

ASSEMBLY, No. 4323

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED NOVEMBER 14, 2016

Sponsored by:

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District 31 (Hudson)

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District 31 (Hudson)

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District 19 (Middlesex)

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District 37 (Bergen)

SYNOPSIS

Requires owner of certain autobuses to register with and receive approval from municipalities in which autobus operates.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2017)

1 AN ACT concerning the registration and approval of certain
2 autobuses, and amending and supplementing P.L.2013, c.224.

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

6
7 1. Section 4 of P.L.2013, c.224 (C.56:16-2) is amended to read
8 as follows:

9 4. For the purposes of sections 3 through 9 of P.L.2013, c.224
10 (C.56:16-1 et seq.) and section 2 of P.L. , c. (C.) (pending
11 before the Legislature as this bill):

12 "Autobus" means a privately-owned autobus operated over the
13 public highways in this State for the transportation of not more than
14 40 passengers for hire in intrastate or interstate business except that
15 "autobus" shall not include:

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

18 (2) a vehicle engaged in the transportation of passengers for hire
19 in the manner and form commonly called taxicab service unless that
20 service becomes or is held out to be regular service between stated
21 termini;

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

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

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

40 (6) an autocab, limousine, or livery service as defined in
41 R.S.48:16-13 or section 2 of P.L.1997, c.356 (C.48:16-13.1), unless
42 that service becomes or is held out to be regular service between
43 stated termini;

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

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

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

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

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

12 (12) a vehicle that is owned or leased by a "boarding or nursing
13 home," as defined by section 2 of P.L.1977, c.238 (C.26:2H-37), by
14 an "assisted living facility," as defined by section 1 of P.L.2009,
15 c.61 (C.26:2H-12.56), by an adult day health care facility or
16 pediatric day health care facility licensed pursuant to P.L.1971,
17 c.136 (C.26:2H-1 et al.), or by any facility or other entity licensed
18 or approved by the Department of Human Services or the
19 Department of Health to render services to New Jersey residents,
20 and which is used to transport eight or more, but fewer than 16
21 persons, including the driver, to and from recreational and social
22 activities, shopping, and other health care providers; provided that
23 no charge is assessed each time a patient, resident, or client utilizes
24 the transportation service.

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

30 "For hire" means for direct or indirect hire, any service for which
31 the driver of the vehicle is compensated, or which is included in the
32 duties of the person who renders services for compensation, but
33 shall not include transportation services that are provided to patients
34 or residents of a "boarding or nursing home," as defined by section
35 2 of P.L.1977, c.238 (C.26:2H-37), an "assisted living facility," as
36 defined by section 1 of P.L.2009, c.61 (C.26:2H-12.56), an adult
37 day health care facility or pediatric day health care facility licensed
38 pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), or to patients,
39 residents, or clients of any facility or other entity that is licensed or
40 approved by the Department of Human Services or the Department
41 of Health to render services to New Jersey residents, unless a
42 charge is assessed each time a patient, resident, or client utilizes the
43 transportation services.

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

46 "Owner" means a person who holds the legal title of an autobus,
47 or if an autobus is the subject of an agreement for the conditional
48 sale or lease thereof with the right of purchase upon performance of

1 the conditions stated in the agreement and with an immediate right
2 of possession vested in the conditional vendee or lessee, or if a
3 mortgagor of an autobus is entitled to possession, then the
4 conditional vendee, lessee or mortgagor shall be considered the
5 owner.

6 (cf: P.L.2015, c.31, s.1)
7

8 2. (New section) The owner of an autobus shall register the
9 autobus with each municipality in the State in which the owner or
10 operator of the autobus seeks to operate the autobus and shall obtain
11 consent from the elective governing body or member thereof having
12 control of the public streets in the municipality prior to the autobus
13 being operated on any street, as defined in R.S.48:16-1, within the
14 municipality.
15

16 3. Section 8 of P.L.2013, c.224 (C.56:16-6) is amended to read
17 as follows:

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

31 (cf: P.L.2013, c.224, s.8)
32

33 4. This act shall take effect immediately.
34
35

36 STATEMENT 37

38 This bill requires the owner of an autobus to register the autobus
39 with each municipality in the State in which the owner or operator
40 seeks to operate the autobus and to obtain consent from the
41 governing body or member thereof that has control of the public
42 streets in the municipality prior to the autobus being operated
43 within the municipality. A person who violates the registration and
44 consent provisions of the bill is subject to a civil penalty of \$1,000
45 for a first violation, \$2,000 for a second violation, and \$5,000 for a
46 third or subsequent violation. Each day that a violation continues
47 constitutes a separate offense.

1 Under the bill, the term “autobus” applies to, with certain limited
2 exceptions, a privately-owned autobus operated in intrastate or
3 interstate business over the public highways in this State for the
4 transportation of not more than 40 passengers for hire.