Senate Bill 1155 P.L. 2016, c. 35

A new law regarding three wheeled motorcycles, that affects several sections of Title 39, went into effect August 31, 2016

**A brief synopsis:**

New definition – Autocycle (three wheeled motorcycle)

It must be registered (but not in effect yet)

It must be insured

Operators do not need a motorcycle license or endorsement if they have a driver license

Operators / Riders must be seated and seat belted

Operators / Riders need a helmet unless it is fully enclosed

Operators / Riders do not need goggles or face shield if it has a wind screen (windshield)

No children are permitted if they are required to be in a child restraint

**The full text of changes is below**

New parts to existing statutes are underlined; bracketed parts are deletions.

Please note that there is also an entire new section (Section 2, a through f).

1. R.S.39:1-1 is amended to read as follows:

“Autocycle” means a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passenger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes.

"Motorcycle" includes motorcycles, autocycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

2. (New section)

a.   An autocycle shall be registered as a motorcycle pursuant to R.S.39:3-4.

b.   A person shall not be required to hold a motorcycle license or a motorcycle endorsement to operate an autocycle if the person holds a basic driver's license to operate a motor vehicle pursuant to R.S.39:3-10.

c.   A person shall not drive, operate, or ride as a passenger in an autocycle without: (1) sitting on a seat; (2) properly using a safety seat belt; and (3) wearing a securely fitted protective helmet pursuant to section 6 of P.L.1967, c.237 (C.39:3-76.7) if required.

d.   A person operating an autocycle shall not permit a child to be a passenger in the autocycle if the child would be required to be secured in a child passenger restraint system, pursuant to section 1 of P.L.1983, c.128 (C.39:3-76.2a).

e.  An owner or registered owner of an autocycle registered or principally garaged in this State shall maintain motor vehicle liability insurance coverage pursuant to section 1 of P.L.1972, c.197 (C.39:6B-1), personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), and uninsured motorist coverage pursuant to section 14 of P.L.1972, c.70 (C.39:6A-14).

f.    The chief administrator shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to implement this act. The chief administrator may include information on autocycles in the commission’s driver’s manual and on its Internet website.

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3.    39:3-76.3 is amended to read as follows:

No person shall operate on a public highway a motorcycle on which the handle bar grips are higher than the shoulder height of the operator when seated.  For the purposes of this section, a motorcycle shall not include an autocycle.

4.    39:3-76.7 is amended to read as follows:

 **[**No**]** A person shall not operate or ride upon a motorcycle unless **[**he wears**]** the person is wearing a securely fitted protective helmet of a size proper for that person and of a type approved by the **[**director**]** chief administrator.  **[**Such a**]** A helmet **[**must**]** shall be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The **[**director**]** chief administrator is authorized and empowered to adopt rules and regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder. For the purposes of this section, a motorcycle shall not include an autocycle that is completely enclosed or any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

5.    39:3-76.9 is amended to read as follows:

The provisions of section 7 with respect to goggles and face shields shall not apply to the operator of a motorcycle equipped with a wind screen **[**meeting**]** or an autocycle that meets the specifications established by the **[**director**]** chief administrator.

  6.    39:6A-14 is amended to read as follows:

Every owner or registrant of an automobile or autocycle registered or principally garaged in this State shall maintain uninsured motorist coverage as provided in P.L.1968, c.385 (C.17:28-1.1). (cf: P.L. 1972, C.70, s.14)

  7.    This act shall take effect immediately, except that subsection a. of section 2 shall remain inoperative until six months following the date of enactment, provided, however, that the Chief Administrator of the New Jersey Motor Vehicle Commission may take such anticipatory actions as may be necessary for the timely implementation of the provisions of that subsection

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