

ASSEMBLY, No. 3254

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

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District 28 (Essex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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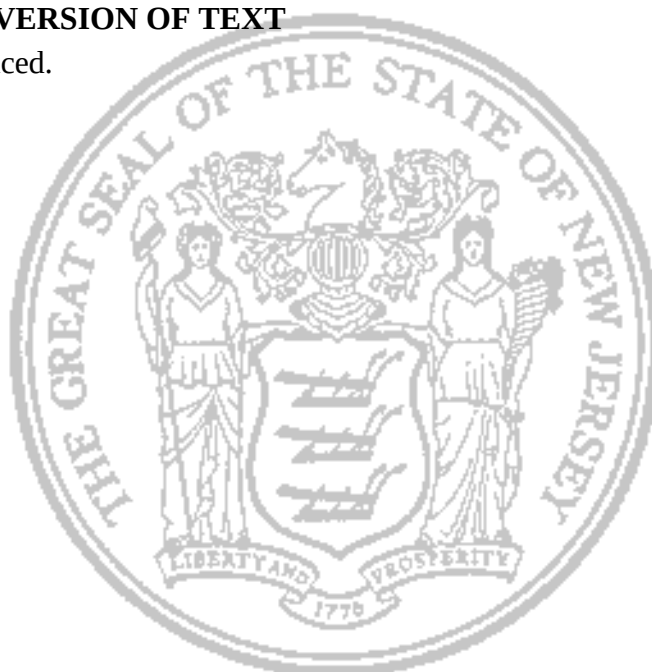
Assemblywoman Vainieri Huttie

SYNOPSIS

Establishes Office of the Advocate for Private Commuter Bus Service Customers and bill of rights for customers of private carriers operating motorbus regular route services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** establishing an Office of the Advocate for Private
 2 Commuter Bus Service Customers and a bill of rights for
 3 customers of private carriers operating motorbus regular route
 4 services, and supplementing Title 56 of the Revised Statutes.

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

8
 9 1. The Legislature finds and declares that:

10 a. The provision of safe, adequate, and reliable public and
 11 private transportation services is vital to the economy of this State
 12 and to the health and financial welfare of its citizens.

13 b. The New Jersey Transit Corporation, its contract carriers,
 14 and various private carriers are responsible for providing motorbus
 15 regular route service to the people of New Jersey and serve a
 16 critical role by providing for the efficient movement of people
 17 within the State and to and from destinations outside of New Jersey.

18 c. The private companies that provide motorbus regular route
 19 service are providing a service that many New Jersey residents
 20 depend on in their everyday lives, and since there are few, if any,
 21 alternatives to the services provided by these companies,
 22 commuters are forced to continue using the services provided by
 23 private companies regardless of their adequacy and reliability.

24 d. The motorbus regular route service currently provided by
 25 certain private companies is inadequate and unreliable, causing
 26 commuters distress and loss of income for those who rely on that
 27 service to get them to work every day.

28 e. In protecting the health, safety, and welfare of the thousands
 29 of New Jersey residents who use commuter bus services provided
 30 by private companies, it is necessary and proper to ensure that those
 31 companies uphold their obligation to provide safe, adequate, and
 32 reliable services to their customers.

33 f. In order to ensure that private carriers operating motorbus
 34 regular route service provide safe, adequate, and reliable service to
 35 the people of this State, it is appropriate for this Legislature to enact
 36 a bill of rights for customers of privately operated motorbus regular
 37 route services which establishes basic rights and guarantees that
 38 protect the health, safety, and welfare of those customers.

39
 40 2. As used in P.L. c. (C.) (pending before the Legislature
 41 as this bill):

42 “Advocate” means the Advocate within the Office of the
 43 Advocate for Commuter Bus Service Customers.

44 “Division” means the Division of Consumer Affairs in the
 45 Department of Law and Public Safety.

46 “Motorbus regular route service” means and includes the
 47 operation of any motorbus or motorbuses on streets, public
 48 highways or other facilities, over a fixed route and between fixed

1 termini on a regular schedule for the purpose of carrying passengers
2 for hire or otherwise, in this State or between points in this State
3 and points in other states.

4 “Office” means the Office of the Advocate for Private Commuter
5 Bus Service Customers.

6 “Operator” means the person responsible for the day-to-day
7 maintenance and operation of a motorbus providing motorbus
8 regular route service.

9 “Private carrier” or “carrier” means any private entity which
10 offers motorbus regular route service.

11
12 3. There is hereby established an Office of the Advocate for
13 Private Commuter Bus Service Customers in the Division of
14 Consumer Affairs in the Department of Law and Public Safety.

15
16 4. The Director of the Division of Consumer Affairs shall
17 designate one or more employees of the division to serve in the
18 office. The director shall designate an “Advocate for Private
19 Commuter Bus Service Customers” and shall provide for the
20 organization of the office.

21
22 5. In addition to other powers and duties vested in it by
23 P.L. c. (C.) (pending before the Legislature as this bill) or
24 any other law, the office shall:

25 a. Assist customers in resolving problems with private carriers
26 who offer motorbus regular route service;

27 b. Identify recurrent problems that customers have with private
28 carriers and propose solutions to those problems;

29 c. Preserve and protect the rights of the customers of motorbus
30 regular route service;

31 d. Promote open and direct communications between customers
32 and the private carriers, including facilitating semi-annual public
33 hearings at locations along the route or routes served by a private
34 carrier that has been identified to have recurrent problems with and
35 deficiencies in service; and

36 e. Investigate, attempt to resolve, and if necessary refer to the
37 division or the Attorney General any matters or complaints received
38 pursuant to P.L. , c. (C.) (pending before the Legislature as
39 this bill).

40
41 6. The following consumer protections, obligations of private
42 carriers, and basic expectations and guarantees of health, safety, and
43 welfare are established as a bill of rights for customers of private
44 carriers operating motorbus regular route service:

45 a. For all routes upon which a private carrier operates motorbus
46 regular route service, a private carrier shall adhere to a published
47 schedule by making all stops on-time, except in cases where delay
48 is caused by an emergency, flood, storm event, natural disaster, or

- 1 other act of God. An operator for a private carrier shall make each
2 and every stop on the published route that the private carrier serves
3 and shall provide real-time schedule information about any delays
4 or alterations to published route on the website of the private
5 carrier;
- 6 b. A private carrier shall operate a sufficient number of
7 motorbuses on all routes in which the private carrier operates
8 motorbus regular route service in order to accommodate every
9 customer who pays a fare for use of the service;
- 10 c. A private carrier shall provide adequate notice and sufficient
11 opportunity for feedback from its customers regarding any increase
12 in fares or any discontinuation or diminishment of service;
- 13 d. An operator of a motorbus shall not allow a motorbus to
14 become overcrowded with more passengers than the motorbus can
15 safely accommodate;
- 16 e. A motorbus being used to provide motorbus regular route
17 service shall be clean, well-maintained, and in good working
18 condition at all times;
- 19 f. A private carrier shall make every effort to compensate or
20 reimburse, through the refund of fare or a voucher for future
21 provision of service, any customer who pays a fare to use that
22 carrier's service, but is forced to use other means of travel as a
23 result of the customer's inability to utilize the service because the
24 motorbus was operating at capacity or an insufficient number of
25 motorbuses were operating on the route;
- 26 g. A private carrier shall implement a toll-free telephone
27 hotline which allows customers to submit complaints regarding
28 service provided by the carrier. The carrier shall respond to all
29 complaints in a timely fashion and work to resolve any problems
30 customers encounter regarding poor or inadequate service;
- 31 h. An operator of a motorbus shall be well-trained and familiar
32 with the route or routes that the operator serves; and
- 33 i. An operator shall refrain from engaging in behaviors that
34 could endanger the health or safety of passengers, which shall
35 include, but not be limited to, operating a motorbus while smoking
36 or using a cellular telephone.
- 37
- 38 7. A private carrier shall provide clear and conspicuous notice
39 of customer complaint contact information by making complaint
40 forms available to customers and cause signs to be posted. The
41 signs shall be posted on all motorbuses which are used by the
42 private carrier in the provision of motorbus regular route service.
43 The forms and signs shall provide information which shall include,
44 but not be limited to, the following:
- 45 a. a telephone number and mailing address of the Office of the
46 Advocate for Private Commuter Bus Service Customers;
- 47 b. an explanation of the rights of customers of private carriers
48 operating motorbus regular route service; and

1 c. basic information on the Office of the Advocate for Private
2 Commuter Bus Service Customers.

3
4 8. The division, in conjunction with the Office of the Advocate
5 for Private Commuter Bus Service Customers, is authorized to
6 initiate, investigate, attempt to resolve, and, if necessary, refer to
7 the Attorney General any matter or complaint received pursuant to
8 section 6 of P.L. , c. (C.) (pending before the Legislature as
9 this bill).

10
11 9. Any complaints regarding violations of section 6 of
12 P.L. , c. (C.) (pending before the Legislature as this bill) shall
13 first be filed with the Office of the Advocate for Private Commuter
14 Bus Service Customers established by section 3 of
15 P.L. , c. (C.) (pending before the Legislature as this bill). The
16 advocate may, on behalf of the division, and in conjunction with
17 other staff of the division, conduct an investigation and may request
18 in writing the production of documents and records as part of its
19 investigation. Trade secrets and proprietary business information
20 contained in the documents or records received by the division
21 pursuant to a written request or a subpoena shall be confidential and
22 shall not be deemed a “public record” or “government record”
23 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), section 1 of
24 P.L.1995, c.23 (C.47:1A-1.1), or P.L.2001, c.404 (C.47:1A-5 et al.).

25 If the person of whom a request was made fails to produce the
26 documents or records within 30 days after the date of the request,
27 the division may issue and serve subpoenas to compel the
28 production of those documents and records. If any person refuses
29 to comply with a subpoena issued under this section, the division
30 may petition the Superior Court to enforce the subpoena by means
31 of such sanctions as the court may direct. After completion of the
32 investigation, the division shall either:

33 (1) dismiss the complaint following a determination that no
34 violation occurred; or

35 (2) determine that a violation has likely occurred and, if so,
36 shall attempt to resolve the matter by settlement, which may include
37 a monetary settlement to cover the costs incurred by the division. If
38 no settlement is achieved, then the division may take further action,
39 including, if necessary, referring the matter to the Attorney General
40 for further proceedings.

41 Any records, documents, papers, maps, books, tapes,
42 photographs, files, sound recordings, or other business material,
43 regardless of form or characteristics, obtained by the division
44 pursuant to subpoena shall be confidential. At the conclusion of an
45 investigation, any matter determined by the division, or by a federal
46 or State judicial or administrative body, to be a trade secret or
47 proprietary confidential business information held by the division
48 pursuant to such investigation shall be considered confidential. The

1 materials may be used in any administrative or judicial proceeding
2 as long as the confidential or proprietary nature of the material is
3 maintained.

4
5 10. Any person who violates any of the provisions of section 6
6 or section 7 of P.L. , c. (C.) (pending before the Legislature
7 as this bill) shall be subject to a civil penalty of no more than
8 \$1,000 for each violation. Any penalty shall take into consideration
9 any compensation paid or offered by the private carrier to its
10 customers. The penalty prescribed in this section shall be collected
11 and enforced by summary proceedings pursuant to the "Penalty
12 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
13 The Superior Court shall have jurisdiction of proceedings for the
14 enforcement of the penalty provided pursuant to this section.
15 Process shall be in the nature of a summons or warrant which shall
16 issue upon the complaint of the Attorney General or any other
17 person.

18
19 11. The Director of the Division of Consumer Affairs shall
20 adopt rules and regulations, pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are
22 necessary to effectuate the purposes of P.L. , c. (C.) (pending
23 before the Legislature as this bill).

24
25 12. This act shall take effect on the first day of the sixth month
26 after enactment, but the division may take such anticipatory
27 administrative action in advance as shall be necessary for the
28 implementation of this act.

31 STATEMENT

32
33 This bill establishes an Office of the Advocate for Private
34 Commuter Bus Service Customers in the Division of Consumer
35 Affairs in the Department of Law and Public Safety. The bill also
36 establishes a bill of rights for customers of private carriers
37 operating motorbus regular route service which contains consumer
38 protections, private carrier obligations, and basic expectations and
39 guarantees of health, safety, and welfare.

40 The Office of the Advocate for Private Commuter Bus Service
41 Customers is vested with the following powers and duties: assist
42 customers in resolving problems with private carriers of motorbus
43 regular route service; identify recurrent problems and propose
44 solutions to problems customers have with private carriers; preserve
45 and protect the rights of customers; promote open and direct
46 communications between customers and carriers, including
47 facilitating semi-annual public hearings at locations along the route
48 or routes served by a private carrier that has been identified to have

1 recurrent problems with and deficiencies in service; and investigate
2 and attempt to resolve matters and complaints, and, if necessary,
3 refer them to the Attorney General.

4 The customer bill of rights provides that private carriers are
5 obligated to adhere to a published schedule, provide real-time
6 information on the private carrier's website when there are delays
7 or alterations to the published schedule, operate a sufficient number
8 of motorbuses to accommodate all customers, and provide adequate
9 notice regarding any changes in fares or service. The bill of rights
10 prohibits operators from allowing motorbuses to become
11 overcrowded and requires that motorbuses be clean, well-
12 maintained, and in good working condition. Private carriers are to
13 make every effort to compensate customers who pay fares but do
14 not use the carrier's service because a motorbus was already
15 operating at capacity or because of an insufficient number of
16 motorbuses on the route. Private carriers are to implement a toll-
17 free telephone hotline by which customers may submit complaints.
18 Finally, the bill of rights provides that all operators are to be well-
19 trained and familiar with the routes that the operators serve and are
20 to refrain from engaging in unsafe behaviors while operating
21 motorbus.

22 This bill requires private carriers to provide customer complaint
23 contact information so that customers may contact the Office of the
24 Advocate for Private Commuter Bus Service Customers.

25 The Attorney General or any other person may bring an action
26 before the Superior Court to impose a civil penalty not exceeding
27 \$1,000 per violation for any violation of the provisions set forth in
28 this bill. The penalty is to take into consideration any compensation
29 paid or offered by the private carrier to its customers.