

CHAPTER 224

AN ACT concerning the operation of certain autobuses , designated as Angelie's Law, and supplementing Titles 39 and 56 of the Revised Statutes.

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

C.39:3-10.18a Valid license required to operate autobus; violations, fines.

1. The owner of an autobus shall not knowingly allow, require, permit, or authorize an operator of an autobus to operate the vehicle without a valid commercial driver license. An owner who is convicted of a violation of this section shall be subject to a fine of \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation. For the purposes of this section, the terms "owner," "operator," and "autobus" shall have the meanings provided in section 4 of P.L.2013, c.224 (C.56:16-2).

C.39:3-10.24a Blood sample from operator under certain circumstances.

2. A police officer shall obtain a blood sample from an operator of an autobus involved in an accident resulting in the death or serious bodily injury, as defined in N.J.S.2C:11-1, of any person; provided, however, the police officer shall not obtain a blood sample from the operator of an autobus involved in an accident resulting in death or serious bodily injury if the police officer determines that the operator of the autobus did not contribute in any way to the accident. A blood sample taken pursuant to this section shall not be taken forcibly or against physical resistance by an operator of an autobus. For the purposes of this section, the terms "autobus" and "operator" shall have the meanings provided in section 4 of P.L.2013, c.224 (C.56:16-2).

C.56:16-1 Short title.

3. Sections 3 through 10 of P.L.2013, c.224 (C.56:16-1 et seq.) shall be known and may be cited as the "Bill of Rights for Customers of Certain Autobuses Act."

C.56:16-2 Definitions relative to autobuses.

4. For the purposes of sections 3 through 9 of P.L.2013, c.224 (C.56:16-1 et seq.):

"Autobus" means a privately-owned autobus operated over the public highways in this State for the transportation of not more than 40 passengers for hire in intrastate or interstate business except that "autobus" shall not include:

(1) a vehicle engaged in motorbus regular route service as defined in section 3 of P.L.1979, c. 150 (C.27:25-3);

(2) a vehicle engaged in the transportation of passengers for hire

in the manner and form commonly called taxicab service unless that service becomes or is held out to be regular service between stated termini;

(3) a hotel bus used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airports;

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

(5) an autobus with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route;

(6) an autocab, limousine, or livery service as defined in R.S.48:16-13, unless that service becomes or is held out to be regular service between stated termini;

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

(8) a motor bus owned by, or operated under a contract with, the New Jersey Transit Corporation;

(9) charter bus operations, as defined in R.S.48:4-1;

(10) a vehicle designed to transport 8 or more, but less than 16, persons, including the driver, which is used exclusively for the transportation of persons between an off-airport parking facility and an airport; or

(11) a special paratransit vehicle, as defined in R.S.48:4-1.

"Bill of Rights for Customers of Certain Autobuses" means the consumer protections, obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare established pursuant to section 6 of P.L.2013, c.224 (C.56:16-4).

"Operator" means a person who is in actual physical control of an autobus.

"Owner" means a person who holds the legal title of an autobus, or if an autobus is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of an autobus is entitled to possession, then the conditional vendee, lessee or mortgagor shall be considered the owner.

C.56:16-3 Findings, declarations relative to autobuses.

5. The Legislature finds and declares that:

a. The residents of this State rely on a variety of passenger vehicle transportation options. The provision of safe and lawful transportation options is vital to the economy of the State and to the health and welfare of New Jersey residents.

b. The proliferation of privately-owned autobuses which are operated in intrastate or interstate business over the public highways in this State for the transportation of not more than 40 passengers, often incorrectly referred to as jitneys, as a transportation option in the

State has led to an increase in congestion on the roadways, presented public safety issues, engendered passenger service complaints, and posed environmental hazards.

c. In protecting the health, safety, and welfare of the thousands of New Jersey residents who use autobuses and other residents who encounter these autobuses on the highways, it is necessary and proper to ensure that the owners and operators of these autobuses uphold their obligations to provide safe and lawful services to their customers.

d. In order to ensure that autobuses provide safe and lawful services to the people of this State, it is appropriate for this Legislature to enact a bill of rights for customers of certain autobuses that establishes basic rights and guarantees that protect the health, safety, and welfare of customers.

C.56:16-4 “Bill of Rights for Customers of Certain Autobuses.”

6. There is created a “Bill of Rights for Customers of Certain Autobuses” which shall provide the following consumer protections, obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare:

a. The owner of an autobus shall provide clear and conspicuous notice of customer complaint contact information by prominently displaying the telephone number, established by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to subsection b. of section 7 of P.L.2013, c.224 (C.56:16-5), on the interior and exterior of the autobus.

b. The owner of an autobus shall respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service.

c. The owner of an autobus shall ensure that all operators are well-trained.

d. The operator of an autobus shall not allow an autobus to exceed the number of passengers that the autobus can safely accommodate.

e. The operator of an autobus shall ensure that the autobus is clean, well-maintained, and in good working condition at all times.

f. The operator of an autobus shall not operate an autobus while smoking or using a cellular telephone, or engage in any other action that may endanger the health, safety, or welfare of passengers.

g. The operator of an autobus shall comply with all federal and State laws governing the safe operation of a motor vehicle.

C.56:16-5 Duties of director.

7. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall:

a. establish a telephone number where customers may submit complaints regarding service provided by autobus owners and operators; and

b. initiate, investigate, attempt to resolve, and, if necessary, refer to the Attorney General any matter or complaint received concerning a violation of the Bill of Rights for Customers of Certain Autobuses established pursuant to section 6 of P.L.2013, c.224 (C.56:16-4). The division may conduct an investigation and may request in writing the production of documents and records as part of its investigation. Trade secrets and proprietary business information contained in the documents or records received by the division pursuant to a written request or a subpoena shall be confidential and shall not be deemed a “government record” under section 1 of P.L.1995, c.23 (C.47:1A-1.1 et seq.).

If the person of whom such request was made fails to produce the documents or records within 30 days after the date of the request, the division may issue and serve subpoenas to

compel the production of those documents and records. If any person refuses to comply with a subpoena issued under this section, the division may petition the Superior Court to enforce the subpoena by means of such sanctions as the court may direct. After completion of the investigation, the division shall either:

- (1) dismiss the complaint following a determination that no violation occurred; or
- (2) determine that a violation has likely occurred and, if so, shall attempt to resolve the matter by settlement, which may include a monetary settlement to cover the costs incurred by the division. If no settlement is achieved, then the division may take further action, including, if necessary, referring the matter to the Attorney General for further proceedings.

Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by the division pursuant to subpoena shall be confidential. At the conclusion of an investigation, any matter determined by the division, or by a federal or State judicial or administrative body, to be a trade secret or proprietary confidential business information held by the division pursuant to the investigation shall be considered confidential. The materials may be used in any administrative or judicial proceeding as long as the confidential or proprietary nature of the material is maintained.

C.56:16-6 Violations, penalties.

8. A person who violates any of the provisions of section 6 of P.L.2013, c.224 (C.56:16-4) shall be subject to a civil penalty of \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation. Each day upon which the violation continues shall constitute a separate offense. The penalty prescribed in this section shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. Process shall be in the nature of a summons or warrant which shall issue upon the complaint of the Attorney General or any other person.

C.56:16-7 Rules, regulations.

9. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety 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 effectuate the purposes of sections 3 through 8 of P.L.2013, c.224 (C.56:16-1 through C.56:16-6).

10. Sections 1 and 2 of this act shall take effect immediately, and sections 3 through 9 of this act shall take effect on the first day of the 12th month following enactment, except that the Director of the Division of Consumer Affairs in the Department of Law and Public Safety may take any anticipatory administrative action in advance of that date as shall be necessary for the timely implementation of this act.

Approved January 17, 2014.