children who have sustained head injuries. They may not all have come from mopeds, but mopeds are relatively new and they are coming in more and more frequently, and the severity of the injuries is astronomical. Thank you.

ASSEMBLYMAN COWAN: Thank you, Mr. Pascuiti. Our next witness is a Freeholder from Atlantic County, Joe Messick. Is Joe still here? (affirmative response)

J O S E P H M E S S I C K: Mr. Chairman, members of the Committee: I come here to represent the Atlantic County Board of Freeholders, and how they feel by the resolution concerning moped safety.

It all began back in 1981 after two accidents in Atlantic County, both of which having the people riding mopeds being thrown through the air, one hitting a car -- both of them hitting a car, one into the windshield, one hitting the rim of the car, and both of them dying. As a result of that, the Board of

Freeholders met in 1981 to get a committee set up to look into this, to find out what regulations should be done, and what regulations should not be done. At that particular time in 1981, we passed two resolutions concerning moped safety which were brought up here to Trenton. Trenton passed one of them in relation to juveniles -- the bill was 2061, I believe, in which the juveniles would now go to traffic court or municipal court, rather than juvenile court, in relationship to accidents that came along with this.

In 1982, the possibility of action was again pursued by the Board of Freeholders, and just last week we passed another resolution, which I will talk about today. We found with this resolution that there was a tremendous need for helmet requirements. Both fatal accidents in Atlantic County would not have taken place if helmets had been worn by the students, or by the people there. We also asked that there should be some protective eye gear that should be mandatory, that licensing, registration and inspection should be part and parcel of the package, that training and testing of moped operators should be done, and that mopeds should be regulated under Title 39.

One of the reasons we are most concerned about this is that, as you all know, traffic has increased substantially in Atlantic County, not only on the major roads to Atlantic City, but also throughout the entire county. The result has been increasingly dangerous conditions and, coupled with an explosion in the number of mopeds, the outcome is, again, potentially dangerous conditions in which accidents of all degrees can take place. We do not want a repeat of the fatalities that occurred in 1981. We do not want to see people in Northfield killed again. Therefore, we are asking the Committee here to register, inspect and train, to instill a safety factor in operations, and to realize that mopeds are not bicycles, they are motorized vehicles capable of inflicting serious injuries on the people who use them.

There is a need for safety equipment to lessen the extent of injuries to all those unfortunate enough to be involved in these particular accidents. While we cannot sanitize all elements of danger in moped operation, the State can bring order, responsibility and safety to the moped operators in the State. Therefore, I would like to leave with the Committee, Mr. Chairman, copies of our resolutions, for both 1981 and 1982, as well as copies of what we did as far as the Committee hearings are concerned and the recommendations that came along in 1981.

I would like to thank you for allowing me to speak now, because I have to run back to Atlantic County as we have an afternoon Board of Freeholders meeting today, a work session. I came up here this morning with one of the patrolmen from Northfield, Patrolman Jack Hafner, who happened to be at the scenes of the accidents where the two deaths occurred. Since we came together, I wonder if it is at all possible that his testimony could be taken now so that I will be able to get back to my meeting in Atlantic County. Thank you very much.

ASSEMBLYMAN COWAN: Okay. Is the patrolman here now? (affirmative response) You may come up.

J O H N H A F N E R: Mr. Chairman and members of the Committee: I am a police officer with the City of Northfield; I have been a police officer for approximately ten years and have investigated numerous accidents. Unfortunately, I had the duty to investigate the only two fatal moped accidents we had within the city. I am not going to go over the things that have already been gone over, because I do not want to waste time since you have so many people to talk to.

I have photographs here which I will pass around, but I have to take them back with me because both of these cases are going to court. The first accident occurred in 1979. A fifteen year old girl died in a moped accident; she ran a stop sign. All indications from the investigation revealed that the hand brakes were not operative on the moped. In the right-hand side of the photograph, you can see the brake cable. You can also see the damage that was done to the moped, which was relatively minor. The second photograph is the car that the moped ran into; there is relatively minor damage to the car. The girl was thrown approximately fifty feet, and landed on her head. After speaking to the county coroner, it was his conclusion that if the girl had worn a helmet, she very possibly would have been here today.

The second accident we had happened in 1980. It was at night; the youth was traveling northbound on New Road. He made a left-hand turn in front of a vehicle that was going northbound. The driver tried to swerve out of the way, but struck the youth. We responded to the call, and the youth died in my arms. My partner and I brought the child back to life and got him to the hospital, where he died two days later. These photographs here will show where the youth's head hit the windshield. He was launched over the top of the car and landed next to a telephone pole. Like I said, the youth died in my arms.

Without moped laws, and without the right for police officers to act and to charge youths on mopeds for helmet violations, for goggle violations, for registration violations and for inspection violations, nothing will be accomplished. These kids are going to keep dying. I don't know how anyone feels about having to go up to someone's front door, knocking on the door, and telling a parent that his fifteen year old just died in a moped accident. I know I stood there and "beat around the bush," crying with my partner, because I just couldn't do it. My partner wound up telling the parents that the youth died. I'm sure that if the parents were here -- I found out about this a little bit too late. The photographs that you have there are of the Collins youth. I'm sure that if I had gotten a hold of the parents before they went away, they would be up here today to speak before this Committee.

I would like to say that I am speaking for myself as a police officer, and not for the city. After all this happened, I contacted the Senator and got absolutely no place with it. I contacted Mr. Messick because he was a friend, and asked him for his help, along with the help of the County Freeholders. I would like to thank you for letting me speak before the Committee today, and I hope that you will pass all the laws that are presented to you. Maybe if we can save one life from it, it will all be worth it. Thank you very much.

ASSEMBLYMAN COWAN: Thank you very much. We have next, Chief Parenti.  
A N T H O N Y P A R E N T I: Mr. Chairman, if I may, because I usually wear two hats, I would rather yield to the New Jersey Police Traffic Officers' Association. Our First Vice President will give the testimony, and I will testify for the New Jersey Police Chiefs' Association.

ASSEMBLYMAN COWAN: And your name, please?  
C A P T A I N R O B E R T O ' C O N N O R: My name is Captain Robert O'Connor; I am with the Morris Township Police Department, and represent the New Jersey Police Traffic Officers' Association. We have a prepared statement, and I have copies for you gentlemen. Basically, rather than read it -- everything that has been said earlier is just repeated in that statement.

We have seen, since 1976, an increase in injuries on mopeds of over 800%. We have also seen that 25% of the injuries are to the head area. We concur with the statements of the Director of the Division of Motor Vehicles earlier in his proposals, but we feel we must emphasize several things in particular. It is important and paramount that Trenton and the Legislature take action to enact legislation that will require moped helmets and goggles. These are imperative. If we can reduce, which we can with this type of legislation, the injuries to the youth, it will be nothing but a success. What has gone before speaks the whole case. We just feel that it is very important; we have been pushing for it since 1976, and we feel the time is now. We cannot wait any longer.

The officer who just left you, I can relate to him. We represent the officers who have to go to the scenes and investigate the accidents, take the young people to the hospitals, notify their parents, etc. Those who oppose it, if they had our tasks to carry out, would favor this type of legislation. That is all the Association has to say. We can answer any questions.

We must say that registration is very important for us also. We do have the problem of tracking people down, and the enforcement. Earlier in the year, the Legislature and the Governor took a big step when they moved the authority from the juvenile court to the municipal court, effective January, 1983. That will be a giant step forward. This legislation will finish the task.

For our Association, I thank you for your consideration.

ASSEMBLYMAN COWAN: Thank you, Captain. Chief?

CHIEF PARENTI: I would just like to give you a brief history. I am not going to reiterate what has been said. I think enough has been said; I think hearing from the parents of the victims probably should be enough to do it.

Back in 1975, when the moped first came into being in New Jersey, contrary to what the gentleman that left said before, this was legislated upon the people of the State of New Jersey. The people in the State of New Jersey did not run to the Legislature and say, "Give us this." This was something that was brought upon us by the Legislature. They passed a law allowing them to operate in the State of New Jersey. In 1977, we managed to get reform, some moped reform, and the Legislature was kind enough to listen to us at that time and passed meaningful legislation, which I am sure, if that legislation did not go through, that number would have been much higher than seven for last year.

But, something very significant happened. I testified at that time before the Assembly and the Senate, and even had conversations with the Governor, regarding this 1977 reform. There is something in there extremely significant that I think you gentlemen should be aware of, and that is, we asked that all moped accidents be filed with the Division of Motor Vehicles. We wanted that in there so that we could monitor what was taking place. The Legislature said at that time, they said it very loudly and very clearly, that if we saw that head injuries were going to be a problem, then we would have no difficulty in adopting such legislation.

Well, I think the evidence is clearly before you, and I think it is time that you act again and give us what we need out there to help prevent these serious tragedies, and that is the required helmet for the operators, eye protection, which is equally important because that is what is causing the operators to lose control, the title and registration -- we go along with that also. However, our greatest emphasis is on the upper two. Thank you very much.

ASSEMBLYMAN COWAN: Thank you, Chief. Next we have Phyllis Scheps. That is a very unusual name, Phyllis. You don't see that too often.

P H Y L L I S   S C H E P S: My name is Phyllis Scheps. I am the New Jersey State PTA Safety Chairman and I represent some 280,000 parents in our State of New Jersey. For the past four years at our annual convention, we have passed resolutions, and intermittently we have reaffirmed our support for moped safety. Obviously, we support the whole package of registration, licensing, etc., but our main emphasis in addition to that, of course, is on helmets and on eye protective gear.

I would like to mention something now, something that should be said a little differently, I think. We've heard from the parents; we've heard from the police; we've heard everything. I'm just sorry Assemblyman Markert still isn't here. I just think it has to be said that sometimes philosophy must take a back seat to safety. As a safety person, and your aide here, Larry Gurman, has seen me before this Committee for ten years on various safety issues, all too often I have heard the philosophy that, "Well, we cannot legislate this. We cannot legislate that." We all get pretty down when we say, "Well, we can't do this; we can't do that." We do need laws. We need laws for safety. Representing the largest parent group in the State, we beg for help. As a parent -- Fortunately, my sons have passed their teen-age years, and thank God they survived them. There were times when we wondered whether they would. There were times when I wished and begged that there were laws such as this. I do agree that a law is not going to stop every accident. It is not going to prevent every injury, or every death, but it is a tool. And, I'm speaking to you now, and I will be appearing before you on other bills in the future, asking that we get this tool when it comes to a safety issue. The statistics are in; the facts are in. If it is one child, God forbid it's your child, that is all it has to be.

We can do something about it. There is an old adage, in other words, "If only we had known before, we could have done something." I think all the gentlemen here, and I hope our full Legislature, know just what the facts are. Now, I do believe, and perhaps have had the opportunity to speak before the industry, and I was sitting next to a gentleman who is from the industry, and I know that that is a vested self-interest, but I do know, and I do feel, that they do have a concern for the youngsters in this State. I have spoken to him while we were sitting here, and said, "We would like to work with you." I think they would like to be very cooperative as far as educating the children. We can certainly disseminate information throughout our parent/teacher organization, throughout the State, but the time has come when we need laws. We are begging for them. Once again, I think I am becoming a little sensitive, because everything these days is being blamed on parents. Okay? We are to blame for a lot of things, no question about it. We have made a lot of mistakes; we do a lot of things wrong, but I do believe that when we have that little extra edge of saying, "Hey, kid, you know, it's the law. If you don't want to wear it, forget it." That is what we are asking you for today. Thank you very much.

ASSEMBLYMAN COWAN: Thank you, Phyllis.

CHIEF PARENTI: Mr. Chairman, I would just like to add one thing to what Mrs. Scheps said. It isn't necessary that the philosophy of an individual and safety be incompatible. My own philosophy is that very often the law, or the State, or the government, must protect the individual for his own good. My own feeling is, that in this particular case, this is necessary.

ASSEMBLYMAN COWAN: Thank you. Next we have Mr. Paul Zimmerman and Mr. Joe Katz.

J O S E P H W. K A T Z: Thank you, Mr. Chairman. I'm Joe Katz, and I am the New Jersey Public Affairs Counsel for the Moped Association of America. Paul Zimmerman is the Executive Director.

I have prepared a little capitulation of what has transpired and where we are, and where we, as an industry association in New Jersey, ought to move. I know you can read, so I won't read it to you, but I would like to touch on some of the points.

As Chief Parenti mentioned, mopeds were legalized back in 1975, and it was merely recognized that they are a separate sort of vehicle. Now, this was happening all over the country, and the laws required some distinction so that they were not just considered as motorcycles. It was in 1977 that we all worked very hard. We were together on some issues; we were opposed on others. It was in this very Committee that many of the compromises and legislative achievements were attained. We passed a law in 1977 that has made New Jersey one of the most effective regulators of mopeds in the country. Just to sum it up, we have a law here that restricts the size and speed of mopeds. It restricts the roads where they can be driven. It requires operators to have a driver's license -- either a driver's license or a special moped license. It requires liability insurance. It prohibits the carrying of passengers, and it outlaws the sale of mopeds which can go faster than twenty-five miles an hour. It also prohibits operating a moped under the influence of alcohol or drugs. One of the most flexible provisions in our law is that it lets the Division of Motor Vehicles modify the overall restrictions on where a moped can travel by special regulation. I hear there are problems down in your area, Assemblyman Bryant. If there are, the municipality can go to the Division and they can, as they have in several other places, modify the law and say, "Even though the mopeds otherwise would be allowed on this Blackhorse Pike," or whatever it is, "they are prohibited." Conversely, on a petition, a municipality can approve them, as they have done down the shore on a divided highway.

So, there is a lot of flexibility in our law. Now, there have been some recent changes which have been alluded to, which we support. Assembly Bill 762 became effective April 29. It provides for a thirty-day license suspension for fifteen and sixteen year olds who commit second moving violations. A subsequent violation results in the suspension of driving privileges until a person is seventeen. You may want to toughen that up.

The most important reform which we think has occurred was in A-2061, which was signed -- I don't know why it took so long, but by Governor Byrne on January 9. Because of the provisions, it doesn't take effect until January 1. We were not in favor of such a long interim. This is the bill which is going to do a lot for enforcement, because it takes a moped violation by a young person out of the juvenile courts and puts it into the traffic court. It also covers bicycles, too, and pedestrians. Hopefully, now, when a policeman sees a moped going down the road with two passengers on it, which is clearly illegal, he will be more apt to pull him over and bring him into the local court. Right now, it involves a whole rigamarole with the juvenile court.

We think there is room for further improvement. We are not here to oppose, and we haven't over the years, as I think those of you who have been on the Committee will recall. We support registration. We do not support registration to punish people because they own a moped, as has been the implication on some proposals, but we support a law that provides for a one-time registration because we think that

meets the problem. When a moped is sold, it should be reregistered. We think that it ought to provide, because there is a certain amount of red tape in any registration procedure, for temporary registration at the time of purchase, because when a person buys a moped, if he is a child, or even an older person, he wants to ride it. That can be accommodated, I understand, by the Division of Motor Vehicles.

These provisions have been incorporated in S-944 by Senator Graves, who has also studied this problem over the years very intensively. That bill passed the Senate unanimously in March. For whatever reason, maybe Fred can tell us, it did not get assigned here. It found its way to the Judiciary Committee, which has not been too involved in this problem. I guess they have been concerned with other things, and haven't gotten around to it.

Now, you are going to be doing a Committee substitute. Perhaps you may want to look at S-944, and that could be the basis of the substitute. I was happy to see the action you took with Assemblyman Markert's bill on headphones and radio and tape players. Obviously, they represent a threat to safety, not only to drivers, but to other people, and we wholeheartedly support the enactment of that bill. We think that that bill serves as testimony for the one place where we leave off, where our agreement with some of the past speakers ends, and that is on the question of helmets and other forms of what we think of as over-regulation, because you could pass a bill to outlaw every danger that anyone could foresee. If you do that, every one you pass is going to be meaningless. The important laws are going to be jumbled with those of less consequence. I realize that some of these accidents are horrific, and my heart -- I'm a parent; Mr. Zimmerman is. We worry about our children, and I am not going to minimize what can happen, and what does happen on mopeds, bicycles and cars, in horseplay. It's terrible, and why us, those who are struck by this.

However, we think there are other drawbacks that perhaps can have consequences as serious, if not more serious. There is a question, and Paul will speak more to this point, of helmets injuring or impeding safety. The moped in New Jersey can only travel twenty-five miles an hour. The biggest danger you have -- you are supposed to keep to the right -- is hearing a car coming up behind you. You can see what is ahead of you. To a certain degree, helmets restrict your ability. Walkmans do much more in that direction; they should be outlawed. We have a real problem with requiring helmets. Now, many moped operators do use them, they have the option, just as many bicycle operators do, but to require it, and to require a policeman to cite everyone who is riding without a helmet, is liable to clutter the court so much that they are not going to be able to enforce laws which represent a more serious threat to safety, such as carrying a passenger, or even two passengers, as I have seen, such as driving down the wrong side of the highways, as many people do with mopeds, or such as souping up a vehicle, although I don't know how common that is.

I would hope that when you draft the compromise you consider both sides of this argument, and they are very serious. Now, regarding annual inspections, Director Snedeker said that the Division is having a problem with them. Obviously, you have all been reading the papers, and there are problems with inspections. Maybe it makes for a good argument -- We want to pass a law on any problems. If you pass a law like that, I will just give you a good illustration of some of the problems you would create. We are so restricted now regarding the roads you can drive a moped on, if you have to take them in for an inspection, you have to put the moped in a car down around Trenton and drive over to the inspection station, because you are not

allowed to ride on Route 1, where the station is. So, sometimes you can create problems with a law.

Now, regarding putting a governor on a moped. If somebody is smart enough to change engines or somehow soup up one of these engines -- whether they can be, I'm not sure -- he sure as hell is going to be able to by-pass a governor, if there is such a thing as a governor. I understand that they are not too readily available. So, I think there again, you're passing a law which may make you feel good while you are passing it, but it isn't going to do much.

Now, regarding goggles, it sounds like a good idea, but we raise some questions as we do with helmets. We do not think they are necessary, because of the lower speed of the moped. A motorcycle has an air stream, and it makes your eyes tear. It forces the motorcycle driver to squint, his vision is blurred, and there are problems. So, we ask you to consider that.

We understand there is a proposal to raise the speed to thirty miles an hour. We do not support that. We do not think a moped is a near motorcycle. We do not support people trying to sell mopeds as motorcycles. We think you passed a good law with twenty-five miles, and we urge you to stay with it.

Now, I would like to turn things over to Paul Zimmerman.

P A U L Z I M M E R M A N: Mr. Chairman and members of the Committee: My name is Paul Zimmerman. I am the Executive Director of the Moped Association of America. I have appeared before the Committee a number of times over the last seven, going on eight years. Our members are the major manufacturers of mopeds, both foreign and domestic manufacturers.

I am going to be brief because I do not want to reiterate what Mr. Katz said, and I realize that there will be a need, probably, for more information as you further consider and we want to be available for that. I also want to leave time for Mr. Genovese, who is the Director of the State Moped Dealers' Association, and who has intimate knowledge of steps being taken by dealers on education.

I do want to make a couple of points. We, from day one, have always been, not only in New Jersey, but in every other state, and there are forty-six states, forty-five states and the District of Columbia -- being from the District of Columbia, I like to refer to it as a state, but forty-five states -- let's call it forty-six states -- we have always been for strict enforcement of the laws as written. We have supported every measure to ensure strict enforcement of the laws. But, even further than that, this is where the dealers and the number of educators in New Jersey have cooperated. I must say we have cooperated with them, because we can't do much alone. We have been very active, both in films, several films on riding mopeds safely have been distributed and shown over the years through public broadcasting, and this brochure, "Learning the Big Five of Moped Safety," has been distributed very widely around the country and has been used by a number of highway safety offices and a number of educational institutions. It gives over sixty tips, and advice on moped safety.

I will not repeat much of what Mr. Katz said, but I would like to make a couple of points. New Jersey, and now I am comparing it to other state moped laws, has a very strict moped law now, and it has substantial tools, especially in view of the two laws which have been referred to a number of times earlier today, which have been passed on suspension and revocation of licenses and enforcement of the law in municipal courts on so-called juveniles. It is important to remember that under the definition of the vehicle, it cannot exceed fifty cubic centimeters, its engine in size,

or 1.5 horsepower -- your average lawn mower has a three horsepower engine -- or twenty-five miles per hour. That has been in the law since it was written. The other thing, which is a Federal regulation, and which has a very important bearing on safety, is that all mopeds, by regulation of the Department of Transportation National Highway Traffic Safety Administration, in order to be imported into the United States, or manufactured for sale in the United States -- so it covers both imported and domestically-manufactured vehicles -- A motorized bicycle as defined in New Jersey law, the vehicle must meet very strict equipment standards. The vehicle may not be sold under very strict penalties of law, including imprisonment -- heavy fines. On lights, brakes, tires, controls and displays -- You start out with a vehicle which can't exceed twenty-five miles per hour and which, by Federal law, has very heavy safety equipment, much more so than is required of any bicycle. All operators, as we said, must be licensed, including the fifteen to seventeen year olds, on which the main concern has been expressed here. A written test and a road test are required. We were in support of, back in 1977 when these various items were discussed, the Division of Motor Vehicles, since we certainly did not have the expertise, having regulatory authority on the content of the tests, the written and the road tests, which they do. It was felt that people fifteen, sixteen, seventeen or older, or anyone who must have a motorized bicycle license, that is, who do not have another valid driver's license, if the tests should be strengthened, the Division should have complete authority over that subject.

The road restrictions, as stated, are pretty heavy, heavier than any other state. In addition to prohibition to interstate highways, they may not be operated on divided highways or on roads where the speed limit is over fifty miles per hour, and the Division has flexibility in going even lower than that. In that regard, we would not be in favor of any provision which stated a lower speed limit. We feel the Division has the opportunity to handle that now in individual cases. If such a proposal was adopted, i.e., no operation of mopeds where the speed limit is over twenty-five miles per hour, I daresay that most moped operators wouldn't be able to get in their homes and, certainly, the utility and/or recreational use of the vehicle would be destroyed. Such roads are not prohibited for the use of bicycles, skateboarders or pedestrians. I am sure there are many parts of New Jersey, although I do not know them as intimately as you people, where the only road for miles around may be one -- is probably one with a speed limit of over twenty-five miles per hour, or far over twenty-five miles per hour.

Insurance is required; liability insurance is required. Passengers are now prohibited, and I might say that, within its wisdom, the Committee may feel that the penalties for riding a passenger are not heavy enough. They happen to be a \$200.00 fine and/or fifteen days imprisonment. I make no comment on that bill. This has been prohibited since 1977, and we have always been for enforcement of that prohibition.

As stated earlier, thorough accident reports are required. We feel that there is a large amount of education available, and it has been used. We feel that the enforcement tools have been there in the past, and now they are even more enhanced. On the subject of registration, Assemblyman Riley's proposal on registration is close to the one with the minor amendments, as Mr. Katz has mentioned -- is close to the one in Senate Bill 944, which has passed the Senate and is now before the Assembly Judiciary Committee. We worked closely with Senator Graves on that bill, and the Division of Motor Vehicles, to ensure that it was effective registration,

but was simple and cheap, as befits the cost of this vehicle and the low operating cost of the vehicle. That is why we are in favor, as has been done in California and Florida, of a one-time registration, keeping it as simple as possible, allowing the person to perfect the registration, but having to carry around as identification once he has bought the vehicle, the slip provided by the Division of Motor Vehicles through the dealer, allowing him to register his vehicle and get his plate by mail within a certain number of days.

On the other subjects of -- First, let me handle briefly the terminology, which has the potential to cover a wide range of implements. We think it would be very difficult to enforce and is not really necessary. What you have is the basic law, which you have always had, which defines a moped, among other things, including its pedals for identification purposes, its engine size for horsepower, as I have said, and its maximum speed of twenty-five miles per hour. That is your main enforcement tool, especially when there is more enforcement available now under the two new laws enacted. What you would have -- In order to effectively do this, a number of my members have told me, you would have to devise a completely new engine to do it properly so it wouldn't be abused. I daresay that what would happen, according to what a couple of our members have said who I have spoken to, is you would then be faced with a situation -- Every state has a limitation on speed in the definition of the vehicle, but no other state has such a requirement for a governor. They enforce it on the basis of speed. If you are driving a vehicle over twenty-five miles an hour, you are not driving a moped, and you are subject to citing for any violations of the next highest vehicle, which is a motorcycle. What you would have, in effect not being necessary, you would have a requirement in order for it to be effective, that a special vehicle be manufactured for sale in New Jersey. I just do not think it is going to be done. A couple of people I have spoken to have said it couldn't be done, it just wouldn't be economically feasible.

Also, we believe that it would, ironically, encourage higher speed machines on the road, because if you put a requirement in the law that there be a governor at twenty-five miles an hour, rather than just leaving it as it is, it has to be twenty-five miles an hour, you could encourage, and this is what I get concerned about, higher speed vehicles in violation of the law being "governed," and that covers a multitude of expressions -- "governed," but temporarily, down to twenty-five miles per hour and, instead of obeying the law and manufacturing the vehicles to be twenty-five miles an hour, you could encourage renegades, so to speak, with faster machines. We just don't think it is necessary.

On the subject of inspections, only six of the forty-six states which have enacted moped laws require any inspection. Pennsylvania repealed its inspection the year after it passed its moped law, on the grounds that it was just not necessary. It was not cost effective. With the strong Federal motor vehicle safety standards that I mentioned, and the relatively simple nature of the machine, it was just an extra cost and burden to the state and to the moped owners. I am not aware -- an accident was referred to earlier -- but in my, and I think that Mr. Genovese can probably speak to this better than I, but in my travels around speaking to dealers and dozens of hundreds of moped riders over my eight years of running this organization, I have not come upon a problem anywhere of moped accidents being due, in large numbers, to faulty vehicles. I do not think it is necessary to require an inspection.

Eye protection -- only one of the forty-six states, in other words, almost overwhelmingly the states do not require eye protection, the practice being

that the vehicle is a low-speed machine, as a bicycle is. I happen to wear sunglasses when I ride a moped, but that is because I wear contact lenses which can sometimes be hurt by anything. Even heat waves from the heater in my home can do that, so I wear sunglasses when I ride a moped. However, I do not think it is necessarily required. I found that generally the people who do wear eye protection are the ones who have eyes that are sensitive to sun, and who wear sunglasses most of the time outside, or those who have a particular eye situation, but want to ride a moped.

On the subject of helmets, just to give some statistics, of the forty-six states which have enacted moped laws, only five require helmets to be worn. That leaves forty-one, if you will follow along with me briefly. According to my latest count, of those forty-one states which have moped laws that do not require -- in other words, the overwhelming majority that do not require helmet use, thirty-two of them do require that motorcycle operators wear helmets. I think that is significant, the basis of the distinction between the vehicles for many purposes. New Jersey does not have as many distinctions, as I say, as other states. It has now a very heavy regulatory law. The difference between the vehicles has been based on the low-speed bicycle-like maximum speed of the vehicle as distinct from motorcycles, which are much faster and more complex vehicles that can go on interstate highways and are not restricted as thoroughly as mopeds are in New Jersey. Many motorcycles are much more complex to operate, with kick starters, clutches, gear-shifts and foot brakes, as opposed to mopeds, which have just pedals and brakes, and a throttle, but that's it.

Helmets are costly, and I can only repeat what Mr. Katz said. Being a parent myself, I am sympathetic. One of my sons, Leon, was hurt in an accident at home having nothing to do with any kind of vehicle, and there was some substantial recovery period. I am sympathetic to anyone who suffers any type of injury, the person or the parent, whether it is a moped rider, a bicycle rider, a pedestrian on the road or any kind of close call, because it did have to do with horsing around at home. But, I do not think that the answer, or the requirement, based on the experience, should be to require helmets. They are available. As I say, they are costly, but they are available. Dealers sell them, as Mr. Genovese will indicate, but we do not believe, unless you are going to require a helmet for bicycles riders, who are riding vehicles which do not have anywhere near the safety equipment of a moped, and whose roads are not restricted as thoroughly as a moped, which is my understanding, and whose maximum speed is the same as a moped, it should be required for a moped operator to wear a helmet. We think that the law is heavily regulatory now. We support Senate Bill 944 and, in effect, Assemblyman Riley's bill, if those amendments are made in it which would bring it into contenance with S-944. We support that in terms of registration. We think that will make the present law more enforceable, and we have always been for enforcement of the law.

We feel that we have been a responsible industry. I think I speak for the dealers; I know I speak for the manufacturers in New Jersey, with whom I work very closely. We think the vehicle has a very good safety record in New Jersey. If you match this safety record against bicycles, motorcycles and pedestrians, I think you will find that the moped has a good safety record, and the law has worked well in New Jersey. With the two recent laws passed, plus a reasonable registration requirement, we think it can work better.

ASSEMBLYMAN COWAN: Thank you. Wayne?

ASSEMBLYMAN BRYANT: One of the questions, I guess -- I would like to know whether you have any statistical information that helmets would not significantly reduce head injuries. If you have information to that effect, I would be interested, because all of the information I have available is that helmets would significantly reduce head injuries.

MR. ZIMMERMAN: That's motorcycle information, is it not?

ASSEMBLYMAN BRYANT: Whether it is motorcycle, or whether it is on these moving machines, which are either motorized bicycles or mopeds, I have some basic problems. Basically, what you have presented to us is what other states are doing. I look to other states, and I guess this is a philosophy too, as to whether, in fact, they have found the same helmet problems as New Jersey, and have dealt with them. But, because no one else is doing anything, doesn't mean that we shouldn't do something. Therefore, to tell me that forty-one states have not enacted laws dealing with helmets, only tells me that they don't have a problem, they haven't recognized the problem, or they haven't dealt with the problem. It does not in any way impede New Jersey, as a State, or this Legislature, from dealing with a problem we find that has the potential to protect lives. Also, to compare, and say that mopeds are no more dangerous than bicycles, and we have not done anything to correct bicycles, is an argument saying that both of them are bad, and that we should correct one, even if we do not have the wisdom to correct both. That, to me, is not an argument to sustain not correcting the problem. It just means that you should convince us of the wisdom that they both should be corrected, bicycles and mopeds.

I am saying that today you haven't presented me with anything, but basically inference arguments that do not prove the point that protection is not necessary. Sadly, when you talk about Assemblyman Riley's bill, specific mention about State highways and twenty-five miles an hour, when the State statute simply includes State highways, it does not preclude county highways on municipal roads. That is why I was specifically asking that that does not mean that all roads where a person is going over twenty-five miles an hour, would not be able to use a moped. It is specifically limited to State highways. If you look at our statutes, some of them say "highways," which then include all municipal, county and State highways. If it specifically says "State highways," then it is only applicable to highways which are actually owned and operated by the State of New Jersey.

MR. ZIMMERMAN: Thank you. Of course, Assemblyman Bryant, it is your responsibility to act for the State of New Jersey. That is what you are elected to do by your constituents. I was merely trying to give you some background information. On the question of highways, I do not pretend to be an expert on the State highway system in New Jersey. It seems to me that passage of a bill which would even restrict or prevent mopeds from operating on State highways where the speed is over twenty-five miles an hour, would require more investigation, which is why you are here. It would create a hodgepodge of operating conditions for mopeds which would, in effect, discourage, or in some instances prohibit the operation of the vehicle. That is all I was saying.

MR. KATZ: I would like to add to that that the residual speed on State highways is fifty miles per hour, except in very closely built up areas -- on all roads and, in effect, if you put the speed limit on roads below fifty miles an hour, State, county or local, over half the roads would be covered and I would venture to say that most owners of mopeds wouldn't be able to get out of their driveways.

ASSEMBLYMAN BRYANT: Well, I agree with you, if you are talking about more than State highways.

MR. KATZ: We don't want them on divided State highways. You know, State highways are two-lane roads. I live on Route 206, and --

MR. ZIMMERMAN: I think the point we were trying to make is that they are heavily restricted where they can operate now, and I think satisfactorily restricted, given the Division's regulatory authority to further restrict them. The situation in other states is just brought up for informational purposes. Yes, moped laws in other states, to answer your question, Assemblyman, have mostly been enacted over the last seven or eight years, and we have examined them very heavily, in almost all instances. These helmet requirements have not been changed in other states. That is just a piece of information that I brought along.

ASSEMBLYMAN GILL: I will withhold any comments; this is an information seeking session. I will withhold any comments I might have, my feeling on helmets. Also, you are presenting evidence that other states are not taking action as justification that New Jersey should not either. I do not exactly buy that argument. Just coming back to one point where you were commenting on governors, and the use of the governors as not being practical. Having had four sons who could do almost anything, mechanically, I agree with you. However, if they are going to enforce the law, that is a different proposition.

But, your comment about the better way to regulate the speed would be back at the factory where the mopeds are manufactured. What efforts are they -- recognizing the problems we are having -- what efforts are either the dealers or the manufacturers making to regulate the speed?

MR. ZIMMERMAN: You have a very effective enforcement tool, which is why we have always recommended very strict definition of the vehicle in the State law. That is the most efficient enforcement tool you have.

ASSEMBLYMAN MARKERT: You're talking about a policeman?

MR. ZIMMERMAN: That the policeman has. If the vehicle is going over twenty-five miles an hour, that person can be cited for a lot of violations, and should be cited for a lot of violations.

ASSEMBLYMAN GILL: It is not practical then, in your estimation, to regulate the speed back at the manufacturing source?

MR. KATZ: They are, sir. They are.

MR. ZIMMERMAN: They are. What I am saying is that the --

ASSEMBLYMAN GILL: At twenty-five miles an hour?

MR. ZIMMERMAN: That's right. The responsible manufacturer is for New Jersey, and manufactures a vehicle and sells a vehicle, the maximum speed of which is twenty-five miles an hour. Now, I agree with you on your four sons. Time and money will do anything. If someone wants to take the engine out of a moped and replace it with another engine that will go sixty or seventy miles an hour, he can, but it is going to be too strong for the frame and the vehicle isn't going to go very far. The moped companies have tested that many times. Fortunately, we haven't been faced with that very much. Why? Because people who are interested in speed will buy motorcycles. That is what they will do. We have not been afflicted by that very much, but it can be done. But, the most effective tool I don't think is a governor, because I think it will encourage it, rather than discourage it.

MR. KATZ: There is one other tool, also, contained in the registration law. If Senator Graves' bill, and perhaps your bill, would contain a provision

for the Division to promulgate a list of approved vehicles --

ASSEMBLYMAN GILL: Yes.

MR. KATZ: -- they wouldn't approve something larger than 1.5 horsepower.

ASSEMBLYMAN GILL: Yes, I had forgotten that.

MR. KATZ: As Mr. Zimmerman points out, that is half the power of a lawn mower, and that by itself. Now, it could be souped up perhaps, or replaced.

ASSEMBLYMAN COWAN: Well, I think that has been brought out as far as a definition is concerned. That, in itself, limits the miles per hour that this engine can produce.

MR. ZIMMERMAN: That limits what is legal to be -- that's right, to be defined as a moped.

ASSEMBLYMAN COWAN: And if you find a so-called moped, if they call it a moped, above that, it is something different.

MR. ZIMMERMAN: That's right.

MR. KATZ: You're driving a motorcycle without a license.

ASSEMBLYMAN COWAN: That is pretty well defined. Anything else?

MR. KATZ: Thank you very much.

MR. ZIMMERMAN: Thank you, Mr. Chairman.

ASSEMBLYMAN COWAN: Thank you, Joe. Thank you, Mr. Zimmerman. May we have Ellen Nugent? Ellen?

E L L E N N U G E N T: I am Ellen Nugent; I represent the New Jersey Motorcycle Dealers Association. With me is Mr. Orville Bathe from the National Motorcycle Industry Council. Basically, we would like to say that the issue breaks down into several aspects, as you are probably well aware at this point. On the issue of registration, we support the bills. I think Assemblyman Riley did an excellent job explaining the need for registration, and the policeman, also, explaining the help that it is in law enforcement. So, we are very supportive of the idea of registration of mopeds.

Secondly, we have heard a lot about the use of safety equipment. Our basic position is to support the issue of the use of safety equipment for moped operators.

The next issue I would like to raise is the definition of motorized bicycle which we have here in New Jersey. Basically, we have to ask ourselves, is the definition that exists right now the best one in the interest of safety of the moped. Right now, the vehicle is limited to a speed of twenty-five miles per hour, which, as Assemblyman Riley pointed out, he has done some extensive research and looked at some testing, and so forth, and he indicates that there is a problem with a speed of thirty miles per hour. We have also heard some indications on the size of the motor, and it is necessary with our definition now to increase the cubic centimeters up to fifty, in order to be consistent and to accommodate a thirty mile per hour speed. And, also, I would like to point out to you that the National Highway Safety Administration has done some extensive studies on mopeds, and they are supportive of the definition I have. On Page 2 of the handout I just gave you, there is the statement from the Federal Register. In the Federal Register, the National Highway Safety Administration recommends that the definition of moped -- this is the Federal definition now: "Moped means a motor driven cycle whose speed obtainable in a one mile is thirty miles per hour or less, which is equipped with a motor that produces two a brake horsepower or less and, if an internal combustion engine is used, the piston displacement shall not exceed fifty cc.s and the power

driven system shall not require the operator to shift gears." That is the Federal definition, and in the Federal booklet that is put out by the National Highway Safety Administration called "Moped Guidelines for States," they recommend the use of this definition because it supports the studies they have done on dealing with moped speed.

Thirty of forty-six states are using a thirty mile per hour limit. Statistically, as far as accidents, and degree and injury attained in those accidents, or occurring in those accidents, there is no significant difference between twenty-five miles per hour speed states and thirty miles per hour speed states, thereby indicating that at this point, to our knowledge with the data that exists, there is no detriment as far as to the amount of injury that an operator would sustain by increasing the speed. In fact, there is something to be gained by increasing the speed to thirty miles per hour. I have a letter which I submitted to Larry Gurman and to the Chairman, from CALTRAN, the California Transportation Department, in which they show that most traffic lights -- most intersections -- the speed anticipated of vehicles going through that intersection is at thirty to thirty-five miles per hour. So, if you put a vehicle on the road whose maximum speed is twenty-five, it is very possible that this vehicle will have difficulty crossing the intersection in the allotted amount of time. In fact, I have included a page in the packet here on Page 4, which indicates a page from our own Motorized Bicycle Manual. It talks about the causes of accidents in New Jersey, and indicates that 14% of the moped accidents that we know about in New Jersey, and our statistics are only now beginning to become better, are caused by a situation where the operator could not get across the intersection with enough speed to get out of trouble as the light changed over an amber light, and then they become scared as they see traffic begin to move and, in many cases, they lose their ability to operate the vehicle because they are scared -- that kind of thing. If the operator was confident that he had the speed to get across the intersection, there is a very real possibility he would have more confidence and some of those accidents could be avoided.

So, this is why the Federal government is recommending the speed, and why we are also recommending a change in the definition of motorized bicycle so it would include a speed of thirty miles per hour. It will, in the long run, be in the best interest of safety for the operator.

As far as injury is concerned at thirty to thirty-five miles per hour, there was a study done called "An Analysis of mopeds as a Potential Safety Problem in the United States." It was published in May, 1979, by the U.S. Department of Transportation. I have given a summary of that to Larry, also. Basically, their recommendation too, is that a slower vehicle mixed in with the traffic going at a higher speed is a problem to the operator. Therefore, we would like to see you reconsider the definition that we have now, because basically it is not in the best interest of safety in New Jersey.

A second thing to consider with that definition is that right now our New Jersey definition describes a motorized bicycle as a "pedaled vehicle." That, in fact, creates a problem because it limits -- The only mopeds that can be on the highway right now are pedaled vehicles. In the past, the Federal government thought that pedals were helpful on a moped, in that their original thought was -- their original studies indicated they could accelerate and help the operator if he needed more speed. In fact, the studies have been redone, and the reason the Federal government changed their definition is because they found the pedals were useless and were not helpful, in fact, to get the operator out of trouble if he needed a

little bit more power to get through an intersection, up a hill, or whatever. So, right now, pedals are not a safety piece of equipment and, in fact, they add weight to the vehicle as it stands and we would prefer that the use of pedals be an optional feature in the definition, so that we change the definition to -- leave the word "pedals" out, which would indicate that a vehicle with pedals could be sold, or not sold. That would be left up to the consumer to choose which vehicle he would like to use. It would also allow the sale of a vehicle called a "noped," which would fall into the same parameters and be capable of the thirty miles an hour speed, the fifty cc. displacement, but it would not have pedals.

If you are going to register the mopeds, and you are going to have plates on the back to identify the vehicle as a moped, it will be easier for law enforcement personnel because they will know right away that this is a moped, and not a motorcycle, or any other kind of vehicle. They will know that it is a moped and know what laws and requirements the operator should be maintaining as an operator of that vehicle.

So, basically, I think that if you are going to go into a comprehensive policy, and I hope that you do that because it has been brought out by many people today that there is a need for it, I hope you are going to consider changing this definition so that we can achieve a speed of thirty miles an hour, and also have the pedal become an optional item. Thank you.

ASSEMBLYMAN COWAN: Thank you, Ellen.

O R V I L L E B A T H E: Mr. Chairman, my name is Orville Bathe. I represent the Motorcycle Industry Council. We are an association of over a hundred plus members of the motorcycle and moped industry and related trades. We are the other side of the industry, and it appears, somewhat, the other side of the argument here.

I support the comments of the Director of the Division of Motor Vehicles on issues of moped safety, and I support the comments of Assemblyman Riley. I think, as a very minor thing, that you should investigate the question of twenty-five miles an hour State highways, because you may have a hopscotch problem there for the moped rider trying to get someplace. But, basically and substantially, I am in agreement with their remarks and the need for comprehensive safety legislation on mopeds.

Your problems are not unique to New Jersey. I could show you -- I have it here in this great bundle of material -- a newspaper item from Ohio, which is repeating the same sort of thing. Their local communities are getting fed up. They are alarmed because of their young riders who are, to a certain extent, irresponsible. It is a peer pressure thing, and they are getting hurt. They want to take care of it. Incidentally, we are supporting a bill in Ohio that would put "rules of the road" requirements on mopeds. It would have an under-eighteen helmet requirement. It would change the definition to essentially the Federal definition which is in this Federal Register, as a "two horsepower, fifty cc., thirty miles an hour, automatic shift motor driven cycle." That is the basic Federal definition.

Let me say something about the question of accidents. I would agree with the remarks of Mr. Zimmerman, that motorcycles are probably more dangerous. I think some people might even question that. There are so many factors involved, it is very hard to compare. But, giving him the benefit of the doubt on that, I would tend to agree with him. Once you have an injury, the results show very little difference, and I can read you a brief excerpt here from a study that was done by the State of Ohio, in which they say that once an injury occurs -- They analyze helmet effectiveness at speeds below thirty miles an hour: "Unhelmeted riders appear to be about seven times more likely to receive a fatal head injury in a crash than are

helmeted riders." So, the size of the vehicle on which the rider is mounted makes little difference in the way he will be injured in a collision accident. In other words, once the accident occurs, whether it is a large motorcycle or the little one isn't going to make that much difference.

Your problems, as I said, are not unique to New Jersey; a lot of states have these problems. This is a heritage of the early moped legislation in this country, which essentially looked at the moped as some sort of bicycle, and that is what your law also calls it, a bicycle. Typically, this was accompanied by a very low level of regulation in some states, such as -- well, currently, North Dakota has a minimum age of fourteen and absolutely no requirements on the rider. We supported a bill which was essentially, as I recall, -- I didn't have much to do with it -- an administration bill. The highway safety people in North Dakota and the motorcycle dealers cooperated in putting in a very modest bill that would have included an under-eighteen helmet requirement, as well as operator licensing, and so forth.

You are not regulating a bicycle with a helper motor anymore. If that ever applied, it does not apply anymore. The predominant moped that you see out there on the streets, the modern moped, whether it has pedals or not, is a low speed, with a low power, motor driven cycle that goes thirty miles an hour, in which the engine is now an integral part of the vehicle design, and the only practical propelling power. Now, if the machine happens to have pedals, they are of modest usefulness. They can be used in some cases. On some of them with pedals, the owner says, "I don't want these things." On some they are useful. The point is, they are not needed on all.

As Miss Nugent has said, what we would recommend is that you establish a performance-related definition, but don't try to describe this thing as some bicycle with pedals out there, say what it does. You establish performance criteria, which the Federal government has done, which say, "All right, it has limits. It has an automatic shift and it has limits of thirty miles an hour, fifty cc. displacement and two horsepower." And, these provide the performance criteria for your machine. You start with that. This also conveniently gets you away from this bicycle myth and the idea, "Well, it is really a nice safe little vehicle out there." It is like any other motorized vehicle; it is in the motorized vehicle mix, and you have to regulate it as such.

I think that provides you with a workable definition. Now, you will undoubtedly hear some arguments either today or later on that pedals are essential for moped safety. They will cite this study which was done for the Department of Transportation by California Research Systems Technology, Inc., and I will leave this with you, as evidence that mopeds need pedals. First of all, the study was researched only on mopeds that have pedals on them, which is hardly an argument that says, "Well, you need pedals on all mopeds." There is just one chart, but they also say in this report that the pedals are only effective at very low speeds, and for short distances. Also, the chart here shows a Vespa moped, which has pedals by the way, without using its pedals, engine power only, achieving the goal, which was, I believe, a twelve miles an hour, 11% grade, and outperforming a Puch moped that was using engine and maximum pedal power, which is a good measure of athletic ability, but I don't think exactly what the ordinary user would use. The one, without using the pedals it had, outperformed the other one. I won't go into any more detail on that. If we get into this issue of pedals and safety, I can go on for a long time, and I will be very happy to send you some documentation on it.

The other item I would like to touch on is the question of speed. Now, all of the national safety organizations say thirty miles an hour. The Federal

government says thirty miles an hour. Thirty out of forty-six states say thirty miles an hour. So far as I know, since the Moped Association has claimed credit for a good deal of the moped laws that are in place in this country, I am assuming that they are in favor of thirty miles an hour. Certainly, they have spoken in favor of it before in some states. I would assume they want to keep the law the way it is here, perhaps to keep the pedals in the definition, I'm not sure.

The reason that thirty miles an hour was chosen was because you have to have some sort of arbitrary figure, and it was decided that this would at least give the moped and its rider a reasonable change of keeping up with the urban traffic flow. As you know, a lot of the urban traffic signals in cities across the country are sequentially coordinated at say thirty or thirty-five miles an hour and, if you go much slower than that, then you are holding up traffic, you get tailgating, aggressive automobile driver behavior, and so forth. By raising the maximum speed to thirty miles an hour, you also are increasing the accelerating power, and this is one of the prime problems with the underpowered moped, its ability to accelerate. If you say, "This thing only goes twenty-five miles an hour," quite often the result of this is that your acceleration is not as good as it should be.

The other thing I would say on that is that generally your cruising speed, your operating speed is probably a couple miles below the thirty miles an hour limit.

Now, the question of governors. The Federal government, via the Federal Motor Vehicle Safety Standards -- I will also leave this with you, Mr. Chairman -- These are the equipment standards and so forth for the moped and, by Federal law, no moped can go over thirty miles an hour -- by Federal law. The manufacturer, if he exceeds that, then has to make his little moped qualify with a brake system, lighting and so forth as a motorcycle. That is very costly; he doesn't want to do that. Two of the pedal moped manufacturers had their vehicles recalled in 1980, the Peugeot and the Motobacon, because they exceeded the thirty miles an hour limit. They quickly sent out recall notices and changed that. So, at the manufacturers' level, there is already a control, and it's thirty miles an hour. In a twenty-five miles an hour state, and there are a few as I've said -- thirty have thirty miles an hour -- I think what the manufacturer -- I am not a technician, but I believe that what the manufacturer does is put a restricter in the carburetor or in the exhaust system so they can meet the twenty-five miles an hour specification.

Now, you are concerned about riders going over thirty miles an hour. What I would suggest is that you have in your bill, not something about governors, but simply making a misdemeanor, or whatever you wish to call it, in other words, a penalty for anyone who alters the capability of the machine to go over thirty miles an hour. You don't have to talk about governors; this does get into a very complicated situation. That will give you a legal basis for controlling the speed of the moped in your State.

That is all I have. I will be very happy to answer any questions, now or later.

ASSEMBLYMAN COWAN: Thank you very much.

MISS NUGENT: I forgot to allude to what I have here. This is just a draft of the change in definition and what would be involved with that. Someone in Legislative Services did work on it, so I thought I would give you the advantage of a little work already done, if you choose.

ASSEMBLYMAN COWAN: This is on the definitions?

MISS NUGENT: Yes, that is on the change in definition.

ASSEMBLYMAN COWAN: And you are going to leave some material here with the Committee Aide, right?

MISS NUGENT: Yes.

ASSEMBLYMAN COWAN: Thank you very much. We have two witnesses left here on the list. We would like to complete the hearing along these lines with the remaining two witnesses, but I would ask that you please limit yourselves and not be repetitive to what we already have heard. All right? Mr. Genovese.

C H A R L E S G E N O V E S E: Thank you very much, Mr. Chairman and members of the Committee. I am the President of the New Jersey Moped Dealers' Association, and more so than anyone else in this room, or who has spoken in front of you, deal on an eighty to ninety hour a week basis with the public who buys and uses mopeds. We have failed to talk at all about them. I wish to do so now.

With the economy what it is, I don't have to tell you what it costs for insurance for a car, to finance that car, or for gas. I won't bore you with that at lunchtime, especially. But, a lot of adults are turning toward the moped as an alternate means of transportation. I wish to offer my knowledge in the industry to you at a later date, or at any time you choose to call upon me to help you, in anyway I can, with what the public wants, what the public is interested in, and what is necessary in the moped industry for it to survive in this country.

I was wondering when the moped people were going to come into the State of New Jersey, and they found this a very perfect opportune time, with a bit of a panic bustling this summer about the moped and some tragic accidents we have had. I have already solicited the promise of support by the New Jersey Police Association and the New Jersey Traffic Officers' Association, and I hope to solicit the help of the PTA Association to never take the pedals off the moped because no cop in the world will ever be able to determine what that vehicle is when he stops it for doing anything. He is not going to be able to say, "Well, it looks like fifty cc.s; it might be seventy cc.s." You are going to have more trouble and death on your hands than you ever had in your lives. So, that is the only point I want to make about that.

Safety and education are things that every Senator and every Assemblyman seems to have missed. They all want to jump on the bandwagon and restrict the moped more because their constituents want it, and that is what they hear, complaints about mopeds. The cops did not want to enforce any laws because it was too difficult, so they shoved it off on you people, and you people have the job, the dubious job of making some very heavy decisions about an industry which has supported the State of New Jersey financially in many, many ways. All I wish to say, is that I spent thousands of my own dollars to go into the seventh and eighth grades in my community. I am the largest dealer in the State, and I took the time -- I have three locations, three groups of people and different financial categories. The public likes mopeds. The public likes the idea. But, the kids need education, and they need it in the seventh and eighth grades before they become of moped age. You don't go to a drug addict and try to teach him to stop using drugs. Darn it, it's too late for that poor guy. You go to the kid before he starts taking drugs and say, "Son, this is what is wrong with drugs. This is what is going to happen to you." That is what we did with the moped. The response from the 3,000 or 4,000 youngsters that I interviewed was astronomical. I have received letters from the PTAs of those schools, and the principals, thanking me for spending time and energy to teach these kids something

they never knew. Those kids' mouths dropped open when they heard what the New Jersey State law was. They never knew. So, now, these kids when they reach legal moped age, will know what the law is, what the proposed new laws will do to them should they break them, and they know safety tips. We spent a fortune printing safety material, which we have given to you. Now we need somebody to go out there and teach them. I have done as much as I could in my community, and my dealers in my association are doing it in their communities. But, of course, just like we have rogue cops, we have bad politicians sometimes, and sometimes we have very bad moped dealers that are after a quick buck. We are going to try to stamp that out; we are going to try to clean up our own house. We need your help to help us educate the seventh and eighth graders before they become of moped age. We can do it cheaply through the police traffic safety officers of each town, and I'll go to every town in the State to educate those people to educate the other people.

Keep in mind when you make your laws, gentlemen, safety is our concern also. I have the most beautiful little fifteen year old girl in the world who is ready to ride her moped. I want to protect her life very much. I have nephews and nieces who use them also. There is a place for the moped in this State. New Jersey has seven of the largest manufacturers located in this State, with their warehouses, with their technical departments and with their offices, employing thousands and thousands of people. Keep in mind that they have pedals on their vehicles. We can't compete with the Japanese markets that sell the \$200 and \$300 vehicles without pedals. Once the pedal is taken off the speed, you are going to lose all control you ever had. I agree there is a need for more legislation, proper legislation. Please get some industry people to help you help yourselves. That is all I have to say. "Safety is where it's at."

ASSEMBLYMAN COWAN: Thank you, Mr. Genovese.

ASSEMBLYMAN GILL: Just a couple of points, if I may.

MR. GENOVESE: Yes, sir.

ASSEMBLYMAN GILL: One, I don't want anybody to get the impression -- At least I consider safety as being a question of both enforcement and education.

MR. GENOVESE: Right.

ASSEMBLYMAN GILL: Merely because we have a need to educate, and I do believe that, doesn't mean we can't also require enforcement.

MR. GENOVESE: Yes.

ASSEMBLYMAN GILL: Let me ask you this. Your lovely fifteen year old daughter is about to start driving a moped?

MR. GENOVESE: Right.

ASSEMBLYMAN GILL: Are you, as a father, going to require her to wear a helmet?

MR. GENOVESE: Yes, sir, I am.

ASSEMBLYMAN GILL: Okay, very good.

MR. GENOVESE: But, each person must know his individual child. We need parental help here, and we need education here. We do not need a law for every single thing we do in the State of New Jersey. I think it is a fact that there are more laws on the books in the State of New Jersey than in any other state in the Union. So, we are really closely overregulated. We do need some help, but I think you gentlemen might need some help from the industry. I would be very happy to help you. I am not an absentee owner; my hands will prove I work on these things, so any technical problems you might have I might be able to help you with.

ASSEMBLYMAN COWAN: Thank you very much, Mr. Genovese.

MR. GENOVESE: Thank you.

ASSEMBLYMAN COWAN: Our next witness will be Jim Appleton from the AAA.

J A M E S A P P L E T O N: My name is Jim Appleton; I'm with William Kohm Associates, and we represent the AAA Auto Clubs in New Jersey. I would just like to say that we are very much in support of the efforts of this Committee and the Legislature to toughen up the laws on mopeds. Our concerns are basically in two areas.

First, safety, safety in terms of helmets and in terms of eyewear -- I won't bore you with statistics you have already heard. I think a very strong case has been made that helmets and eyewear are critical to improving the safety performance and the accident statistics related to mopeds.

Our second concern is with responsibility. We feel, representing over 600,000 motorists in the State of New Jersey, that all too often mopeds cause problems on the road and their young drivers are often not responsible for the problems that they may cause on the road. We believe, along with the various law enforcement agencies that you heard from today, that it is critical to have registration of these vehicles in order to be able to properly enforce the laws that you do have on the books.

Just in summary, I would just like to say that the AAA is prepared to work with you to sell this, to push this legislation through the Legislature.

ASSEMBLYMAN COWAN: Jim, a very important point was raised by Mr. Genovese, in my mind anyway, and that is an educative process with these kids before they actually do go out on these things. I was wondering, with your expertise in that field, along with the AAA for a number of years here in the State, do you have any suggestions in relation to that?

MR. APPLETON: I will bring up with our group the idea of working closely with Mr. Genovese, or with any other organization that is interested in education at the schools. To be honest with you, I'm not sure right now how much of our educational effort in the schools at this point in time is devoted to moped safety. I would venture to say that it is probably not enough.

MR. GENOVESE: Just one word, Assemblyman, if I may. We not only have to educate the seventh and eighth graders before they use a moped. This gentleman should start to educate those 600,000 automobile drivers who think they are the only persons allowed on the road.

ASSEMBLYMAN COWAN: The question was not raised on that point, and is not involved in this legislation right now. But, maybe in the future, we might get into something along those lines.

MR. GENOVESE: I'm sorry.

ASSEMBLYMAN COWAN: The only reason I raised that question, is because I thought perhaps it might be something that could be worked on. Perhaps, it should also be directed to Motor Vehicles, as far as the licensing process is concerned, if a licensing process is to work if it is done now, and how deeply or how effectively it is done, along with ancillary private organizations. I'm talking about Mrs. Scheps sitting there, Phyllis Scheps, with the PTA, and other groups. Certainly, they could do their own thing in a private regard. But, not that we are looking to add anything to the curriculum in the school districts, because we are having a problem trying to get fire safety installed in the school districts right now, without mopeds. Okay?

I know what you're saying about overregulation but, okay, Jim, thank you very much. Is there anyone else who wishes to make any comments now?

FROM AUDIENCE: I would like to make a statement now.

ASSEMBLYMAN COWAN: Yes?

W I L L I A M C. P E T O: My name is William C. Peto. I am the Director of the Traffic Division of the New Jersey State Safety Council. I have agreed with most of the statements made this morning. As a matter of fact, for the last four years we have been, along with the police traffic officers, trying to promote safety in this area. We agree with the Director of the Division of Motor Vehicles in his proposals, without reiterating what they are, but I will go into saying that we support the use of helmets by all motorized bicycle operators, a recognized eye shield and training for the individuals, in other words, education. I agree with Mr. Genovese in his proposal for education.

Also, we look for the registration of mopeds because, as the Motor Vehicles Director said, if we register the mopeds we can rid the roadways of many illegal-type motorized bicycles or motorized vehicles. That is basically it, sir.

ASSEMBLYMAN COWAN: Thank you very much, Bill. Is there someone else?

FROM AUDIENCE: May I make a comment, sir?

ASSEMBLYMAN COWAN: Yes.

T H O M A S M A N G A N O: My name is Tom Mangano. Thank you very much for hearing me today. I am a moped dealer in the State of New Jersey. The dealers I have spoken to all agree with the new Rand law. We just were hoping that that would be in effect a little bit earlier than 1983. Personally, I agree with helmets, goggles, and any other safety equipment that a moped user should have -- proper reflectors, mirrors, etc.; however, helmets and goggles, I really do not feel should be legislated into law. Personally, when I use a bicycle, I use a helmet. On a bicycle I have been clocked at fifty-five miles an hour. There is no moped in the world that can coast downhill at that speed.

Again, I think the parents should have that option. It is true that there is peer pressure, but through strong education, not only for moped operators, but for bicyclists and joggers -- I see them all the time on the wrong side of the road, doing the wrong sort of things. If you teach them, you won't have to worry about helmet loss quite as much.

The inspection part of this, besides being cumbersome, should be far more critical. I suggest at my shop that it be done on a daily basis before the kid gets on the bike. He should check his brakes and his lights to make sure that all that stuff works.

Again, education seems to be the way to go. You can't educate drunken drivers off the road -- legislate drunken drivers off the road, but if you got to them before they got on the road, it would certainly be a lot easier and certainly less costly than trying to keep people off the road that way. Thank you very much.

ASSEMBLYMAN COWAN: One thing you can do, though, if you catch them, one time (inaudible).

MR. MANGANO: Yes, I agree with you 100%, but how many people could they have hurt or whatever long before they were on.

ASSEMBLYMAN COWAN: That's true; one accident is enough.

MR. MANGANO: Thank you very much, sir.

FROM AUDIENCE: Mr. Chairman, may I make a comment?

ASSEMBLYMAN COWAN: Yes.

J O S E P H P O S N I A K: My name is Joe Posniak, Councilman at Large, Clark, New Jersey. I am very happy to hear that we are on the move on getting some of these moped problems straightened out. The Clark Council has passed many resolutions

as to our concern about what is happening in the State of New Jersey relative to the lives and the limbs that are being damaged, injured and so forth. But, what I was thinking as I was listening to all the witnesses here who came before you, is that the age limit of the drivers, I honestly think, should be upgraded to the age of seventeen, because you have a machine that has a lot of power there and, certainly, it is something that should be considered. I, myself, for the life of me, and I have had experiences with the moped -- I stop at a stop sign or traffic light and I see them pass me by, make a left turn into a street, into oncoming traffic -- but, I honestly think that without the pedals, it is actually a motorcycle, and they are getting larger.

I have had quite a few calls. The citizens ask me, "Joe, I just saw a motorcycle go up the street without a license," and I say, "It can't be; it has to be a moped." But, this is somewhere where I think it certainly would save us a lot if they were classified as a motorcycle, and governed the same way as a motorcycle. That is all I have to say, gentlemen. Thank you very much.

ASSEMBLYMAN COWAN: Thank you, Joe. Yes?

FROM AUDIENCE: May I comment, please?

ASSEMBLYMAN COWAN: Yes.

C A P T A I N E A R L W A L L O: My name is Captain Earl Wallo. I am from the Florham Park Police Department. I am Consultant to the New Jersey Juvenile Aid Officers Association, so we live with this problem. We work in close proximity with the Traffic Officers Association under Chief Parenti and Captain O'Connor. They, as well as the Director of Motor Vehicles, have given you all the facts, and we concur, so I will not be repetitious. But, our organization and officers dedicate their profession to the welfare and safety of the youth of this State. So, if at any later date you need our services, or any input from us, we will be glad to come forward. Thank you.

ASSEMBLYMAN COWAN: Thank you very much. This hearing is adjourned.

(HEARING CONCLUDED)





# New Jersey Principals and Supervisors Association

1720 Greenwood Avenue

Trenton, N.J. 08609, Phone (609) 587-9440

October 16, 1981

Mr. James Steen, Principal  
Thomas Jefferson School  
95 E. Main Street  
Rockaway, N.J. 07866

Dear Jim:

I'm pleased to inform you that the legislative committee and the executive council of NJPSA voted unanimously to support a 1453 requiring that persons operating motorized bicycles wear protected helmets. When the legislature reconvenes I will see to it that appropriate committee members of the legislature are informed of our action as well as the sponsor of the bill.

When this legislation and your letter were discussed with the committee everyone wanted to be sure to be remembered and to send best wishes for a speedy recovery for your son. Best wishes from all of us.

Sincerely yours,

*Walter W. Chesner*  
Walter W. Chesner<sup>cc</sup>  
Assistant Director

WWC:cc

lx

—Formerly—



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*New Jersey Police Traffic Officers' Association*

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LT. ROBERT O'CONNOR  
FIRST VICE PRESIDENT  
49 WOODLAND AVENUE  
MORRISTOWN, N.J. 07960

On behalf of the New Jersey Police Traffic Officers' Association, may I thank you for allowing us to speak before you today in regard to moped legislation.

Over the past several years, we have seen the increased use of motorized bicycles within the state. There have been many reasons for this increase, but generally the motorized bicycle is used by young adults between the ages of 15 and 17 during their leisure time. The motorized bicycle provides transportation for them and a relief to their parents from the duty of chauffeuring, one of the many responsibilities of parenthood in today's society.

For several years, our association has been in the forefront in the attempt to promote safe operation of motorized bicycles and to control the use of them on our roadways.

We have seen the injury statistics increase in excess of 800% from 1976 to 1981.

Included in this increase were seven (7) deaths in 1981, five drivers and two passengers. We should note here that passengers are not allowed on a motorized bicycle.

An analysis of the injuries suffered by individuals involved in motorized bicycle accidents shows that over 25% of the injuries are to the head and another 25% to the upper body. We cannot say exactly how many of the head injuries we could have prevented or minimized if protective helmets had been a required piece of equipment since the inception of mopeds and their use on our highways. However, it is fair to say a certain number of the injuries would not have been as severe as they were without helmets.

Basically, we are talking about injuries to young people whose future still lies ahead. We require individuals who operate motorcycles on highways in our state to

use a protective helmet and goggles for their own safety. If we require this of adults, why should we not require it of children using a motorized bicycle?

We call upon you today to move this piece of legislation onto the Assembly floor for swift action to help provide a certain amount of protection for the young people who operate these vehicles. In addition, we would ask you to approve the recommendations of the Director of Motor Vehicles in connection with the registration and licensing of the motorized bicycle.

A short time ago, the state took a giant step forward in dealing with the motorized bicycle problem when it transferred the jurisdiction for violations from Juvenile Court to the Municipal Court to allow the officer on the street the ability to deal with the violations concerning motorized bicycles in a more effective manner.

On behalf of the New Jersey Traffic Officers' Association, I would like to thank you, Mr. Chairman, and all the Assemblymen who have shown concern for this matter by submitting legislation which will help the officer on the street perform his duties and at the same time provide a degree of safety for those who operate motorized bicycles on your roadways.

Thank you.

THE JOSEPH W. KATZ COMPANY  
*Public Affairs Counsel*

*Capitol House*

142 WEST STATE STREET  
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FINE TUNING THE MOPED LAW

A REPORT TO THE ASSEMBLY TRANSPORTATION COMMITTEE

By

The Joseph W. Katz Company  
Public Affairs Counsel, Moped Association of America

New Jersey's moped law has come a long way since mopeds first were legalized in October, 1975. That first law merely recognized the moped as being a unique form of transportation, separate and distinct from the motorcycle. In fact, the sole purpose of the 1975 law was to recognize that mopeds aren't motorcycles and that separate regulations should be developed to govern their use.

The original law needed improvement. Much of that work was done by the Legislature in 1977. Since then New Jersey's moped laws and regulations have become among the most effective in the nation. The Moped Association of America has worked with the Assembly Transportation Committee over the years to develop this program.

Today's law restricts the size and speed of mopeds which can be operated, restricts the roads where they can be driven, requires operators to have a regular drivers license or a special motorized bicycle license, requires liability insurance, prohibits carrying passengers, outlaws the sale of mopeds which exceed legal specifications and prohibits operating under the influence of alcohol or drugs.

In addition, the law authorizes the Division of Motor Vehicles to further restrict, by regulation, the roads on which mopeds can be driven.

The Legislature recently passed two important reforms to strengthen law enforcement and increase safety. A-762, which took effect immediately when signed on April 29, provides a 30-day license suspension for 15- or 16-year-old moped drivers who commit a second

moving violation. A subsequent violation results in the suspension of driving privileges until age 17.

The other and even more important reform, A-2061, was signed January 9 and will take effect next January 1. It transfers jurisdiction over pedestrian, bicycle and moped offenses involving juveniles from the juvenile courts, where procedures are complicated, time consuming and expensive, to the municipal courts where offenders will be dealt with more quickly and realistically. When this law takes effect, we expect to see a far more effective job of enforcing the traffic laws not only for juveniles operating mopeds, but bicycles as well.

As strong as New Jersey's moped law is, there is room for improvement in selected areas. These reforms will fine tune the moped law without overregulating and unnecessarily inconveniencing New Jersey's estimated 100,000 moped owners. The changes are:

- Registration--this will improve law enforcement two ways. By placing a license plate on the moped to make the bike more easily identifiable, registration will influence operators to obey traffic laws. Registration also will help assure--by publication of a list of approved models--that only mopeds which are limited to 25 mph are operated in New Jersey. In addition, it could assist law enforcement officials in finding and returning stolen mopeds.

The moped industry supports an inexpensive, one-time registration, with a requirement to reregister the bike when it changes hands. The registration law should provide for a two week temporary registration at the time of purchase, and registration by mail, so that moped owners can have use of their bikes while the Division of Motor Vehicles is processing the paperwork. These provisions are incorporated in S-944 which passed the Senate unanimously in March. It was referred to the Judiciary Committee which has not considered the subject. Perhaps the bill could be transferred to the Transportation Committee or the committee could draft its own version.

- Banning radio or tape player headphones--because mopeds are unable to exceed 25 mph, they are continually being overtaken by other traffic. It's essential that moped operators hear traffic approaching from the rear. For this reason, New Jersey needs a law which prohibits moped operators and, indeed, bicyclists, from wearing headphones while driving.

#### OVERREGULATION

Through the years, other restrictions have been suggested. These are not true reforms, but unnecessary burdens on the moped public which would abolish the important distinction between the relatively inexpensive, fuel-efficient moped and the high-powered, high speed motorcycle which can be driven practically anywhere in New Jersey. We believe that this important distinction, which the Legislature first established seven years ago, should be preserved. Most importantly, if too many prohibitions are enacted, there will be less enforcement of all regulations. For example, there has been little enforcement of the ban on passengers, riding on forbidden roads and on the wrong side of a road. When jurisdiction is transferred to municipal courts, enforcement will be easier. But this could be offset by imposition of a whole new assortment of "reforms" that serve merely to clog the courts.

Included among these non-reforms are:

- Helmets--because the slower mopeds are restricted from all of the state's major roads, helmets aren't needed. Ten-speed bicycles can go faster and can be ridden in more places than mopeds; helmets are not required for bicycles. The helmet reduces a moped driver's ability to hear overtaking traffic. A helmet would cancel out much of the gain achieved by a ban on headphones. In addition, a helmet can cost from \$30 to more than \$100; in effect this would be a tax on the state's moped owners.

- Annual inspections--the moped is essentially a bicycle with a simple one cylinder engine displacing less than 50cc and rated at no more than 1.5 horsepower. Why should this simple machine be taken through state inspection lines, particularly in light of the current problems with car inspections? What's more, most inspection stations are located on divided highways where moped operations are prohibited. This means that most moped owners would be forced to carry their bikes to the inspection station in the trunk of a car.
- Speed governors--placing a governor on a moped engine in order to limit speed implies that you are governing down an engine which is capable of higher performance. The registration bill would outlaw plates for models that can travel faster than 25 mph. To violate this speed limit, a moped owner would have to be mechanically skilled enough to "soup up" the engine. Anybody so skilled could easily bypass a "governor."
- Goggles--the moped travels so slowly that goggles aren't necessary. Goggles make sense for high speed motorcycles because the air stream causes the driver's eye to tear, and it forces him to squint and blurs his vision. None of these reasons apply to mopeds.

