

New Jersey Laws

39:3C-1.

1. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Environmental Protection.

b. "Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

c. "Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

d. "Special event" means an organized race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

e. "All -terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine not exceeding 600 cubic centimeters, but shall not include golf carts.

39:3C-16. 16. a. A person under the age of 14 years shall not operate or be permitted to operate any snowmobile or all -terrain vehicle on public lands or waters or across a public highway. b. A person less than 16 years of age shall not operate on public lands or waters or across a public highway of this State an all -terrain vehicle with an engine capacity greater than 90 cubic centimeters.

c. A person less than 18 years of age shall not operate an **all -terrain** vehicle registered in this State on public lands or waters or across a public highway of this State unless the person has completed an **all -terrain** vehicle safety education and training course established or certified by the director pursuant to section 15 of P.L.1973, c.307

(C.39:3C-15). At **all** times during the operation of the **all -terrain** vehicle, the person shall have in his possession a certificate indicating successful completion of the course.

39:3C-17.

a. No person shall operate a snowmobile or **all -terrain** vehicle upon limited access highways or within the right-of-way limits thereof.

b. No person shall operate a snowmobile or **all -terrain** vehicle upon the main traveled portion or the plowed snowbanks of any public street or highway or within the right-of-way limits thereof except as follows:

(1) Properly registered snowmobiles or **all -terrain** vehicles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such public street or highway. Prior to making any such crossing, the operator shall bring the snowmobile or **all -terrain** vehicle to a complete stop. It shall be the responsibility of the operator of a snowmobile or **all -terrain** vehicle to yield the right-of-way to **all** vehicular traffic upon any public street or highway before crossing same. (2) Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where a snowmobile or **all -terrain** vehicle is to be operated, it may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of a snowmobile or **all -terrain** vehicle from the point where it is unloaded from a motorized conveyance to the area where it is to be operated, or from the area where operated to a motorized conveyance, when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

39:3C-18. 18. a. No person shall operate a snowmobile or **all -terrain** vehicle on the property of another without receiving the consent of the owner of the property and the person who has a contractual right to the use of such property.

b. No person shall continue to operate a snowmobile or **all terrain** vehicle on the property of another after consent, as provided in subsection a. above, has been withdrawn. c. No owner of real property and no person or entity having a contractual right to the use of real property, no matter where such property is situate in this State, shall assume responsibility or incur liability for any injury or damage to an owner, operator or occupant of a snowmobile or **all terrain** vehicle where such injury or damage occurs during, or arises out of the operation or use of such vehicle, unless: (1) the operation or use is with the express consent of the owner and contractual user of the property and (2) the provisions of P.L.1968, c.73 (C.2A:42A-2 et seq.) or P.L.1985, c.431 (C.2A:42A-6 et seq.) do not limit liability. This subsection shall not limit the liability which would otherwise exist for the willful or malicious creation of a hazardous condition.

39:3C-19. It shall be unlawful for: a. Any person to operate or ride as a passenger on any snowmobile or **all -terrain** vehicle without wearing a protective helmet approved by the director. Any such helmet shall be of a type acceptable for use in conjunction with motorcycles as provided in sections 6 to 9 of P.L. 1967, c. 237 (C. 39:3-76.7 through 39:3-76.10). b. Any person to operate a snowmobile or **all -terrain** vehicle that is not equipped with working headlights, taillights, brakes and proper mufflers as supplied by the motor manufacturer for the particular model, without modifications, nor shall any person operate any snowmobile or **all -terrain** vehicle in such a manner as to cause a harsh, objectionable or unreasonable noise.

c. Any person to operate a snowmobile or **all -terrain** vehicle at any time and in any manner intended or reasonably to be expected to harass, drive or pursue any wildlife.

d. Any person to operate any snowmobile or **all -terrain** vehicle during the hours from 1/2 hour before sunset to 1/2 hour after sunrise without having lighted headlights and lighted taillights.

e. Any person to operate any snowmobile or **all -terrain** vehicle on the land of another without first securing the permission of the landowner or his duly authorized representative.

f. Any person to operate a snowmobile or **all -terrain** vehicle upon railroad or right-of-way of an operating railroad, except railroad personnel in the performance of their duties. g. Any person to violate any provision of this act or any rule or regulation adopted pursuant to this act.

39:3C-24. All snowmobiles and **all -terrain** vehicles operating within the State of New Jersey shall be equipped with: a. Headlights. At least one white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions. b. Taillights. At least one red taillamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions. c. Brakes. A brake system in good mechanical condition. d. Reflector material. Reflector material of a minimum area of 16 square inches mounted on each side of the cowling. Registration numbers or other decorative material may be included in computing the required 16-square-inch area. e. Mufflers. An adequate muffler system in good working condition.

39:3C-25. The director may adopt rules and regulations with respect to the inspection of snowmobiles and **all -terrain** vehicles and the testing of mufflers for those vehicles.

39:3C-26. 26. a. No person shall have for sale, sell, or offer for sale in this State any snowmobile or **all -terrain** vehicle which fails to comply with the provisions of this act or which does not comply with the specifications for such equipment required by the rules and regulations of the director, after the effective date of such rules and regulations. b. A person shall not knowingly sell or offer to sell an **all -terrain** vehicle with an engine capacity of greater than 90 cubic centimeters for use by a person less than 16 years of age.

c. Retail dealers and distributors of **all -terrain** vehicles shall comply with those requirements of the consent decree entered into by **all -terrain** vehicle distributors and the United States Consumer Product Safety Commission on April 28, 1988 which require the providing of safety information on **all -terrain** vehicles to either the purchasers or retail dealers of such vehicles, as appropriate.

39:3C-26. 26. a. No person shall have for sale, sell, or offer for sale in this State any snowmobile or **all -terrain** vehicle which fails to comply with the provisions of this act or which does not comply with the specifications for such equipment required by the rules and regulations of the director, after the effective date of such rules and regulations. b. A person shall not knowingly sell or offer to sell an **all -terrain** vehicle with an engine capacity of greater than 90 cubic centimeters for use by a person less than 16 years of age. c. Retail dealers and distributors of **all -terrain** vehicles shall comply with those requirements of the consent decree entered into by **all -terrain** vehicle distributors and the United States Consumer Product Safety Commission on April 28, 1988 which require the providing of safety information on **all -terrain** vehicles to either the purchasers or retail dealers of such vehicles, as appropriate.

39:3C-27. Every law enforcement officer in the State, including authorized officers of the Division of Motor Vehicles, Department of Environmental Protection, forest rangers and State park police and other designated officers and employees of the department shall enforce this act within their respective jurisdictions.

39:3C-28. 28. Any person who shall violate any provisions of this act, if no other penalty is

specifically provided, or any rule or regulation promulgated pursuant to this act shall be punished by a fine of not less than \$100 or more than \$200. For a second or subsequent violation of section 26 of P.L.1973, c.307 (C.39:3C-26), a fine of not less than \$200 or more than \$500 shall be imposed.

39:3C-15. 15. The Director of the Division of Motor Vehicles shall adopt rules and regulations relating to and including, but not limited to: a. Specifications relating to equipment required for safety as provided herein. b. Establishment of a comprehensive snowmobile and **all -terrain** vehicle information and safety education and training program. c. The regulations pertaining to and the granting of permits for the conduct of **all** prearranged special events as provided in this act, except that in the case of those special events conducted on public lands and waters under the jurisdiction of the Department of Environmental Protection any regulations must be approved jointly by the director and the commissioner. In accordance with the requirement in paragraph b. of this section, the director shall establish an **all -terrain** vehicle safety education and training program to be offered by the division, or shall certify other **all -terrain** vehicle safety education and training programs to be offered by public or private agencies or organizations, the successful completion of which shall satisfy the training requirements in subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16). A person less than 16 years of age participating in an **all -terrain** vehicle safety education and training course established or certified by the director shall operate during the training only an **all -terrain** vehicle with an engine capacity of 90 cubic centimeters or less.

39:3C-16. 16. a. A person under the age of 14 years shall not operate or be permitted to operate any snowmobile or **all -terrain** vehicle on public lands or waters or across a public highway. b. A person less than 16 years of age shall not operate on public lands or waters or across a public highway of this State an **all -terrain** vehicle with an engine capacity greater than 90 cubic centimeters. c. A person less than 18 years of age shall not operate an **all -terrain** vehicle registered in this State on public lands or waters or across a public highway of this State unless the person has completed an **all -terrain** vehicle safety education and training course established or certified by the director pursuant to section 15 of P.L.1973, c.307 (C.39:3C-15). At **all** times during the operation of the **all -terrain** vehicle, the person shall have in his possession a certificate indicating successful completion of the course.

39:3C-17. a. No person shall operate a snowmobile or **all -terrain** vehicle upon limited access highways or within the right-of-way limits thereof.

b. No person shall operate a snowmobile or **all -terrain** vehicle upon the main traveled portion or the plowed snowbanks of any public street or highway or within the right- of-way limits thereof except as follows: (1) Properly registered snowmobiles or **all -terrain** vehicles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on such public street or highway. Prior to making any such crossing, the operator shall bring the snowmobile or **all -terrain** vehicle to a complete stop. It shall be the responsibility of the operator of a snowmobile or **all -terrain** vehicle to yield the right-of-way to **all** vehicular traffic upon any public street or highway before crossing same. (2) Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where a snowmobile

or **all -terrain** vehicle is to be operated, it may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of a snowmobile or **all -terrain** vehicle from the point where it is unloaded from a motorized conveyance to the area where it is to be operated, or from the area where operated to a motorized conveyance, when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

39:3C-20.

a. No snowmobile or **all-terrain** vehicle shall be operated or permitted to be operated unless the owner thereof has obtained a policy of insurance, in such language and form as shall be determined by the Commissioner of the Department of Insurance, from an insurance carrier authorized to do business in this State, the terms of which policy shall indemnify an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and an amount or limit, subject to such limit for any one person so injured, or killed, of \$30,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident; and an amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident, for damages arising out of the negligent operation of said snowmobile or **all -terrain** vehicle. In lieu of such insurance coverage as hereinabove provided, the director, in his discretion and upon application of the State or a municipality having registered in its name one or more snowmobiles or **all -terrain vehicles**, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he is satisfied of financial ability to respond to judgments obtained against it or them, arising out of the ownership, use or operation of the snowmobiles or **all -terrain vehicles**.

b. Proof of insurance as hereinabove required shall be produced and displayed by the owner or operator of such snowmobile or **all -terrain** vehicle upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of it by the owner or operator.

c. An owner of a snowmobile or **all -terrain** vehicle who shall operate or permit the same to be operated without having in effect the required liability insurance coverage, and any other person who shall operate any snowmobile or **all -terrain** vehicle with the knowledge that the owner thereof does not have in effect such insurance coverage shall be guilty of a violation of this act and be subject to a fine of not less than \$25.00 nor more than \$100.00.

d. The director is hereby authorized to promulgate reasonable regulations to provide effective administration and enforcement of the provisions of this section in accordance with the purposes thereof.

39:3C-21.

The operator of any snowmobile or all-terrain vehicle involved in an accident resulting in injuries or death of any person or property damage shall comply with the procedures in R.S. 39:4-129 and R.S. 39:4-130.

39:3C-22.

The director may authorize the holding of organized special events. He shall adopt and may, from

time to time, amend rules and regulations determining the special events which shall be subject to division permit and designating the equipment and facilities necessary for safe operation of snowmobiles and all terrain vehicles and for the safety of operators, participants, and observers in such special events. Whenever such special event requiring permit of the division is proposed to be held in the State of New Jersey, the person in charge thereof shall, at least 20 days prior thereto, file an application with the director to hold such special event. The application shall set forth the date of and location where it is proposed to hold such rally, race, exhibition, or organized event, and such other information as the director may require, and it shall not be conducted without written authorization of the director and, if the event is desired to be held upon public lands or waters, a written authorization of the commissioner. Copies of such regulations shall be furnished by the division to any person making an application therefore.

Any person sponsoring the event who shall violate any regulation adopted pursuant to this section shall for every such violation be subject to a fine not to exceed \$250.00.

39:3C-23.

23. Snowmobiles and **all -terrain vehicles** operated at special events shall be exempt from the provisions of this chapter concerning registration and lights during the time of such operation, including **all** prerace practice at the location of the meet. In addition, **all -terrain vehicles** operated at special events shall be exempt from the provisions of subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16) and subsection b. of section 9 of P.L.1973, c.307 (C.39:3C-9); however, subsection b. of section 16 of P.L.1973, c.307 (C.39:3C-16) shall apply to persons operating **all terrain vehicles** at special events and prerace practice.

39:3C-24.

All snowmobiles and **all -terrain vehicles** operating within the State of New Jersey shall be equipped with:

- a. Headlights. At least one white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and **vehicles** at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions.

- b. Taillights. At least one red taillamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

- c. Brakes. A brake system in good mechanical condition.

- d. Reflector material. Reflector material of a minimum area of 16 square inches mounted on each side of the cowling. Registration numbers or other decorative material may be included in computing the required 16-square-inch area.

- e. Mufflers. An adequate muffler system in good working condition.

39:3C-27.

Every law enforcement officer in the State, including authorized officers of the Division of Motor Vehicles, Department of Environmental Protection, forest rangers and State park police and other designated officers and employees of the department shall enforce this act within their respective jurisdictions.

39:3C-28.

28. Any person who shall violate any provisions of this act, if no other penalty is specifically

provided, or any rule or regulation promulgated pursuant to this act shall be punished by a fine of not less than \$100 or more than \$200. For a second or subsequent violation of section 26 of P.L.1973, c.307 (C.39:3C-26), a fine of not less than \$200 or more than \$500 shall be imposed.

39:3C-29.

29. The director shall deposit **all** moneys received by him from the registration of snowmobiles and **all -terrain vehicles**, the sale of registration information, publications and other services provided by the department and **all** fees collected by him under this act to the credit of the General Treasury, except that \$5 of a registration fee paid by a resident or nonresident of this State shall be allocated to the division to defray the cost of providing **all terrain** vehicle safety education and training manuals or **all -terrain** vehicle safety education and training programs in accordance with section 15 of P.L.1973, c.307 (C.39:3C-15), or both.

39:3C-30.

30. Owners and operators of snowmobiles and **all -terrain vehicles** shall, when operating such across a public highway or on public land or waters, comply with the following provisions of chapter 4 of Title 39 of the Revised Statutes: R.S.39:4-48 through R.S.39:4-51; R.S.39:4-64; R.S.39:4-72; R.S.39:4-80; R.S.39:4-81; R.S.39:4-92; R.S.39:4-96 through R.S.39:4-98; R.S.39:4-99; R.S.39:4-100; R.S.39:4-104; R.S.39:4-129 through R.S.39:4-134; R.S.39:4-203. The failure to comply with any of these provisions shall be a violation of this act and the penalty for such a violation shall be provided in section 28 of P.L.1973,c.307 (C.39:3C-28) rather than the penalty provided in the sections cited above.

39:3C-30.1. 29. a. The provisions of this 1985 amendatory and supplementary act and this 1991 amendatory act insofar as they pertain to **all -terrain vehicles** shall not be applicable to their operation and use on golf courses in this State, except that, subsection b. of section 16 of P.L.1973, c.307 (C.39:3C-16) and subsection b. of section 26 of P.L.1973, c.307 (C.39:3C-26) shall be applicable to the operation and use of **all -terrain vehicles** on the golf courses of this State.

b. The requirements of subsection b. of section 9 of P.L.1973, c.307 (C.39:3C-9) and subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16) shall not apply to a person less than 18 years of age when the person operates an **all -terrain** vehicle on public lands or waters or across a public highway as an incident to or in the actual performance of the operations of a farm adjacent to the public land or water or the public highway upon which the vehicle is being operated. As used in this section, "farm" means land used for commercial raising, growing and producing of any crop, livestock, or fur products on land not less than five acres in area and which is not used in the business of buying farm products for resale.