

SENATE, No. 1465

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Senator RONALD L. RICE

District 28 (Essex)

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.



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; and

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

37

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

42 a. For all routes upon which a private carrier operates motorbus
43 regular route service, a private carrier shall adhere to a published
44 schedule by making all stops on-time, except in cases where delay
45 is caused by an emergency, flood, storm event, natural disaster, or
46 other act of God. An operator for a private carrier shall make each
47 and every stop on the published route that the private carrier serves;

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

1 initiate, investigate, attempt to resolve, and, if necessary, refer to
2 the Attorney General any matter or complaint received pursuant to
3 section 6 of P.L. , c. (C.) (pending before the Legislature as
4 this bill).

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

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

28 (1) dismiss the complaint following a determination that no
29 violation occurred; or

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

36 Any records, documents, papers, maps, books, tapes,
37 photographs, files, sound recordings, or other business material,
38 regardless of form or characteristics, obtained by the division
39 pursuant to subpoena shall be confidential. At the conclusion of an
40 investigation, any matter determined by the division, or by a federal
41 or State judicial or administrative body, to be a trade secret or
42 proprietary confidential business information held by the division
43 pursuant to such investigation shall be considered confidential. The
44 materials may be used in any administrative or judicial proceeding
45 as long as the confidential or proprietary nature of the material is
46 maintained.

1 The bill of rights prohibits operators from allowing motorbuses to
2 become overcrowded and requires that motorbuses be clean, well-
3 maintained, and in good working condition. Private carriers are to
4 make every effort to compensate customers who pay fares but do
5 not use the carrier's service because a motorbus was already
6 operating at capacity or because of an insufficient number of
7 motorbuses on the route. Private carriers are to implement a toll-
8 free telephone hotline by which customers may submit complaints.
9 Finally, the bill of rights provides that all operators are to be well-
10 trained and familiar with the routes that the operators serve and are
11 to refrain from engaging in unsafe behaviors while operating
12 motorbus.

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

16 The Attorney General or any other person may bring an action
17 before the Superior Court to impose a civil penalty not exceeding
18 \$1,000 per violation for any violation of the provisions set forth in
19 this bill. The penalty is to take into consideration any compensation
20 paid or offered by the private carrier to its customers.