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ASSEMBLY, No. 3381

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MARCH 3, 2016

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District 38 (Bergen and Passaic)

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Assemblywoman Downey and Assemblyman Danielsen

SYNOPSIS

Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 15, 2016.

(Sponsorship Updated As Of: 6/30/2017)

1 AN ACT ¹**[establishing]** authorizing the establishment of¹ municipal
2 volunteer snow removal programs and supplementing chapter 65
3 of Title 40 of the Revised Statutes.

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

7
8 1. a. Each municipality ¹**[shall]** may¹ establish a volunteer
9 program for free removal of snow and ice from the entrance ways,
10 driveways, and abutting sidewalks of qualified residential properties
11 within the municipality ¹**[that are occupied by seniors or disabled**
12 **persons]**¹.

13 b. The governing body of each municipality ¹that establishes a
14 volunteer program under subsection a. of this section¹ shall appoint
15 a coordinator to administer the volunteer program. The coordinator
16 shall be responsible for recruiting and assigning volunteers to
17 conduct snow and ice removal under the volunteer program.

18 c. (1) The coordinator and volunteers of a volunteer program
19 shall serve without compensation, but shall be entitled to request
20 assistance and avail themselves of the personnel, facilities, and
21 equipment of the municipality as may be required and as may be
22 made available for the purposes of the volunteer program. The
23 coordinator and volunteers shall not be considered employees or
24 agents of the municipality, and shall not be entitled to worker's
25 compensation or any other benefits in the event of injury as a result
26 of participation in the volunteer program, and shall not be entitled
27 to indemnification by the municipality.

28 (2) The coordinator and volunteers of a volunteer program shall
29 be immune from suit and liability for any claim for damage to or
30 loss of property, personal injury, or other civil liability caused by
31 any action or inaction that occurred during the course, or as a result
32 of, snow and ice removal under the volunteer program; provided,
33 however, that this paragraph shall not be construed to protect a
34 coordinator or volunteer from suit and liability for damage to or
35 loss of property, personal injury, or other civil liability caused by
36 the intentional or willful and wanton misconduct of that person.

37 (3) Notwithstanding the provisions of the "New Jersey Tort
38 Claims Act," N.J.S.59:1-1 et seq., a municipality, or any employee
39 or agent thereof, shall not be held liable in any civil action to any
40 person for any claim for damage to or loss of property, personal
41 injury, or other civil liability that may be caused or sustained by a
42 coordinator or volunteer of a volunteer program during the course,
43 or as a result of, snow and ice removal under the volunteer program.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted September 15, 2016.

1 d. Each municipality ¹that establishes a volunteer program under
2 subsection a. of this section¹ shall post on its Internet website, if
3 any, and include in appropriate community notices, newsletters, or
4 other communications made to municipal residents, if any,
5 information about the volunteer program, including the possible
6 availability of free snow and ice removal for seniors and disabled
7 persons, the opportunity to serve as a volunteer, and appropriate
8 contact information for the volunteer program. ¹**[Each]** Such¹
9 municipality shall also provide this information to the school board
10 of each school district operating within the municipality for it to be
11 shared with the student body of each such school district.

12 e. As used in this section:

13 “Disabled person” means a person having an impairment which
14 is expected to be of long-continued and indefinite duration and
15 substantially impedes the person’s ability to live independently
16 unless the person receives supportive services.

17 “Driveway” means a private roadway providing access to a
18 public street or highway, including any pathway necessary to access
19 the driveway from a qualified residential property.

20 “Dwelling unit” means a detached house, townhouse, apartment,
21 cooperative, condominium, mobile home, or any other similar
22 habitable structure.

23 “Entrance way” means a private pathway providing access to the
24 abutting sidewalks from a qualified residential property.

25 “Private community” means a residential condominium,
26 cooperative, fee simple community, horizontal property regime, or
27 mobile home park comprised of a community trust or other trust
28 device, condominium association, homeowners’ association, or
29 council of co-owners.

30 “Qualified residential property” means a dwelling unit occupied
31 by a senior or disabled person ¹or persons living by themselves or
32 with young children¹, except for a rental unit, the lease of which
33 requires the landlord to provide snow and ice removal equivalent to
34 that provided under a volunteer program, or a unit in a private
35 community, the governing documents of which require the entity
36 responsible for managing the common elements and facilities of the
37 community to provide snow and ice removal equivalent to that
38 provided under a volunteer program.

39 “Senior” means any person 62 years of age or older.

40

41 2. This act shall take effect immediately.