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LAW/KR

P.L.2012, CHAPTER 53, *approved September 19, 2012*
Assembly, No. 2036 (*First Reprint*)

1 AN ACT concerning wheelchair securement and amending
2 P.L.2008, c.79.

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

6
7 1. Section 1 of P.L.2008, c.79 (C.39:3-76.2l) is amended to
8 read as follows:

9 1. a. The driver of a passenger automobile shall secure or
10 cause to be secured any **【wheelchaired】** passenger using a
11 wheelchair in a properly adjusted and fastened wheelchair
12 securement and occupant securement device. The securement
13 devices shall be in compliance with Federal Motor Vehicle Safety
14 Standards.

15 For the purposes of this act, the term "passenger automobile"
16 shall include vans, pick-up trucks, and utility vehicles.

17 b. A private entity which is primarily engaged in the business
18 of providing transportation for passengers using wheelchairs shall
19 secure or cause to be secured any passenger using a wheelchair
20 using a properly adjusted and fastened four-point securement
21 system. The private entity shall also properly secure any
22 unoccupied wheelchair.

23 For the purposes of this subsection:

24 “Four-point securement system” means a complete four-point
25 system that includes four wheelchair restraints to secure a
26 wheelchair to the vehicle floor; ¹**【occupant securements;】** a lap
27 and shoulder belt that integrates to the rear wheelchair restraints;
28 and floor anchorages installed in the vehicle floor.

29 (cf: P.L.2008, c.79, s.1)

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31 2. This act shall take effect on the 365th day next following
32 enactment.

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35
36
37 Requires private entity primarily engaged in business of
38 providing transportation for passengers in wheelchairs to secure
39 passengers in wheelchairs using four-point securement system and
40 to secure unoccupied wheelchairs.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted May 17, 2012.

ASSEMBLY, No. 2036

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

Sponsored by:

Assemblyman DAVID C. RUSSO

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Co-Sponsored by:

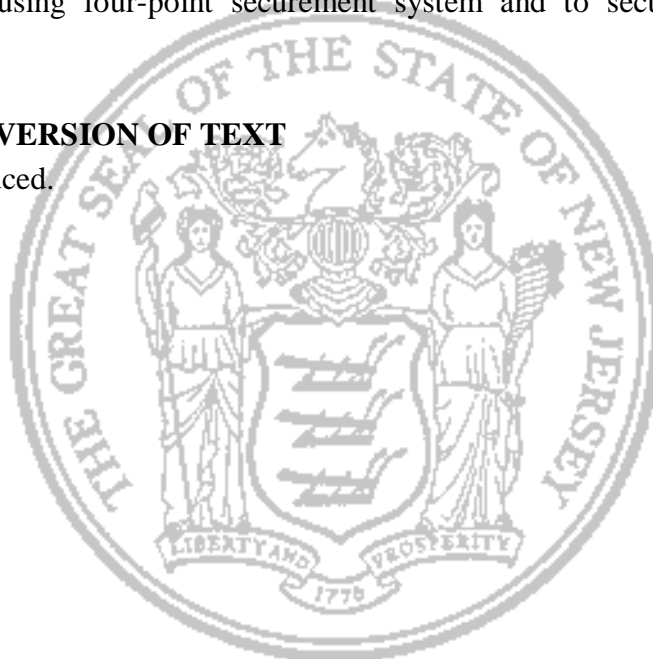
Assemblymen Rumana and Milam

SYNOPSIS

Requires private entity primarily engaged in business of providing transportation for passengers in wheelchairs to secure passengers in wheelchairs using four-point securement system and to secure unoccupied wheelchairs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2012)

1 AN ACT concerning wheelchair securement and amending
2 P.L.2008, c.79.

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5 of New Jersey:

6

7 1. Section 1 of P.L.2008, c.79 (C.39:3-76.2i) is amended to
8 read as follows:

9 1. a. The driver of a passenger automobile shall secure or
10 cause to be secured any **[wheelchaired]** passenger using a
11 wheelchair in a properly adjusted and fastened wheelchair
12 securement and occupant securement device. The securement
13 devices shall be in compliance with Federal Motor Vehicle Safety
14 Standards.

15 For the purposes of this act, the term "passenger automobile"
16 shall include vans, pick-up trucks, and utility vehicles.

17 b. A private entity which is primarily engaged in the business
18 of providing transportation for passengers using wheelchairs shall
19 secure or cause to be secured any passenger using a wheelchair
20 using a properly adjusted and fastened four-point securement
21 system. The private entity shall also properly secure any
22 unoccupied wheelchair.

23 For the purposes of this subsection:

24 "Four-point securement system" means a complete four-point
25 system that includes four wheelchair restraints to secure a
26 wheelchair to the vehicle floor; occupant securements; a lap and
27 shoulder belt that integrates to the rear wheelchair restraints; and
28 floor anchorages installed in the vehicle floor.

29 (cf: P.L.2008, c.79, s.1)

30

31 2. This act shall take effect on the 365th day next following
32 enactment.

33

34

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STATEMENT

36

37 The bill requires a private entity which is primarily engaged in
38 the business of providing transportation for passengers in
39 wheelchairs to secure, or cause to be secured, any passenger in a
40 wheelchair using a properly adjusted and fastened four-point
41 securement system. A four-point securement system is defined as a
42 complete four-point system that includes: (1) four wheelchair
43 restraints to secure a wheelchair to the vehicle floor; (2) occupant
44 securements; (3) a lap and shoulder belt that integrates to the rear
45 wheelchair restraints; and (4) floor anchorages installed in the

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 vehicle floor. The private entity is also required to secure
2 unoccupied wheelchairs.

3 Under current law, drivers of passenger automobiles are required
4 to secure, or cause to be secured, any passenger in a wheelchair in a
5 properly adjusted and fastened wheelchair securement and occupant
6 securement device in compliance with Federal Motor Vehicle
7 Safety Standards. Those Federal Motor Vehicle Safety Standards
8 do not require a four-point securement system.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2036

STATE OF NEW JERSEY

DATED: MARCH 8, 2012

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 2036.

As reported, this bill requires a private entity which is primarily engaged in the business of providing transportation for passengers in wheelchairs to secure, or cause to be secured, any passenger in a wheelchair using a properly adjusted and fastened four-point securement system. A four-point securement system is defined as a complete four-point system that includes: (1) four wheelchair restraints to secure a wheelchair to the vehicle floor; (2) occupant securements; (3) a lap and shoulder belt that integrates to the rear wheelchair restraints; and (4) floor anchorages installed in the vehicle floor. The private entity is also required to secure unoccupied wheelchairs.

Under current law, drivers of passenger automobiles are required to secure, or cause to be secured, any passenger in a wheelchair in a properly adjusted and fastened wheelchair securement and occupant securement device in compliance with Federal Motor Vehicle Safety Standards. Those Federal Motor Vehicle Safety Standards do not require a four-point securement system.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2036

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 2012

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 2036.

As amended, this bill requires a private entity which is primarily engaged in the business of providing transportation for passengers in wheelchairs to secure, or cause to be secured, any passenger in a wheelchair using a properly adjusted and fastened four-point securement system. As amended, the bill defines a four-point securement system to include: four wheelchair restraints to secure a wheelchair to the vehicle floor; a lap and shoulder belt that integrates to the rear wheelchair restraints; and floor anchorages installed in the vehicle floor. The private entity is also required to secure unoccupied wheelchairs.

The committee amended the bill to remove the requirement that the four-point securement system include an occupant securement other than the lap and shoulder belt.

Assembly Bill No. 2036, as amended and reported, is identical to Senate Bill No. 715, which was also amended and reported by the committee on this date.

SENATE, No. 715

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Weinberg, Gordon and Ruiz

SYNOPSIS

Requires private entity primarily engaged in business of providing transportation for passengers in wheelchairs to secure passengers in wheelchairs using four-point securement system and to secure unoccupied wheelchairs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning wheelchair securement and amending
2 P.L.2008, c.79.

3

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5 of New Jersey:

6

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8 read as follows:

9 1. a. The driver of a passenger automobile shall secure or
10 cause to be secured any **[wheelchaired]** passenger using a
11 wheelchair in a properly adjusted and fastened wheelchair
12 securement and occupant securement device. The securement
13 devices shall be in compliance with Federal Motor Vehicle Safety
14 Standards.

15 For the purposes of this act, the term "passenger automobile"
16 shall include vans, pick-up trucks, and utility vehicles.

17 b. A private entity which is primarily engaged in the business
18 of providing transportation for passengers using wheelchairs shall
19 secure or cause to be secured any passenger using a wheelchair
20 using a properly adjusted and fastened four-point securement
21 system. The private entity shall also properly secure any
22 unoccupied wheelchair.

23 For the purposes of this subsection:

24 "Four-point securement system" means a complete four-point
25 system that includes four wheelchair restraints to secure a
26 wheelchair to the vehicle floor; occupant securements; a lap and
27 shoulder belt that integrates to the rear wheelchair restraints; and
28 floor anchorages installed in the vehicle floor.

29 (cf: P.L.2008, c.79, s.1)

30

31 2. This act shall take effect on the 365th day next following
32 enactment.

33

34

35

STATEMENT

36

37 The bill requires a private entity which is primarily engaged in
38 the business of providing transportation for passengers in
39 wheelchairs to secure, or cause to be secured, any passenger in a
40 wheelchair using a properly adjusted and fastened four-point
41 securement system. A four-point securement system is defined as a
42 complete four-point system that includes: (1) four wheelchair
43 restraints to secure a wheelchair to the vehicle floor; (2) occupant
44 securements; (3) a lap and shoulder belt that integrates to the rear
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EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

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1 vehicle floor. The private entity is also required to secure
2 unoccupied wheelchairs.

3 Under current law, drivers of passenger automobiles are required
4 to secure, or cause to be secured, any passenger in a wheelchair in a
5 properly adjusted and fastened wheelchair securement and occupant
6 securement device in compliance with Federal Motor Vehicle
7 Safety Standards. Those Federal Motor Vehicle Safety Standards
8 do not require a four-point securement system.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 715

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 2012

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 715.

As amended, this bill requires a private entity which is primarily engaged in the business of providing transportation for passengers in wheelchairs to secure, or cause to be secured, any passenger in a wheelchair using a properly adjusted and fastened four-point securement system. As amended, the bill defines a four-point securement system to include: four wheelchair restraints to secure a wheelchair to the vehicle floor; a lap and shoulder belt that integrates to the rear wheelchair restraints; and floor anchorages installed in the vehicle floor. The private entity is also required to secure unoccupied wheelchairs.

The committee amended the bill to remove the requirement that the four-point securement system include an occupant securement other than the lap and shoulder belt.

Senate Bill No. 715, as amended and reported, is identical to Assembly Bill No. 2036, which was also amended and reported by the committee on this date.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.