

ASSEMBLY, No. 3091

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 15, 2006

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Concerns fair business practices at intermodal marine terminals.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning fair business practices at intermodal marine
2 terminals and supplementing Title 39 of the Revised Statutes.

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

6
7 1. As used in this act:

8 “Closed” means that an intermodal marine terminal is not open
9 to release or accept intermodal equipment.

10 “Equipment interchange rights” means the rights of an
11 intermodal motor carrier or driver contained in the Uniform
12 Intermodal Interchange and Facilities Access Agreement.

13 “Free time” means the time period before demurrage charges are
14 to be applied.

15 “Intermodal equipment” means an intermodal freight container, a
16 chassis or trailer designed to carry an intermodal freight container,
17 or a combination of both.

18 “Intermodal marine terminal” means a marine terminal or facility
19 located in New Jersey that engages in discharging or receiving
20 intermodal equipment owned, operated, or controlled by an
21 intermodal equipment provider.

22 “Per diem,” “detention,” or “demurrage” means a charge
23 imposed by an equipment provider or marine terminal operator for
24 late return or pickup of an empty or loaded intermodal container or
25 chassis.

26 “Written or electronic notification” means any communication
27 by postal letter, facsimile, electronic mail, or other electronic means
28 of notification.

29
30 2. An intermodal equipment provider or an intermodal marine
31 terminal operator shall not subject an intermodal motor carrier to
32 unilateral termination, suspension, or restriction of the motor
33 carrier’s equipment interchange rights or to the imposition of per
34 diem, detention, or demurrage charges because of the following
35 circumstances:

36 a. the truck gate at the intermodal marine terminal is closed for
37 any reason during posted working hours, on a weekend or holiday,
38 during a period of labor disruption, or due to an act of God;

39 b. the motor carrier has been directed to return the intermodal
40 equipment to a location different from the location at which the
41 equipment was picked up by the motor carrier without 48 hours
42 written or electronic notification;

43 c. a loaded intermodal container is not available for pickup
44 when the motor carrier arrives at the intermodal marine terminal; or

45 d. the motor carrier is turned away because the intermodal
46 marine terminal is too congested to accept the intermodal
47 equipment.

1 motor carrier to unilateral termination, suspension, or restriction of
2 the motor carrier's equipment interchange rights or to the
3 imposition of per diem, detention, or demurrage charges because of
4 certain circumstances.

5 The bill also prohibits an intermodal equipment provider from
6 charging back, deducting, or offsetting per diem charges,
7 maintenance and repair charges, or peak hour pricing charges from
8 a motor carrier's freight bill; from failing to collect demurrage
9 charges when due; and from willfully attempting to circumvent the
10 provisions of the bill.

11 Finally, the bill prohibits the issuance of parking tickets to
12 drivers in certain circumstances and provides that a motor carrier
13 shall not be liable for any portion of demurrage when an intermodal
14 container is not picked up during the time period before demurrage
15 charges are to be applied.