

ASSEMBLY, No. 2595

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2012

Sponsored by:

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District 19 (Middlesex)

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SYNOPSIS

Provides that certain paratransit vehicles that weigh less than 30,000 pounds are not autobuses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2012)

1 AN ACT concerning special paratransit vehicles and amending
2 R.S.48:4-1.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.48:4-1 is amended to read as follows:

8 48:4-1. The term "autobus" as used in this chapter means and
9 includes, except as hereinafter noted, any motor vehicle or
10 motorbus operated over public highways or public places in this
11 State for the transportation of passengers for hire in intrastate
12 business, whether used in regular route, casino, charter or special
13 bus operations, notwithstanding such motor vehicle or motorbus
14 may be used in interstate commerce.

15 The term "ridesharing" as used in this chapter means the
16 transportation of persons in a motor vehicle, with a maximum
17 carrying capacity of not more than 15 passengers, including the
18 driver, where such transportation is incidental to the purpose of the
19 driver. The term shall include such ridesharing arrangements
20 known as carpools and vanpools.

21 Nothing contained herein shall be construed to include:

22 a. Vehicles engaged in the transportation of passengers for hire
23 in the manner and form commonly called taxicab service unless
24 such service becomes or is held out to be regular service between
25 stated termini;

26 b. Hotel buses used exclusively for the transportation of hotel
27 patrons to or from local railroad or other common carrier stations
28 including local airports;

29 c. Buses operated for the transportation of enrolled children
30 and adults only when serving as chaperones to or from a school,
31 school connected activity, day camp, summer day camp, nursery
32 school, child care center, pre-school center or other similar places
33 of education, including "School Vehicle Type I" and "School
34 Vehicle Type II" as defined in R.S.39:1-1;

35 d. Any autobus with a carrying capacity of not more than 13
36 passengers operated under municipal consent upon a route
37 established wholly within the limits of a single municipality or with
38 a carrying capacity of not more than 20 passengers operated under
39 municipal consent upon a route established wholly within the limits
40 of not more than four contiguous municipalities within any county
41 of the fifth or sixth class, which route in either case does not in
42 whole or in part parallel upon the same street the line of any street
43 railway or traction railway or any other autobus route;

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 e. Autocabs, limousines or livery services as defined in
2 R.S.48:16-13, unless such service becomes or is held out to be
3 regular service between stated termini;

4 f. Any vehicle used in a "ridesharing" arrangement, as defined
5 by the "New Jersey Ridesharing Act of 1981", P.L.1981, c.413
6 (C.27:26-1 et al.);

7 g. Any special paratransit vehicle as defined in this chapter.

8 The word "person" as used in this chapter means and includes
9 any individual, copartnership, association, corporation or joint stock
10 company, their lessees, trustees, or receivers appointed by any
11 court.

12 The word "street" as used in this chapter means and includes any
13 street, avenue, park, parkway, highway, road or other public place.

14 The term "special paratransit vehicle" as used in this chapter
15 means any motor vehicle with a gross vehicle weight rating of less
16 than 30,000 pounds which is used **[exclusively]** regularly, but not
17 necessarily exclusively, for the transportation of persons who are at
18 least 60 years of age or who have disabilities or who are the clients
19 of social service agencies, provided, that the motor vehicle is used
20 in a service provided by a county either directly or by contract, or
21 provided by a nonprofit organization, and the service is included by
22 a county as part of its county plan required by section 6 of
23 P.L.1983, c.578 (C.27:25-30), regardless of whether a fare is
24 charged or donations are accepted.

25 The term "regular route bus operation" as used in this chapter
26 means and includes the operation of an autobus between fixed
27 termini, on a regular schedule and with provision for convenient
28 one-way transportation in either direction, and shall also include all
29 existing regular route operations to or from any casino licensed
30 under the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.),
31 unless that operation to or from casinos has been determined by the
32 Commissioner of Transportation to be other than a regular route
33 operation.

34 The term "regular route in the nature of special bus operation" or
35 "casino bus operation" as used in this chapter means and includes
36 the operation of an autobus to or from any casino licensed under the
37 "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), unless
38 that operation has been determined by the Commissioner of
39 Transportation to be a regular route bus operation.

40 The term "charter bus operation" as used in this chapter means
41 and includes the operation of an autobus or autobuses, not on a
42 regular schedule, by the person owning or leasing such bus or buses
43 pursuant to a contract, agreement or arrangement to furnish an
44 autobus or autobuses and a driver or drivers thereof to a person,
45 group of persons or organization (corporate or otherwise) for a trip
46 designated by such person, group of persons or organization for a
47 fixed charge per trip, per autobus, per period of time or per mile.

1 The term "special bus operation" as used in this chapter means
2 and includes the operation by the owner or lessee of an autobus or
3 autobuses for the purpose of carrying passengers for hire, not on a
4 regular schedule, each passenger paying a fixed charge for his
5 carriage, on a special trip arranged and designated by such owner or
6 lessee, which fixed charge may or may not include special
7 premiums.

8 The term "special premiums" as used in this chapter means the
9 provision of meals, gifts, lodging, entertainment, sightseeing
10 services or other similar inducements in connection with the
11 purchase or issuing of a ticket. No casino bonuses shall be included
12 in this definition.

13 (cf: P.L.1992, c.192, s.2)

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill would amend the definition of "special paratransit
21 vehicle" to include any vehicle with a gross vehicle weight rating of
22 less than 30,000 pounds which is used regularly, but not necessarily
23 exclusively, for the transportation of persons who are at least 60
24 years of age, have disabilities, or are clients of social service
25 agencies.

26 Under current law, motor vehicles used exclusively to serve
27 these populations are considered special paratransit vehicles and are
28 thus exempt from regulation as "autobuses."

29 Current requirements that the motor vehicle be used in a service
30 provided by a county or a nonprofit organization and be included as
31 part of its county transportation plan would not change under the
32 bill's provisions. The provider would be able to charge a fare or
33 accept donations for transportation services on vehicles meeting the
34 revised definition.

35 County transportation systems have broadened their services
36 since 1992 when the special paratransit vehicle exemption was first
37 created. For example, counties have been the recipients of funds
38 under the federal Job Access and Reverse Commute Program
39 (JARC) which are to be used to assist low-income persons with
40 transportation to and from work and childcare providers. In some
41 cases, an individual who qualifies for transportation services under
42 JARC does not meet the current exemption criteria. Vehicles which
43 transport people who do not meet the current special paratransit
44 vehicle exemption criteria are considered autobuses for the
45 purposes of Department of Transportation (DOT) regulation and are
46 required to undergo retrofitting to meet DOT specifications. It is
47 estimated that these retrofits cost approximately \$10,000 per
48 vehicle.