

**ASSEMBLY, No. 218**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Chaparro**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 8/28/2018)**

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 governing  
41 body that has control of the public streets in the municipality prior to  
42 the autobus being operated within the municipality. A person who  
43 violates the provisions of the bill is subject to a civil penalty of \$1,000  
44 for a first violation, \$2,000 for a second violation, and \$5,000 for a  
45 third or subsequent violation. Each day that a violation continues  
46 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.