

ASSEMBLY, No. 1183

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen DALTON and LeFEVRE

1 AN ACT prohibiting unauthorized ground transportation services or
2 businesses at certain facilities of the South Jersey Transportation
3 Authority, providing penalties therefor, and amending P.L.1991,
4 c.252.

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

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9 1. Section 21 of P.L.1991, c.252 (C.27:25A-21) is amended to
10 read as follows:

11 21. a. Except as otherwise provided in subsection a. of section 19
12 of this act, no vehicle shall be permitted to make use of any
13 expressway project except upon the payment of the tolls as may from
14 time to time be prescribed by the authority. It shall be unlawful for
15 any person to refuse to pay, or to evade or to attempt to evade the
16 payment of the tolls.

17 b. No vehicle shall be operated on any project carelessly or
18 recklessly, or in disregard of the rights or safety of others, or without
19 due caution or prudence, or in a manner so as to endanger
20 unreasonably or to be likely to endanger unreasonably persons or
21 property, while the operator thereof is under the influence of
22 intoxicating liquors or any narcotic or habit-forming drug, nor shall
23 any vehicle be so constructed, equipped, lacking in equipment, loaded
24 or operated in such a condition of disrepair as to endanger
25 unreasonably or to be likely to endanger unreasonably persons or
26 property.

27 c. A person operating a vehicle on any project shall operate at a
28 careful and prudent speed, having due regard to the rights and safety
29 of others and to the traffic, surface and width of the highway, and any
30 other conditions then existing; and no person shall operate a vehicle on
31 any project at a speed as to endanger life, limb or property; except that
32 it shall be prima facie lawful for a driver of a vehicle to operate it at a

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 speed not exceeding a speed limit which is designated by the authority
2 as a reasonable and safe speed limit, when appropriate signs giving
3 notice of that speed limit are erected at the roadside or otherwise
4 posted for the information of operators of vehicles.

5 d. No person shall operate a vehicle on any project at a slow speed
6 as to impede or block the normal and reasonable movement of traffic
7 except when reduced speed is necessary for safe operation thereof.

8 e. No person shall operate a vehicle on any project in violation of
9 any speed limit designated by regulation adopted by the authority.

10 f. All persons operating vehicles upon any project must at all times
11 comply with any lawful order, signal or direction by voice or hand of
12 any police officer engaged in the direction of traffic upon such project.
13 When traffic on a project is controlled by traffic lights, signs or by
14 mechanical or electrical signals, those lights, signs and signals shall be
15 obeyed unless a police officer directs otherwise.

16 g. All persons operating vehicles upon any project, or seeking to
17 do so, must at all times comply with regulations, not inconsistent with
18 the other sections of this act, adopted by the authority concerning
19 types, weights and sizes of vehicles permitted to use the project, and
20 with regulations adopted by the authority for or prohibiting the
21 parking of vehicles, concerning the making of turns and the use of
22 particular traffic lanes, together with any and all other regulations
23 adopted by the authority to control traffic and prohibit acts hazardous
24 in their nature or tending to impede or block the normal and
25 reasonable flow of traffic upon the project; except that prior to the
26 adoption of any regulation for the control of traffic on any project,
27 including the designation of any speed limits, the authority shall
28 investigate and consider the need for and desirability of the regulation
29 for the safety of persons and property, including the authority's
30 property, and the contribution which that regulation would make
31 toward the efficient and safe handling of traffic and use of the project,
32 and shall determine that the regulation is necessary or desirable to
33 accomplish the purposes or one or some of them, and that upon or
34 prior to the effective date of the regulation and during its continuance,
35 notice thereof shall be given to the drivers of vehicles by appropriate
36 signs erected at the roadside or otherwise posted. The authority may
37 adopt regulations referred to in this section in accordance with the
38 provisions hereof and in accordance with the provisions of the
39 "Administrative Procedure Act." Regulations adopted by the authority
40 pursuant to the provisions of this section shall insofar as practicable,
41 having due regard to the features of the project and the characteristics
42 of traffic thereon and except as to maximum or minimum speed limits,
43 be consistent with the provisions of Title 39 of the Revised Statutes
44 applicable to similar subjects. The authority shall have power to
45 amend, supplement or repeal any regulation adopted by it under the
46 provisions of this section. No regulation and no amendment or

1 supplement thereto or repealer thereof adopted by the authority shall
2 take effect until it is filed with the Office of Administrative Law, by
3 the filing of a copy thereof certified by the secretary of the authority.

4 h. The operator of any vehicle upon a project involved in an
5 incident resulting in injury or death to any person or damage to any
6 property shall immediately stop the vehicle at the scene of the incident,
7 render assistance as may be needed, and give his name, address, and
8 operator's license and motor vehicle registration number to the person
9 injured and to any officer or witness of the injury and shall make a
10 report of the incident in accordance with law.

11 i. No person shall transport in or upon any expressway project, any
12 dynamite, nitroglycerin, black powder, fireworks, blasting caps or
13 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
14 turpentine, formaldehyde or other inflammable or combustible liquids,
15 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
16 magnesium, nitro-cellulose film, peroxides or other readily
17 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
18 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
19 carbolic acid, potassium cyanide, tear gas, lewisite or any other
20 poisonous substances, liquids or gases, or any compressed gas, or any
21 radioactive article, substance or material, at a time or place or in a
22 manner or condition as to endanger unreasonably or as to be likely to
23 endanger unreasonably persons or property.

24 j. If the violation of any provision of this section or the violation
25 of any regulation adopted by the authority under the provisions of this
26 section would have been a violation of law or ordinance if committed
27 on any public road, street or highway in the municipality in which the
28 violation occurred, it shall be tried and punished in the same manner
29 as if it had been committed in that municipality.

30 k. Notwithstanding the provisions of subsection j. of this section,
31 if the violation of the provisions of subsection i. of this section shall
32 result in injury or death to a person or persons or damage to property
33 in excess of the value of \$5,000, that violation shall constitute a crime
34 of the third degree.

35 l. Except as provided in subsection j. ~~[or] k. or q.~~ of this section,
36 any violation of any of the provisions of this section, including but not
37 limited to those regarding the payment of tolls, and any violation of
38 any regulation adopted by the authority under the provisions of this
39 section shall be punishable by a fine not exceeding \$500 or by
40 imprisonment not exceeding 30 days or by both. A violation shall be
41 tried in a summary way and shall be within the jurisdiction of and may
42 be brought in the Special Civil Part of the Law Division of the
43 Superior Court or any municipal court in the county where the offense
44 was committed. Proceedings under this section may be instituted on
45 any day of the week, and the institution of the proceedings on a
46 Sunday or a holiday shall be no bar to the successful prosecution

1 thereof. Any process served on a Sunday, or a holiday shall be as
2 valid as if served on any other day of the week. When imposing any
3 penalty under the provisions of this subsection the court having
4 jurisdiction shall be guided by the appropriate provisions of any statute
5 fixing uniform penalties for violation of provisions of the motor
6 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

7 m. In any prosecution for violating a regulation of the authority
8 adopted pursuant to the provisions of this section, copies of that
9 regulation when authenticated under the seal of the authority by its
10 secretary or assistant secretary shall be evidence in like manner and
11 equal effect as the original.

12 n. No resolution or ordinance adopted by the governing body of
13 any county or municipality for the control and regulation of traffic
14 shall be applicable to vehicles while upon any expressway project
15 operated by the authority.

16 o. In addition to any punishment or penalty provided by other
17 subsections of this section, every registration certificate and every
18 license certificate to drive motor vehicles may be suspended or
19 revoked and any person may be prohibited from obtaining a driver's
20 license or a registration certificate and the reciprocity privileges of a
21 nonresident may be suspended or revoked by the Director of the
22 Division of Motor Vehicles for a violation of any of the provisions of
23 this section, after due notice in writing of the proposed suspension,
24 revocation or prohibition and the ground thereof, all otherwise in
25 accordance with the powers, practice and procedure established by the
26 provisions of Title 39 of the Revised Statutes applicable to the
27 suspension, revocation or prohibition.

28 p. Except as otherwise provided by this section or by any
29 regulation of the authority adopted in accordance with the provisions
30 of this section, the requirements of Title 39 of the Revised Statutes
31 applicable to persons using, driving or operating vehicles on the public
32 highways of this State and to vehicles so used, driven or operated shall
33 be applicable to persons using, driving or operating vehicles on any
34 expressway project and to vehicles so used, driven or operated.

35 q. No person, unless duly authorized by the authority, shall offer,
36 solicit, or provide ground transportation services or businesses in or
37 upon any area, platform, stairway, station, waiting room, or any other
38 appurtenance of any transportation project offering air passenger
39 service owned or operated by the authority. A person violating the
40 provisions of this subsection shall be punishable by a fine of not less
41 than \$500 or more than \$1,000 or by a term of imprisonment not
42 exceeding 30 days, or by both such fine and imprisonment. A second
43 or subsequent offense shall be punishable by a fine of not less than
44 \$750 or more than \$1,500 or by a term of imprisonment not exceeding
45 90 days, or by both such fine and imprisonment. A violation shall be
46 tried in a summary way in the same manner as provided in subsection

1 l. of this section for other violations of this section.
2 (c.f: P.L.1991, c.252, s.21.)

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4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill would prohibit the unauthorized offering, soliciting, or
10 providing of ground transportation services or businesses at the airport
11 facilities operated by the South Jersey Transportation Authority and
12 would establish penalties for such violations.

13 The purpose of this bill is to discourage "hustling" at the Atlantic
14 City International Airport. So-called "hustlers" of ground
15 transportation services often aggressively solicit arriving passengers
16 with offers of rides to various destinations, often at a negotiated price.
17 Hustlers have been known to charge fares far greater than those of
18 legitimate operators, intimidating passengers to pay or risk not having
19 their luggage returned. Hustlers are often not properly insured and
20 operate outside any regulatory environment. In addition, the hustlers
21 conduct an "underground economy" cash business, with obvious tax
22 implications. By diverting passengers from taxis, licensed vans and
23 limousines, hustlers weaken the financial underpinnings of the
24 legitimate ground transportation industries, limiting their opportunities
25 to expand and provide more jobs.

26 This bill would parallel a similar proposal, Assembly Bill No. 1826
27 of 1994, which increases penalties for "hustling" at Port Authority of
28 New York and New Jersey facilities.

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33 Prohibits unauthorized ground transportation services at South Jersey
34 Transportation Authority facilities and establishes penalties for
35 violations.