

48:4-2.1a et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 48:4-2.1a et al

(Buses- Violations  
of Title 40  
provision--revise  
penalties)

LAWS OF: 1987

CHAPTER: 452

Bill No: A2177

Sponsor(s): Smith and others

Date Introduced: February 27, 1987

Committee: Assembly: Transportation, Communications & High Technology

Senate: Transportation & Communications

Amended during passage: Yes Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: September 29, 1986

Senate: December 10, 1987

Date of Approval: January 19, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P. L. 1987, CHAPTER 452, *approved January 19, 1988*

1986 Assembly No. 2177 (*Second Official Copy Reprint*)

AN ACT concerning autobuses and revising parts of the  
statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 90 of P. L. 1962, c. 198 (C. 48:4-2.1a) is amended to  
2 read as follows:

3 90. *a.* The [board] *Commissioner of Transportation* may make  
4 rules, regulations and orders applicable to the construction, equip-  
5 ment and insurance required of every motor vehicle within [its]  
6 *the jurisdiction of the Department of Transportation*, and shall  
7 inspect, through [its] *the department's* agents, inspectors and  
8 employees, any such motor vehicle to determine the manner of  
9 compliance with such rules, regulations and orders.

10 *b.* In the event of noncompliance with such rules, regulations  
11 and orders, or with statutory requirements, the [board] *commis-*  
12 *sioner* may, through [its] *the department's* agents, inspectors and  
13 employees, cause the immediate discontinuance of the operation  
14 of such motor vehicle, and no such motor vehicle shall be restored  
15 to service without the express approval of the [board] *commis-*  
16 *sioner.*

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted September 8, 1986.

\*\*—Senate committee amendments adopted June 22, 1987.

17 **[No]** *c. Any person who shall remove or deface any notice of*  
18 *discontinuance that has been affixed or otherwise attached to said*  
19 *motor vehicle without approval of the [board] commissioner is*  
20 *guilty of a crime of the fourth degree. \*\*In addition to any other*  
20A *penalties or remedies provided by law, a person who violates this*  
20B *subsection is subject to a civil penalty of \$1,000.00.\*\**

21 **[Any person violating any provision of this section shall be**  
22 **deemed to be a disorderly person.]**

23 **\*\*[d. Any person who operates or causes to be operated any motor**  
24 *vehicle subject to this section without a valid certificate of in-*  
25 *spection issued by the commissioner is guilty of a crime of the*  
26 *fourth degree and is also subject to a civil penalty of \$1,000.00*  
27 *for each vehicle so operated.*

28 *e. Any person who operates or causes to be operated any motor*  
29 *vehicle subject to this section in violation of rules or orders made*  
30 *by the commissioner concerning insurance requirements of that*  
31 *vehicle is guilty of a crime of the fourth degree and is also subject*  
31A *to a civil penalty of \$1,000.00 for each vehicle so operated.]\*\**

32 **\*\*d. Any person who owns or causes to be operated a motor**  
33 *vehicle subject to this section without a valid certificate of inspec-*  
34 *tion issued by the commissioner, or in violation of rules or orders*  
35 *made by the commissioner concerning insurance requirements of*  
36 *that vehicle, is a disorderly person. In addition to any other*  
37 *penalties or remedies provided by law, a person who violates this*  
38 *subsection is subject to a civil penalty of \$500.00 per day for*  
39 *each vehicle so operated.*

40 *e. Any person who operates a motor vehicle subject to this*  
41 *section without a valid certificate of inspection issued by the*  
42 *commissioner, or in violation of rules or orders made by the*  
43 *commissioner concerning insurance requirements of that vehicle,*  
44 *is a petty disorderly person.\*\**

1 2. R. S. 48:4-3 is amended to read as follows:

2 48:4-3. *a. No autobus, charter bus operation or special bus*  
3 *operation which is engaged, wholly or partly, in intrastate com-*  
4 *merce shall be operated or run while carrying passengers for hire*  
5 *within the State of New Jersey unless there is in force with respect*  
6 *to such operation a certificate of public convenience and necessity*  
7 *issued by the [Board of Public Utility Commissioners] Commis-*  
8 *sioner of Transportation authorizing such operation upon a deter-*  
9 *mination that such operation is in the public interest [except that*  
10 *(a) any municipal consent granted by any municipality and*  
11 *approved by the Board of Public Utility Commissioners prior*  
12 *to the effective date of this act and which is in full force and*

13 effect on the effective date of this act shall be deemed a certificate  
14 of public convenience and necessity for the purposes of this chapter;

15 (b) any charter bus operation or special bus operation which  
16 was in bona fide operation on the date this act was enacted may  
17 continue to operate for six months thereafter without a certificate.  
18 Such operation may continue to operate without a certificate  
19 beyond the six-month period only if an application for a certificate  
20 of public convenience and necessity authorizing that operation has  
21 been filed within the six-month period and is pending determina-  
22 tion by the board.

23 The board shall issue a certificate authorizing Statewide operation  
24 to any charter or special bus operation that was in bona fide  
25 operation on the date this act was enacted provided that the  
26 operation is otherwise in compliance with the laws of this State  
27 and the rules and regulations of the Board of Public Utility  
28 Commissioners].

29 *b. Any person who \*\*owns or causes to be operated or\*\* operates  
30 \*\*[or causes to be operated]\*\* an autobus without a valid certifi-  
31 cate of public convenience and necessity or in violation of the pro-  
32 visions thereof is subject to a civil penalty for each day of operation  
33 \*[of]\* \*in\* the following amounts: \$500.00 \*per day\* for each of  
34 the first four days, \$600.00 for the fifth day, \$700.00 for the sixth  
35 day, \$800.00 for the seventh day, \$900.00 for the eighth day and  
36 \$1,000.00 for the ninth day and \*\$1,000.00 for\* each day thereafter.*

37 *c. When any person violates the provisions of this section on  
38 more than one occasion, the commissioner \*\*[shall]\*\* \*\*may\*\*, by  
39 order, \*[upon]\* \*after\* notice \*and hearing\*, declare that person  
40 to be an unfit operator and cause the revocation of any certificates  
41 of public convenience and necessity issued to that person and  
42 declare that that person shall have no standing to petition for any  
43 further certificates. The commissioner may stay or revoke any  
44 order made under this subsection when he finds it to be in the  
45 public interest to do so.*

1 3. R. S. 48:4-11 is amended to read as follows:

2 48:4-11. *a. Any person who shall operate an autobus, charter  
3 bus operation or special bus operation within the State of New  
4 Jersey without complying with the provisions of this article shall  
5 be [adjudged a disorderly person] subject to the penalties pro-  
6 vided herein.*

7 [The Board of Public Utility Commissioners shall proceed at  
8 at law or in equity to prevent any person from operating an  
9 autobus in violation of the provisions of this article or otherwise  
10 violating any provisions thereof.

11 Proceedings to prevent a person from operating an autobus  
12 without a valid certificate of public convenience and necessity may  
13 be instituted by any public utility, the business or revenues of  
14 which are adversely affected thereby.】

15 *\*Proceedings to prevent a person from operating an autobus*  
16 *without a valid certificate of public convenience and necessity\*\*,*  
17 *and to recover damages for lost revenues caused by those opera-*  
18 *tions,\*\* may be instituted by an autobus public utility, the business*  
18A *or revenues of which are adversely affected thereby.\**

19 *\*【Every】\* \*Except for proceedings instituted by an autobus*  
20 *public utility, every\* civil penalty for violation of any provision of*  
21 *this article and for a violation of section 90 of P. L. 1962, c. 198*  
22 *(C. 48:4-2.1a) shall be sued for and recovered by and in the name*  
23 *of the Commissioner of Transportation and shall be collected and*  
24 *enforced by summary proceedings pursuant to “the penalty en-*  
25 *forcement law” (N. J. S. 2A:58-1 et seq.). Process shall issue at*  
26 *the suit of the commissioner, as plaintiff, and shall be in the nature*  
27 *of a summons and complaint returnable in the Law or Chancery*  
28 *Divisions of the Superior Court or in the various municipal courts.*  
29 *Every day that a violation exists shall be a separate violation for*  
30 *which a penalty may be recovered. Proceedings may be instituted*  
31 *on any day of the week including Sunday or upon a holiday, and*  
32 *any process issued pursuant to this article or pursuant to section 90*  
33 *of P. L. 1962, c. 198 (C. 48:4-2.1a) shall be deemed valid as if*  
34 *served or issued on any other day.*

35 *b. The commissioner may, in addition to seeking a civil penalty,*  
36 *seek injunctive relief in the Chancery Division of the Superior*  
37 *Court as to any person found to have violated any provision of*  
38 *this article or any provision of section 90 of P. L. 1962, c. 198*  
39 *(C. 48:4-2.1a).*

1 4. The following are repealed: R. S. 48:4-2.1 and sections 1 and  
2 2 of P. L. 1977, c. 16 (C. 48:4-2.18 and 48:4-2.19).

1 5. This act shall take effect on the 60th day after enactment.

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 27 process issued pursuant to this article or pursuant to section 90  
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 31 seek injunctive relief in the Chancery Division of the Superior  
 32 Court as to any person found to have violated any provision of  
 33 this article or any provision of section 90 of P. L. 1962, c. 198  
 34 (C. 48:4-2.1a).

1 4. The following are repealed: R. S. 48:4-2.1 and sections 1 and  
 2 2 of P. L. 1977, c. 16 (C. 48:4-2.18 and 48:4-2.19).

1 5. This act shall take effect on the 60th day after enactment.

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#### STATEMENT

This bill revises the penalty provisions of Title 48 concerning the operation of autobuses. Fines collectible by summary civil proceedings under the penalty enforcement law are provided for operating a bus without a certificate of public convenience and necessity or in violation of the provisions thereof, operating a bus without a valid inspection sticker and operating a bus in violation of insurance regulations and orders. Criminal penalties are provided, in view of the importance of these matters in protecting the public health, safety and welfare, for removing a notice of discontinuance, operating a bus without a valid inspection sticker and operating a bus in violation of insurance regulations and orders.

In addition, the bill provides specific authorization to the Commissioner of Transportation to seek injunctive relief where appropriate. The commissioner's statutory authority to order discontinuance of operation and revocation of a certificate of public convenience and necessity is retained.

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#### TRANSPORTATION—AIR, RAIL, BUS, TRUCK

Revises the penalty provisions of Title 40 concerning the operation of autobuses.

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ASSEMBLY TRANSPORTATION, COMMUNICATIONS  
AND HIGH TECHNOLOGY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2177**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 8, 1986

The Assembly Transportation, Communications and High Technology Committee reports favorably Assembly Bill No. 2177 with committee amendments.

This bill revises the penalty provisions of Title 48 concerning the operation of autobuses. Fines collectible by summary civil proceedings under the penalty enforcement law are provided for operating a bus without a certificate of public convenience and necessity or in violation of the provisions thereof, operating a bus without a valid inspection sticker and operating a bus in violation of insurance regulations and orders. Criminal penalties are provided, in view of the importance of these matters in protecting the public health, safety and welfare, for removing a notice of discontinuance, operating a bus without a valid inspection sticker and operating a bus in violation of insurance regulations and orders.

In addition, the bill provides specific authorization to the Commissioner of Transportation to seek injunctive relief where appropriate. The commissioner's statutory authority to order discontinuance of operation and revocation of a certificate of public convenience and necessity is retained.

The committee amended the bill to specify that proceedings to prevent a person from operating an autobus without a valid certificate of public convenience and necessity may be instituted by an autobus public utility, the business or revenues of which are adversely affected thereby. In addition, the bill was amended to provide that the Commissioner of Transportation shall, by order, after notice and hearing, rather than by order, upon notice, declare a person to be an unfit operator and cause the revocation of any certificates of public convenience and

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SENATE TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2177**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1987

The Senate Transportation and Communications Committee favorably reports Assembly Bill No. 2177 (OCR) with Senate committee amendments.

This amended bill revises the penalty provisions of Title 48 concerning the operations of autobuses. It is made a crime of the fourth degree to remove or deface any notice of discontinuance that has been affixed or attached to an autobus, without the approval of the Commissioner of Transportation. Any person who owns or causes to be operated an autobus without a valid certificate of inspection or in violation of insurance requirements is a disorderly person. Any person who operates an autobus without a valid certificate of inspection or in violation of insurance requirements is a petty disorderly person. Civil penalties are also provided for these violations.

Any person who operates or causes to be operated an autobus without a valid certificate of public convenience and necessity or in violation of the provisions thereof is subject to civil penalties ranging from \$500.00 to \$1,000.00 per day. The commissioner may also, after notice and hearing, by order declare that a repeated violator is an unfit operator and cause the revocation of any of his certificates of public convenience and necessity.

An autobus public utility may sue to prevent a person from operating an autobus without a valid certificate of public convenience and necessity, and to recover damages for lost revenues caused by those operations.

Amendments approved by the committee generally lessened the degree of severity of the crimes or offenses created by this bill, and further, make a distinction between the person who owns or causes the autobus to be operated and the driver of the autobus, and provide for stricter penalties for the former.

This bill is identical to Senate Bill No. 1827, as amended and reported by the committee.