

CHAPTER 25
MOTORIZED BICYCLES

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

Subchapter 6, Point System Regulation, was repealed by R.1983 d.360, effective September 6, 1983.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

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

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

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

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

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

13:25-1.1 Definitions

SUBCHAPTER 2. MOTORIZED BICYCLE LEARNER'S PERMITS

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

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

SUBCHAPTER 3. MOTORIZED BICYCLE LICENSES

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

13:25-3.2 Permits

13:25-3.3 Physical and mental qualifications

13:25-3.4 Motorized bicycle operating privilege status

13:25-3.5 Law-knowledge tests

13:25-3.6 Written test

13:25-3.7 Oral test

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

13:25-3.9 Visual acuity test standards

13:25-3.10 Color perception check standards

13:25-3.11 Necessity of motorized bicycle driving test

13:25-3.12 Motorized bicycle driving test maneuvers

13:25-3.13 Motorized bicycle used in driving demonstration

13:25-3.14 Failure of motorized bicycle driving test

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

13:25-3.16 Restoration fees

13:25-3.17 (Reserved)

13:25-3.18 Eyes and weight numerical code chart

13:25-3.19 Surrender of motorized bicycle license

SUBCHAPTER 4. CONVULSIVE SEIZURES

13:25-4.1 Satisfaction of physical qualifications

13:25-4.2 Physically unqualified pending hearing

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

13:25-4.4 Neurological Disorder Committee

13:25-4.5 Committee review of case

13:25-4.6 Report of findings

13:25-4.7 Committee recommendations

13:25-4.8 Restoration qualifications

13:25-4.9 Interval report of seizures

13:25-4.10 Driver reexamination

SUBCHAPTER 5. CARDIOVASCULAR DISORDERS

13:25-5.1 Cardiovascular Committee

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

13:25-5.3 Review and recommendation

13:25-5.4 Findings report

13:25-5.5 Consideration of restoration

13:25-5.6 Case referral

13:25-5.7 Interval reports

13:25-5.8 Driver reexamination

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. SERIOUS TRAFFIC OFFENSES

13:25-7.1 (Reserved)

13:25-7.2 Reckless operation

13:25-7.3 Careless operation

13:25-7.4 Excessive speed

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

13:25-8.1 Recommendations of governing bodies

13:25-8.2 Standards for resolution and recommendations

13:25-8.3 Posting of regulatory signs

13:25-8.4 Enforcement of regulations

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

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

SUBCHAPTER 9. HELMETS

13:25-9.1 Approval of helmets

13:25-9.2 Helmet approval specifications

13:25-9.3 ReflectORIZED surface on helmets

13:25-9.4 Identification label on helmets

13:25-9.5 Helmet straps

13:25-9.6 (Reserved)

13:25-9.7 (Reserved)

SUBCHAPTER 1. DEFINITIONS

13:25-1.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 2. MOTORIZED BICYCLE LEARNER’S PERMITS

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

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

New Rule, R.1994 d.486, effective September 19, 1994.

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

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).

See: 35 N.J.R. 2946(a).

Substituted “Commission” for “Division” and amended N.J.A.C. reference.

Adopted concurrent amendment, R.2003 d.365, effective August 15, 2003.

See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).

Provisions of R.2003 d.280 adopted without change.

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

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

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

Recodified from 13:25-2.1 and amended by R.1994 d.486, effective September 19, 1994.

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

Prior text at 13:25-2.2, Provisional requirements, repealed.

SUBCHAPTER 3. MOTORIZED BICYCLE LICENSES

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

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

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

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

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

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

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

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

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

Added (d).

13:25-4.10 Driver reexamination

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

New Rule, R.1995 d.204, effective April 17, 1995.

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

SUBCHAPTER 5. CARDIOVASCULAR DISORDERS

13:25-5.1 Cardiovascular Committee

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

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

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

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

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

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

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

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

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

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

In (a), substituted a reference to the Division for a reference to the Director at the end of the introductory paragraph.

13:25-5.3 Review and recommendation

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

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

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

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

13:25-5.4 Findings report

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

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

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

13:25-5.5 Consideration of restoration

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

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

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

13:25-5.6 Case referral

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

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

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

13:25-5.7 Interval reports

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

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

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

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

13:25-5.8 Driver reexamination

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

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

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. SERIOUS TRAFFIC OFFENSES

13:25-7.1 (Reserved)

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

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

13:25-7.2 Reckless operation

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

13:25-7.3 Careless operation

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

13:25-7.4 Excessive speed

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

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

13:25-8.1 Recommendations of governing bodies

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

(b) Pursuant to the authority in N.J.S.A. 39:4-14.3 whenever the Commissioner of Transportation deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under his jurisdiction, he shall file a recommendation with the Director of Motor Vehicles specifying the highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. The Director may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

13:25-8.2 Standards for resolution and recommendations

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

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

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

13:25-8.3 Posting of regulatory signs

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

As amended, R.1983 d.608, eff. January 3, 1984.
See: 15 N.J.R. 1440(a), 16 N.J.R. 52(a).

Signs to be approved by the DOT.

13:25-8.4 Enforcement of regulations

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

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

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

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

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

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

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

R.1979 d.481, eff. December 10, 1979.

See: 11 N.J.R. 452(a), 12 N.J.R. 48(d).

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

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

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

13:25-9.2 Helmet approval specifications

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

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

13:25-9.3 Reflectorized surface on helmets

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

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

13:25-9.4 Identification label on helmets

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

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

13:25-9.5 Helmet straps

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

13:25-9.6 (Reserved)

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

13:25-9.7 (Reserved)

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