

SENATE, No. 3494

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 19, 2023

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires helmet while operating bicycle, scooter, or motorized scooter.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning helmet requirements while operating a bicycle,
2 scooter, or motorized scooter, and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1991, c.465 (C.39:4-10.1) is amended to
9 read as follows:

10 1. a. A person **[under 17 years of age]** shall not operate, or
11 ride upon a bicycle as a passenger, unless that person is wearing a
12 properly fitted and fastened bicycle helmet which meets the
13 standards of the American National Standards Institute (ANSI
14 Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's
15 1990 Standard for Protective Headgear for Use in Bicycling. This
16 requirement shall apply to a person who rides upon a bicycle while
17 in a restraining seat which is attached to the bicycle or in a trailer
18 towed by the bicycle.

19 As used in this act, "bicycle" means a vehicle with two wheels
20 propelled solely by human power and having pedals, handle bars,
21 and a saddle-like seat. The term shall include a bicycle for two or
22 more persons having seats and corresponding sets of pedals
23 arranged in tandem.

24 b. The director shall publish a list of bicycle helmets which
25 meet the standards described in subsection a. of this section and
26 shall provide for its distribution in as many locations frequented by
27 the public as the director deems appropriate and practicable.

28 c. The requirement in subsection a. of this section shall apply
29 at all times while a bicycle is being operated on any property open
30 to the public or used by the public for pedestrian and vehicular
31 purposes; however, a municipality may by ordinance exempt from
32 this requirement a person operating or riding on a bicycle as a
33 passenger when the bicycle is operated:

34 (1) on a road or highway closed to motor vehicle traffic and
35 limited to pedestrian or bicycle use at all times or only during
36 specified periods of time during which bicycles may be operated; or

37 (2) exclusively on a trail, route, course, boardwalk, path, or
38 other area which is set aside for the use of bicycles or for the use of
39 pedestrians and bicycle operation is not otherwise prohibited.
40 However, an exemption may not be granted under this paragraph for
41 any portion of a trail, route, course, boardwalk, path or other area
42 which is immediately adjacent to a road or highway used by motor
43 vehicle traffic and which does not contain a barrier of sufficient
44 height and rigidity to prevent the inadvertent or deliberate entry of a
45 bicycle operator onto the road or highway.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. An ordinance enacted pursuant to subsection c. of this
2 section shall specify those roads, highways, trails, routes, courses,
3 boardwalks, paths or areas within the municipality where helmets
4 are not required during the operation of a bicycle.

5 e. When a bicycle is being operated in an area where bicycle
6 helmets are not required, the operator or a passenger, except a
7 passenger in a restraining seat or trailer, shall dismount from the
8 bicycle and walk whenever it is necessary to enter a crosswalk or to
9 cross a road or highway upon which motor vehicle traffic is
10 permitted.

11 (cf: P.L.2005, c.208, s.1)

12

13 2. Section 3 of P.L.1991, c.465 (C.39:4-10.3) is amended to
14 read as follows:

15 3. a. A person regularly engaged in the business of selling or
16 renting bicycles shall post a sign at the point where the sale or
17 rental transaction is completed stating: "STATE LAW REQUIRES
18 A BICYCLE RIDER **【UNDER 17 YEARS OF AGE】** TO WEAR A
19 HELMET." The size of the sign shall be at a minimum 15 inches in
20 length and 8 inches in width. This notification requirement shall
21 not apply to a seller when a bicycle is sold through the use of a
22 catalog or brochure and the purchase and payment are made by
23 mail, telephone or another telecommunications or electronic
24 method.

25 A person who fails to post a sign required by this subsection
26 within 60 days after the effective date of this amendatory act
27 (P.L.1995, c.177) shall be subject to a penalty not to exceed \$25 a
28 day for each day the business is open to the public and the sign is
29 not posted. The enforcement of this subsection shall be vested in
30 the Director of the Division of Consumer Affairs of the Department
31 of Law and Public Safety, the inspectors appointed under his
32 authority, and the police or peace officers of, or inspectors duly
33 appointed for this purpose, by any municipality or county or by the
34 State. Jurisdiction of proceedings to collect the penalties prescribed
35 by this act is vested in the Superior Court and the municipal court in
36 any municipality where the defendant may be apprehended or where
37 he may reside. Process shall be either a summons or warrant and
38 shall be executed in a summary manner pursuant to the "Penalty
39 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

40 b. A person regularly engaged in the business of renting
41 bicycles shall provide a helmet to a person **【under 17 years of age】**
42 who will operate the bicycle in an area where a helmet is required,
43 if the person does not already have a helmet in **【his】** the person's
44 possession. A fee may be charged for the helmet rental.

45 c. A person regularly engaged in the business of selling or
46 renting bicycles who complies with the applicable requirements of
47 this section shall not be liable in a civil action for damages for any
48 physical injury sustained by a bicycle operator or passenger **【who is**

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1 under the age of 17 years] as a result of the operator's or
2 passenger's failure to wear a helmet or to wear a properly fitted or
3 fastened helmet in violation of the requirements of this act.

4 d. Within 60 days after the effective date of this amendatory
5 act (P.L.1995, c.177), the Division of Consumer Affairs in the
6 Department of Law and Public Safety shall make a reasonable effort
7 to notify any person who is regularly engaged in the business of
8 selling or renting bicycles of the requirements of this section. The
9 responsibility of a person under this section shall not be abrogated
10 or diminished in any manner if the person fails to receive or become
11 aware of a notice from the division.

12 (cf: P.L.2005, c.208, s.2)

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14 3. Section 1 of P.L.1997, c.411 (C.39:4-10.5) is amended to
15 read as follows:

16 1. a. As used in this act:

17 "Director" means the Director of Consumer Affairs in the
18 Department of Law and Public Safety.

19 "Roller skates" means a pair of devices worn on the feet with a
20 set of wheels attached, regardless of the number or placement of
21 those wheels, and used to glide or propel the user over the ground.

22 "Scooter" means a device with a set of wheels attached,
23 regardless of the number or placement of those wheels, designed to
24 be operated from a standing position and controlled by use of a
25 handle bar and used to glide and propel the user over the ground.

26 "Motorized scooter" shall have the same meaning as provided in
27 R.S.39:1-1.

28 b. A person [under 17 years of age] shall not operate any roller
29 skates, scooter, motorized scooter, or skateboard unless that person
30 is wearing a properly fitted and fastened helmet which meets the
31 standards of the American National Standards Institute (ANSI
32 Z90.4 bicycle helmet standard), the Snell Memorial Foundation's
33 1990 Standard for Protective Headgear for Use in Bicycling, the
34 American Society for Testing and Materials (ASTM) standard or
35 other such standard, as appropriate.

36 c. The requirement in subsection b. of this section shall apply
37 at all times while a person subject to the provisions of this act is
38 operating roller skates, or a scooter, or a motorized scooter, or
39 skateboarding on any property open to the public or used by the
40 public for roller skating or skateboarding, or scootering.

41 (cf: P.L.2005, c.208, s.3)

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43 4. Section 4 of P.L.1997, c.411 (C.39:4-10.8) is amended to
44 read as follows:

45 4. a. It shall be unlawful to manufacture, assemble, sell, offer
46 to sell or distribute roller skates, scooters, motorized scooters,
47 skateboards or electric personal assistive mobility devices unless
48 such roller skates, scooters, motorized scooters, skateboards or

1 electric personal assistive mobility devices contain a warning notice
2 consistent with the requirements of this section.

3 b. The warning notice required by subsection a. of this section
4 shall be placed in at least one of the following locations and shall be
5 clearly visible to the consumer: (1) on one roller skate in each pair
6 of roller skates, or on the scooter, motorized scooter, or skateboard;
7 (2) on the outside of the box or other container in which the roller
8 skates, scooter, motorized scooter, skateboard or electric personal
9 assistive mobility device are offered for sale at retail; or (3) on any
10 user's guide or instruction manual provided with the roller skates,
11 scooter, motorized scooter, skateboard or electric personal assistive
12 mobility device.

13 c. The warning notice required by subsection a. of this section
14 **【must】 shall** be printed in clear and conspicuous type and be
15 substantially similar to the following notice: "WARNING!
16 REDUCE THE RISK OF SERIOUS INJURY AND ONLY USE
17 WHILE WEARING FULL PROTECTIVE GEAR -- HELMET,
18 WRIST GUARDS, ELBOW PADS, AND KNEE PADS."

19 d. A person, firm, corporation or other legal entity regularly
20 engaged in the business of manufacturing or assembling roller
21 skates, scooters, motorized scooters, skateboards or electric
22 personal assistive mobility devices who complies with the
23 requirements of this section shall not be liable in a civil action for
24 damages for any physical injury sustained by a user of roller skates,
25 a scooter, motorized scooter or skateboard, or an electric personal
26 assistive mobility device as a result of that user's failure to wear a
27 helmet in accordance with the provisions of **【this act】 P.L.1997,**
28 c.411 (C.39:4-10.5 et al.).
29 (cf: P.L.2001, c.430, s.2)

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31 5. Section 5 of P.L.1997, c.411 (C.39:4-10.9) is amended to
32 read as follows:

33 5. a. A person, firm, corporation or other legal entity regularly
34 engaged in the business of selling or renting roller skates, scooters,
35 motorized scooters, or skateboards shall post a sign at the point
36 where the sale or rental transaction is completed stating: "STATE
37 LAW REQUIRES A PERSON **【UNDER 17 YEARS OF AGE】** TO
38 WEAR A HELMET WHEN ROLLER SKATING, SCOOTERING,
39 OR SKATEBOARDING." The size of the sign shall be at a
40 minimum 15 inches in length and 8 inches in width. This
41 notification requirement shall not apply to a seller when roller
42 skates, scooters, motorized scooters, or skateboards are sold
43 through the use of a mail order catalog or brochure where the
44 purchase and payment are made by mail, telephone, or another
45 telecommunications or electronic method.

46 b. A person, firm, corporation or other legal entity who fails to
47 post the sign required by subsection a. of this section shall be
48 subject to a penalty not to exceed \$25 a day for each day the

1 business is open to the public and the sign is not posted. The
2 enforcement of this subsection shall be vested in the director, the
3 inspectors appointed under **his** the director's authority, and the
4 police or peace officers of, or inspectors duly appointed for this
5 purpose by, any municipality or county or the State. Jurisdiction of
6 proceedings to collect the penalties prescribed by this act is vested
7 in the Superior Court and the municipal court in any municipality
8 where the defendant resides. Process shall be either a summons or
9 warrant and shall be executed in a summary manner pursuant to the
10 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
11 et seq.).

12 c. A person, firm, corporation, or other legal entity regularly
13 engaged in the business of renting roller skates, scooters, motorized
14 scooters, or skateboards shall make available an approved helmet to
15 a person **under 17 years of age** who rents the roller skates,
16 scooter, motorized scooter, or skateboards for use in an area where
17 a helmet is required, if the person does not already have a helmet in
18 **his** the person's possession. A fee may be charged for the helmet
19 rental.

20 d. A person, firm, corporation or other legal entity regularly
21 engaged in the business of selling or renting roller skates or
22 skateboards who complies with the applicable requirements of this
23 section shall not be liable in a civil action for damages for any
24 physical injury sustained by a user of roller skates or a scooter,
25 motorized scooter, or skateboard **who is under the age of 17 years**
26 as a result of that person's failure to wear a helmet in accordance
27 with the provisions of **this act** P.L.1997, c.411 (C.39:4-10.5 et
28 al.).

29 e. Sixty days before the effective date of **this act** P.L.1997,
30 c.411 (C.39:4-10.5 et al.), the Division of Consumer Affairs in the
31 Department of Law and Public Safety shall make a reasonable effort
32 to notify any person, firm, corporation, or other legal entity who is
33 regularly engaged in the business of selling or renting roller skates
34 or skateboards of the requirements of this section. Sixty days
35 before the effective date of P.L. , c. (C.) (pending before
36 the Legislature as this bill), the division shall make a reasonable
37 effort to notify any person, firm, corporation, or other legal entity
38 who is regularly engaged in the business of selling or renting
39 scooters or motorized scooters of the requirements of this section.
40 The responsibility of a person, firm, corporation, or other legal
41 entity under this section shall not be abrogated or diminished in any
42 manner if the person fails to receive or become aware of a notice
43 from the division.

44 (cf: P.L.2005, c.208, s.4)

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46 6. This act shall take effect on the first day of the seventh
47 month next following the date of enactment.

STATEMENT

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This bill requires all persons to wear a helmet when bicycling, roller skating, or skateboarding. Current law requires persons 17 years of age and younger to wear a helmet when bicycling, roller skating, or skateboarding. This bill also extends the helmet requirement to operators of non-motorized and motorized scooters.

Under current law, it is unlawful to manufacture, assemble, sell, offer to sell, or distribute bicycles, roller skates, or skateboards without a warning notice advising customers of the legal provisions concerning the wearing of approved helmets and appropriate personal protection equipment, and persons selling or renting bicycles, roller skates, or skateboards are required to advise their customers of these legal provisions and make helmets available to persons subject to the helmet requirement. Businesses complying with these requirements would not be liable in a civil action for damages for any physical injury sustained by a bicyclist, roller skater, or skateboarder who fails to wear a helmet. The bill expands these requirements and civil immunity provisions to non-motorized and motorized scooters.

The bill does not amend section 8 of P.L.1997, c.411 (C.39:4-10.12), and therefore, it is the sponsor's understanding that the bill's provisions do not apply to operators and patrons of roller skating rinks subject to the "New Jersey Roller Skating Rink Safety and Fair Liability Act," P.L.1991, c.28 (C.5:14-1 et seq.).