

# 48:16-18.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                      **CHAPTER:** 416  
**NJSA:** 48:16-18.1                (“Limousine law”—funeral services)  
**BILL NO:** A2722                    (Substituted for S1906)

**SPONSOR(S):** LeFevre

**DATE INTRODUCED:** September 21, 2000

**COMMITTEE:**            **ASSEMBLY:** Consumer Affairs

**SENATE:** ----

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** January 3, 2002

**SENATE:** January 7, 2002

**DATE OF APPROVAL:** January 8, 2002

### **FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute (2R) enacted)  
(Amendments during passage denoted by superscript numbers)

#### **A2722**

**SPONSORS STATEMENT:** (Begins on page 7 of original bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** Yes

12-10-2001

12-17-2001

**LEGISLATIVE FISCAL ESTIMATE:** Yes

#### **S1906**

**SPONSORS STATEMENT:** (Begins on page 16 of original bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**FINAL VERSION** (Senate Committee Substitute): Yes

**VETO MESSAGE:** No

**GOVERNOR’S PRESS RELEASE ON SIGNING:** No

### **FOLLOWING WERE PRINTED:**

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**ASSEMBLY, No. 2722**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**SYNOPSIS**

Excludes certain vehicles used in provision of funeral services from definition of limousine.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S. 33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation  
42 of this chapter, or on which any federal tax or tax imposed by the laws  
43 of this State has not been paid; and any alcoholic beverage possessed,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 kept, stored, owned or imported with intent to manufacture, sell,  
2 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
3 or transport in violation of the provisions of this chapter.
- 4 j. "Licensed building." Any building containing licensed premises.
- 5 k. "Licensed premises." Any premises for which a license under this  
6 chapter is in force and effect.
- 7 l. "Magistrate." The Superior Court or municipal court.
- 8 m. "Manufacturer." Any person who, directly or indirectly,  
9 personally or through any agency whatsoever, engages in the making  
10 or other processing whatsoever of alcoholic beverages.
- 11 n. "Municipality." Any city, town, township, village, or borough,  
12 including a municipality governed by a board of commissioners or  
13 improvement commission, but excluding a county.
- 14 o. "Municipal board." The municipal board of alcoholic beverage  
15 control as established by this chapter.
- 16 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
17 member of the Division of State Police, or any other person having the  
18 power to execute a warrant for arrest, or any inspector or investigator  
19 of the Division of Alcoholic Beverage Control.
- 20 q. "Original container." Any container in which an alcoholic  
21 beverage has been delivered to a retail licensee.
- 22 r. "Person." Any natural person or association of natural persons,  
23 association, trust company, partnership, corporation, organization, or  
24 the manager, agent, servant, officer, or employee of any of them.
- 25 s. "Premises." The physical place at which a licensee is or may be  
26 licensed to conduct and carry on the manufacture, distribution or sale  
27 of alcoholic beverages, but not including vehicular transportation.
- 28 t. "Restaurant." An establishment regularly and principally used for  
29 the purpose of providing meals to the public, having an adequate  
30 kitchen and dining room equipped for the preparing, cooking and  
31 serving of food for its customers and in which no other business,  
32 except such as is incidental to such establishment, is conducted.
- 33 u. "Retailer." Any person who sells alcoholic beverages to  
34 consumers.
- 35 v. "Rules and regulations." The rules and regulations established  
36 from time to time by the director.
- 37 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
38 by purely gratuitous title, including deliveries from without this State  
39 and deliveries by any person without this State intended for shipment  
40 by carrier or otherwise into this State and brought within this State, or  
41 the solicitation or acceptance of an order for an alcoholic beverage,  
42 and including exchange, barter, traffic in, keeping and exposing for  
43 sale, serving with meals, delivering for value, peddling, possessing  
44 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
45 beverage by any licensee.

1       x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
2 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
3 processing, warehousing or transportation of any alcoholic beverage  
4 in violation of this chapter, or the importing, owning, possessing,  
5 keeping or storing in this State of alcoholic beverages with intent to  
6 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
7 process, warehouse or transport alcoholic beverages in violation of  
8 this chapter, or the owning, possessing, keeping or storing in this State  
9 of any implement or paraphernalia for the manufacture, sale,  
10 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
11 processing, warehousing or transportation of alcoholic beverages with  
12 intent to use the same in the manufacture, sale, distribution, bottling,  
13 rectifying, blending, treating, fortifying, mixing, processing,  
14 warehousing or transportation of alcoholic beverages in violation of  
15 this chapter, or to aid or abet another in the manufacture, sale,  
16 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
17 processing, warehousing or transportation of alcoholic beverages in  
18 violation of this chapter, or the aiding or abetting of another in any of  
19 the foregoing activities.

20       y. "Unlawful property." All illicit beverages and all implements,  
21 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
22 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
23 mixing, processing, warehousing or transportation of illicit beverages  
24 used in the manufacture, sale, distribution, bottling, rectifying,  
25 blending, treating, fortifying, mixing, processing, warehousing or  
26 transportation of illicit beverages or owned, possessed, kept or stored  
27 with intent to use the same in the manufacture, sale, distribution,  
28 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
29 warehousing or transportation of illicit beverages, whether such use be  
30 by the person owning, possessing, keeping, or storing the same, or by  
31 another with the consent of such person; and all alcoholic beverages,  
32 fixtures and personal property located in or upon any premises,  
33 building, yard or inclosure connected with a building, in which an illicit  
34 beverage is found, possessed, stored or kept.

35       z. "Wholesaler." Any person who sells an alcoholic beverage for  
36 the purpose of resale either to a licensed wholesaler or to a licensed  
37 retailer, or both.

38       aa. "Limousine." A motor vehicle used in the business of carrying  
39 passengers for hire to provide prearranged passenger transportation at  
40 a premium fare on a dedicated, nonscheduled, charter basis that is not  
41 conducted on a regular route and with a seating capacity in no event  
42 of more than 14 passengers, not including the driver, provided, that  
43 such a motor vehicle shall not have a seating capacity in excess of four  
44 passengers, not including the driver, beyond the maximum passenger  
45 seating capacity of the vehicle, not including the driver, at the time of  
46 manufacture. This shall not include taxicabs, hotel or airport shuttles

1 and buses, [or] buses employed solely in transporting schoolchildren  
2 or teachers to and from school, vehicles owned and operated directly  
3 or indirectly by businesses engaged in the practice of mortuary science  
4 when those vehicles are used exclusively for providing transportation  
5 related to the provision of funeral services or vehicles owned and  
6 operated without charge or remuneration by a business entity for its  
7 own purposes.

8 bb. "Entertainment facility" is a privately-owned facility in which  
9 athletic, commercial, cultural, or artistic events are featured.

10 Any definition herein contained shall apply to the same word in any  
11 form. Thus "sell" means to make a "sale" as above defined.

12 (cf: P.L.1999, c.356, s.1)

13

14 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to read  
15 as follows:

16 1. As used in this act:

17 (a) "Commissioner" means the Commissioner of Labor.

18 (b) "Director" means the director in charge of the bureau referred  
19 to in section 3 of this act.

20 (c) "Wage board" means a board created as provided in section 10  
21 of this act.

22 (d) "Wages" means any moneys due an employee from an employer  
23 for services rendered or made available by the employee to the  
24 employer as a result of their employment relationship including  
25 commissions, bonus and piecework compensation and including any  
26 gratuities received by an employee for services rendered for an  
27 employer or a customer of an employer and the fair value of any food  
28 or lodgings supplied by an employer to an employee. The  
29 commissioner may, by regulation, establish the average value of  
30 gratuities received by an employee in any occupation and the fair value  
31 of food and lodging provided to employees in any occupation which  
32 average values shall be acceptable for the purposes of determining  
33 compliance with this act in the absence of evidence of the actual value  
34 of such items.

35 (e) "Regular hourly wage" means the amount that an employee is  
36 regularly paid for each hour of work as determined by dividing the  
37 total hours of work during the week into the employee's total earnings  
38 for the week, exclusive of overtime premium pay.

39 (f) "Employ" includes to suffer or to permit to work.

40 (g) "Employer" includes any individual, partnership, association,  
41 corporation or any person or group of persons acting directly or  
42 indirectly in the interest of an employer in relation to an employee.

43 (h) "Employee" includes any individual employed by an employer.

44 (i) "Occupation" means any occupation, service, trade, business,  
45 industry or branch or group of industries or employment or class of  
46 employment in which employees are gainfully employed.

1 (j) "Minimum fair wage order" means a wage order promulgated  
2 pursuant to this act.

3 (k) "Fair wage" means a wage fairly and reasonably commensurate  
4 with the value of the service or class of service rendered and sufficient  
5 to meet the minimum cost of living necessary for health.

6 (l) "Oppressive and unreasonable wage" means a wage which is  
7 both less than the fair and reasonable value of the service rendered and  
8 less than sufficient to meet the minimum cost of living necessary for  
9 health.

10 (m) "Limousine" means a motor vehicle used in the business of  
11 carrying passengers for hire to provide prearranged passenger  
12 transportation at a premium fare on a dedicated, nonscheduled, charter  
13 basis that is not conducted on a regular route and with a seating  
14 capacity in no event of more than 14 passengers, not including the  
15 driver, provided, that such a motor vehicle shall not have a seating  
16 capacity in excess of four passengers, not including the driver, beyond  
17 the maximum passenger seating capacity of the vehicle, not including  
18 the driver, at the time of manufacture. "Limousine" shall not include  
19 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
20 solely in transporting school children or teachers to and from school,  
21 vehicles owned and operated directly or indirectly by businesses  
22 engaged in the practice of mortuary science when those vehicles are  
23 used exclusively for providing transportation related to the provision  
24 of funeral services or vehicles owned and operated without charge or  
25 remuneration by a business entity for its own purposes.

26 (cf: P.L.1999, c.356, s.2)

27

28 3. R.S.48:16-13 is amended to read as follows:

29 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
30 (C.48:16-13.1), as used in this article:

31 "Autocab" means a limousine.

32 "Limousine" means and includes any automobile or motor car used  
33 in the business of carrying passengers for hire to provide prearranged  
34 passenger transportation at a premium fare on a dedicated,  
35 nonscheduled, charter basis that is not conducted on a regular route  
36 and with a seating capacity in no event of more than 14 passengers,  
37 not including the driver, provided, that such a vehicle shall not have a  
38 seating capacity in excess of four passengers, not including the driver,  
39 beyond the maximum passenger seating capacity of the vehicle, not  
40 including the driver, at the time of manufacture. Nothing in this article  
41 contained shall be construed to include taxicabs, hotel buses or buses  
42 employed solely in transporting school children or teachers or vehicles  
43 owned and operated directly or indirectly by businesses engaged in the  
44 practice of mortuary science when those vehicles are used exclusively  
45 for providing transportation related to the provision of funeral services  
46 or autobuses which are subject to the jurisdiction of the Department

1 of Transportation, or interstate autobuses required by federal or State  
2 law or regulations of the Department of Transportation to carry  
3 insurance against loss from liability imposed by law on account of  
4 bodily injury or death.

5 "Limousine or livery service" means and includes the business of  
6 carrying passengers for hire by limousines.

7 "Person" means and includes any individual, copartnership,  
8 association, corporation or joint stock company, their lessees, trustees  
9 or receivers appointed by any court whatsoever.

10 "Street" means and includes any street, avenue, park, parkway,  
11 highway, or other public place.

12 (cf: P.L.1999, c.356, s.3)

13  
14 4. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read  
15 as follows:

16 2. In a county of the first class with a population density of over  
17 10,000 persons per square mile, according to the latest federal  
18 decennial census, "limousine" means and includes any automobile or  
19 motor car which is issued special registration plates bearing the word  
20 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
21 and is engaged in the business of carrying passengers for hire to  
22 provide prearranged passenger transportation at a premium fare on a  
23 dedicated, nonscheduled, charter basis that is not conducted on a  
24 regular route and with a seating capacity in no event of more than 14  
25 passengers, not including the driver, provided, that such a motor  
26 vehicle shall not have a seating capacity in excess of four passengers,  
27 not including the driver, beyond the maximum passenger seating  
28 capacity of the vehicle, not including the driver, at the time of  
29 manufacture. A limousine shall not include vehicles owned and  
30 operated directly or indirectly by businesses engaged in the practice of  
31 mortuary science when those vehicles are used exclusively for  
32 providing transportation related to the provision of funeral services.

33 (cf: P.L.1999, c.356, s.4)

34  
35 5. This act shall take effect immediately.

36  
37  
38 STATEMENT

39  
40 The bill excludes from the definition of limousine vehicles owned  
41 and operated directly or indirectly by businesses engaged in the  
42 practice of mortuary science when these vehicles are used exclusively  
43 for providing transportation related to the provision of funeral  
44 services.



ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2722**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 12, 2000

**Sponsored by:**  
**Assemblyman KENNETH C. LEFEVRE**  
**District 2 (Atlantic)**

**SYNOPSIS**

Makes various changes to limousine law.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Consumer Affairs and Regulated Professions Committee.



1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation  
42 of this chapter, or on which any federal tax or tax imposed by the laws  
43 of this State has not been paid; and any alcoholic beverage possessed,

**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 kept, stored, owned or imported with intent to manufacture, sell,  
2 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
3 or transport in violation of the provisions of this chapter.
- 4 j. "Licensed building." Any building containing licensed premises.
- 5 k. "Licensed premises." Any premises for which a license under  
6 this chapter is in force and effect.
- 7 l. "Magistrate." The Superior Court or municipal court.
- 8 m. "Manufacturer." Any person who, directly or indirectly,  
9 personally or through any agency whatsoever, engages in the making  
10 or other processing whatsoever of alcoholic beverages.
- 11 n. "Municipality." Any city, town, township, village, or borough,  
12 including a municipality governed by a board of commissioners or  
13 improvement commission, but excluding a county.
- 14 o. "Municipal board." The municipal board of alcoholic beverage  
15 control as established by this chapter.
- 16 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
17 member of the Division of State Police, or any other person having the  
18 power to execute a warrant for arrest, or any inspector or investigator  
19 of the Division of Alcoholic Beverage Control.
- 20 q. "Original container." Any container in which an alcoholic  
21 beverage has been delivered to a retail licensee.
- 22 r. "Person." Any natural person or association of natural persons,  
23 association, trust company, partnership, corporation, organization, or  
24 the manager, agent, servant, officer, or employee of any of them.
- 25 s. "Premises." The physical place at which a licensee is or may be  
26 licensed to conduct and carry on the manufacture, distribution or sale  
27 of alcoholic beverages, but not including vehicular transportation.
- 28 t. "Restaurant." An establishment regularly and principally used  
29 for the purpose of providing meals to the public, having an adequate  
30 kitchen and dining room equipped for the preparing, cooking and  
31 serving of food for its customers and in which no other business,  
32 except such as is incidental to such establishment, is conducted.
- 33 u. "Retailer." Any person who sells alcoholic beverages to  
34 consumers.
- 35 v. "Rules and regulations." The rules and regulations established  
36 from time to time by the director.
- 37 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
38 by purely gratuitous title, including deliveries from without this State  
39 and deliveries by any person without this State intended for shipment  
40 by carrier or otherwise into this State and brought within this State, or  
41 the solicitation or acceptance of an order for an alcoholic beverage,  
42 and including exchange, barter, traffic in, keeping and exposing for  
43 sale, serving with meals, delivering for value, peddling, possessing  
44 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
45 beverage by any licensee.
- 46 x. "Unlawful alcoholic beverage activity." The manufacture, sale,

1 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
2 processing, warehousing or transportation of any alcoholic beverage  
3 in violation of this chapter, or the importing, owning, possessing,  
4 keeping or storing in this State of alcoholic beverages with intent to  
5 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
6 process, warehouse or transport alcoholic beverages in violation of  
7 this chapter, or the owning, possessing, keeping or storing in this State  
8 of any implement or paraphernalia for the manufacture, sale,  
9 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
10 processing, warehousing or transportation of alcoholic beverages with  
11 intent to use the same in the manufacture, sale, distribution, bottling,  
12 rectifying, blending, treating, fortifying, mixing, processing,  
13 warehousing or transportation of alcoholic beverages in violation of  
14 this chapter, or to aid or abet another in the manufacture, sale,  
15 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
16 processing, warehousing or transportation of alcoholic beverages in  
17 violation of this chapter, or the aiding or abetting of another in any of  
18 the foregoing activities.

19 y. "Unlawful property." All illicit beverages and all implements,  
20 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
21 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
22 mixing, processing, warehousing or transportation of illicit beverages  
23 used in the manufacture, sale, distribution, bottling, rectifying,  
24 blending, treating, fortifying, mixing, processing, warehousing or  
25 transportation of illicit beverages or owned, possessed, kept or stored  
26 with intent to use the same in the manufacture, sale, distribution,  
27 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
28 warehousing or transportation of illicit beverages, whether such use be  
29 by the person owning, possessing, keeping, or storing the same, or by  
30 another with the consent of such person; and all alcoholic beverages,  
31 fixtures and personal property located in or upon any premises,  
32 building, yard or inclosure connected with a building, in which an illicit  
33 beverage is found, possessed, stored or kept.

34 z. "Wholesaler." Any person who sells an alcoholic beverage for  
35 the purpose of resale either to a licensed wholesaler or to a licensed  
36 retailer, or both.

37 aa. "Limousine." A motor vehicle used in the business of carrying  
38 passengers for hire to provide prearranged passenger transportation at  
39 a premium fare on a dedicated, nonscheduled, charter basis that is not  
40 conducted on a regular route, or is furnished without fare as an  
41 accommodation for a patron in connection with other business  
42 purposes, and with a seating capacity in no event of more than  
43 14 passengers, not including the driver, provided, that such a motor  
44 vehicle shall not have a seating capacity in excess of four passengers,  
45 not including the driver, beyond the maximum passenger seating  
46 capacity of the vehicle, not including the driver, at the time of

1 manufacture. This shall not include taxicabs, hotel or airport shuttles  
2 and buses, [or] buses employed solely in transporting schoolchildren  
3 or teachers to and from school, vehicles owned and operated directly  
4 or indirectly by businesses engaged in the practice of mortuary science  
5 when those vehicles are used exclusively for providing transportation  
6 related to the provision of funeral services or vehicles owned and  
7 operated without charge or remuneration by a business entity for its  
8 own purposes.

9 bb. "Entertainment facility" is a privately-owned facility in which  
10 athletic, commercial, cultural, or artistic events are featured.

11 Any definition herein contained shall apply to the same word in any  
12 form. Thus "sell" means to make a "sale" as above defined.

13 (cf: P.L.2000, c.83, s.5)

14

15 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
16 read as follows:

17 1. As used in this act:

18 (a) "Commissioner" means the Commissioner of Labor.

19 (b) "Director" means the director in charge of the bureau referred  
20 to in section 3 of this act.

21 (c) "Wage board" means a board created as provided in section 10  
22 of this act.

23 (d) "Wages" means any moneys due an employee from an  
24 employer for services rendered or made available by the employee to  
25 the employer as a result of their employment relationship including  
26 commissions, bonus and piecework compensation and including any  
27 gratuities received by an employee for services rendered for an  
28 employer or a customer of an employer and the fair value of any food  
29 or lodgings supplied by an employer to an employee. The  
30 commissioner may, by regulation, establish the average value of  
31 gratuities received by an employee in any occupation and the fair value  
32 of food and lodging provided to employees in any occupation, which  
33 average values shall be acceptable for the purposes of determining  
34 compliance with this act in the absence of evidence of the actual value  
35 of such items.

36 (e) "Regular hourly wage" means the amount that an employee is  
37 regularly paid for each hour of work as determined by dividing the  
38 total hours of work during the week into the employee's total earnings  
39 for the week, exclusive of overtime premium pay.

40 (f) "Employ" includes to suffer or to permit to work.

41 (g) "Employer" includes any individual, partnership, association,  
42 corporation or any person or group of persons acting directly or  
43 indirectly in the interest of an employer in relation to an employee.

44 (h) "Employee" includes any individual employed by an employer.

45 (i) "Occupation" means any occupation, service, trade, business,  
46 industry or branch or group of industries or employment or class of

1 employment in which employees are gainfully employed.

2 (j) "Minimum fair wage order" means a wage order promulgated  
3 pursuant to this act.

4 (k) "Fair wage" means a wage fairly and reasonably commensurate  
5 with the value of the service or class of service rendered and sufficient  
6 to meet the minimum cost of living necessary for health.

7 (l) "Oppressive and unreasonable wage" means a wage which is  
8 both less than the fair and reasonable value of the service rendered and  
9 less than sufficient to meet the minimum cost of living necessary for  
10 health.

11 (m) "Limousine" means a motor vehicle used in the business of  
12 carrying passengers for hire to provide prearranged passenger  
13 transportation at a premium fare on a dedicated, nonscheduled, charter  
14 basis that is not conducted on a regular route and with a seating  
15 capacity in no event of more than 14 passengers, not including the  
16 driver, provided, that such a motor vehicle shall not have a seating  
17 capacity in excess of four passengers, not including the driver, beyond  
18 the maximum passenger seating capacity of the vehicle, not including  
19 the driver, at the time of manufacture. "Limousine" shall not include  
20 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
21 solely in transporting school children or teachers to and from school,  
22 vehicles owned and operated directly or indirectly by businesses  
23 engaged in the practice of mortuary science when those vehicles are  
24 used exclusively for providing transportation related to the provision  
25 of funeral services or vehicles owned and operated without charge or  
26 remuneration by a business entity for its own purposes.

27 (cf: P.L.1999, c.356, s.2)

28

29 3. R.S.39:1-1 is amended to read as follows:

30 39:1-1. As used in this subtitle, unless other meaning is clearly  
31 apparent from the language or context, or unless inconsistent with the  
32 manifest intention of the Legislature:

33 "Alley" means a public highway wherein the roadway does not  
34 exceed 12 feet in width.

35 "Authorized emergency vehicles" means vehicles of the fire  
36 department, police vehicles and such ambulances and other vehicles as  
37 are approved by the Director of the Division of Motor Vehicles in the  
38 Department of Transportation when operated in response to an  
39 emergency call.

40 "Automobile" includes all motor vehicles except motorcycles.

41 "Berm" means that portion of the highway exclusive of roadway  
42 and shoulder, bordering the shoulder but not to be used for vehicular  
43 travel.

44 "Business district" means that portion of a highway and the  
45 territory contiguous thereto, where within any 600 feet along such  
46 highway there are buildings in use for business or industrial purposes,

1 including but not limited to hotels, banks, office buildings, railroad  
2 stations, and public buildings which occupy at least 300 feet of  
3 frontage on one side or 300 feet collectively on both sides of the  
4 roadway.

5 "Car pool" means two or more persons commuting on a daily basis  
6 to and from work by means of a vehicle with a seating capacity of nine  
7 passengers or less.

8 "Commercial motor vehicle" includes every type of motor-driven  
9 vehicle used for commercial purposes on the highways, such as the  
10 transportation of goods, wares and merchandise, excepting such  
11 vehicles as are run only upon rails or tracks and vehicles of the  
12 passenger car type used for touring purposes or the carrying of farm  
13 products and milk, as the case may be.

14 "Commissioner" means the Director of the Division of Motor  
15 Vehicles in the Department of Transportation of this State.

16 "Commuter van" means a motor vehicle having a seating capacity  
17 of not less than seven nor more than 15 adult passengers, in which  
18 seven or more persons commute on a daily basis to and from work and  
19 which vehicle may also be operated by the driver or other designated  
20 persons for their personal use.

21 "Crosswalk" means that part of a highway at an intersection  
22 included within the connections of the lateral lines of the sidewalks on  
23 opposite sides of the highway measured from the curbs or, in the  
24 absence of curbs, from the edges of the shoulder, or, if none, from the  
25 edges of the roadway; also, any portion of a highway at an intersection  
26 or elsewhere distinctly indicated for pedestrian crossing by lines or  
27 other marking on the surface.

28 "Dealer" includes every person actively engaged in the business of  
29 buying, selling or exchanging motor vehicles or motorcycles and who  
30 has an established place of business.

31 "Department" means the Division of Motor Vehicles in the  
32 Department of Transportation of this State acting directly or through  
33 its duly authorized officers or agents.

34 "Deputy commissioner" means deputy director of the Division of  
35 Motor Vehicles in the Department of Transportation.

36 "Deputy director" means deputy director of the Division of Motor  
37 Vehicles in the Department of Transportation.

38 "Director" means the Director of the Division of Motor Vehicles  
39 in the Department of Transportation.

40 "Division" means the Division of Motor Vehicles in the  
41 Department of Transportation acting directly or through its duly  
42 authorized officers or agents.

43 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
44 or the driver or operator of a motor vehicle, unless otherwise  
45 specified.

46 "Explosives" means any chemical compound or mechanical mixture

1 that is commonly used or intended for the purpose of producing an  
2 explosion and which contains any oxidizing and combustive units or  
3 other ingredients in such proportions, quantities or packing that an  
4 ignition by fire, friction, by concussion, by percussion, or by detonator  
5 of any part of the compound or mixture may cause such a sudden  
6 generation of highly heated gases that the resultant gaseous pressures  
7 are capable of producing destructive effects on contiguous objects or  
8 of destroying life or limb.

9 "Farm tractor" means every motor vehicle designed and used  
10 primarily as a farm implement for drawing plows, mowing machines,  
11 and other implements of husbandry.

12 "Flammable liquid" means any liquid having a flash point below  
13 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

14 "Gross weight" means the combined weight of a vehicle and a load  
15 thereon.

16 "High occupancy vehicle" or "HOV" means a vehicle which is used  
17 to transport two or more persons and shall include public  
18 transportation, car pool, van pool, and other vehicles as determined by  
19 regulation of the Department of Transportation.

20 "Highway" means the entire width between the boundary lines of  
21 every way publicly maintained when any part thereof is open to the use  
22 of the public for purposes of vehicular travel.

23 "Horse" includes mules and all other domestic animals used as  
24 draught animals or beasts of burden.

25 "Inside lane" means the lane nearest the center line of the roadway.

26 "Intersection" means the area embraced within the prolongation of  
27 the lateral curb lines or, if none, the lateral boundary lines of two or  
28 more highways which join one another at an angle, whether or not one  
29 such highway crosses another.

30 "Laned roadway" means a roadway which is divided into two or  
31 more clearly marked lanes for vehicular traffic.

32 "Leased limousine" means any limousine subject to regulation in  
33 the State which:

34 a. Is offered for rental or lease, without a driver, to be operated  
35 by a limousine service as the lessee, for the purpose of carrying  
36 passengers for hire; and

37 b. Is leased or rented for a period of one year or more following  
38 registration.

39 "Leased motor vehicle" means any motor vehicle subject to  
40 registration in this State which:

41 a. Is offered for rental or lease, without a driver, to be operated  
42 by the lessee, his agent or servant, for purposes other than the  
43 transportation of passengers for hire; and

44 b. Is leased or rented for a period of one year or more following  
45 registration.

46 "Limited-access highway" means every highway, street, or roadway



1 in respect to which owners or occupants of abutting lands and other  
2 persons have no legal right of access to or from the same except at  
3 such points only and in such manner as may be determined by the  
4 public authority having jurisdiction over such highway, street, or  
5 roadway; and includes any highway designated as a "freeway" or  
6 "parkway" by authority of law.

7 "Local authorities" means every county, municipal and other local  
8 board or body having authority to adopt local police regulations under  
9 the Constitution and laws of this State, including every county  
10 governing body with relation to county roads.

11 "Magistrate" means any municipal court and the Superior Court,  
12 and any officer having the powers of a committing magistrate and the  
13 Director of the Division of Motor Vehicles in the Department of  
14 Transportation.

15 "Manufacturer" means a person engaged in the business of  
16 manufacturing or assembling motor vehicles, who will, under normal  
17 business conditions during the year, manufacture or assemble at least  
18 10 new motor vehicles.

19 "Metal tire" means every tire the surface of which in contact with  
20 the highway is wholly or partly of metal or other hard nonresilient  
21 material.

22 "Motorized bicycle" means a pedal bicycle having a helper motor  
23 characterized in that either the maximum piston displacement is less  
24 than 50 cc. or said motor is rated at no more than 1.5 brake  
25 horsepower and said bicycle is capable of a maximum speed of no  
26 more than 25 miles per hour on a flat surface.

27 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
28 motor attached and all motor-operated vehicles of the bicycle or  
29 tricycle type, except motorized bicycles as defined in this section,  
30 whether the motive power be a part thereof or attached thereto and  
31 having a saddle or seat with driver sitting astride or upon it or a  
32 platform on which the driver stands.

33 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
34 type of vehicle drawn by a motor-driven vehicle.

35 "Motor vehicle" includes all vehicles propelled otherwise than by  
36 muscular power, excepting such vehicles as run only upon rails or  
37 tracks and motorized bicycles.

38 "Noncommercial truck" means every motor vehicle designed  
39 primarily for transportation of property, and which is not a  
40 "commercial vehicle."

41 "Official traffic control devices" means all signs, signals, markings,  
42 and devices not inconsistent with this subtitle placed or erected by  
43 authority of a public body or official having jurisdiction for the  
44 purpose of regulating, warning, or guiding traffic.

45 "Omnibus" includes all motor vehicles used for the transportation  
46 of passengers for hire, except commuter vans and vehicles used in

1 ridesharing arrangements and school buses, if the same are not  
2 otherwise used in the transportation of passengers for hire.

3 "Operator" means a person who is in actual physical control of a  
4 vehicle or street car.

5 "Outside lane" means the lane nearest the curb or outer edge of the  
6 roadway.

7 "Owner" means a person who holds the legal title of a vehicle, or  
8 if a vehicle is the subject of an agreement for the conditional sale or  
9 lease thereof with the right of purchase upon performance of the  
10 conditions stated in the agreement and with an immediate right of  
11 possession vested in the conditional vendee or lessee, or if a  
12 mortgagor of a vehicle is entitled to possession, then the conditional  
13 vendee, lessee or mortgagor shall be deemed the owner for the  
14 purpose of this subtitle.

15 "Parking" means the standing or waiting on a street, road or  
16 highway of a vehicle not actually engaged in receiving or discharging  
17 passengers or merchandise, unless in obedience to traffic regulations  
18 or traffic signs or signals.

19 "Passenger automobile" means all automobiles used and designed  
20 for the transportation of passengers, other than omnibuses and school  
21 buses.

22 "Pedestrian" means a person afoot.

23 "Person" includes natural persons, firms, copartnerships,  
24 associations, and corporations.

25 "Pneumatic tire" means every tire in which compressed air is  
26 designed to support the load.

27 "Pole trailer" means every vehicle without motive power designed  
28 to be drawn by another vehicle and attached to the towing vehicle by  
29 means of a reach, or pole, or by being boomed or otherwise secured  
30 to the towing vehicle, and ordinarily used for transporting long or  
31 irregularly shaped loads, such as poles, pipes, or structural members  
32 capable, generally, of sustaining themselves as beams between the  
33 supporting connections.

34 "Private road or driveway" means every road or driveway not open  
35 to the use of the public for purposes of vehicular travel.

36 "Railroad train" means a steam engine, electric or other motor,  
37 with or without cars coupled thereto, operated upon rails, except  
38 street cars.

39 "Recreation vehicle" means a self-propelled or towed vehicle  
40 equipped to serve as temporary living quarters for recreational,  
41 camping or travel purposes and used solely as a family or personal  
42 conveyance.

43 "Residence district" means that portion of a highway and the  
44 territory contiguous thereto, not comprising a business district, where  
45 within any 600 feet along such highway there are buildings in use for  
46 business or residential purposes which occupy 300 feet or more of

1 frontage on at least one side of the highway.

2 "Ridesharing" means the transportation of persons in a motor  
3 vehicle, with a maximum carrying capacity of not more than 15  
4 passengers, including the driver, where such transportation is  
5 incidental to the purpose of the driver. The term shall include such  
6 ridesharing arrangements known as car pools and van pools.

7 "Right-of-way" means the privilege of the immediate use of the  
8 highway.

9 "Road tractor" means every motor vehicle designed and used for  
10 drawing other vehicles and not so constructed as to carry any load  
11 thereon either independently or any part of the weight of a vehicle or  
12 load so drawn.

13 "Roadway" means that portion of a highway improved, designed,  
14 or ordinarily used for vehicular travel, exclusive of the berm or  
15 shoulder. In the event a highway includes two or more separate  
16 roadways, the term "roadway" as used herein shall refer to any such  
17 roadway separately, but not to all such roadways, collectively.

18 "Safety zone" means the area or space officially set aside within a  
19 highway for the exclusive use of pedestrians, which is so plainly  
20 marked or indicated by proper signs as to be plainly visible at all times  
21 while set apart as a safety zone.

22 "School bus" means every motor vehicle operated by, or under  
23 contract with, a public or governmental agency, or religious or other  
24 charitable organization or corporation, or privately operated for  
25 compensation for the transportation of children to or from school for  
26 secular or religious education, which complies with the regulations of  
27 the Department of Education affecting school buses, including "School  
28 Vehicle Type I" and "School Vehicle Type II" as defined below:

29 "School Vehicle Type I" means any vehicle with a seating capacity  
30 of 17 or more, used to transport enrolled children, and adults only  
31 when serving as chaperones, to or from a school, school connected  
32 activity, day camp, summer day camp, nursery school, child care  
33 center, preschool center or other similar places of education. Such  
34 vehicle shall comply with the regulations of the Division of Motor  
35 Vehicles and either the Department of Education or the Department  
36 of Human Services, whichever is the appropriate supervising agency.

37 "School Vehicle Type II" means any vehicle with a seating capacity  
38 of 16 or less, used to transport enrolled children, and adults only when  
39 serving as chaperones, to or from a school, school connected activity,  
40 day camp, summer day camp, nursery school, child care center,  
41 preschool center or other similar places of education. Such vehicle  
42 shall comply with the regulations of the Division of Motor Vehicles  
43 and either the Department of Education or the Department of Human  
44 Services, whichever is the appropriate supervising agency.

45 "School zone" means that portion of a highway which is either  
46 contiguous to territory occupied by a school building or is where

1 school crossings are established in the vicinity of a school, upon which  
2 are maintained appropriate "school signs" in accordance with  
3 specifications adopted by the director and in accordance with law.

4 "School crossing" means that portion of a highway where school  
5 children are required to cross the highway in the vicinity of a school.

6 "Semitrailer" means every vehicle with or without motive power,  
7 other than a pole trailer, designed for carrying persons or property and  
8 for being drawn by a motor vehicle and so constructed that some part  
9 of its weight and that of its load rests upon or is carried by another  
10 vehicle.

11 "Shipper" means any person who shall deliver, or cause to be  
12 delivered, any commodity, produce or article for transportation as the  
13 contents or load of a commercial motor vehicle. In the case of a  
14 sealed ocean container, "shipper" shall not be construed to include any  
15 person whose activities with respect to the shipment are limited to the  
16 solicitation or negotiation of the sale, resale, or exchange of the  
17 commodity, produce or article within that container.

18 "Shoulder" means that portion of the highway, exclusive of and  
19 bordering the roadway, designed for emergency use but not ordinarily  
20 to be used for vehicular travel.

21 "Sidewalk" means that portion of a highway intended for the use  
22 of pedestrians, between the curb line or the lateral line of a shoulder,  
23 or if none, the lateral line of the roadway and the adjacent right-of-way  
24 line.

25 "Sign." See "Official traffic control devices."

26 "Slow-moving vehicle" means a vehicle run at a speed less than the  
27 maximum speed then and there permissible.

28 "Solid tire" means every tire of rubber or other resilient material  
29 which does not depend upon compressed air for the support of the  
30 load.

31 "Street" means the same as highway.

32 "Street car" means a car other than a railroad train, for  
33 transporting persons or property and operated upon rails principally  
34 within a municipality.

35 "Stop," when required, means complete cessation from movement.

36 "Stopping or standing," when prohibited, means any cessation of  
37 movement of a vehicle, whether occupied or not, except when  
38 necessary to avoid conflict with other traffic or in compliance with the  
39 directions of a police officer or traffic control sign or signal.

40 "Suburban business or residential district" means that portion of  
41 highway and the territory contiguous thereto, where within any 1,320  
42 feet along that highway there is land in use for business or residential  
43 purposes and that land occupies more than 660 feet of frontage on one  
44 side or collectively more than 660 feet of frontage on both sides of  
45 that roadway.

46 "Through highway" means every highway or portion thereof at the

1 entrances to which vehicular traffic from intersecting highways is  
2 required by law to stop before entering or crossing the same and when  
3 stop signs are erected as provided in this chapter.

4 "Trackless trolley" means every motor vehicle which is propelled  
5 by electric power obtained from overhead trolley wires but not  
6 operated upon rails.

7 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
8 street cars, and other conveyances either singly, or together, while  
9 using any highway for purposes of travel.

10 "Traffic control signal" means a device, whether manually,  
11 electrically, mechanically, or otherwise controlled, by which traffic is  
12 alternately directed to stop and to proceed.

13 "Trailer" means every vehicle with or without motive power, other  
14 than a pole trailer, designed for carrying persons or property and for  
15 being drawn by a motor vehicle and so constructed that no part of its  
16 weight rests upon the towing vehicle.

17 "Truck" means every motor vehicle designed, used, or maintained  
18 primarily for the transportation of property.

19 "Truck tractor" means every motor vehicle designed and used  
20 primarily for drawing other vehicles and not so constructed as to carry  
21 a load other than a part of the weight of the vehicle and load so drawn.

22 "Van pooling" means seven or more persons commuting on a daily  
23 basis to and from work by means of a vehicle with a seating  
24 arrangement designed to carry seven to 15 adult passengers.

25 "Vehicle" means every device in, upon or by which a person or  
26 property is or may be transported upon a highway, excepting devices  
27 moved by human power or used exclusively upon stationary rails or  
28 tracks or motorized bicycles.

29 (cf: P.L.1995, c.397, s.1)

30

31 4. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to read  
32 as follows:

33 12. a. Upon the application of any person who owns a limousine  
34 service, the Director of the Division of Motor Vehicles shall issue  
35 special registration plates bearing the word "limousine" in addition to  
36 the registration number and other markings or identification otherwise  
37 prescribed by law.

38 b. The special registration plates authorized by this act shall be  
39 issued upon proof, satisfactory to the director, that the applicant has  
40 complied with the provisions of article 2 of chapter 16 of Title 48 of  
41 the Revised Statutes.

42 c. The fee for such special registration plates shall be \$10.00 in  
43 addition to the fees otherwise prescribed by law for the registration of  
44 such motor vehicles.

45 d. The registration certificate issued pursuant to chapter 3 of  
46 Title 39 of the Revised Statutes for a leased limousine shall, in

1 addition to containing the name and street address of the lessee,  
2 identify the vehicle as a leased limousine.

3 (cf: P.L.1999, c.356, s.19)

4

5 5. R.S.48:16-13 is amended to read as follows:

6 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
7 (C.48:16-13.1), as used in this article:

8 "Autocab" means a limousine.

9 "Limousine" means and includes any automobile or motor car used  
10 in the business of carrying passengers for hire to provide prearranged  
11 passenger transportation at a premium fare on a dedicated,  
12 nonscheduled, charter basis that is not conducted on a regular route  
13 and with a seating capacity in no event of more than 14 passengers,  
14 not including the driver, provided, that such a vehicle shall not have a  
15 seating capacity in excess of four passengers, not including the driver,  
16 beyond the maximum passenger seating capacity of the vehicle, not  
17 including the driver, at the time of manufacture. Nothing in this article  
18 contained shall be construed to include taxicabs, hotel buses [or] ,  
19 buses employed solely in transporting school children or teachers [or],  
20 vehicles owned and operated directly or indirectly by businesses  
21 engaged in the practice of mortuary science when those vehicles are  
22 used exclusively for providing transportation related to the provision  
23 of funeral services, autobuses which are subject to the jurisdiction of  
24 the Department of Transportation[,], or interstate autobuses required  
25 by federal or State law or regulations of the Department of  
26 Transportation to carry insurance against loss from liability imposed  
27 by law on account of bodily injury or death.

28 "Limousine or livery service" means and includes the business of  
29 carrying passengers for hire by limousines.

30 "Person" means and includes any individual, copartnership,  
31 association, corporation or joint stock company, their lessees, trustees  
32 or receivers appointed by any court whatsoever.

33 "Principal place of business" means, in reference to a municipality,  
34 the location of the main place of business of the limousine service in  
35 the municipality where limousine service is conducted, where  
36 limousines are dispatched, or where limousine drivers report for duty.

37 "Street" means and includes any street, avenue, park, parkway,  
38 highway, or other public place.

39 (cf: P.L.1999, c.356, s.3)

40

41 6. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read  
42 as follows:

43 2. In a county of the first class with a population density of over  
44 10,000 persons per square mile, according to the latest federal  
45 decennial census, "limousine" means and includes any automobile or  
46 motor car which is issued special registration plates bearing the word

1 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
2 and is engaged in the business of carrying passengers for hire to  
3 provide prearranged passenger transportation at a premium fare on a  
4 dedicated, nonscheduled, charter basis that is not conducted on a  
5 regular route and with a seating capacity in no event of more than  
6 14 passengers, not including the driver, provided, that such a motor  
7 vehicle shall not have a seating capacity in excess of four passengers,  
8 not including the driver, beyond the maximum passenger seating  
9 capacity of the vehicle, not including the driver, at the time of  
10 manufacture. A limousine shall not include a vehicle owned and  
11 operated directly or indirectly by a business engaged in the practice of  
12 mortuary science when that vehicle is used exclusively for providing  
13 transportation related to the provision of funeral services.

14 (cf: P.L.1999, c.356, s.4)

15

16 7. (New section) Notwithstanding any other provisions of law to  
17 the contrary, a municipality may require a limousine service to obtain  
18 a corporate license, permit, certificate or other form of authority if the  
19 limousine service is providing service on an intra-municipal, point-to-  
20 point basis within that municipality. The municipality may charge a fee  
21 that shall not exceed a total of \$50 for the issuance of that license,  
22 permit, certificate or other form of authority which shall apply to all  
23 limousines operated by the limousine service and providing intra-  
24 municipal, point-to-point service within that municipality.

25

26 8. Section 14 of P.L.1999, c.356 (C. 48:16-22.4) is amended to  
27 read as follows:

28 14. [Notwithstanding the provisions of this act to the contrary, no  
29 limousine registered in another state or the District of Columbia shall  
30 conduct wholly intra-State operations on the highways of this State  
31 unless the owner of the limousine has proof of insurance in the amount  
32 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
33 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
34 in which it has a business address.] a. Notwithstanding the provisions  
35 of article 2 of chapter 16 of Title 48 of the Revised Statutes to the  
36 contrary, a limousine registered in another state or the District of  
37 Columbia operating in interstate service which picks up or discharges  
38 passengers in New Jersey shall have proof of insurance in the amount  
39 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
40 in this State, comply with the equipment requirements of section 11 of  
41 P.L.1999, c.356 (C.48:16-22.1) with respect to a two-way  
42 communications system, removable first-aid kit and operable fire  
43 extinguisher and possess authority to operate a limousine in interstate  
44 service granted by the Federal Highway Administration or the  
45 Interstate Commerce Commission.

46 b. A limousine registered in another state or the District of

1 Columbia operating in interstate service which picks up or discharges  
2 passengers wholly within the State of New Jersey shall, in addition to  
3 complying with the provisions of subsection a. of this section, maintain  
4 a business address in a municipality in New Jersey and be licensed  
5 pursuant to R.S.48:16-17 in that municipality.

6 (cf: P.L.1999, c.356, s.14)

7

8 9. This act shall take effect immediately.



ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 2722

**STATE OF NEW JERSEY**

DATED: OCTOBER 12, 2000

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 2722.

The substitute bill makes various revisions to the State's limousine law:

Funeral Vehicles. The substitute excludes from the definition of limousine vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when these vehicles are used exclusively for providing transportation related to the provision of funeral services.

Leased Vehicles. R.S.39:1-1 is amended to provide a definition of a leased limousine as any limousine subject to regulation in the State which is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire. In addition, the leased limousine must be leased or rented for a period of one year or more following registration. The bill provides that the registration certificate for a leased limousine is to identify the vehicle as a leased limousine and contain the name and street address of the lessee.

Municipal Licensing. The bill provides that a municipality may require a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intra-municipal point-to-point basis within that municipality. The municipality may charge a fee which totals not in excess of \$50 for such license, permit, certificate or other form of authority which shall apply to all limousines operated by the limousine service and providing intra-municipal point-to-point service within that municipality. The bill also defines "principal place of business" for limousine services in reference to a municipality as the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched or where limousine drivers report for duty.

Out-of-State Limousines. The bill provides that limousines registered out-of-State operating in interstate service which pick up or discharge passengers in New Jersey are to have proof of insurance in the amount of \$1.5 million as provided for limousines registered in this State, comply with the equipment requirements of the current limousine law with respect to a two-way communications system, removable first-aid kit and operable fire extinguisher and possess authority to operate a limousine service in interstate service granted by the Federal Highway Administration or Interstate Commerce Commission. Out-of-State limousines operating in interstate service which pick up or discharge passengers wholly within the State of New Jersey, in addition to complying with the above requirements, are to maintain a business address in a municipality in New Jersey and be licensed in that municipality as limousines registered in this State are licensed. The bill clarifies that all out-of-State limousines in interstate service operating in New Jersey are subject to New Jersey's limousine law.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 2722**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JANUARY 10, 2001

**SUMMARY**

**Synopsis:** Makes various changes to limousine law

**Type of Impact:** Potential increase in General Fund expenditure;  
 Potential increase in municipal revenue and expenditures

**Agencies Affected:** Department of Transportation, Division of Motor Vehicles,  
 Municipal governments

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Minimal -- See Comments Below		
<b>Local Cost</b>	Minimal -- See Comments Below		
<b>Local Revenue</b>	Minimal -- See Comments Below		

- ! This bill revises the definition of limousine as that term pertains to leased vehicles and excludes funeral vehicles from the definition.
- ! Permits municipality to charge \$50 fee to license limousine service that provides intra-municipal point-to-point services within that municipality.
- ! Requires that limousines registered in another state which pick up or discharge passengers in the State have proof of insurance in the amount of \$1.5 million, carry certain equipment and comply with other requirements.

**BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill No. 2722 of 2000 makes various revisions to the State's limousine law. The bill amends the definition of limousine as that term pertains to a leased vehicle and excludes vehicles used for funeral purposes from the definition.

In addition, the bill authorizes a municipality to charge a fee not in excess of \$50 to license a limousine service that provides intra-municipal point-to-point service within that municipality.

Further, the bill specifies that limousines registered in another state that pick up or discharge

passengers in New Jersey have proof of insurance in the amount of \$1.5 million, carry certain emergency and communication equipment, and maintain a business address in the State.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislature Services (OLS) has informally discussed the fiscal impact of this bill with the Department of Transportation. OLS estimates that the impact of the amended definition of "limousine" and the regulatory requirements imposed on limousines registered in another state should be minimal on the department. The administrative nature of these changes suggest that they can be accommodated within existing departmental resources.

Regarding the \$50 fee that may be charged by a municipality to license a limousine service providing service within its boundaries, the permissive nature and the amount of the fee indicate that the amount a municipality could receive should be minimal because the number of limousine service licenses issued by an individual municipality is not anticipated to be significant.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Rusty Lachenauer*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2722**

with Assembly Floor Amendments  
(Proposed By Assemblyman LeFEVRE)

ADOPTED: DECEMBER 10, 2001

These amendments provide a definition of "black car" and establish minimum limits of liability at \$100,000 for bodily injury to one person and \$300,000 for bodily injury to more than one person in any one accident for such a vehicle operating in interstate service which picks up or discharges passengers in New Jersey. These black cars are required to observe the equipment portions of New Jersey's limousine law, aside from the modified insurance requirement, and to maintain a business address in New Jersey which need not be the location of the black car's principal place of business. Limousines registered in another state or the District of Columbia operating in interstate service which pick up or discharge passengers in New Jersey, and black cars operating wholly within the State of New Jersey, however, are to be subject to the provisions of New Jersey's limousine law except that they may file the required insurance policy, and receive a license to operate, in any municipality in the State in which they have a business address. The amendments also require insurance companies to give notice of cancellation or nonrenewal of a limousine's owner's insurance policy to the Division of Motor Vehicles and provide for the suspension of the owner's registration until replacement coverage is secured. Under certain circumstances a limousine owner's corporation code registration privilege may be suspended.

The amendments require fingerprinting and criminal history record background checks and testing for dangerous controlled substances of all new applicants for employment as limousine operators or drivers. The amendments require the Commissioner of Transportation to adopt regulations for the testing and licensing of new applicants which will be substantially similar to the New York City rules and regulations for an applicant for a for-hire vehicle driver's license.

Section 4 of the substitute providing for a registration certificate issued to a leased limousine to contain the name and street address of the lessee is deleted.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2722**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 12, 2000

**Sponsored by:**  
**Assemblyman KENNETH C. LEFEVRE**  
**District 2 (Atlantic)**

**SYNOPSIS**

Makes various changes to limousine law.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 10, 2001.



1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation  
42 of this chapter, or on which any federal tax or tax imposed by the laws

**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:**

**<sup>1</sup> Assembly floor amendments adopted December 10, 2001.**

- 1 of this State has not been paid; and any alcoholic beverage possessed,  
2 kept, stored, owned or imported with intent to manufacture, sell,  
3 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
4 or transport in violation of the provisions of this chapter.
- 5 j. "Licensed building." Any building containing licensed premises.
- 6 k. "Licensed premises." Any premises for which a license under  
7 this chapter is in force and effect.
- 8 l. "Magistrate." The Superior Court or municipal court.
- 9 m. "Manufacturer." Any person who, directly or indirectly,  
10 personally or through any agency whatsoever, engages in the making  
11 or other processing whatsoever of alcoholic beverages.
- 12 n. "Municipality." Any city, town, township, village, or borough,  
13 including a municipality governed by a board of commissioners or  
14 improvement commission, but excluding a county.
- 15 o. "Municipal board." The municipal board of alcoholic beverage  
16 control as established by this chapter.
- 17 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
18 member of the Division of State Police, or any other person having the  
19 power to execute a warrant for arrest, or any inspector or investigator  
20 of the Division of Alcoholic Beverage Control.
- 21 q. "Original container." Any container in which an alcoholic  
22 beverage has been delivered to a retail licensee.
- 23 r. "Person." Any natural person or association of natural persons,  
24 association, trust company, partnership, corporation, organization, or  
25 the manager, agent, servant, officer, or employee of any of them.
- 26 s. "Premises." The physical place at which a licensee is or may be  
27 licensed to conduct and carry on the manufacture, distribution or sale  
28 of alcoholic beverages, but not including vehicular transportation.
- 29 t. "Restaurant." An establishment regularly and principally used  
30 for the purpose of providing meals to the public, having an adequate  
31 kitchen and dining room equipped for the preparing, cooking and  
32 serving of food for its customers and in which no other business,  
33 except such as is incidental to such establishment, is conducted.
- 34 u. "Retailer." Any person who sells alcoholic beverages to  
35 consumers.
- 36 v. "Rules and regulations." The rules and regulations established  
37 from time to time by the director.
- 38 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
39 by purely gratuitous title, including deliveries from without this State  
40 and deliveries by any person without this State intended for shipment  
41 by carrier or otherwise into this State and brought within this State, or  
42 the solicitation or acceptance of an order for an alcoholic beverage,  
43 and including exchange, barter, traffic in, keeping and exposing for  
44 sale, serving with meals, delivering for value, peddling, possessing  
45 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
46 beverage by any licensee.



1       x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
2 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
3 processing, warehousing or transportation of any alcoholic beverage  
4 in violation of this chapter, or the importing, owning, possessing,  
5 keeping or storing in this State of alcoholic beverages with intent to  
6 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
7 process, warehouse or transport alcoholic beverages in violation of  
8 this chapter, or the owning, possessing, keeping or storing in this State  
9 of any implement or paraphernalia for the manufacture, sale,  
10 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
11 processing, warehousing or transportation of alcoholic beverages with  
12 intent to use the same in the manufacture, sale, distribution, bottling,  
13 rectifying, blending, treating, fortifying, mixing, processing,  
14 warehousing or transportation of alcoholic beverages in violation of  
15 this chapter, or to aid or abet another in the manufacture, sale,  
16 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
17 processing, warehousing or transportation of alcoholic beverages in  
18 violation of this chapter, or the aiding or abetting of another in any of  
19 the foregoing activities.

20       y. "Unlawful property." All illicit beverages and all implements,  
21 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
22 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
23 mixing, processing, warehousing or transportation of illicit beverages  
24 used in the manufacture, sale, distribution, bottling, rectifying,  
25 blending, treating, fortifying, mixing, processing, warehousing or  
26 transportation of illicit beverages or owned, possessed, kept or stored  
27 with intent to use the same in the manufacture, sale, distribution,  
28 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
29 warehousing or transportation of illicit beverages, whether such use be  
30 by the person owning, possessing, keeping, or storing the same, or by  
31 another with the consent of such person; and all alcoholic beverages,  
32 fixtures and personal property located in or upon any premises,  
33 building, yard or inclosure connected with a building, in which an illicit  
34 beverage is found, possessed, stored or kept.

35       z. "Wholesaler." Any person who sells an alcoholic beverage for  
36 the purpose of resale either to a licensed wholesaler or to a licensed  
37 retailer, or both.

38       aa. "Limousine." A motor vehicle used in the business of carrying  
39 passengers for hire to provide prearranged passenger transportation at  
40 a premium fare on a dedicated, nonscheduled, charter basis that is not  
41 conducted on a regular route, or is furnished without fare as an  
42 accommodation for a patron in connection with other business  
43 purposes, and with a seating capacity in no event of more than  
44 14 passengers, not including the driver, provided, that such a motor  
45 vehicle shall not have a seating capacity in excess of four passengers,  
46 not including the driver, beyond the maximum passenger seating

1 capacity of the vehicle, not including the driver, at the time of  
2 manufacture. This shall not include taxicabs, hotel or airport shuttles  
3 and buses, [or] buses employed solely in transporting schoolchildren  
4 or teachers to and from school, vehicles owned and operated directly  
5 or indirectly by businesses engaged in the practice of mortuary science  
6 when those vehicles are used exclusively for providing transportation  
7 related to the provision of funeral services or vehicles owned and  
8 operated without charge or remuneration by a business entity for its  
9 own purposes.

10 bb. "Entertainment facility" is a privately-owned facility in which  
11 athletic, commercial, cultural, or artistic events are featured.

12 Any definition herein contained shall apply to the same word in any  
13 form. Thus "sell" means to make a "sale" as above defined.

14 (cf: P.L.2000, c.83, s.5)

15

16 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
17 read as follows:

18 1. As used in this act:

19 (a) "Commissioner" means the Commissioner of Labor.

20 (b) "Director" means the director in charge of the bureau referred  
21 to in section 3 of this act.

22 (c) "Wage board" means a board created as provided in section 10  
23 of this act.

24 (d) "Wages" means any moneys due an employee from an  
25 employer for services rendered or made available by the employee to  
26 the employer as a result of their employment relationship including  
27 commissions, bonus and piecework compensation and including any  
28 gratuities received by an employee for services rendered for an  
29 employer or a customer of an employer and the fair value of any food  
30 or lodgings supplied by an employer to an employee. The  
31 commissioner may, by regulation, establish the average value of  
32 gratuities received by an employee in any occupation and the fair value  
33 of food and lodging provided to employees in any occupation, which  
34 average values shall be acceptable for the purposes of determining  
35 compliance with this act in the absence of evidence of the actual value  
36 of such items.

37 (e) "Regular hourly wage" means the amount that an employee is  
38 regularly paid for each hour of work as determined by dividing the  
39 total hours of work during the week into the employee's total earnings  
40 for the week, exclusive of overtime premium pay.

41 (f) "Employ" includes to suffer or to permit to work.

42 (g) "Employer" includes any individual, partnership, association,  
43 corporation or any person or group of persons acting directly or  
44 indirectly in the interest of an employer in relation to an employee.

45 (h) "Employee" includes any individual employed by an employer.

46 (i) "Occupation" means any occupation, service, trade, business,

1 industry or branch or group of industries or employment or class of  
2 employment in which employees are gainfully employed.

3 (j) "Minimum fair wage order" means a wage order promulgated  
4 pursuant to this act.

5 (k) "Fair wage" means a wage fairly and reasonably commensurate  
6 with the value of the service or class of service rendered and sufficient  
7 to meet the minimum cost of living necessary for health.

8 (l) "Oppressive and unreasonable wage" means a wage which is  
9 both less than the fair and reasonable value of the service rendered and  
10 less than sufficient to meet the minimum cost of living necessary for  
11 health.

12 (m) "Limousine" means a motor vehicle used in the business of  
13 carrying passengers for hire to provide prearranged passenger  
14 transportation at a premium fare on a dedicated, nonscheduled, charter  
15 basis that is not conducted on a regular route and with a seating  
16 capacity in no event of more than 14 passengers, not including the  
17 driver, provided, that such a motor vehicle shall not have a seating  
18 capacity in excess of four passengers, not including the driver, beyond  
19 the maximum passenger seating capacity of the vehicle, not including  
20 the driver, at the time of manufacture. "Limousine" shall not include  
21 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
22 solely in transporting school children or teachers to and from school,  
23 vehicles owned and operated directly or indirectly by businesses  
24 engaged in the practice of mortuary science when those vehicles are  
25 used exclusively for providing transportation related to the provision  
26 of funeral services or vehicles owned and operated without charge or  
27 remuneration by a business entity for its own purposes.

28 (cf: P.L.1999, c.356, s.2)

29

30 3. R.S.39:1-1 is amended to read as follows:

31 39:1-1. As used in this subtitle, unless other meaning is clearly  
32 apparent from the language or context, or unless inconsistent with the  
33 manifest intention of the Legislature:

34 "Alley" means a public highway wherein the roadway does not  
35 exceed 12 feet in width.

36 "Authorized emergency vehicles" means vehicles of the fire  
37 department, police vehicles and such ambulances and other vehicles as  
38 are approved by the Director of the Division of Motor Vehicles in the  
39 Department of Transportation when operated in response to an  
40 emergency call.

41 "Automobile" includes all motor vehicles except motorcycles.

42 "Berm" means that portion of the highway exclusive of roadway  
43 and shoulder, bordering the shoulder but not to be used for vehicular  
44 travel.

45 "Business district" means that portion of a highway and the  
46 territory contiguous thereto, where within any 600 feet along such

1 highway there are buildings in use for business or industrial purposes,  
2 including but not limited to hotels, banks, office buildings, railroad  
3 stations, and public buildings which occupy at least 300 feet of  
4 frontage on one side or 300 feet collectively on both sides of the  
5 roadway.

6 "Car pool" means two or more persons commuting on a daily basis  
7 to and from work by means of a vehicle with a seating capacity of nine  
8 passengers or less.

9 "Commercial motor vehicle" includes every type of motor-driven  
10 vehicle used for commercial purposes on the highways, such as the  
11 transportation of goods, wares and merchandise, excepting such  
12 vehicles as are run only upon rails or tracks and vehicles of the  
13 passenger car type used for touring purposes or the carrying of farm  
14 products and milk, as the case may be.

15 "Commissioner" means the Director of the Division of Motor  
16 Vehicles in the Department of Transportation of this State.

17 "Commuter van" means a motor vehicle having a seating capacity  
18 of not less than seven nor more than 15 adult passengers, in which  
19 seven or more persons commute on a daily basis to and from work and  
20 which vehicle may also be operated by the driver or other designated  
21 persons for their personal use.

22 "Crosswalk" means that part of a highway at an intersection  
23 included within the connections of the lateral lines of the sidewalks on  
24 opposite sides of the highway measured from the curbs or, in the  
25 absence of curbs, from the edges of the shoulder, or, if none, from the  
26 edges of the roadway; also, any portion of a highway at an intersection  
27 or elsewhere distinctly indicated for pedestrian crossing by lines or  
28 other marking on the surface.

29 "Dealer" includes every person actively engaged in the business of  
30 buying, selling or exchanging motor vehicles or motorcycles and who  
31 has an established place of business.

32 "Department" means the Division of Motor Vehicles in the  
33 Department of Transportation of this State acting directly or through  
34 its duly authorized officers or agents.

35 "Deputy commissioner" means deputy director of the Division of  
36 Motor Vehicles in the Department of Transportation.

37 "Deputy director" means deputy director of the Division of Motor  
38 Vehicles in the Department of Transportation.

39 "Director" means the Director of the Division of Motor Vehicles  
40 in the Department of Transportation.

41 "Division" means the Division of Motor Vehicles in the  
42 Department of Transportation acting directly or through its duly  
43 authorized officers or agents.

44 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
45 or the driver or operator of a motor vehicle, unless otherwise  
46 specified.

1 "Explosives" means any chemical compound or mechanical mixture  
2 that is commonly used or intended for the purpose of producing an  
3 explosion and which contains any oxidizing and combustive units or  
4 other ingredients in such proportions, quantities or packing that an  
5 ignition by fire, friction, by concussion, by percussion, or by detonator  
6 of any part of the compound or mixture may cause such a sudden  
7 generation of highly heated gases that the resultant gaseous pressures  
8 are capable of producing destructive effects on contiguous objects or  
9 of destroying life or limb.

10 "Farm tractor" means every motor vehicle designed and used  
11 primarily as a farm implement for drawing plows, mowing machines,  
12 and other implements of husbandry.

13 "Flammable liquid" means any liquid having a flash point below  
14 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

15 "Gross weight" means the combined weight of a vehicle and a load  
16 thereon.

17 "High occupancy vehicle" or "HOV" means a vehicle which is used  
18 to transport two or more persons and shall include public  
19 transportation, car pool, van pool, and other vehicles as determined by  
20 regulation of the Department of Transportation.

21 "Highway" means the entire width between the boundary lines of  
22 every way publicly maintained when any part thereof is open to the use  
23 of the public for purposes of vehicular travel.

24 "Horse" includes mules and all other domestic animals used as  
25 draught animals or beasts of burden.

26 "Inside lane" means the lane nearest the center line of the roadway.

27 "Intersection" means the area embraced within the prolongation of  
28 the lateral curb lines or, if none, the lateral boundary lines of two or  
29 more highways which join one another at an angle, whether or not one  
30 such highway crosses another.

31 "Laned roadway" means a roadway which is divided into two or  
32 more clearly marked lanes for vehicular traffic.

33 "Leased limousine" means any limousine subject to regulation in  
34 the State which:

35 a. Is offered for rental or lease, without a driver, to be operated  
36 by a limousine service as the lessee, for the purpose of carrying  
37 passengers for hire; and

38 b. Is leased or rented for a period of one year or more following  
39 registration.

40 "Leased motor vehicle" means any motor vehicle subject to  
41 registration in this State which:

42 a. Is offered for rental or lease, without a driver, to be operated  
43 by the lessee, his agent or servant, for purposes other than the  
44 transportation of passengers for hire; and

45 b. Is leased or rented for a period of one year or more following  
46 registration.

1 "Limited-access highway" means every highway, street, or roadway  
2 in respect to which owners or occupants of abutting lands and other  
3 persons have no legal right of access to or from the same except at  
4 such points only and in such manner as may be determined by the  
5 public authority having jurisdiction over such highway, street, or  
6 roadway; and includes any highway designated as a "freeway" or  
7 "parkway" by authority of law.

8 "Local authorities" means every county, municipal and other local  
9 board or body having authority to adopt local police regulations under  
10 the Constitution and laws of this State, including every county  
11 governing body with relation to county roads.

12 "Magistrate" means any municipal court and the Superior Court,  
13 and any officer having the powers of a committing magistrate and the  
14 Director of the Division of Motor Vehicles in the Department of  
15 Transportation.

16 "Manufacturer" means a person engaged in the business of  
17 manufacturing or assembling motor vehicles, who will, under normal  
18 business conditions during the year, manufacture or assemble at least  
19 10 new motor vehicles.

20 "Metal tire" means every tire the surface of which in contact with  
21 the highway is wholly or partly of metal or other hard nonresilient  
22 material.

23 "Motorized bicycle" means a pedal bicycle having a helper motor  
24 characterized in that either the maximum piston displacement is less  
25 than 50 cc. or said motor is rated at no more than 1.5 brake  
26 horsepower and said bicycle is capable of a maximum speed of no  
27 more than 25 miles per hour on a flat surface.

28 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
29 motor attached and all motor-operated vehicles of the bicycle or  
30 tricycle type, except motorized bicycles as defined in this section,  
31 whether the motive power be a part thereof or attached thereto and  
32 having a saddle or seat with driver sitting astride or upon it or a  
33 platform on which the driver stands.

34 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
35 type of vehicle drawn by a motor-driven vehicle.

36 "Motor vehicle" includes all vehicles propelled otherwise than by  
37 muscular power, excepting such vehicles as run only upon rails or  
38 tracks and motorized bicycles.

39 "Noncommercial truck" means every motor vehicle designed  
40 primarily for transportation of property, and which is not a  
41 "commercial vehicle."

42 "Official traffic control devices" means all signs, signals, markings,  
43 and devices not inconsistent with this subtitle placed or erected by  
44 authority of a public body or official having jurisdiction for the  
45 purpose of regulating, warning, or guiding traffic.

46 "Omnibus" includes all motor vehicles used for the transportation

1 of passengers for hire, except commuter vans and vehicles used in  
2 ridesharing arrangements and school buses, if the same are not  
3 otherwise used in the transportation of passengers for hire.

4 "Operator" means a person who is in actual physical control of a  
5 vehicle or street car.

6 "Outside lane" means the lane nearest the curb or outer edge of the  
7 roadway.

8 "Owner" means a person who holds the legal title of a vehicle, or  
9 if a vehicle is the subject of an agreement for the conditional sale or  
10 lease thereof with the right of purchase upon performance of the  
11 conditions stated in the agreement and with an immediate right of  
12 possession vested in the conditional vendee or lessee, or if a  
13 mortgagor of a vehicle is entitled to possession, then the conditional  
14 vendee, lessee or mortgagor shall be deemed the owner for the  
15 purpose of this subtitle.

16 "Parking" means the standing or waiting on a street, road or  
17 highway of a vehicle not actually engaged in receiving or discharging  
18 passengers or merchandise, unless in obedience to traffic regulations  
19 or traffic signs or signals.

20 "Passenger automobile" means all automobiles used and designed  
21 for the transportation of passengers, other than omnibuses and school  
22 buses.

23 "Pedestrian" means a person afoot.

24 "Person" includes natural persons, firms, copartnerships,  
25 associations, and corporations.

26 "Pneumatic tire" means every tire in which compressed air is  
27 designed to support the load.

28 "Pole trailer" means every vehicle without motive power designed  
29 to be drawn by another vehicle and attached to the towing vehicle by  
30 means of a reach, or pole, or by being boomed or otherwise secured  
31 to the towing vehicle, and ordinarily used for transporting long or  
32 irregularly shaped loads, such as poles, pipes, or structural members  
33 capable, generally, of sustaining themselves as beams between the  
34 supporting connections.

35 "Private road or driveway" means every road or driveway not open  
36 to the use of the public for purposes of vehicular travel.

37 "Railroad train" means a steam engine, electric or other motor,  
38 with or without cars coupled thereto, operated upon rails, except  
39 street cars.

40 "Recreation vehicle" means a self-propelled or towed vehicle  
41 equipped to serve as temporary living quarters for recreational,  
42 camping or travel purposes and used solely as a family or personal  
43 conveyance.

44 "Residence district" means that portion of a highway and the  
45 territory contiguous thereto, not comprising a business district, where  
46 within any 600 feet along such highway there are buildings in use for

1 business or residential purposes which occupy 300 feet or more of  
2 frontage on at least one side of the highway.

3 "Ridesharing" means the transportation of persons in a motor  
4 vehicle, with a maximum carrying capacity of not more than 15  
5 passengers, including the driver, where such transportation is  
6 incidental to the purpose of the driver. The term shall include such  
7 ridesharing arrangements known as car pools and van pools.

8 "Right-of-way" means the privilege of the immediate use of the  
9 highway.

10 "Road tractor" means every motor vehicle designed and used for  
11 drawing other vehicles and not so constructed as to carry any load  
12 thereon either independently or any part of the weight of a vehicle or  
13 load so drawn.

14 "Roadway" means that portion of a highway improved, designed,  
15 or ordinarily used for vehicular travel, exclusive of the berm or  
16 shoulder. In the event a highway includes two or more separate  
17 roadways, the term "roadway" as used herein shall refer to any such  
18 roadway separately, but not to all such roadways, collectively.

19 "Safety zone" means the area or space officially set aside within a  
20 highway for the exclusive use of pedestrians, which is so plainly  
21 marked or indicated by proper signs as to be plainly visible at all times  
22 while set apart as a safety zone.

23 "School bus" means every motor vehicle operated by, or under  
24 contract with, a public or governmental agency, or religious or other  
25 charitable organization or corporation, or privately operated for  
26 compensation for the transportation of children to or from school for  
27 secular or religious education, which complies with the regulations of  
28 the Department of Education affecting school buses, including "School  
29 Vehicle Type I" and "School Vehicle Type II" as defined below:

30 "School Vehicle Type I" means any vehicle with a seating capacity  
31 of 17 or more, used to transport enrolled children, and adults only  
32 when serving as chaperones, to or from a school, school connected  
33 activity, day camp, summer day camp, nursery school, child care  
34 center, preschool center or other similar places of education. Such  
35 vehicle shall comply with the regulations of the Division of Motor  
36 Vehicles and either the Department of Education or the Department  
37 of Human Services, whichever is the appropriate supervising agency.

38 "School Vehicle Type II" means any vehicle with a seating capacity  
39 of 16 or less, used to transport enrolled children, and adults only when  
40 serving as chaperones, to or from a school, school connected activity,  
41 day camp, summer day camp, nursery school, child care center,  
42 preschool center or other similar places of education. Such vehicle  
43 shall comply with the regulations of the Division of Motor Vehicles  
44 and either the Department of Education or the Department of Human  
45 Services, whichever is the appropriate supervising agency.

46 "School zone" means that portion of a highway which is either



1 contiguous to territory occupied by a school building or is where  
2 school crossings are established in the vicinity of a school, upon which  
3 are maintained appropriate "school signs" in accordance with  
4 specifications adopted by the director and in accordance with law.

5 "School crossing" means that portion of a highway where school  
6 children are required to cross the highway in the vicinity of a school.

7 "Semitrailer" means every vehicle with or without motive power,  
8 other than a pole trailer, designed for carrying persons or property and  
9 for being drawn by a motor vehicle and so constructed that some part  
10 of its weight and that of its load rests upon or is carried by another  
11 vehicle.

12 "Shipper" means any person who shall deliver, or cause to be  
13 delivered, any commodity, produce or article for transportation as the  
14 contents or load of a commercial motor vehicle. In the case of a  
15 sealed ocean container, "shipper" shall not be construed to include any  
16 person whose activities with respect to the shipment are limited to the  
17 solicitation or negotiation of the sale, resale, or exchange of the  
18 commodity, produce or article within that container.

19 "Shoulder" means that portion of the highway, exclusive of and  
20 bordering the roadway, designed for emergency use but not ordinarily  
21 to be used for vehicular travel.

22 "Sidewalk" means that portion of a highway intended for the use  
23 of pedestrians, between the curb line or the lateral line of a shoulder,  
24 or if none, the lateral line of the roadway and the adjacent right-of-way  
25 line.

26 "Sign." See "Official traffic control devices."

27 "Slow-moving vehicle" means a vehicle run at a speed less than the  
28 maximum speed then and there permissible.

29 "Solid tire" means every tire of rubber or other resilient material  
30 which does not depend upon compressed air for the support of the  
31 load.

32 "Street" means the same as highway.

33 "Street car" means a car other than a railroad train, for  
34 transporting persons or property and operated upon rails principally  
35 within a municipality.

36 "Stop," when required, means complete cessation from movement.

37 "Stopping or standing," when prohibited, means any cessation of  
38 movement of a vehicle, whether occupied or not, except when  
39 necessary to avoid conflict with other traffic or in compliance with the  
40 directions of a police officer or traffic control sign or signal.

41 "Suburban business or residential district" means that portion of  
42 highway and the territory contiguous thereto, where within any 1,320  
43 feet along that highway there is land in use for business or residential  
44 purposes and that land occupies more than 660 feet of frontage on one  
45 side or collectively more than 660 feet of frontage on both sides of  
46 that roadway.

1 "Through highway" means every highway or portion thereof at the  
2 entrances to which vehicular traffic from intersecting highways is  
3 required by law to stop before entering or crossing the same and when  
4 stop signs are erected as provided in this chapter.

5 "Trackless trolley" means every motor vehicle which is propelled  
6 by electric power obtained from overhead trolley wires but not  
7 operated upon rails.

8 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
9 street cars, and other conveyances either singly, or together, while  
10 using any highway for purposes of travel.

11 "Traffic control signal" means a device, whether manually,  
12 electrically, mechanically, or otherwise controlled, by which traffic is  
13 alternately directed to stop and to proceed.

14 "Trailer" means every vehicle with or without motive power, other  
15 than a pole trailer, designed for carrying persons or property and for  
16 being drawn by a motor vehicle and so constructed that no part of its  
17 weight rests upon the towing vehicle.

18 "Truck" means every motor vehicle designed, used, or maintained  
19 primarily for the transportation of property.

20 "Truck tractor" means every motor vehicle designed and used  
21 primarily for drawing other vehicles and not so constructed as to carry  
22 a load other than a part of the weight of the vehicle and load so drawn.

23 "Van pooling" means seven or more persons commuting on a daily  
24 basis to and from work by means of a vehicle with a seating  
25 arrangement designed to carry seven to 15 adult passengers.

26 "Vehicle" means every device in, upon or by which a person or  
27 property is or may be transported upon a highway, excepting devices  
28 moved by human power or used exclusively upon stationary rails or  
29 tracks or motorized bicycles.

30 (cf: P.L.1995, c.397, s.1)

31  
32 <sup>1</sup>[4. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to  
33 read as follows:

34 12. a. Upon the application of any person who owns a limousine  
35 service, the Director of the Division of Motor Vehicles shall issue  
36 special registration plates bearing the word "limousine" in addition to  
37 the registration number and other markings or identification otherwise  
38 prescribed by law.

39 b. The special registration plates authorized by this act shall be  
40 issued upon proof, satisfactory to the director, that the applicant has  
41 complied with the provisions of article 2 of chapter 16 of Title 48 of  
42 the Revised Statutes.

43 c. The fee for such special registration plates shall be \$10.00 in  
44 addition to the fees otherwise prescribed by law for the registration of  
45 such motor vehicles.

46 d. The registration certificate issued pursuant to chapter 3 of

1 Title 39 of the Revised Statutes for a leased limousine shall, in  
2 addition to containing the name and street address of the lessee,  
3 identify the vehicle as a leased limousine.

4 (cf: P.L.1999, c.356, s.19)]<sup>1</sup>

5  
6 <sup>1</sup>[5.] 4.<sup>1</sup> R.S.48:16-13 is amended to read as follows:

7 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
8 (C.48:16-13.1), as used in this article:

9 "Autocab" means a limousine.

10 "Limousine" means and includes any automobile or motor car used  
11 in the business of carrying passengers for hire to provide prearranged  
12 passenger transportation at a premium fare on a dedicated,  
13 nonscheduled, charter basis that is not conducted on a regular route  
14 and with a seating capacity in no event of more than 14 passengers,  
15 not including the driver, provided, that such a vehicle shall not have a  
16 seating capacity in excess of four passengers, not including the driver,  
17 beyond the maximum passenger seating capacity of the vehicle, not  
18 including the driver, at the time of manufacture. Nothing in this article  
19 contained shall be construed to include taxicabs, hotel buses [or] ,  
20 buses employed solely in transporting school children or teachers [or],  
21 vehicles owned and operated directly or indirectly by businesses  
22 engaged in the practice of mortuary science when those vehicles are  
23 used exclusively for providing transportation related to the provision  
24 of funeral services, autobuses which are subject to the jurisdiction of  
25 the Department of Transportation[,], or interstate autobuses required  
26 by federal or State law or regulations of the Department of  
27 Transportation to carry insurance against loss from liability imposed  
28 by law on account of bodily injury or death.

29 "Limousine or livery service" means and includes the business of  
30 carrying passengers for hire by limousines.

31 "Person" means and includes any individual, copartnership,  
32 association, corporation or joint stock company, their lessees, trustees  
33 or receivers appointed by any court whatsoever.

34 "Principal place of business" means, in reference to a municipality,  
35 the location of the main place of business of the limousine service in  
36 the municipality where limousine service is conducted, where  
37 limousines are dispatched, or where limousine drivers report for duty.

38 "Street" means and includes any street, avenue, park, parkway,  
39 highway, or other public place.

40 (cf: P.L.1999, c.356, s.3)

41  
42 <sup>1</sup>[6.] 5.<sup>1</sup> Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended  
43 to read as follows:

44 2. In a county of the first class with a population density of over  
45 10,000 persons per square mile, according to the latest federal  
46 decennial census, "limousine" means and includes any automobile or

1 motor car which is issued special registration plates bearing the word  
2 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
3 and is engaged in the business of carrying passengers for hire to  
4 provide prearranged passenger transportation at a premium fare on a  
5 dedicated, nonscheduled, charter basis that is not conducted on a  
6 regular route and with a seating capacity in no event of more than  
7 14 passengers, not including the driver, provided, that such a motor  
8 vehicle shall not have a seating capacity in excess of four passengers,  
9 not including the driver, beyond the maximum passenger seating  
10 capacity of the vehicle, not including the driver, at the time of  
11 manufacture. A limousine shall not include a vehicle owned and  
12 operated directly or indirectly by a business engaged in the practice of  
13 mortuary science when that vehicle is used exclusively for providing  
14 transportation related to the provision of funeral services.  
15 (cf: P.L.1999, c.356, s.4)

16

17 <sup>1</sup>[7.] 6.<sup>1</sup> (New section) Notwithstanding any other provisions of  
18 law to the contrary, a municipality may require a limousine service to  
19 obtain a corporate license, permit, certificate or other form of  
20 authority if the limousine service is providing service on an intra-  
21 municipal, point-to-point basis within that municipality. The  
22 municipality may charge a fee that shall not exceed a total of \$50 for  
23 the issuance of that license, permit, certificate or other form of  
24 authority which shall apply to all limousines operated by the limousine  
25 service and providing intra- municipal, point-to-point service within  
26 that municipality.

27

28 <sup>1</sup>[8.] 7.<sup>1</sup> Section 14 of P.L.1999, c.356 (C. 48:16-22.4) is  
29 amended to read as follows:

30 14. [Notwithstanding the provisions of this act to the contrary, no  
31 limousine registered in another state or the District of Columbia shall  
32 conduct wholly intra-State operations on the highways of this State  
33 unless the owner of the limousine has proof of insurance in the amount  
34 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
35 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
36 in which it has a business address.] a. <sup>1</sup>[Notwithstanding the  
37 provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes  
38 to the contrary.] Except as provided in subsection b. of this section,<sup>1</sup>  
39 a limousine registered in another state or the District of Columbia  
40 operating in interstate service which picks up or discharges passengers  
41 in New Jersey <sup>1</sup>[shall have proof of insurance in the amount of  
42 \$1,500,000 as provided in R.S.48:16-14 for limousines registered in  
43 this State, comply with the equipment requirements of section 11 of  
44 P.L.1999, c.356 (C.48:16-22.1) with respect to a two-way  
45 communications system, removable first-aid kit and operable fire  
46 extinguisher and possess authority to operate a limousine in interstate

1 service granted by the Federal Highway Administration or the  
2 Interstate Commerce Commission] or a black car operating in  
3 interstate service which picks up or discharges passengers wholly  
4 within the State of New Jersey shall comply with the provisions of  
5 article 2 of chapter 16 of Title 48 of the Revised Statutes, provided  
6 that, with regard to the requirements of R.S.48:16-17, R.S.48:16-18,  
7 and R.S.48:16-22, the owner may have his principal place of business  
8 in a location other than a municipality in this State, in which case the  
9 owner may elect any municipality in the State of New Jersey in which  
10 he has a business address to file the required insurance policy and  
11 receive the license to operate<sup>1</sup>.

12 <sup>1</sup>b. A black car operating in interstate service which picks up or  
13 discharges passengers in New Jersey, but does not operate wholly  
14 within the State of New Jersey, shall only (1) comply with the  
15 provisions of subsection a. of section 11 of P.L.1999, c.356 (C.48:16-  
16 22.1) requiring a two-way communications system, which, at a  
17 minimum, shall provide for communication to a person outside the  
18 vehicle for a distance of not less than 100 miles and which requirement  
19 may be satisfied by a mobile telephone, (2) comply with the provisions  
20 of subsection b. of section 11 of P.L.1999, c.356 (C.48:16-22.1)  
21 requiring a removable first-aid kit and an operable fire extinguisher,  
22 which shall be placed in an accessible place within the vehicle and (3)  
23 in lieu of the insurance requirements in the amount of \$1,500,000 set  
24 forth in R.S.48:16-14, and the requirements of R.S.48:16-17, have  
25 proof of insurance in the amounts of not less than \$100,000 liability  
26 for bodily injury to one person in any one accident and not less than  
27 \$300,000 liability for bodily injury to more than one person in any one  
28 accident. A black car operating in interstate service which picks up or  
29 discharges passengers in New Jersey, but does not operate wholly  
30 within the State of New Jersey, shall not be subject to any provisions  
31 of article 2 of chapter 16 of Title 48 of the Revised Statutes, except  
32 the provisions of this subsection and the provisions of R.S.48:16-21  
33 concerning the operation of automobiles in this State but not with  
34 reference to ownership and registration.

35 A black car operating in interstate service which picks up or  
36 discharges passengers in New Jersey shall, in addition to complying  
37 with the provisions of this subsection, maintain a business address in  
38 a municipality in New Jersey, except that such business address need  
39 not be the location of the black car's principal place of business.

40 As used in this section, "black car" means any motor vehicle hired  
41 for transportation of passengers and which has a capacity of not more  
42 than six passengers that is licensed as a black car in another state, or  
43 political subdivision thereof, or the District of Columbia; and whose  
44 registered owner holds a franchise from the corporation or other  
45 business entity that dispatches such motor vehicle, or who is a member  
46 of a cooperative that operates such corporation or other business

1 entity, where such corporation or other business entity has certified to  
2 the satisfaction of another state, or political subdivision thereof, or the  
3 District of Columbia that more than 90 percent of the corporation's or  
4 other business entity's business is on a payment basis other than direct  
5 cash payment by a passenger.

6 [b. A limousine registered in another state or the District of  
7 Columbia operating in interstate service which picks up or discharges  
8 passengers wholly within the State of New Jersey shall, in addition to  
9 complying with the provisions of subsection a. of this section, maintain  
10 a business address in a municipality in New Jersey and be licensed  
11 pursuant to R.S.48:16-17 in that municipality.]<sup>1</sup>

12 (cf: P.L.1999, c.356, s.14)

13  
14 <sup>1</sup>8. R.S. 48:16-14 is amended to read as follows:

15 48:16-14. **[No]** Except as provided in section 14 of P.L.1999,  
16 c.356 (C.48:16-22.4), no limousine shall be operated wholly or partly  
17 along any street in any municipality until the owner of the limousine  
18 shall have filed with the clerk of the municipality in which the owner  
19 has his principal place of business, an insurance policy of a company  
20 duly licensed to transact business under the insurance laws of this  
21 State in the sum of \$1,500,000 against loss by reason of the liability  
22 imposed by law upon every limousine owner for damages on account  
23 of bodily injury or death suffered by any person as the result of an  
24 accident occurring by reason of the ownership, maintenance or use of  
25 the limousine upon any public street. The insurance company shall  
26 supply to the Director of the Division of Motor Vehicles notice  
27 concerning all motor vehicle liability insurance policies canceled for  
28 non-payment and new policies issued after the effective date of  
29 P.L. , c. (C. ) (now before the Legislature as this bill). The notice  
30 shall be supplied monthly. After receipt of the notice of cancellation,  
31 the division shall notify the owner of the date the policy was canceled.  
32 If the director has not received proof of liability insurance within 30  
33 days of the date the notification was sent to the owner, the director  
34 shall suspend the registration of the limousine until new proof is  
35 supplied that motor vehicle liability insurance has been secured for the  
36 limousine. If the owner fails to provide proof of insurance or  
37 surrender the license plates within 60 days of the date the notification  
38 was sent to him by the division, the division shall suspend the owner's  
39 corporation code registration privilege.

40 Such operation shall be permitted only so long as the insurance  
41 policy shall remain in force to the full and collectible amount of  
42 \$1,500,000.

43 The insurance policy shall provide for the payment of any final  
44 judgment recovered by any person on account of the ownership,  
45 maintenance and use of such limousine or any fault in respect thereto,

1 and shall be for the benefit of every person suffering loss, damage or  
2 injury as aforesaid.<sup>1</sup>

3 (cf: P.L.1999, c.356, s.5)

4  
5 <sup>19</sup>(New section) a. Any person who owns a limousine service  
6 shall require an applicant for employment as a limousine operator or  
7 driver to provide the applicant's name, address, citizenship status, a  
8 form of photographic identification, birth certificate, and such other  
9 information as the Commissioner of Transportation, hereinafter the  
10 commissioner, may require.

11 b. An applicant subject to the provisions of subsection a. of this  
12 section shall submit to being fingerprinted by the Division of State  
13 Police in the Department of Law and Public Safety or by agents  
14 appointed by or under contract to the division. The applicant also  
15 shall provide written consent to the performance of a criminal history  
16 record background check. The commissioner is authorized to  
17 exchange fingerprint data and photographic identification with and  
18 receive criminal history record background information results from  
19 the Federal Bureau of Investigation and the Division of State Police.  
20 The division shall inform the commissioner if an applicant's criminal  
21 history record background check reveals a conviction of a  
22 disqualifying crime as specified in subsection d. of this section. The  
23 applicant shall bear the cost of fingerprinting and the cost for the  
24 background checks, including all costs of administering and processing  
25 the checks. As used in this section, "criminal history record  
26 background check" means a determination of whether a person has a  
27 criminal record by cross-referencing that person's name and fingerprint  
28 data with those on file with the Federal Bureau of Investigation,  
29 Identification Division and the State Bureau of Identification in the  
30 Division of State Police.

31 c. No applicant shall be permitted to operate or drive a limousine  
32 unless the applicant is 21 years of age or older and unless the  
33 commissioner provides written notification to the owner of the  
34 limousine service of the commissioner's determination that the  
35 applicant is qualified for employment as a limousine operator or driver.

36 d. An applicant shall be disqualified from operating or driving a  
37 limousine if the applicant's criminal history record background check  
38 reveals a record of conviction of any of the following crimes:

39 (1) In New Jersey or elsewhere any crime as follows: aggravated  
40 assault, arson, burglary, escape, extortion, homicide, kidnaping,  
41 robbery, aggravated sexual assault, sexual assault or endangering the  
42 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed  
43 with or having in his possession any weapon enumerated in subsection  
44 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of  
45 N.J.S.2C:39-3, N.J.S. 2C:39-4 or N.J.S.2C:39-9, or other than a  
46 disorderly persons or petty disorderly persons offense for the unlawful

1 use, possession or sale of a controlled dangerous substance as defined  
2 in N.J.S.2C:35-2.

3 (2) In any other state, territory, commonwealth or other  
4 jurisdiction of the United States, or any country in the world, as a  
5 result of a conviction in a court of competent jurisdiction, a crime  
6 which in that other jurisdiction or country is comparable to one of the  
7 crimes enumerated in paragraph (1) of subsection d. of this section.

8 e. The commissioner is authorized to adopt regulations, pursuant  
9 to the "Administrative Procedure Act, " P.L. 1968, c. 410 (C.52:14B-1  
10 et seq.), to effectuate the purposes of this section.

11 f. The provisions of this section shall apply to persons making  
12 applications for employment on or after the effective date of P.L. .c.  
13 (C. )(now before the Legislature as this bill).<sup>1</sup>

14  
15 <sup>1</sup>10. (New section) Any person who owns a limousine service  
16 shall require an applicant for employment as a limousine operator or  
17 driver to be tested, at the applicant's expense, for dangerous controlled  
18 substances as defined in N.J.S.2C:35-2. Upon the advice of the State  
19 Limousine Advisory Committee, the Commissioner of Transportation  
20 shall adopt regulations, pursuant to the "Administrative Procedure  
21 Act, " P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and  
22 testing of applicants for employment as limousine operators or drivers.  
23 The regulations shall be substantially similar to the regulations of New  
24 York City concerning the testing of an applicant for a for-hire vehicle  
25 driver's license pursuant to section 6-15 of Title 35 of the New York  
26 City Rules and Regulations.<sup>1</sup>

27  
28 <sup>1</sup>11. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to  
29 read as follows:

30 18. A person who shall own and operate a limousine in any street  
31 in this State in violation of the provisions of article 2 of chapter 16 of  
32 Title 48 of the Revised Statutes or of Title 39 of the Revised Statutes  
33 shall be subject to the following penalties:

34 a. (1) For operating a limousine without a license issued by a  
35 municipality pursuant to R.S.48:16-17, [operating a limousine without  
36 authority to operate a limousine in interstate service granted by the  
37 Federal Highway Administration, or the Interstate Commerce  
38 Commission, as provided in section 14 of P.L.1999, c.356  
39 (C.48:16-22.4),] knowingly permitting a driver to operate a limousine  
40 without a validly issued driver's license or a validly issued commercial  
41 driver license if required pursuant to N.J.A.C.13:21-23.1, failure to  
42 have filed an insurance policy in the amount of \$1,500,000 which is  
43 currently in force as provided in R.S.48:16-14 or in the amounts  
44 required pursuant to section 14 of P.L.1999, c.356 (C.48:16-22.4),  
45 operating a limousine in which the number of passengers exceeds the  
46 maximum seating capacity as provided in R.S.48:16-13 or section 2 of



1 P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense  
2 and a fine of \$5000 for the second or subsequent offense;

3 (2) For operating a limousine without the special registration  
4 plates required pursuant to section 12 of P.L.1979, c.224  
5 (C.39:3-19.5), or operating a limousine without the limousine being  
6 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for the  
7 first offense and a fine of \$2,500 for the second or subsequent offense;

8 (3) For operating a limousine without the attached sideboards  
9 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to  
10 retain within the limousine appropriate proof of insurance or failure to  
11 execute and deliver to the Director of the Division of Motor Vehicles  
12 the power of attorney required pursuant to R.S.48:16-16: a fine of  
13 \$250 for the first offense and \$500 for the second and subsequent  
14 offense;

15 (4) For failure to be equipped with a two-way communications  
16 system, a removable first-aid kit or an operable fire extinguisher as  
17 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), or any other  
18 violation of the provisions of article 2 of chapter 16 of Title 48 of the  
19 Revised Statutes other than those enumerated in this subsection: a fine  
20 of \$50 for the first offense and \$100 for the second and subsequent  
21 offense.

22 b. Violations of this section shall be enforced and penalties  
23 collected in a summary proceeding pursuant to "The Penalty  
24 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
25 The Superior Court or any municipal court where the violation was  
26 detected, or where the defendant was apprehended, shall have  
27 jurisdiction to enforce this section. Penalties imposed pursuant to this  
28 section shall be in addition to those otherwise imposed according to  
29 law. All penalties collected pursuant to the provisions of this section  
30 shall be forwarded as provided in R.S.39:5-40 and subsection b. of  
31 R.S.39:5-41.<sup>1</sup>

32 (cf: P.L.1999,c.356,s.18)

33

34 <sup>1</sup>[9.] 12.<sup>1</sup> This act shall take effect immediately.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2722**

with Assembly Floor Amendments  
(Proposed By Assemblyman LeFEVRE)

ADOPTED: DECEMBER 17, 2001

These Assembly amendments to this substitute bill clarify that the requirements of subsection a. of section 7 apply to black cars which pick up and discharge passengers wholly within the State of New Jersey while the requirements of subsection b. of section 7 apply to black cars which pick up or discharge passengers in New Jersey in route to or from another state.

These amendments also clarify the insurance requirements of subsection b. of section 7 and delete the requirement that black cars operating in interstate service maintain a business address in a New Jersey municipality.

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2722**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 12, 2000

**Sponsored by:**  
**Assemblyman KENNETH C. LEFEVRE**  
**District 2 (Atlantic)**

**Co-Sponsored by:**  
**Senator Ciesla**

**SYNOPSIS**

Makes various changes to limousine law.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 17, 2001.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation

**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:**

<sup>1</sup> Assembly floor amendments adopted December 10, 2001.

<sup>2</sup> Assembly floor amendments adopted December 17, 2001.

1 of this chapter, or on which any federal tax or tax imposed by the laws  
2 of this State has not been paid; and any alcoholic beverage possessed,  
3 kept, stored, owned or imported with intent to manufacture, sell,  
4 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
5 or transport in violation of the provisions of this chapter.

6 j. "Licensed building." Any building containing licensed premises.

7 k. "Licensed premises." Any premises for which a license under  
8 this chapter is in force and effect.

9 l. "Magistrate." The Superior Court or municipal court.

10 m. "Manufacturer." Any person who, directly or indirectly,  
11 personally or through any agency whatsoever, engages in the making  
12 or other processing whatsoever of alcoholic beverages.

13 n. "Municipality." Any city, town, township, village, or borough,  
14 including a municipality governed by a board of commissioners or  
15 improvement commission, but excluding a county.

16 o. "Municipal board." The municipal board of alcoholic beverage  
17 control as established by this chapter.

18 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
19 member of the Division of State Police, or any other person having the  
20 power to execute a warrant for arrest, or any inspector or investigator  
21 of the Division of Alcoholic Beverage Control.

22 q. "Original container." Any container in which an alcoholic  
23 beverage has been delivered to a retail licensee.

24 r. "Person." Any natural person or association of natural persons,  
25 association, trust company, partnership, corporation, organization, or  
26 the manager, agent, servant, officer, or employee of any of them.

27 s. "Premises." The physical place at which a licensee is or may be  
28 licensed to conduct and carry on the manufacture, distribution or sale  
29 of alcoholic beverages, but not including vehicular transportation.

30 t. "Restaurant." An establishment regularly and principally used  
31 for the purpose of providing meals to the public, having an adequate  
32 kitchen and dining room equipped for the preparing, cooking and  
33 serving of food for its customers and in which no other business,  
34 except such as is incidental to such establishment, is conducted.

35 u. "Retailer." Any person who sells alcoholic beverages to  
36 consumers.

37 v. "Rules and regulations." The rules and regulations established  
38 from time to time by the director.

39 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
40 by purely gratuitous title, including deliveries from without this State  
41 and deliveries by any person without this State intended for shipment  
42 by carrier or otherwise into this State and brought within this State, or  
43 the solicitation or acceptance of an order for an alcoholic beverage,  
44 and including exchange, barter, traffic in, keeping and exposing for  
45 sale, serving with meals, delivering for value, peddling, possessing  
46 with intent to sell, and the gratuitous delivery or gift of any alcoholic

1 beverage by any licensee.

2 x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
3 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
4 processing, warehousing or transportation of any alcoholic beverage  
5 in violation of this chapter, or the importing, owning, possessing,  
6 keeping or storing in this State of alcoholic beverages with intent to  
7 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
8 process, warehouse or transport alcoholic beverages in violation of  
9 this chapter, or the owning, possessing, keeping or storing in this State  
10 of any implement or paraphernalia for the manufacture, sale,  
11 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
12 processing, warehousing or transportation of alcoholic beverages with  
13 intent to use the same in the manufacture, sale, distribution, bottling,  
14 rectifying, blending, treating, fortifying, mixing, processing,  
15 warehousing or transportation of alcoholic beverages in violation of  
16 this chapter, or to aid or abet another in the manufacture, sale,  
17 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
18 processing, warehousing or transportation of alcoholic beverages in  
19 violation of this chapter, or the aiding or abetting of another in any of  
20 the foregoing activities.

21 y. "Unlawful property." All illicit beverages and all implements,  
22 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
23 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
24 mixing, processing, warehousing or transportation of illicit beverages  
25 used in the manufacture, sale, distribution, bottling, rectifying,  
26 blending, treating, fortifying, mixing, processing, warehousing or  
27 transportation of illicit beverages or owned, possessed, kept or stored  
28 with intent to use the same in the manufacture, sale, distribution,  
29 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
30 warehousing or transportation of illicit beverages, whether such use be  
31 by the person owning, possessing, keeping, or storing the same, or by  
32 another with the consent of such person; and all alcoholic beverages,  
33 fixtures and personal property located in or upon any premises,  
34 building, yard or inclosure connected with a building, in which an illicit  
35 beverage is found, possessed, stored or kept.

36 z. "Wholesaler." Any person who sells an alcoholic beverage for  
37 the purpose of resale either to a licensed wholesaler or to a licensed  
38 retailer, or both.

39 aa. "Limousine." A motor vehicle used in the business of carrying  
40 passengers for hire to provide prearranged passenger transportation at  
41 a premium fare on a dedicated, nonscheduled, charter basis that is not  
42 conducted on a regular route, or is furnished without fare as an  
43 accommodation for a patron in connection with other business  
44 purposes, and with a seating capacity in no event of more than  
45 14 passengers, not including the driver, provided, that such a motor  
46 vehicle shall not have a seating capacity in excess of four passengers,

1 not including the driver, beyond the maximum passenger seating  
2 capacity of the vehicle, not including the driver, at the time of  
3 manufacture. This shall not include taxicabs, hotel or airport shuttles  
4 and buses, [or] buses employed solely in transporting schoolchildren  
5 or teachers to and from school, vehicles owned and operated directly  
6 or indirectly by businesses engaged in the practice of mortuary science  
7 when those vehicles are used exclusively for providing transportation  
8 related to the provision of funeral services or vehicles owned and  
9 operated without charge or remuneration by a business entity for its  
10 own purposes.

11 bb. "Entertainment facility" is a privately-owned facility in which  
12 athletic, commercial, cultural, or artistic events are featured.

13 Any definition herein contained shall apply to the same word in any  
14 form. Thus "sell" means to make a "sale" as above defined.

15 (cf: P.L.2000, c.83, s.5)

16

17 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
18 read as follows:

19 1. As used in this act:

20 (a) "Commissioner" means the Commissioner of Labor.

21 (b) "Director" means the director in charge of the bureau referred  
22 to in section 3 of this act.

23 (c) "Wage board" means a board created as provided in section 10  
24 of this act.

25 (d) "Wages" means any moneys due an employee from an  
26 employer for services rendered or made available by the employee to  
27 the employer as a result of their employment relationship including  
28 commissions, bonus and piecework compensation and including any  
29 gratuities received by an employee for services rendered for an  
30 employer or a customer of an employer and the fair value of any food  
31 or lodgings supplied by an employer to an employee. The  
32 commissioner may, by regulation, establish the average value of  
33 gratuities received by an employee in any occupation and the fair value  
34 of food and lodging provided to employees in any occupation, which  
35 average values shall be acceptable for the purposes of determining  
36 compliance with this act in the absence of evidence of the actual value  
37 of such items.

38 (e) "Regular hourly wage" means the amount that an employee is  
39 regularly paid for each hour of work as determined by dividing the  
40 total hours of work during the week into the employee's total earnings  
41 for the week, exclusive of overtime premium pay.

42 (f) "Employ" includes to suffer or to permit to work.

43 (g) "Employer" includes any individual, partnership, association,  
44 corporation or any person or group of persons acting directly or  
45 indirectly in the interest of an employer in relation to an employee.

46 (h) "Employee" includes any individual employed by an employer.

1 (i) "Occupation" means any occupation, service, trade, business,  
2 industry or branch or group of industries or employment or class of  
3 employment in which employees are gainfully employed.

4 (j) "Minimum fair wage order" means a wage order promulgated  
5 pursuant to this act.

6 (k) "Fair wage" means a wage fairly and reasonably commensurate  
7 with the value of the service or class of service rendered and sufficient  
8 to meet the minimum cost of living necessary for health.

9 (l) "Oppressive and unreasonable wage" means a wage which is  
10 both less than the fair and reasonable value of the service rendered and  
11 less than sufficient to meet the minimum cost of living necessary for  
12 health.

13 (m) "Limousine" means a motor vehicle used in the business of  
14 carrying passengers for hire to provide prearranged passenger  
15 transportation at a premium fare on a dedicated, nonscheduled, charter  
16 basis that is not conducted on a regular route and with a seating  
17 capacity in no event of more than 14 passengers, not including the  
18 driver, provided, that such a motor vehicle shall not have a seating  
19 capacity in excess of four passengers, not including the driver, beyond  
20 the maximum passenger seating capacity of the vehicle, not including  
21 the driver, at the time of manufacture. "Limousine" shall not include  
22 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
23 solely in transporting school children or teachers to and from school,  
24 vehicles owned and operated directly or indirectly by businesses  
25 engaged in the practice of mortuary science when those vehicles are  
26 used exclusively for providing transportation related to the provision  
27 of funeral services or vehicles owned and operated without charge or  
28 remuneration by a business entity for its own purposes.

29 (cf: P.L.1999, c.356, s.2)

30

31 3. R.S.39:1-1 is amended to read as follows:

32 39:1-1. As used in this subtitle, unless other meaning is clearly  
33 apparent from the language or context, or unless inconsistent with the  
34 manifest intention of the Legislature:

35 "Alley" means a public highway wherein the roadway does not  
36 exceed 12 feet in width.

37 "Authorized emergency vehicles" means vehicles of the fire  
38 department, police vehicles and such ambulances and other vehicles as  
39 are approved by the Director of the Division of Motor Vehicles in the  
40 Department of Transportation when operated in response to an  
41 emergency call.

42 "Automobile" includes all motor vehicles except motorcycles.

43 "Berm" means that portion of the highway exclusive of roadway  
44 and shoulder, bordering the shoulder but not to be used for vehicular  
45 travel.

46 "Business district" means that portion of a highway and the



1 territory contiguous thereto, where within any 600 feet along such  
2 highway there are buildings in use for business or industrial purposes,  
3 including but not limited to hotels, banks, office buildings, railroad  
4 stations, and public buildings which occupy at least 300 feet of  
5 frontage on one side or 300 feet collectively on both sides of the  
6 roadway.

7 "Car pool" means two or more persons commuting on a daily basis  
8 to and from work by means of a vehicle with a seating capacity of nine  
9 passengers or less.

10 "Commercial motor vehicle" includes every type of motor-driven  
11 vehicle used for commercial purposes on the highways, such as the  
12 transportation of goods, wares and merchandise, excepting such  
13 vehicles as are run only upon rails or tracks and vehicles of the  
14 passenger car type used for touring purposes or the carrying of farm  
15 products and milk, as the case may be.

16 "Commissioner" means the Director of the Division of Motor  
17 Vehicles in the Department of Transportation of this State.

18 "Commuter van" means a motor vehicle having a seating capacity  
19 of not less than seven nor more than 15 adult passengers, in which  
20 seven or more persons commute on a daily basis to and from work and  
21 which vehicle may also be operated by the driver or other designated  
22 persons for their personal use.

23 "Crosswalk" means that part of a highway at an intersection  
24 included within the connections of the lateral lines of the sidewalks on  
25 opposite sides of the highway measured from the curbs or, in the  
26 absence of curbs, from the edges of the shoulder, or, if none, from the  
27 edges of the roadway; also, any portion of a highway at an intersection  
28 or elsewhere distinctly indicated for pedestrian crossing by lines or  
29 other marking on the surface.

30 "Dealer" includes every person actively engaged in the business of  
31 buying, selling or exchanging motor vehicles or motorcycles and who  
32 has an established place of business.

33 "Department" means the Division of Motor Vehicles in the  
34 Department of Transportation of this State acting directly or through  
35 its duly authorized officers or agents.

36 "Deputy commissioner" means deputy director of the Division of  
37 Motor Vehicles in the Department of Transportation.

38 "Deputy director" means deputy director of the Division of Motor  
39 Vehicles in the Department of Transportation.

40 "Director" means the Director of the Division of Motor Vehicles  
41 in the Department of Transportation.

42 "Division" means the Division of Motor Vehicles in the  
43 Department of Transportation acting directly or through its duly  
44 authorized officers or agents.

45 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
46 or the driver or operator of a motor vehicle, unless otherwise

1 specified.

2 "Explosives" means any chemical compound or mechanical mixture  
3 that is commonly used or intended for the purpose of producing an  
4 explosion and which contains any oxidizing and combustive units or  
5 other ingredients in such proportions, quantities or packing that an  
6 ignition by fire, friction, by concussion, by percussion, or by detonator  
7 of any part of the compound or mixture may cause such a sudden  
8 generation of highly heated gases that the resultant gaseous pressures  
9 are capable of producing destructive effects on contiguous objects or  
10 of destroying life or limb.

11 "Farm tractor" means every motor vehicle designed and used  
12 primarily as a farm implement for drawing plows, mowing machines,  
13 and other implements of husbandry.

14 "Flammable liquid" means any liquid having a flash point below  
15 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

16 "Gross weight" means the combined weight of a vehicle and a load  
17 thereon.

18 "High occupancy vehicle" or "HOV" means a vehicle which is used  
19 to transport two or more persons and shall include public  
20 transportation, car pool, van pool, and other vehicles as determined by  
21 regulation of the Department of Transportation.

22 "Highway" means the entire width between the boundary lines of  
23 every way publicly maintained when any part thereof is open to the use  
24 of the public for purposes of vehicular travel.

25 "Horse" includes mules and all other domestic animals used as  
26 draught animals or beasts of burden.

27 "Inside lane" means the lane nearest the center line of the roadway.

28 "Intersection" means the area embraced within the prolongation of  
29 the lateral curb lines or, if none, the lateral boundary lines of two or  
30 more highways which join one another at an angle, whether or not one  
31 such highway crosses another.

32 "Laned roadway" means a roadway which is divided into two or  
33 more clearly marked lanes for vehicular traffic.

34 "Leased limousine" means any limousine subject to regulation in  
35 the State which:

36 a. Is offered for rental or lease, without a driver, to be operated  
37 by a limousine service as the lessee, for the purpose of carrying  
38 passengers for hire; and

39 b. Is leased or rented for a period of one year or more following  
40 registration.

41 "Leased motor vehicle" means any motor vehicle subject to  
42 registration in this State which:

43 a. Is offered for rental or lease, without a driver, to be operated  
44 by the lessee, his agent or servant, for purposes other than the  
45 transportation of passengers for hire; and

46 b. Is leased or rented for a period of one year or more following

1 registration.

2 "Limited-access highway" means every highway, street, or roadway  
3 in respect to which owners or occupants of abutting lands and other  
4 persons have no legal right of access to or from the same except at  
5 such points only and in such manner as may be determined by the  
6 public authority having jurisdiction over such highway, street, or  
7 roadway; and includes any highway designated as a "freeway" or  
8 "parkway" by authority of law.

9 "Local authorities" means every county, municipal and other local  
10 board or body having authority to adopt local police regulations under  
11 the Constitution and laws of this State, including every county  
12 governing body with relation to county roads.

13 "Magistrate" means any municipal court and the Superior Court,  
14 and any officer having the powers of a committing magistrate and the  
15 Director of the Division of Motor Vehicles in the Department of  
16 Transportation.

17 "Manufacturer" means a person engaged in the business of  
18 manufacturing or assembling motor vehicles, who will, under normal  
19 business conditions during the year, manufacture or assemble at least  
20 10 new motor vehicles.

21 "Metal tire" means every tire the surface of which in contact with  
22 the highway is wholly or partly of metal or other hard nonresilient  
23 material.

24 "Motorized bicycle" means a pedal bicycle having a helper motor  
25 characterized in that either the maximum piston displacement is less  
26 than 50 cc. or said motor is rated at no more than 1.5 brake  
27 horsepower and said bicycle is capable of a maximum speed of no  
28 more than 25 miles per hour on a flat surface.

29 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
30 motor attached and all motor-operated vehicles of the bicycle or  
31 tricycle type, except motorized bicycles as defined in this section,  
32 whether the motive power be a part thereof or attached thereto and  
33 having a saddle or seat with driver sitting astride or upon it or a  
34 platform on which the driver stands.

35 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
36 type of vehicle drawn by a motor-driven vehicle.

37 "Motor vehicle" includes all vehicles propelled otherwise than by  
38 muscular power, excepting such vehicles as run only upon rails or  
39 tracks and motorized bicycles.

40 "Noncommercial truck" means every motor vehicle designed  
41 primarily for transportation of property, and which is not a  
42 "commercial vehicle."

1 "Official traffic control devices" means all signs, signals, markings,  
2 and devices not inconsistent with this subtitle placed or erected by  
3 authority of a public body or official having jurisdiction for the  
4 purpose of regulating, warning, or guiding traffic.

5 "Omnibus" includes all motor vehicles used for the transportation  
6 of passengers for hire, except commuter vans and vehicles used in  
7 ridesharing arrangements and school buses, if the same are not  
8 otherwise used in the transportation of passengers for hire.

9 "Operator" means a person who is in actual physical control of a  
10 vehicle or street car.

11 "Outside lane" means the lane nearest the curb or outer edge of the  
12 roadway.

13 "Owner" means a person who holds the legal title of a vehicle, or  
14 if a vehicle is the subject of an agreement for the conditional sale or  
15 lease thereof with the right of purchase upon performance of the  
16 conditions stated in the agreement and with an immediate right of  
17 possession vested in the conditional vendee or lessee, or if a  
18 mortgagor of a vehicle is entitled to possession, then the conditional  
19 vendee, lessee or mortgagor shall be deemed the owner for the  
20 purpose of this subtitle.

21 "Parking" means the standing or waiting on a street, road or  
22 highway of a vehicle not actually engaged in receiving or discharging  
23 passengers or merchandise, unless in obedience to traffic regulations  
24 or traffic signs or signals.

25 "Passenger automobile" means all automobiles used and designed  
26 for the transportation of passengers, other than omnibuses and school  
27 buses.

28 "Pedestrian" means a person afoot.

29 "Person" includes natural persons, firms, copartnerships,  
30 associations, and corporations.

31 "Pneumatic tire" means every tire in which compressed air is  
32 designed to support the load.

33 "Pole trailer" means every vehicle without motive power designed  
34 to be drawn by another vehicle and attached to the towing vehicle by  
35 means of a reach, or pole, or by being boomed or otherwise secured  
36 to the towing vehicle, and ordinarily used for transporting long or  
37 irregularly shaped loads, such as poles, pipes, or structural members  
38 capable, generally, of sustaining themselves as beams between the  
39 supporting connections.

40 "Private road or driveway" means every road or driveway not open  
41 to the use of the public for purposes of vehicular travel.

42 "Railroad train" means a steam engine, electric or other motor,  
43 with or without cars coupled thereto, operated upon rails, except  
44 street cars.

45 "Recreation vehicle" means a self-propelled or towed vehicle  
46 equipped to serve as temporary living quarters for recreational,

1 camping or travel purposes and used solely as a family or personal  
2 conveyance.

3 "Residence district" means that portion of a highway and the  
4 territory contiguous thereto, not comprising a business district, where  
5 within any 600 feet along such highway there are buildings in use for  
6 business or residential purposes which occupy 300 feet or more of  
7 frontage on at least one side of the highway.

8 "Ridesharing" means the transportation of persons in a motor  
9 vehicle, with a maximum carrying capacity of not more than 15  
10 passengers, including the driver, where such transportation is  
11 incidental to the purpose of the driver. The term shall include such  
12 ridesharing arrangements known as car pools and van pools.

13 "Right-of-way" means the privilege of the immediate use of the  
14 highway.

15 "Road tractor" means every motor vehicle designed and used for  
16 drawing other vehicles and not so constructed as to carry any load  
17 thereon either independently or any part of the weight of a vehicle or  
18 load so drawn.

19 "Roadway" means that portion of a highway improved, designed,  
20 or ordinarily used for vehicular travel, exclusive of the berm or  
21 shoulder. In the event a highway includes two or more separate  
22 roadways, the term "roadway" as used herein shall refer to any such  
23 roadway separately, but not to all such roadways, collectively.

24 "Safety zone" means the area or space officially set aside within a  
25 highway for the exclusive use of pedestrians, which is so plainly  
26 marked or indicated by proper signs as to be plainly visible at all times  
27 while set apart as a safety zone.

28 "School bus" means every motor vehicle operated by, or under  
29 contract with, a public or governmental agency, or religious or other  
30 charitable organization or corporation, or privately operated for  
31 compensation for the transportation of children to or from school for  
32 secular or religious education, which complies with the regulations of  
33 the Department of Education affecting school buses, including "School  
34 Vehicle Type I" and "School Vehicle Type II" as defined below:

35 "School Vehicle Type I" means any vehicle with a seating capacity  
36 of 17 or more, used to transport enrolled children, and adults only  
37 when serving as chaperones, to or from a school, school connected  
38 activity, day camp, summer day camp, nursery school, child care  
39 center, preschool center or other similar places of education. Such  
40 vehicle shall comply with the regulations of the Division of Motor  
41 Vehicles and either the Department of Education or the Department  
42 of Human Services, whichever is the appropriate supervising agency.

43 "School Vehicle Type II" means any vehicle with a seating capacity  
44 of 16 or less, used to transport enrolled children, and adults only when  
45 serving as chaperones, to or from a school, school connected activity,  
46 day camp, summer day camp, nursery school, child care center,

1 preschool center or other similar places of education. Such vehicle  
2 shall comply with the regulations of the Division of Motor Vehicles  
3 and either the Department of Education or the Department of Human  
4 Services, whichever is the appropriate supervising agency.

5 "School zone" means that portion of a highway which is either  
6 contiguous to territory occupied by a school building or is where  
7 school crossings are established in the vicinity of a school, upon which  
8 are maintained appropriate "school signs" in accordance with  
9 specifications adopted by the director and in accordance with law.

10 "School crossing" means that portion of a highway where school  
11 children are required to cross the highway in the vicinity of a school.

12 "Semitrailer" means every vehicle with or without motive power,  
13 other than a pole trailer, designed for carrying persons or property and  
14 for being drawn by a motor vehicle and so constructed that some part  
15 of its weight and that of its load rests upon or is carried by another  
16 vehicle.

17 "Shipper" means any person who shall deliver, or cause to be  
18 delivered, any commodity, produce or article for transportation as the  
19 contents or load of a commercial motor vehicle. In the case of a  
20 sealed ocean container, "shipper" shall not be construed to include any  
21 person whose activities with respect to the shipment are limited to the  
22 solicitation or negotiation of the sale, resale, or exchange of the  
23 commodity, produce or article within that container.

24 "Shoulder" means that portion of the highway, exclusive of and  
25 bordering the roadway, designed for emergency use but not ordinarily  
26 to be used for vehicular travel.

27 "Sidewalk" means that portion of a highway intended for the use  
28 of pedestrians, between the curb line or the lateral line of a shoulder,  
29 or if none, the lateral line of the roadway and the adjacent right-of-way  
30 line.

31 "Sign." See "Official traffic control devices."

32 "Slow-moving vehicle" means a vehicle run at a speed less than the  
33 maximum speed then and there permissible.

34 "Solid tire" means every tire of rubber or other resilient material  
35 which does not depend upon compressed air for the support of the  
36 load.

37 "Street" means the same as highway.

38 "Street car" means a car other than a railroad train, for  
39 transporting persons or property and operated upon rails principally  
40 within a municipality.

41 "Stop," when required, means complete cessation from movement.

42 "Stopping or standing," when prohibited, means any cessation of  
43 movement of a vehicle, whether occupied or not, except when  
44 necessary to avoid conflict with other traffic or in compliance with the  
45 directions of a police officer or traffic control sign or signal.

46 "Suburban business or residential district" means that portion of

1 highway and the territory contiguous thereto, where within any 1,320  
2 feet along that highway there is land in use for business or residential  
3 purposes and that land occupies more than 660 feet of frontage on one  
4 side or collectively more than 660 feet of frontage on both sides of  
5 that roadway.

6 "Through highway" means every highway or portion thereof at the  
7 entrances to which vehicular traffic from intersecting highways is  
8 required by law to stop before entering or crossing the same and when  
9 stop signs are erected as provided in this chapter.

10 "Trackless trolley" means every motor vehicle which is propelled  
11 by electric power obtained from overhead trolley wires but not  
12 operated upon rails.

13 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
14 street cars, and other conveyances either singly, or together, while  
15 using any highway for purposes of travel.

16 "Traffic control signal" means a device, whether manually,  
17 electrically, mechanically, or otherwise controlled, by which traffic is  
18 alternately directed to stop and to proceed.

19 "Trailer" means every vehicle with or without motive power, other  
20 than a pole trailer, designed for carrying persons or property and for  
21 being drawn by a motor vehicle and so constructed that no part of its  
22 weight rests upon the towing vehicle.

23 "Truck" means every motor vehicle designed, used, or maintained  
24 primarily for the transportation of property.

25 "Truck tractor" means every motor vehicle designed and used  
26 primarily for drawing other vehicles and not so constructed as to carry  
27 a load other than a part of the weight of the vehicle and load so drawn.

28 "Van pooling" means seven or more persons commuting on a daily  
29 basis to and from work by means of a vehicle with a seating  
30 arrangement designed to carry seven to 15 adult passengers.

31 "Vehicle" means every device in, upon or by which a person or  
32 property is or may be transported upon a highway, excepting devices  
33 moved by human power or used exclusively upon stationary rails or  
34 tracks or motorized bicycles.

35 (cf: P.L.1995, c.397, s.1)

36

37 <sup>1</sup>[4. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to  
38 read as follows:

39 12. a. Upon the application of any person who owns a limousine  
40 service, the Director of the Division of Motor Vehicles shall issue  
41 special registration plates bearing the word "limousine" in addition to  
42 the registration number and other markings or identification otherwise  
43 prescribed by law.

44 b. The special registration plates authorized by this act shall be  
45 issued upon proof, satisfactory to the director, that the applicant has  
46 complied with the provisions of article 2 of chapter 16 of Title 48 of

1 the Revised Statutes.

2 c. The fee for such special registration plates shall be \$10.00 in  
3 addition to the fees otherwise prescribed by law for the registration of  
4 such motor vehicles.

5 d. The registration certificate issued pursuant to chapter 3 of  
6 Title 39 of the Revised Statutes for a leased limousine shall, in  
7 addition to containing the name and street address of the lessee,  
8 identify the vehicle as a leased limousine.

9 (cf: P.L.1999, c.356, s.19)]<sup>1</sup>

10

11 <sup>1</sup>[5.] 4.<sup>1</sup> R.S.48:16-13 is amended to read as follows:

12 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
13 (C.48:16-13.1), as used in this article:

14 "Autocab" means a limousine.

15 "Limousine" means and includes any automobile or motor car used  
16 in the business of carrying passengers for hire to provide prearranged  
17 passenger transportation at a premium fare on a dedicated,  
18 nonscheduled, charter basis that is not conducted on a regular route  
19 and with a seating capacity in no event of more than 14 passengers,  
20 not including the driver, provided, that such a vehicle shall not have a  
21 seating capacity in excess of four passengers, not including the driver,  
22 beyond the maximum passenger seating capacity of the vehicle, not  
23 including the driver, at the time of manufacture. Nothing in this article  
24 contained shall be construed to include taxicabs, hotel buses [or] ,  
25 buses employed solely in transporting school children or teachers [or],  
26 vehicles owned and operated directly or indirectly by businesses  
27 engaged in the practice of mortuary science when those vehicles are  
28 used exclusively for providing transportation related to the provision  
29 of funeral services, autobuses which are subject to the jurisdiction of  
30 the Department of Transportation[,], or interstate autobuses required  
31 by federal or State law or regulations of the Department of  
32 Transportation to carry insurance against loss from liability imposed  
33 by law on account of bodily injury or death.

34 "Limousine or livery service" means and includes the business of  
35 carrying passengers for hire by limousines.

36 "Person" means and includes any individual, copartnership,  
37 association, corporation or joint stock company, their lessees, trustees  
38 or receivers appointed by any court whatsoever.

39 "Principal place of business" means, in reference to a municipality,  
40 the location of the main place of business of the limousine service in  
41 the municipality where limousine service is conducted, where  
42 limousines are dispatched, or where limousine drivers report for duty.



1 "Street" means and includes any street, avenue, park, parkway,  
2 highway, or other public place.

3 (cf: P.L.1999, c.356, s.3)

4

5 <sup>1</sup>[6.] 5.<sup>1</sup> Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended  
6 to read as follows:

7 2. In a county of the first class with a population density of over  
8 10,000 persons per square mile, according to the latest federal  
9 decennial census, "limousine" means and includes any automobile or  
10 motor car which is issued special registration plates bearing the word  
11 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
12 and is engaged in the business of carrying passengers for hire to  
13 provide prearranged passenger transportation at a premium fare on a  
14 dedicated, nonscheduled, charter basis that is not conducted on a  
15 regular route and with a seating capacity in no event of more than  
16 14 passengers, not including the driver, provided, that such a motor  
17 vehicle shall not have a seating capacity in excess of four passengers,  
18 not including the driver, beyond the maximum passenger seating  
19 capacity of the vehicle, not including the driver, at the time of  
20 manufacture. A limousine shall not include a vehicle owned and  
21 operated directly or indirectly by a business engaged in the practice of  
22 mortuary science when that vehicle is used exclusively for providing  
23 transportation related to the provision of funeral services.

24 (cf: P.L.1999, c.356, s.4)

25

26 <sup>1</sup>[7.] 6.<sup>1</sup> (New section) Notwithstanding any other provisions of  
27 law to the contrary, a municipality may require a limousine service to  
28 obtain a corporate license, permit, certificate or other form of  
29 authority if the limousine service is providing service on an intra-  
30 municipal, point-to-point basis within that municipality. The  
31 municipality may charge a fee that shall not exceed a total of \$50 for  
32 the issuance of that license, permit, certificate or other form of  
33 authority which shall apply to all limousines operated by the limousine  
34 service and providing intra- municipal, point-to-point service within  
35 that municipality.

36

37 <sup>1</sup>[8.] 7.<sup>1</sup> Section 14 of P.L.1999, c.356 (C. 48:16-22.4) is  
38 amended to read as follows:

39 14. [Notwithstanding the provisions of this act to the contrary, no  
40 limousine registered in another state or the District of Columbia shall  
41 conduct wholly intra-State operations on the highways of this State  
42 unless the owner of the limousine has proof of insurance in the amount  
43 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
44 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
45 in which it has a business address.]

1 a. <sup>1</sup>[Notwithstanding the provisions of article 2 of chapter 16 of Title  
2 48 of the Revised Statutes to the contrary,] Except as provided in  
3 subsection b. of this section,<sup>1</sup> a limousine registered in another state  
4 or the District of Columbia operating in interstate service which picks  
5 up or discharges passengers in New Jersey <sup>1</sup>[shall have proof of  
6 insurance in the amount of \$1,500,000 as provided in R.S.48:16-14 for  
7 limousines registered in this State, comply with the equipment  
8 requirements of section 11 of P.L.1999, c.356 (C.48:16-22.1) with  
9 respect to a two-way communications system, removable first-aid kit  
10 and operable fire extinguisher and possess authority to operate a  
11 limousine in interstate service granted by the Federal Highway  
12 Administration or the Interstate Commerce Commission] or a black  
13 car <sup>2</sup>[operating in interstate service]<sup>2</sup> which picks up <sup>2</sup>[or] and<sup>2</sup>  
14 discharges passengers wholly within the State of New Jersey shall  
15 comply with the provisions of article 2 of chapter 16 of Title 48 of the  
16 Revised Statutes, provided that, with regard to the requirements of  
17 R.S.48:16-17, R.S.48:16-18, and R.S.48:16-22, the owner may have  
18 his principal place of business in a location other than a municipality  
19 in this State, in which case the owner may elect any municipality in the  
20 State of New Jersey in which he has a business address to file the  
21 required insurance policy and receive the license to operate<sup>1</sup>.

22 <sup>1</sup>b. A black car <sup>2</sup>[operating in interstate service]<sup>2</sup> which picks up  
23 or discharges passengers in New Jersey <sup>2</sup>[, but does not operate  
24 wholly within the State of New Jersey,]in route to or from another  
25 state, <sup>2</sup>shall only (1) comply with the provisions of subsection a. of  
26 section 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a two-way  
27 communications system, which, at a minimum, shall provide for  
28 communication to a person outside the vehicle for a distance of not  
29 less than 100 miles and which requirement may be satisfied by a mobile  
30 telephone, (2) comply with the provisions of subsection b. of section  
31 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a removable first-aid  
32 kit and an operable fire extinguisher, which shall be placed in an  
33 accessible place within the vehicle and (3) in lieu of the insurance  
34 requirements in the amount of \$1,500,000 set forth in R.S.48:16-14,  
35 and the requirements of R.S.48:16-17, have proof of insurance in the  
36 amounts of not less than \$100,000 liability for bodily injury <sup>2</sup>or death<sup>2</sup>  
37 to one person in any one accident and <sup>2</sup>, subject to such limit for any  
38 one person so injured or killed,<sup>2</sup> not less than \$300,000 liability for  
39 bodily injury <sup>2</sup>or death<sup>2</sup> to more than one person in any one accident.  
40 A black car operating in interstate service which picks up or  
41 discharges passengers in New Jersey, but does not operate wholly  
42 within the State of New Jersey, shall not be subject to any provisions  
43 of article 2 of chapter 16 of Title 48 of the Revised Statutes, except  
44 the provisions of this subsection and the provisions of R.S.48:16-21  
45 concerning the operation of automobiles in this State but not with  
46 reference to ownership and registration.

1 <sup>2</sup>[A black car operating in interstate service which picks up or  
2 discharges passengers in New Jersey shall, in addition to complying  
3 with the provisions of this subsection, maintain a business address in  
4 a municipality in New Jersey, except that such business address need  
5 not be the location of the black car's principal place of business.]<sup>2</sup>

6 As used in this section, "black car" means any motor vehicle hired  
7 for transportation of passengers and which has a capacity of not more  
8 than six passengers that is licensed as a black car in another state, or  
9 political subdivision thereof, or the District of Columbia; and whose  
10 registered owner holds a franchise from the corporation or other  
11 business entity that dispatches such motor vehicle, or who is a member  
12 of a cooperative that operates such corporation or other business  
13 entity, where such corporation or other business entity has certified to  
14 the satisfaction of another state, or political subdivision thereof, or the  
15 District of Columbia that more than 90 percent of the corporation's or  
16 other business entity's business is on a payment basis other than direct  
17 cash payment by a passenger.

18 [b. A limousine registered in another state or the District of  
19 Columbia operating in interstate service which picks up or discharges  
20 passengers wholly within the State of New Jersey shall, in addition to  
21 complying with the provisions of subsection a. of this section, maintain  
22 a business address in a municipality in New Jersey and be licensed  
23 pursuant to R.S.48:16-17 in that municipality.]<sup>1</sup>

24 (cf: P.L.1999, c.356, s.14)

25  
26 <sup>1</sup>8. R.S. 48:16-14 is amended to read as follows:

27 48:16-14. [No] Except as provided in section 14 of P.L.1999,  
28 c.356 (C.48:16-22.4), no limousine shall be operated wholly or partly  
29 along any street in any municipality until the owner of the limousine  
30 shall have filed with the clerk of the municipality in which the owner  
31 has his principal place of business, an insurance policy of a company  
32 duly licensed to transact business under the insurance laws of this  
33 State in the sum of \$1,500,000 against loss by reason of the liability  
34 imposed by law upon every limousine owner for damages on account  
35 of bodily injury or death suffered by any person as the result of an  
36 accident occurring by reason of the ownership, maintenance or use of  
37 the limousine upon any public street. The insurance company shall  
38 supply to the Director of the Division of Motor Vehicles notice  
39 concerning all motor vehicle liability insurance policies canceled for  
40 non-payment and new policies issued after the effective date of  
41 P.L. , c. (C. ) (now before the Legislature as this bill). The notice  
42 shall be supplied monthly. After receipt of the notice of cancellation,  
43 the division shall notify the owner of the date the policy was canceled.  
44 If the director has not received proof of liability insurance within 30  
45 days of the date the notification was sent to the owner, the director  
46 shall suspend the registration of the limousine until new proof is

1 supplied that motor vehicle liability insurance has been secured for the  
2 limousine. If the owner fails to provide proof of insurance or  
3 surrender the license plates within 60 days of the date the notification  
4 was sent to him by the division, the division shall suspend the owner's  
5 corporation code registration privilege.

6 Such operation shall be permitted only so long as the insurance  
7 policy shall remain in force to the full and collectible amount of  
8 \$1,500,000.

9 The insurance policy shall provide for the payment of any final  
10 judgment recovered by any person on account of the ownership,  
11 maintenance and use of such limousine or any fault in respect thereto,  
12 and shall be for the benefit of every person suffering loss, damage or  
13 injury as aforesaid.<sup>1</sup>

14 (cf: P.L.1999, c.356, s.5)

15  
16 <sup>1</sup>9.(New section) a. Any person who owns a limousine service  
17 shall require an applicant for employment as a limousine operator or  
18 driver to provide the applicant's name, address, citizenship status, a  
19 form of photographic identification, birth certificate, and such other  
20 information as the Commissioner of Transportation, hereinafter the  
21 commissioner, may require.

22 b. An applicant subject to the provisions of subsection a. of this  
23 section shall submit to being fingerprinted by the Division of State  
24 Police in the Department of Law and Public Safety or by agents  
25 appointed by or under contract to the division. The applicant also  
26 shall provide written consent to the performance of a criminal history  
27 record background check. The commissioner is authorized to  
28 exchange fingerprint data and photographic identification with and  
29 receive criminal history record background information results from  
30 the Federal Bureau of Investigation and the Division of State Police.  
31 The division shall inform the commissioner if an applicant's criminal  
32 history record background check reveals a conviction of a  
33 disqualifying crime as specified in subsection d. of this section. The  
34 applicant shall bear the cost of fingerprinting and the cost for the  
35 background checks, including all costs of administering and processing  
36 the checks. As used in this section, "criminal history record  
37 background check" means a determination of whether a person has a  
38 criminal record by cross-referencing that person's name and fingerprint  
39 data with those on file with the Federal Bureau of Investigation,  
40 Identification Division and the State Bureau of Identification in the  
41 Division of State Police.

42 c. No applicant shall be permitted to operate or drive a limousine  
43 unless the applicant is 21 years of age or older and unless the  
44 commissioner provides written notification to the owner of the  
45 limousine service of the commissioner's determination that the  
46 applicant is qualified for employment as a limousine operator or driver.

1 d. An applicant shall be disqualified from operating or driving a  
2 limousine if the applicant's criminal history record background check  
3 reveals a record of conviction of any of the following crimes:

4 (1) In New Jersey or elsewhere any crime as follows: aggravated  
5 assault, arson, burglary, escape, extortion, homicide, kidnaping,  
6 robbery, aggravated sexual assault, sexual assault or endangering the  
7 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed  
8 with or having in his possession any weapon enumerated in subsection  
9 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of  
10 N.J.S.2C:39-3, N.J.S. 2C:39-4 or N.J.S.2C:39-9, or other than a  
11 disorderly persons or petty disorderly persons offense for the unlawful  
12 use, possession or sale of a controlled dangerous substance as defined  
13 in N.J.S.2C:35-2.

14 (2) In any other state, territory, commonwealth or other  
15 jurisdiction of the United States, or any country in the world, as a  
16 result of a conviction in a court of competent jurisdiction, a crime  
17 which in that other jurisdiction or country is comparable to one of the  
18 crimes enumerated in paragraph (1) of subsection d. of this section.

19 e. The commissioner is authorized to adopt regulations, pursuant  
20 to the "Administrative Procedure Act, " P.L. 1968, c. 410 (C.52:14B-1  
21 et seq.), to effectuate the purposes of this section.

22 f. The provisions of this section shall apply to persons making  
23 applications for employment on or after the effective date of P.L. .c.  
24 (C. )(now before the Legislature as this bill).<sup>1</sup>

25  
26 <sup>1</sup>10. (New section) Any person who owns a limousine service  
27 shall require an applicant for employment as a limousine operator or  
28 driver to be tested, at the applicant's expense, for dangerous controlled  
29 substances as defined in N.J.S.2C:35-2. Upon the advice of the State  
30 Limousine Advisory Committee, the Commissioner of Transportation  
31 shall adopt regulations, pursuant to the "Administrative Procedure  
32 Act, " P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and  
33 testing of applicants for employment as limousine operators or drivers.  
34 The regulations shall be substantially similar to the regulations of New  
35 York City concerning the testing of an applicant for a for-hire vehicle  
36 driver's license pursuant to section 6-15 of Title 35 of the New York  
37 City Rules and Regulations.<sup>1</sup>

38  
39 <sup>1</sup>11. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to  
40 read as follows:

41 18. A person who shall own and operate a limousine in any street  
42 in this State in violation of the provisions of article 2 of chapter 16 of  
43 Title 48 of the Revised Statutes or of Title 39 of the Revised Statutes  
44 shall be subject to the following penalties:

45 a. (1) For operating a limousine without a license issued by a  
46 municipality pursuant to R.S.48:16-17, [operating a limousine without

1 authority to operate a limousine in interstate service granted by the  
2 Federal Highway Administration, or the Interstate Commerce  
3 Commission, as provided in section 14 of P.L.1999, c.356  
4 (C.48:16-22.4),] knowingly permitting a driver to operate a limousine  
5 without a validly issued driver's license or a validly issued commercial  
6 driver license if required pursuant to N.J.A.C.13:21-23.1, failure to  
7 have filed an insurance policy in the amount of \$1,500,000 which is  
8 currently in force as provided in R.S.48:16-14 or in the amounts  
9 required pursuant to section 14 of P.L.1999, c.356 (C.48:16-22.4),  
10 operating a limousine in which the number of passengers exceeds the  
11 maximum seating capacity as provided in R.S.48:16-13 or section 2 of  
12 P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense  
13 and a fine of \$5000 for the second or subsequent offense;

14 (2) For operating a limousine without the special registration  
15 plates required pursuant to section 12 of P.L.1979, c.224  
16 (C.39:3-19.5), or operating a limousine without the limousine being  
17 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for the  
18 first offense and a fine of \$2,500 for the second or subsequent offense;

19 (3) For operating a limousine without the attached sideboards  
20 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to  
21 retain within the limousine appropriate proof of insurance or failure to  
22 execute and deliver to the Director of the Division of Motor Vehicles  
23 the power of attorney required pursuant to R.S.48:16-16: a fine of  
24 \$250 for the first offense and \$500 for the second and subsequent  
25 offense;

26 (4) For failure to be equipped with a two-way communications  
27 system, a removable first-aid kit or an operable fire extinguisher as  
28 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), or any other  
29 violation of the provisions of article 2 of chapter 16 of Title 48 of the  
30 Revised Statutes other than those enumerated in this subsection: a fine  
31 of \$50 for the first offense and \$100 for the second and subsequent  
32 offense.

33 b. Violations of this section shall be enforced and penalties  
34 collected in a summary proceeding pursuant to "The Penalty  
35 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
36 The Superior Court or any municipal court where the violation was  
37 detected, or where the defendant was apprehended, shall have  
38 jurisdiction to enforce this section. Penalties imposed pursuant to this  
39 section shall be in addition to those otherwise imposed according to  
40 law. All penalties collected pursuant to the provisions of this section

1 shall be forwarded as provided in R.S.39:5-40 and subsection b. of

2 R.S.39:5-41.<sup>1</sup>

3 (cf: P.L.1999,c.356,s.18)

4

5 <sup>1</sup>[9.] 12.<sup>1</sup> This act shall take effect immediately.

**SENATE, No. 1906**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED DECEMBER 4, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Makes various changes to limousine law.

**CURRENT VERSION OF TEXT**

As introduced.





S1906 CIESLA

2

1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation  
42 of this chapter, or on which any federal tax or tax imposed by the laws  
43 of this State has not been paid; and any alcoholic beverage possessed,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 kept, stored, owned or imported with intent to manufacture, sell,  
2 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
3 or transport in violation of the provisions of this chapter.
- 4 j. "Licensed building." Any building containing licensed premises.
- 5 k. "Licensed premises." Any premises for which a license under this  
6 chapter is in force and effect.
- 7 l. "Magistrate." The Superior Court or municipal court.
- 8 m. "Manufacturer." Any person who, directly or indirectly,  
9 personally or through any agency whatsoever, engages in the making  
10 or other processing whatsoever of alcoholic beverages.
- 11 n. "Municipality." Any city, town, township, village, or borough,  
12 including a municipality governed by a board of commissioners or  
13 improvement commission, but excluding a county.
- 14 o. "Municipal board." The municipal board of alcoholic beverage  
15 control as established by this chapter.
- 16 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
17 member of the Division of State Police, or any other person having the  
18 power to execute a warrant for arrest, or any inspector or investigator  
19 of the Division of Alcoholic Beverage Control.
- 20 q. "Original container." Any container in which an alcoholic  
21 beverage has been delivered to a retail licensee.
- 22 r. "Person." Any natural person or association of natural persons,  
23 association, trust company, partnership, corporation, organization, or  
24 the manager, agent, servant, officer, or employee of any of them.
- 25 s. "Premises." The physical place at which a licensee is or may be  
26 licensed to conduct and carry on the manufacture, distribution or sale  
27 of alcoholic beverages, but not including vehicular transportation.
- 28 t. "Restaurant." An establishment regularly and principally used for  
29 the purpose of providing meals to the public, having an adequate  
30 kitchen and dining room equipped for the preparing, cooking and  
31 serving of food for its customers and in which no other business,  
32 except such as is incidental to such establishment, is conducted.
- 33 u. "Retailer." Any person who sells alcoholic beverages to  
34 consumers.
- 35 v. "Rules and regulations." The rules and regulations established  
36 from time to time by the director.
- 37 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
38 by purely gratuitous title, including deliveries from without this State  
39 and deliveries by any person without this State intended for shipment  
40 by carrier or otherwise into this State and brought within this State, or  
41 the solicitation or acceptance of an order for an alcoholic beverage,  
42 and including exchange, barter, traffic in, keeping and exposing for  
43 sale, serving with meals, delivering for value, peddling, possessing  
44 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
45 beverage by any licensee.
- 46 x. "Unlawful alcoholic beverage activity." The manufacture, sale,

1 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
2 processing, warehousing or transportation of any alcoholic beverage  
3 in violation of this chapter, or the importing, owning, possessing,  
4 keeping or storing in this State of alcoholic beverages with intent to  
5 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
6 process, warehouse or transport alcoholic beverages in violation of  
7 this chapter, or the owning, possessing, keeping or storing in this State  
8 of any implement or paraphernalia for the manufacture, sale,  
9 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
10 processing, warehousing or transportation of alcoholic beverages with  
11 intent to use the same in the manufacture, sale, distribution, bottling,  
12 rectifying, blending, treating, fortifying, mixing, processing,  
13 warehousing or transportation of alcoholic beverages in violation of  
14 this chapter, or to aid or abet another in the manufacture, sale,  
15 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
16 processing, warehousing or transportation of alcoholic beverages in  
17 violation of this chapter, or the aiding or abetting of another in any of  
18 the foregoing activities.

19 y. "Unlawful property." All illicit beverages and all implements,  
20 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
21 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
22 mixing, processing, warehousing or transportation of illicit beverages  
23 used in the manufacture, sale, distribution, bottling, rectifying,  
24 blending, treating, fortifying, mixing, processing, warehousing or  
25 transportation of illicit beverages or owned, possessed, kept or stored  
26 with intent to use the same in the manufacture, sale, distribution,  
27 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
28 warehousing or transportation of illicit beverages, whether such use be  
29 by the person owning, possessing, keeping, or storing the same, or by  
30 another with the consent of such person; and all alcoholic beverages,  
31 fixtures and personal property located in or upon any premises,  
32 building, yard or inclosure connected with a building, in which an illicit  
33 beverage is found, possessed, stored or kept.

34 z. "Wholesaler." Any person who sells an alcoholic beverage for  
35 the purpose of resale either to a licensed wholesaler or to a licensed  
36 retailer, or both.

37 aa. "Limousine." A motor vehicle used in the business of carrying  
38 passengers for hire to provide prearranged passenger transportation at  
39 a premium fare on a dedicated, nonscheduled, charter basis that is not  
40 conducted on a regular route, or is furnished without fare as an  
41 accommodation for a patron in connection with other business  
42 purposes, and with a seating capacity in no event of more than  
43 14 passengers, not including the driver, provided, that such a motor  
44 vehicle shall not have a seating capacity in excess of four passengers,  
45 not including the driver, beyond the maximum passenger seating  
46 capacity of the vehicle, not including the driver, at the time of

1 manufacture. This shall not include taxicabs, hotel or airport shuttles  
2 and buses, [or] buses employed solely in transporting schoolchildren  
3 or teachers to and from school, vehicles owned and operated directly  
4 or indirectly by businesses engaged in the practice of mortuary science  
5 when those vehicles are used exclusively for providing transportation  
6 related to the provision of funeral services or vehicles owned and  
7 operated without charge or remuneration by a business entity for its  
8 own purposes.

9 bb. "Entertainment facility" is a privately-owned facility in which  
10 athletic, commercial, cultural, or artistic events are featured.

11 Any definition herein contained shall apply to the same word in any  
12 form. Thus "sell" means to make a "sale" as above defined.

13 (cf: P.L.2000, c.83, s.5)

14

15 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to read  
16 as follows:

17 1. As used in this act:

18 (a) "Commissioner" means the Commissioner of Labor.

19 (b) "Director" means the director in charge of the bureau referred  
20 to in section 3 of this act.

21 (c) "Wage board" means a board created as provided in section 10  
22 of this act.

23 (d) "Wages" means any moneys due an employee from an employer  
24 for services rendered or made available by the employee to the  
25 employer as a result of their employment relationship including  
26 commissions, bonus and piecework compensation and including any  
27 gratuities received by an employee for services rendered for an  
28 employer or a customer of an employer and the fair value of any food  
29 or lodgings supplied by an employer to an employee. The  
30 commissioner may, by regulation, establish the average value of  
31 gratuities received by an employee in any occupation and the fair value  
32 of food and lodging provided to employees in any occupation, which  
33 average values shall be acceptable for the purposes of determining  
34 compliance with this act in the absence of evidence of the actual value  
35 of such items.

36 (e) "Regular hourly wage" means the amount that an employee is  
37 regularly paid for each hour of work as determined by dividing the  
38 total hours of work during the week into the employee's total earnings  
39 for the week, exclusive of overtime premium pay.

40 (f) "Employ" includes to suffer or to permit to work.

41 (g) "Employer" includes any individual, partnership, association,  
42 corporation or any person or group of persons acting directly or  
43 indirectly in the interest of an employer in relation to an employee.

44 (h) "Employee" includes any individual employed by an employer.

45 (i) "Occupation" means any occupation, service, trade, business,  
46 industry or branch or group of industries or employment or class of

1 employment in which employees are gainfully employed.

2 (j) "Minimum fair wage order" means a wage order promulgated  
3 pursuant to this act.

4 (k) "Fair wage" means a wage fairly and reasonably commensurate  
5 with the value of the service or class of service rendered and sufficient  
6 to meet the minimum cost of living necessary for health.

7 (l) "Oppressive and unreasonable wage" means a wage which is  
8 both less than the fair and reasonable value of the service rendered and  
9 less than sufficient to meet the minimum cost of living necessary for  
10 health.

11 (m) "Limousine" means a motor vehicle used in the business of  
12 carrying passengers for hire to provide prearranged passenger  
13 transportation at a premium fare on a dedicated, nonscheduled, charter  
14 basis that is not conducted on a regular route and with a seating  
15 capacity in no event of more than 14 passengers, not including the  
16 driver, provided, that such a motor vehicle shall not have a seating  
17 capacity in excess of four passengers, not including the driver, beyond  
18 the maximum passenger seating capacity of the vehicle, not including  
19 the driver, at the time of manufacture. "Limousine" shall not include  
20 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
21 solely in transporting school children or teachers to and from school,  
22 vehicles owned and operated directly or indirectly by businesses  
23 engaged in the practice of mortuary science when those vehicles are  
24 used exclusively for providing transportation related to the provision  
25 of funeral services or vehicles owned and operated without charge or  
26 remuneration by a business entity for its own purposes.

27 (cf: P.L.1999, c.356, s.2)

28

29 3. R.S.39:1-1 is amended to read as follows:

30 39:1-1. As used in this subtitle, unless other meaning is clearly  
31 apparent from the language or context, or unless inconsistent with the  
32 manifest intention of the Legislature:

33 "Alley" means a public highway wherein the roadway does not  
34 exceed 12 feet in width.

35 "Authorized emergency vehicles" means vehicles of the fire  
36 department, police vehicles and such ambulances and other vehicles as  
37 are approved by the Director of the Division of Motor Vehicles in the  
38 Department of Transportation when operated in response to an  
39 emergency call.

40 "Automobile" includes all motor vehicles except motorcycles.

41 "Berm" means that portion of the highway exclusive of roadway  
42 and shoulder, bordering the shoulder but not to be used for vehicular  
43 travel.

44 "Business district" means that portion of a highway and the territory  
45 contiguous thereto, where within any 600 feet along such highway  
46 there are buildings in use for business or industrial purposes, including

1 but not limited to hotels, banks, office buildings, railroad stations, and  
2 public buildings which occupy at least 300 feet of frontage on one side  
3 or 300 feet collectively on both sides of the roadway.

4 "Car pool" means two or more persons commuting on a daily basis  
5 to and from work by means of a vehicle with a seating capacity of nine  
6 passengers or less.

7 "Commercial motor vehicle" includes every type of motor-driven  
8 vehicle used for commercial purposes on the highways, such as the  
9 transportation of goods, wares and merchandise, excepting such  
10 vehicles as are run only upon rails or tracks and vehicles of the  
11 passenger car type used for touring purposes or the carrying of farm  
12 products and milk, as the case may be.

13 "Commissioner" means the Director of the Division of Motor  
14 Vehicles in the Department of Transportation of this State.

15 "Commuter van" means a motor vehicle having a seating capacity  
16 of not less than seven nor more than 15 adult passengers, in which  
17 seven or more persons commute on a daily basis to and from work and  
18 which vehicle may also be operated by the driver or other designated  
19 persons for their personal use.

20 "Crosswalk" means that part of a highway at an intersection  
21 included within the connections of the lateral lines of the sidewalks on  
22 opposite sides of the highway measured from the curbs or, in the  
23 absence of curbs, from the edges of the shoulder, or, if none, from the  
24 edges of the roadway; also, any portion of a highway at an intersection  
25 or elsewhere distinctly indicated for pedestrian crossing by lines or  
26 other marking on the surface.

27 "Dealer" includes every person actively engaged in the business of  
28 buying, selling or exchanging motor vehicles or motorcycles and who  
29 has an established place of business.

30 "Department" means the Division of Motor Vehicles in the  
31 Department of Transportation of this State acting directly or through  
32 its duly authorized officers or agents.

33 "Deputy commissioner" means deputy director of the Division of  
34 Motor Vehicles in the Department of Transportation.

35 "Deputy director" means deputy director of the Division of Motor  
36 Vehicles in the Department of Transportation.

37 "Director" means the Director of the Division of Motor Vehicles in  
38 the Department of Transportation.

39 "Division" means the Division of Motor Vehicles in the Department  
40 of Transportation acting directly or through its duly authorized  
41 officers or agents.

42 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
43 or the driver or operator of a motor vehicle, unless otherwise  
44 specified.

45 "Explosives" means any chemical compound or mechanical mixture  
46 that is commonly used or intended for the purpose of producing an

1 explosion and which contains any oxidizing and combustive units or  
2 other ingredients in such proportions, quantities or packing that an  
3 ignition by fire, friction, by concussion, by percussion, or by detonator  
4 of any part of the compound or mixture may cause such a sudden  
5 generation of highly heated gases that the resultant gaseous pressures  
6 are capable of producing destructive effects on contiguous objects or  
7 of destroying life or limb.

8 "Farm tractor" means every motor vehicle designed and used  
9 primarily as a farm implement for drawing plows, mowing machines,  
10 and other implements of husbandry.

11 "Flammable liquid" means any liquid having a flash point below  
12 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

13 "Gross weight" means the combined weight of a vehicle and a load  
14 thereon.

15 "High occupancy vehicle" or "HOV" means a vehicle which is used  
16 to transport two or more persons and shall include public  
17 transportation, car pool, van pool, and other vehicles as determined by  
18 regulation of the Department of Transportation.

19 "Highway" means the entire width between the boundary lines of  
20 every way publicly maintained when any part thereof is open to the use  
21 of the public for purposes of vehicular travel.

22 "Horse" includes mules and all other domestic animals used as  
23 draught animals or beasts of burden.

24 "Inside lane" means the lane nearest the center line of the roadway.

25 "Intersection" means the area embraced within the prolongation of  
26 the lateral curb lines or, if none, the lateral boundary lines of two or  
27 more highways which join one another at an angle, whether or not one  
28 such highway crosses another.

29 "Laned roadway" means a roadway which is divided into two or  
30 more clearly marked lanes for vehicular traffic.

31 "Leased limousine" means any limousine subject to regulation in the  
32 State which:

33 a. Is offered for rental or lease, without a driver, to be operated by  
34 a limousine service as the lessee, for the purpose of carrying  
35 passengers for hire; and

36 b. Is leased or rented for a period of one year or more following  
37 registration.

38 "Leased motor vehicle" means any motor vehicle subject to  
39 registration in this State which:

40 a. Is offered for rental or lease, without a driver, to be operated by  
41 the lessee, his agent or servant, for purposes other than the  
42 transportation of passengers for hire; and

43 b. Is leased or rented for a period of one year or more following  
44 registration.

45 "Limited-access highway" means every highway, street, or roadway  
46 in respect to which owners or occupants of abutting lands and other

1 persons have no legal right of access to or from the same except at  
2 such points only and in such manner as may be determined by the  
3 public authority having jurisdiction over such highway, street, or  
4 roadway; and includes any highway designated as a "freeway" or  
5 "parkway" by authority of law.

6 "Local authorities" means every county, municipal and other local  
7 board or body having authority to adopt local police regulations under  
8 the Constitution and laws of this State, including every county  
9 governing body with relation to county roads.

10 "Magistrate" means any municipal court and the Superior Court,  
11 and any officer having the powers of a committing magistrate and the  
12 Director of the Division of Motor Vehicles in the Department of  
13 Transportation.

14 "Manufacturer" means a person engaged in the business of  
15 manufacturing or assembling motor vehicles, who will, under normal  
16 business conditions during the year, manufacture or assemble at least  
17 10 new motor vehicles.

18 "Metal tire" means every tire the surface of which in contact with  
19 the highway is wholly or partly of metal or other hard nonresilient  
20 material.

21 "Motorized bicycle" means a pedal bicycle having a helper motor  
22 characterized in that either the maximum piston displacement is less  
23 than 50 cc. or said motor is rated at no more than 1.5 brake  
24 horsepower and said bicycle is capable of a maximum speed of no  
25 more than 25 miles per hour on a flat surface.

26 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
27 motor attached and all motor-operated vehicles of the bicycle or  
28 tricycle type, except motorized bicycles as defined in this section,  
29 whether the motive power be a part thereof or attached thereto and  
30 having a saddle or seat with driver sitting astride or upon it or a  
31 platform on which the driver stands.

32 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
33 type of vehicle drawn by a motor-driven vehicle.

34 "Motor vehicle" includes all vehicles propelled otherwise than by  
35 muscular power, excepting such vehicles as run only upon rails or  
36 tracks and motorized bicycles.

37 "Noncommercial truck" means every motor vehicle designed  
38 primarily for transportation of property, and which is not a  
39 "commercial vehicle."

40 "Official traffic control devices" means all signs, signals, markings,  
41 and devices not inconsistent with this subtitle placed or erected by  
42 authority of a public body or official having jurisdiction for the  
43 purpose of regulating, warning, or guiding traffic.

44 "Omnibus" includes all motor vehicles used for the transportation  
45 of passengers for hire, except commuter vans and vehicles used in  
46 ridesharing arrangements and school buses, if the same are not



1 otherwise used in the transportation of passengers for hire.

2 "Operator" means a person who is in actual physical control of a  
3 vehicle or street car.

4 "Outside lane" means the lane nearest the curb or outer edge of the  
5 roadway.

6 "Owner" means a person who holds the legal title of a vehicle, or  
7 if a vehicle is the subject of an agreement for the conditional sale or  
8 lease thereof with the right of purchase upon performance of the  
9 conditions stated in the agreement and with an immediate right of  
10 possession vested in the conditional vendee or lessee, or if a  
11 mortgagor of a vehicle is entitled to possession, then the conditional  
12 vendee, lessee or mortgagor shall be deemed the owner for the  
13 purpose of this subtitle.

14 "Parking" means the standing or waiting on a street, road or  
15 highway of a vehicle not actually engaged in receiving or discharging  
16 passengers or merchandise, unless in obedience to traffic regulations  
17 or traffic signs or signals.

18 "Passenger automobile" means all automobiles used and designed  
19 for the transportation of passengers, other than omnibuses and school  
20 buses.

21 "Pedestrian" means a person afoot.

22 "Person" includes natural persons, firms, copartnerships,  
23 associations, and corporations.

24 "Pneumatic tire" means every tire in which compressed air is  
25 designed to support the load.

26 "Pole trailer" means every vehicle without motive power designed  
27 to be drawn by another vehicle and attached to the towing vehicle by  
28 means of a reach, or pole, or by being boomed or otherwise secured  
29 to the towing vehicle, and ordinarily used for transporting long or  
30 irregularly shaped loads, such as poles, pipes, or structural members  
31 capable, generally, of sustaining themselves as beams between the  
32 supporting connections.

33 "Private road or driveway" means every road or driveway not open  
34 to the use of the public for purposes of vehicular travel.

35 "Railroad train" means a steam engine, electric or other motor, with  
36 or without cars coupled thereto, operated upon rails, except street  
37 cars.

38 "Recreation vehicle" means a self-propelled or towed vehicle  
39 equipped to serve as temporary living quarters for recreational,  
40 camping or travel purposes and used solely as a family or personal  
41 conveyance.

42 "Residence district" means that portion of a highway and the  
43 territory contiguous thereto, not comprising a business district, where  
44 within any 600 feet along such highway there are buildings in use for  
45 business or residential purposes which occupy 300 feet or more of  
46 frontage on at least one side of the highway.

1 "Ridesharing" means the transportation of persons in a motor  
2 vehicle, with a maximum carrying capacity of not more than 15  
3 passengers, including the driver, where such transportation is  
4 incidental to the purpose of the driver. The term shall include such  
5 ridesharing arrangements known as car pools and van pools.

6 "Right-of-way" means the privilege of the immediate use of the  
7 highway.

8 "Road tractor" means every motor vehicle designed and used for  
9 drawing other vehicles and not so constructed as to carry any load  
10 thereon either independently or any part of the weight of a vehicle or  
11 load so drawn.

12 "Roadway" means that portion of a highway improved, designed,  
13 or ordinarily used for vehicular travel, exclusive of the berm or  
14 shoulder. In the event a highway includes two or more separate  
15 roadways, the term "roadway" as used herein shall refer to any such  
16 roadway separately, but not to all such roadways, collectively.

17 "Safety zone" means the area or space officially set aside within a  
18 highway for the exclusive use of pedestrians, which is so plainly  
19 marked or indicated by proper signs as to be plainly visible at all times  
20 while set apart as a safety zone.

21 "School bus" means every motor vehicle operated by, or under  
22 contract with, a public or governmental agency, or religious or other  
23 charitable organization or corporation, or privately operated for  
24 compensation for the transportation of children to or from school for  
25 secular or religious education, which complies with the regulations of  
26 the Department of Education affecting school buses, including "School  
27 Vehicle Type I" and "School Vehicle Type II" as defined below:

28 "School Vehicle Type I" means any vehicle with a seating capacity  
29 of 17 or more, used to transport enrolled children, and adults only  
30 when serving as chaperones, to or from a school, school connected  
31 activity, day camp, summer day camp, nursery school, child care  
32 center, preschool center or other similar places of education. Such  
33 vehicle shall comply with the regulations of the Division of Motor  
34 Vehicles and either the Department of Education or the Department  
35 of Human Services, whichever is the appropriate supervising agency.

36 "School Vehicle Type II" means any vehicle with a seating capacity  
37 of 16 or less, used to transport enrolled children, and adults only when  
38 serving as chaperones, to or from a school, school connected activity,  
39 day camp, summer day camp, nursery school, child care center,  
40 preschool center or other similar places of education. Such vehicle  
41 shall comply with the regulations of the Division of Motor Vehicles  
42 and either the Department of Education or the Department of Human  
43 Services, whichever is the appropriate supervising agency.

44 "School zone" means that portion of a highway which is either  
45 contiguous to territory occupied by a school building or is where  
46 school crossings are established in the vicinity of a school, upon which

1 are maintained appropriate "school signs" in accordance with  
2 specifications adopted by the director and in accordance with law.

3 "School crossing" means that portion of a highway where school  
4 children are required to cross the highway in the vicinity of a school.

5 "Semitrailer" means every vehicle with or without motive power,  
6 other than a pole trailer, designed for carrying persons or property and  
7 for being drawn by a motor vehicle and so constructed that some part  
8 of its weight and that of its load rests upon or is carried by another  
9 vehicle.

10 "Shipper" means any person who shall deliver, or cause to be  
11 delivered, any commodity, produce or article for transportation as the  
12 contents or load of a commercial motor vehicle. In the case of a  
13 sealed ocean container, "shipper" shall not be construed to include any  
14 person whose activities with respect to the shipment are limited to the  
15 solicitation or negotiation of the sale, resale, or exchange of the  
16 commodity, produce or article within that container.

17 "Shoulder" means that portion of the highway, exclusive of and  
18 bordering the roadway, designed for emergency use but not ordinarily  
19 to be used for vehicular travel.

20 "Sidewalk" means that portion of a highway intended for the use of  
21 pedestrians, between the curb line or the lateral line of a shoulder, or  
22 if none, the lateral line of the roadway and the adjacent right-of-way  
23 line.

24 "Sign." See "Official traffic control devices."

25 "Slow-moving vehicle" means a vehicle run at a speed less than the  
26 maximum speed then and there permissible.

27 "Solid tire" means every tire of rubber or other resilient material  
28 which does not depend upon compressed air for the support of the  
29 load.

30 "Street" means the same as highway.

31 "Street car" means a car other than a railroad train, for transporting  
32 persons or property and operated upon rails principally within a  
33 municipality.

34 "Stop," when required, means complete cessation from movement.

35 "Stopping or standing," when prohibited, means any cessation of  
36 movement of a vehicle, whether occupied or not, except when  
37 necessary to avoid conflict with other traffic or in compliance with the  
38 directions of a police officer or traffic control sign or signal.

39 "Suburban business or residential district" means that portion of  
40 highway and the territory contiguous thereto, where within any 1,320  
41 feet along that highway there is land in use for business or residential  
42 purposes and that land occupies more than 660 feet of frontage on one  
43 side or collectively more than 660 feet of frontage on both sides of  
44 that roadway.

45 "Through highway" means every highway or portion thereof at the  
46 entrances to which vehicular traffic from intersecting highways is

1 required by law to stop before entering or crossing the same and when  
2 stop signs are erected as provided in this chapter.

3 "Trackless trolley" means every motor vehicle which is propelled by  
4 electric power obtained from overhead trolley wires but not operated  
5 upon rails.

6 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
7 street cars, and other conveyances either singly, or together, while  
8 using any highway for purposes of travel.

9 "Traffic control signal" means a device, whether manually,  
10 electrically, mechanically, or otherwise controlled, by which traffic is  
11 alternately directed to stop and to proceed.

12 "Trailer" means every vehicle with or without motive power, other  
13 than a pole trailer, designed for carrying persons or property and for  
14 being drawn by a motor vehicle and so constructed that no part of its  
15 weight rests upon the towing vehicle.

16 "Truck" means every motor vehicle designed, used, or maintained  
17 primarily for the transportation of property.

18 "Truck tractor" means every motor vehicle designed and used  
19 primarily for drawing other vehicles and not so constructed as to carry  
20 a load other than a part of the weight of the vehicle and load so drawn.

21 "Van pooling" means seven or more persons commuting on a daily  
22 basis to and from work by means of a vehicle with a seating  
23 arrangement designed to carry seven to 15 adult passengers.

24 "Vehicle" means every device in, upon or by which a person or  
25 property is or may be transported upon a highway, excepting devices  
26 moved by human power or used exclusively upon stationary rails or  
27 tracks or motorized bicycles.

28 (cf: P.L.1995, c.397, s.1)

29

30 4. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to read  
31 as follows:

32 12. a. Upon the application of any person who owns a limousine  
33 service, the Director of the Division of Motor Vehicles shall issue  
34 special registration plates bearing the word "limousine" in addition to  
35 the registration number and other markings or identification otherwise  
36 prescribed by law.

37 b. The special registration plates authorized by this act shall be  
38 issued upon proof, satisfactory to the director, that the applicant has  
39 complied with the provisions of article 2 of chapter 16 of Title 48 of  
40 the Revised Statutes.

41 c. The fee for such special registration plates shall be \$10.00 in  
42 addition to the fees otherwise prescribed by law for the registration of  
43 such motor vehicles.

44 d. The registration certificate issued pursuant to chapter 3 of  
45 Title 39 of the Revised Statutes for a leased limousine shall, in  
46 addition to containing the name and street address of the lessee,

1 identify the vehicle as a leased limousine.

2 (cf: P.L.1999, c.356, s.19)

3

4 5. R.S.48:16-13 is amended to read as follows:

5 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
6 (C.48:16-13.1), as used in this article:

7 "Autocab" means a limousine.

8 "Limousine" means and includes any automobile or motor car used  
9 in the business of carrying passengers for hire to provide prearranged  
10 passenger transportation at a premium fare on a dedicated,  
11 nonscheduled, charter basis that is not conducted on a regular route  
12 and with a seating capacity in no event of more than 14 passengers,  
13 not including the driver, provided, that such a vehicle shall not have a  
14 seating capacity in excess of four passengers, not including the driver,  
15 beyond the maximum passenger seating capacity of the vehicle, not  
16 including the driver, at the time of manufacture. Nothing in this article  
17 contained shall be construed to include taxicabs, hotel buses [or],  
18 buses employed solely in transporting school children or teachers [or],  
19 vehicles owned and operated directly or indirectly by businesses  
20 engaged in the practice of mortuary science when those vehicles are  
21 used exclusively for providing transportation related to the provision  
22 of funeral services, autobuses which are subject to the jurisdiction of  
23 the Department of Transportation[,], or interstate autobuses required  
24 by federal or State law or regulations of the Department of  
25 Transportation to carry insurance against loss from liability imposed  
26 by law on account of bodily injury or death.

27 "Limousine or livery service" means and includes the business of  
28 carrying passengers for hire by limousines.

29 "Person" means and includes any individual, copartnership,  
30 association, corporation or joint stock company, their lessees, trustees  
31 or receivers appointed by any court whatsoever.

32 "Principal place of business" means, in reference to a municipality,  
33 the location of the main place of business of the limousine service in  
34 the municipality where limousine service is conducted, where  
35 limousines are dispatched, or where limousine drivers report for duty.

36 "Street" means and includes any street, avenue, park, parkway,  
37 highway, or other public place.

38 (cf: P.L.1999, c.356, s.3)

39

40 6. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read  
41 as follows:

42 2. In a county of the first class with a population density of over  
43 10,000 persons per square mile, according to the latest federal  
44 decennial census, "limousine" means and includes any automobile or  
45 motor car which is issued special registration plates bearing the word  
46 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)

1 and is engaged in the business of carrying passengers for hire to  
2 provide prearranged passenger transportation at a premium fare on a  
3 dedicated, nonscheduled, charter basis that is not conducted on a  
4 regular route and with a seating capacity in no event of more than  
5 14 passengers, not including the driver, provided, that such a motor  
6 vehicle shall not have a seating capacity in excess of four passengers,  
7 not including the driver, beyond the maximum passenger seating  
8 capacity of the vehicle, not including the driver, at the time of  
9 manufacture. A limousine shall not include a vehicle owned and  
10 operated directly or indirectly by a business engaged in the practice of  
11 mortuary science when that vehicle is used exclusively for providing  
12 transportation related to the provision of funeral services.

13 (cf: P.L.1999, c.356, s.4)

14

15 7. (New section) Notwithstanding any other provisions of law to  
16 the contrary, a municipality may require a limousine service to obtain  
17 a corporate license, permit, certificate or other form of authority if the  
18 limousine service is providing service on an intra-municipal, point-to-  
19 point basis within that municipality. The municipality may charge a fee  
20 that shall not exceed a total of \$50 for the issuance of that license,  
21 permit, certificate or other form of authority which shall apply to all  
22 limousines operated by the limousine service and providing intra-  
23 municipal, point-to-point service within that municipality.

24

25 8. Section 14 of P.L.1999, c.356 (C.48:16-22.4) is amended to  
26 read as follows:

27 14. [Notwithstanding the provisions of this act to the contrary, no  
28 limousine registered in another state or the District of Columbia shall  
29 conduct wholly intra-State operations on the highways of this State  
30 unless the owner of the limousine has proof of insurance in the amount  
31 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
32 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
33 in which it has a business address.] a. Notwithstanding the provisions  
34 of article 2 of chapter 16 of Title 48 of the Revised Statutes to the  
35 contrary, a limousine registered in another state or the District of  
36 Columbia operating in interstate service which picks up or discharges  
37 passengers in New Jersey shall have proof of insurance in the amount  
38 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
39 in this State, comply with the equipment requirements of section 11 of  
40 P.L.1999, c.356 (C.48:16-22.1) with respect to a two-way  
41 communications system, removable first-aid kit and operable fire  
42 extinguisher and possess authority to operate a limousine in interstate  
43 service granted by the Federal Highway Administration or the  
44 Interstate Commerce Commission.

45 b. A limousine registered in another state or the District of  
46 Columbia operating in interstate service which picks up or discharges

1 passengers wholly within the State of New Jersey shall, in addition to  
2 complying with the provisions of subsection a. of this section, maintain  
3 a business address in a municipality in New Jersey and be licensed  
4 pursuant to R.S.48:16-17 in that municipality.

5 (cf: P.L.1999, c.356, s.14)

6  
7 9. This act shall take effect immediately.

8  
9  
10 STATEMENT

11  
12 The bill makes various revisions to the State's limousine law:

13 Funeral Vehicles. The bill excludes from the definition of limousine  
14 vehicles owned and operated directly or indirectly by businesses  
15 engaged in the practice of mortuary science when these vehicles are  
16 used exclusively for providing transportation related to the provision  
17 of funeral services.

18 Leased Vehicles. R.S.39:1-1 is amended to provide a definition of  
19 a leased limousine as any limousine subject to regulation in the State  
20 which is offered for rental or lease, without a driver, to be operated by  
21 a limousine service as the lessee, for the purpose of carrying  
22 passengers for hire. In addition, the leased limousine must be leased  
23 or rented for a period of one year or more following registration. The  
24 bill provides that the registration certificate for a leased limousine is  
25 to identify the vehicle as a leased limousine and contain the name and  
26 street address of the lessee.

27 Municipal Licensing. The bill provides that a municipality may  
28 require a limousine service to obtain a corporate license, permit,  
29 certificate or other form of authority if the limousine service is  
30 providing service on an intra-municipal point-to-point basis within that  
31 municipality. The municipality may charge a fee which totals not in  
32 excess of \$50 for such license, permit, certificate or other form of  
33 authority which shall apply to all limousines operated by the limousine  
34 service and providing intra-municipal point-to-point service within that  
35 municipality. The bill also defines "principal place of business" for  
36 limousine services in reference to a municipality as the location of the  
37 main place of business of the limousine service in the municipality  
38 where limousine service is conducted, where limousines are dispatched  
39 or where limousine drivers report for duty.

40 Out-of-State Limousines. The bill provides that limousines  
41 registered out-of-State operating in interstate service which pick up or  
42 discharge passengers in New Jersey are to have proof of insurance in  
43 the amount of \$1.5 million as provided for limousines registered in this  
44 State, comply with the equipment requirements of the current  
45 limousine law with respect to a two-way communications system,  
46 removable first-aid kit and operable fire extinguisher and possess

**S1906 CIESLA**

17

1 authority to operate a limousine service in interstate service granted  
2 by the Federal Highway Administration or Interstate Commerce  
3 Commission. Out-of-State limousines operating in interstate service  
4 which pick up or discharge passengers wholly within the State of New  
5 Jersey, in addition to complying with the above requirements, are to  
6 maintain a business address in a municipality in New Jersey and be  
7 licensed in that municipality as limousines registered in this State are  
8 licensed. The bill clarifies that all out-of-State limousines in interstate  
9 service operating in New Jersey are subject to New Jersey's limousine  
10 law.



SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1906**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED DECEMBER 13, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Makes various changes to limousine law.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Transportation Committee.



1 AN ACT concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be  
36 considered as the governing board or body.

37 h. "Importing." The act of bringing or causing to be brought any  
38 alcoholic beverage into this State.

39 i. "Illicit beverage." Any alcoholic beverage manufactured,  
40 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
41 mixed, processed, warehoused, possessed or transported in violation  
42 of this chapter, or on which any federal tax or tax imposed by the laws  
43 of this State has not been paid; and any alcoholic beverage possessed,

**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 kept, stored, owned or imported with intent to manufacture, sell,  
2 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
3 or transport in violation of the provisions of this chapter.
- 4 j. "Licensed building." Any building containing licensed premises.
- 5 k. "Licensed premises." Any premises for which a license under  
6 this chapter is in force and effect.
- 7 l. "Magistrate." The Superior Court or municipal court.
- 8 m. "Manufacturer." Any person who, directly or indirectly,  
9 personally or through any agency whatsoever, engages in the making  
10 or other processing whatsoever of alcoholic beverages.
- 11 n. "Municipality." Any city, town, township, village, or borough,  
12 including a municipality governed by a board of commissioners or  
13 improvement commission, but excluding a county.
- 14 o. "Municipal board." The municipal board of alcoholic beverage  
15 control as established by this chapter.
- 16 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
17 member of the Division of State Police, or any other person having the  
18 power to execute a warrant for arrest, or any inspector or investigator  
19 of the Division of Alcoholic Beverage Control.
- 20 q. "Original container." Any container in which an alcoholic  
21 beverage has been delivered to a retail licensee.
- 22 r. "Person." Any natural person or association of natural persons,  
23 association, trust company, partnership, corporation, organization, or  
24 the manager, agent, servant, officer, or employee of any of them.
- 25 s. "Premises." The physical place at which a licensee is or may be  
26 licensed to conduct and carry on the manufacture, distribution or sale  
27 of alcoholic beverages, but not including vehicular transportation.
- 28 t. "Restaurant." An establishment regularly and principally used  
29 for the purpose of providing meals to the public, having an adequate  
30 kitchen and dining room equipped for the preparing, cooking and  
31 serving of food for its customers and in which no other business,  
32 except such as is incidental to such establishment, is conducted.
- 33 u. "Retailer." Any person who sells alcoholic beverages to  
34 consumers.
- 35 v. "Rules and regulations." The rules and regulations established  
36 from time to time by the director.
- 37 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
38 by purely gratuitous title, including deliveries from without this State  
39 and deliveries by any person without this State intended for shipment  
40 by carrier or otherwise into this State and brought within this State, or  
41 the solicitation or acceptance of an order for an alcoholic beverage,  
42 and including exchange, barter, traffic in, keeping and exposing for  
43 sale, serving with meals, delivering for value, peddling, possessing  
44 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
45 beverage by any licensee.

1 x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
2 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
3 processing, warehousing or transportation of any alcoholic beverage  
4 in violation of this chapter, or the importing, owning, possessing,  
5 keeping or storing in this State of alcoholic beverages with intent to  
6 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
7 process, warehouse or transport alcoholic beverages in violation of  
8 this chapter, or the owning, possessing, keeping or storing in this State  
9 of any implement or paraphernalia for the manufacture, sale,  
10 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
11 processing, warehousing or transportation of alcoholic beverages with  
12 intent to use the same in the manufacture, sale, distribution, bottling,  
13 rectifying, blending, treating, fortifying, mixing, processing,  
14 warehousing or transportation of alcoholic beverages in violation of  
15 this chapter, or to aid or abet another in the manufacture, sale,  
16 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
17 processing, warehousing or transportation of alcoholic beverages in  
18 violation of this chapter, or the aiding or abetting of another in any of  
19 the foregoing activities.

20 y. "Unlawful property." All illicit beverages and all implements,  
21 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
22 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
23 mixing, processing, warehousing or transportation of illicit beverages  
24 used in the manufacture, sale, distribution, bottling, rectifying,  
25 blending, treating, fortifying, mixing, processing, warehousing or  
26 transportation of illicit beverages or owned, possessed, kept or stored  
27 with intent to use the same in the manufacture, sale, distribution,  
28 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
29 warehousing or transportation of illicit beverages, whether such use be  
30 by the person owning, possessing, keeping, or storing the same, or by  
31 another with the consent of such person; and all alcoholic beverages,  
32 fixtures and personal property located in or upon any premises,  
33 building, yard or inclosure connected with a building, in which an illicit  
34 beverage is found, possessed, stored or kept.

35 z. "Wholesaler." Any person who sells an alcoholic beverage for  
36 the purpose of resale either to a licensed wholesaler or to a licensed  
37 retailer, or both.

38 aa. "Limousine." A motor vehicle used in the business of carrying  
39 passengers for hire to provide prearranged passenger transportation at  
40 a premium fare on a dedicated, nonscheduled, charter basis that is not  
41 conducted on a regular route, or is furnished without fare as an  
42 accommodation for a patron in connection with other business  
43 purposes, and with a seating capacity in no event of more than  
44 14 passengers, not including the driver, provided, that such a motor  
45 vehicle shall not have a seating capacity in excess of four passengers,  
46 not including the driver, beyond the maximum passenger seating

1 capacity of the vehicle, not including the driver, at the time of  
2 manufacture. This shall not include taxicabs, hotel or airport shuttles  
3 and buses, [or] buses employed solely in transporting schoolchildren  
4 or teachers to and from school, vehicles owned and operated directly  
5 or indirectly by businesses engaged in the practice of mortuary science  
6 when those vehicles are used exclusively for providing transportation  
7 related to the provision of funeral services or vehicles owned and  
8 operated without charge or remuneration by a business entity for its  
9 own purposes.

10 bb. "Entertainment facility" is a privately-owned facility in which  
11 athletic, commercial, cultural, or artistic events are featured.

12 Any definition herein contained shall apply to the same word in any  
13 form. Thus "sell" means to make a "sale" as above defined.

14 (cf: P.L.2000, c.83, s.5)

15

16 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
17 read as follows:

18 1. As used in this act:

19 (a) "Commissioner" means the Commissioner of Labor.

20 (b) "Director" means the director in charge of the bureau referred  
21 to in section 3 of this act.

22 (c) "Wage board" means a board created as provided in section 10  
23 of this act.

24 (d) "Wages" means any moneys due an employee from an  
25 employer for services rendered or made available by the employee to  
26 the employer as a result of their employment relationship including  
27 commissions, bonus and piecework compensation and including any  
28 gratuities received by an employee for services rendered for an  
29 employer or a customer of an employer and the fair value of any food  
30 or lodgings supplied by an employer to an employee. The  
31 commissioner may, by regulation, establish the average value of  
32 gratuities received by an employee in any occupation and the fair value  
33 of food and lodging provided to employees in any occupation, which  
34 average values shall be acceptable for the purposes of determining  
35 compliance with this act in the absence of evidence of the actual value  
36 of such items.

37 (e) "Regular hourly wage" means the amount that an employee is  
38 regularly paid for each hour of work as determined by dividing the  
39 total hours of work during the week into the employee's total earnings  
40 for the week, exclusive of overtime premium pay.

41 (f) "Employ" includes to suffer or to permit to work.

42 (g) "Employer" includes any individual, partnership, association,  
43 corporation or any person or group of persons acting directly or  
44 indirectly in the interest of an employer in relation to an employee.

45 (h) "Employee" includes any individual employed by an employer.

46 (i) "Occupation" means any occupation, service, trade, business,

1 industry or branch or group of industries or employment or class of  
2 employment in which employees are gainfully employed.

3 (j) "Minimum fair wage order" means a wage order promulgated  
4 pursuant to this act.

5 (k) "Fair wage" means a wage fairly and reasonably commensurate  
6 with the value of the service or class of service rendered and sufficient  
7 to meet the minimum cost of living necessary for health.

8 (l) "Oppressive and unreasonable wage" means a wage which is  
9 both less than the fair and reasonable value of the service rendered and  
10 less than sufficient to meet the minimum cost of living necessary for  
11 health.

12 (m) "Limousine" means a motor vehicle used in the business of  
13 carrying passengers for hire to provide prearranged passenger  
14 transportation at a premium fare on a dedicated, nonscheduled, charter  
15 basis that is not conducted on a regular route and with a seating  
16 capacity in no event of more than 14 passengers, not including the  
17 driver, provided, that such a motor vehicle shall not have a seating  
18 capacity in excess of four passengers, not including the driver, beyond  
19 the maximum passenger seating capacity of the vehicle, not including  
20 the driver, at the time of manufacture. "Limousine" shall not include  
21 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
22 solely in transporting school children or teachers to and from school,  
23 vehicles owned and operated directly or indirectly by businesses  
24 engaged in the practice of mortuary science when those vehicles are  
25 used exclusively for providing transportation related to the provision  
26 of funeral services or vehicles owned and operated without charge or  
27 remuneration by a business entity for its own purposes.

28 (cf: P.L.1999, c.356, s.2)

29

30 3. R.S.39:1-1 is amended to read as follows:

31 39:1-1. As used in this subtitle, unless other meaning is clearly  
32 apparent from the language or context, or unless inconsistent with the  
33 manifest intention of the Legislature:

34 "Alley" means a public highway wherein the roadway does not  
35 exceed 12 feet in width.

36 "Authorized emergency vehicles" means vehicles of the fire  
37 department, police vehicles and such ambulances and other vehicles as  
38 are approved by the Director of the Division of Motor Vehicles in the  
39 Department of Transportation when operated in response to an  
40 emergency call.

41 "Automobile" includes all motor vehicles except motorcycles.

42 "Berm" means that portion of the highway exclusive of roadway  
43 and shoulder, bordering the shoulder but not to be used for vehicular  
44 travel.

45 "Business district" means that portion of a highway and the  
46 territory contiguous thereto, where within any 600 feet along such

1 highway there are buildings in use for business or industrial purposes,  
2 including but not limited to hotels, banks, office buildings, railroad  
3 stations, and public buildings which occupy at least 300 feet of  
4 frontage on one side or 300 feet collectively on both sides of the  
5 roadway.

6 "Car pool" means two or more persons commuting on a daily basis  
7 to and from work by means of a vehicle with a seating capacity of nine  
8 passengers or less.

9 "Commercial motor vehicle" includes every type of motor-driven  
10 vehicle used for commercial purposes on the highways, such as the  
11 transportation of goods, wares and merchandise, excepting such  
12 vehicles as are run only upon rails or tracks and vehicles of the  
13 passenger car type used for touring purposes or the carrying of farm  
14 products and milk, as the case may be.

15 "Commissioner" means the Director of the Division of Motor  
16 Vehicles in the Department of Transportation of this State.

17 "Commuter van" means a motor vehicle having a seating capacity  
18 of not less than seven nor more than 15 adult passengers, in which  
19 seven or more persons commute on a daily basis to and from work and  
20 which vehicle may also be operated by the driver or other designated  
21 persons for their personal use.

22 "Crosswalk" means that part of a highway at an intersection  
23 included within the connections of the lateral lines of the sidewalks on  
24 opposite sides of the highway measured from the curbs or, in the  
25 absence of curbs, from the edges of the shoulder, or, if none, from the  
26 edges of the roadway; also, any portion of a highway at an intersection  
27 or elsewhere distinctly indicated for pedestrian crossing by lines or  
28 other marking on the surface.

29 "Dealer" includes every person actively engaged in the business of  
30 buying, selling or exchanging motor vehicles or motorcycles and who  
31 has an established place of business.

32 "Department" means the Division of Motor Vehicles in the  
33 Department of Transportation of this State acting directly or through  
34 its duly authorized officers or agents.

35 "Deputy commissioner" means deputy director of the Division of  
36 Motor Vehicles in the Department of Transportation.

37 "Deputy director" means deputy director of the Division of Motor  
38 Vehicles in the Department of Transportation.

39 "Director" means the Director of the Division of Motor Vehicles  
40 in the Department of Transportation.

41 "Division" means the Division of Motor Vehicles in the  
42 Department of Transportation acting directly or through its duly  
43 authorized officers or agents.

44 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
45 or the driver or operator of a motor vehicle, unless otherwise  
46 specified.

1 "Explosives" means any chemical compound or mechanical mixture  
2 that is commonly used or intended for the purpose of producing an  
3 explosion and which contains any oxidizing and combustive units or  
4 other ingredients in such proportions, quantities or packing that an  
5 ignition by fire, friction, by concussion, by percussion, or by detonator  
6 of any part of the compound or mixture may cause such a sudden  
7 generation of highly heated gases that the resultant gaseous pressures  
8 are capable of producing destructive effects on contiguous objects or  
9 of destroying life or limb.

10 "Farm tractor" means every motor vehicle designed and used  
11 primarily as a farm implement for drawing plows, mowing machines,  
12 and other implements of husbandry.

13 "Flammable liquid" means any liquid having a flash point below  
14 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

15 "Gross weight" means the combined weight of a vehicle and a load  
16 thereon.

17 "High occupancy vehicle" or "HOV" means a vehicle which is used  
18 to transport two or more persons and shall include public  
19 transportation, car pool, van pool, and other vehicles as determined by  
20 regulation of the Department of Transportation.

21 "Highway" means the entire width between the boundary lines of  
22 every way publicly maintained when any part thereof is open to the use  
23 of the public for purposes of vehicular travel.

24 "Horse" includes mules and all other domestic animals used as  
25 draught animals or beasts of burden.

26 "Inside lane" means the lane nearest the center line of the roadway.

27 "Intersection" means the area embraced within the prolongation of  
28 the lateral curb lines or, if none, the lateral boundary lines of two or  
29 more highways which join one another at an angle, whether or not one  
30 such highway crosses another.

31 "Laned roadway" means a roadway which is divided into two or  
32 more clearly marked lanes for vehicular traffic.

33 "Leased limousine" means any limousine subject to regulation in  
34 the State which:

35 a. Is offered for rental or lease, without a driver, to be operated  
36 by a limousine service as the lessee, for the purpose of carrying  
37 passengers for hire; and

38 b. Is leased or rented for a period of one year or more following  
39 registration.

40 "Leased motor vehicle" means any motor vehicle subject to  
41 registration in this State which:

42 a. Is offered for rental or lease, without a driver, to be operated  
43 by the lessee, his agent or servant, for purposes other than the  
44 transportation of passengers for hire; and

45 b. Is leased or rented for a period of one year or more following  
46 registration.



1 "Limited-access highway" means every highway, street, or roadway  
2 in respect to which owners or occupants of abutting lands and other  
3 persons have no legal right of access to or from the same except at  
4 such points only and in such manner as may be determined by the  
5 public authority having jurisdiction over such highway, street, or  
6 roadway; and includes any highway designated as a "freeway" or  
7 "parkway" by authority of law.

8 "Local authorities" means every county, municipal and other local  
9 board or body having authority to adopt local police regulations under  
10 the Constitution and laws of this State, including every county  
11 governing body with relation to county roads.

12 "Magistrate" means any municipal court and the Superior Court,  
13 and any officer having the powers of a committing magistrate and the  
14 Director of the Division of Motor Vehicles in the Department of  
15 Transportation.

16 "Manufacturer" means a person engaged in the business of  
17 manufacturing or assembling motor vehicles, who will, under normal  
18 business conditions during the year, manufacture or assemble at least  
19 10 new motor vehicles.

20 "Metal tire" means every tire the surface of which in contact with  
21 the highway is wholly or partly of metal or other hard nonresilient  
22 material.

23 "Motorized bicycle" means a pedal bicycle having a helper motor  
24 characterized in that either the maximum piston displacement is less  
25 than 50 cc. or said motor is rated at no more than 1.5 brake  
26 horsepower and said bicycle is capable of a maximum speed of no  
27 more than 25 miles per hour on a flat surface.

28 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
29 motor attached and all motor-operated vehicles of the bicycle or  
30 tricycle type, except motorized bicycles as defined in this section,  
31 whether the motive power be a part thereof or attached thereto and  
32 having a saddle or seat with driver sitting astride or upon it or a  
33 platform on which the driver stands.

34 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
35 type of vehicle drawn by a motor-driven vehicle.

36 "Motor vehicle" includes all vehicles propelled otherwise than by  
37 muscular power, excepting such vehicles as run only upon rails or  
38 tracks and motorized bicycles.

39 "Noncommercial truck" means every motor vehicle designed  
40 primarily for transportation of property, and which is not a  
41 "commercial vehicle."

42 "Official traffic control devices" means all signs, signals, markings,  
43 and devices not inconsistent with this subtitle placed or erected by  
44 authority of a public body or official having jurisdiction for the  
45 purpose of regulating, warning, or guiding traffic.

1 "Omnibus" includes all motor vehicles used for the transportation  
2 of passengers for hire, except commuter vans and vehicles used in  
3 ridesharing arrangements and school buses, if the same are not  
4 otherwise used in the transportation of passengers for hire.

5 "Operator" means a person who is in actual physical control of a  
6 vehicle or street car.

7 "Outside lane" means the lane nearest the curb or outer edge of the  
8 roadway.

9 "Owner" means a person who holds the legal title of a vehicle, or  
10 if a vehicle is the subject of an agreement for the conditional sale or  
11 lease thereof with the right of purchase upon performance of the  
12 conditions stated in the agreement and with an immediate right of  
13 possession vested in the conditional vendee or lessee, or if a  
14 mortgagor of a vehicle is entitled to possession, then the conditional  
15 vendee, lessee or mortgagor shall be deemed the owner for the  
16 purpose of this subtitle.

17 "Parking" means the standing or waiting on a street, road or  
18 highway of a vehicle not actually engaged in receiving or discharging  
19 passengers or merchandise, unless in obedience to traffic regulations  
20 or traffic signs or signals.

21 "Passenger automobile" means all automobiles used and designed  
22 for the transportation of passengers, other than omnibuses and school  
23 buses.

24 "Pedestrian" means a person afoot.

25 "Person" includes natural persons, firms, copartnerships,  
26 associations, and corporations.

27 "Pneumatic tire" means every tire in which compressed air is  
28 designed to support the load.

29 "Pole trailer" means every vehicle without motive power designed  
30 to be drawn by another vehicle and attached to the towing vehicle by  
31 means of a reach, or pole, or by being boomed or otherwise secured  
32 to the towing vehicle, and ordinarily used for transporting long or  
33 irregularly shaped loads, such as poles, pipes, or structural members  
34 capable, generally, of sustaining themselves as beams between the  
35 supporting connections.

36 "Private road or driveway" means every road or driveway not open  
37 to the use of the public for purposes of vehicular travel.

38 "Railroad train" means a steam engine, electric or other motor,  
39 with or without cars coupled thereto, operated upon rails, except  
40 street cars.

41 "Recreation vehicle" means a self-propelled or towed vehicle  
42 equipped to serve as temporary living quarters for recreational,  
43 camping or travel purposes and used solely as a family or personal  
44 conveyance.

45 "Residence district" means that portion of a highway and the  
46 territory contiguous thereto, not comprising a business district, where

1 within any 600 feet along such highway there are buildings in use for  
2 business or residential purposes which occupy 300 feet or more of  
3 frontage on at least one side of the highway.

4 "Ridesharing" means the transportation of persons in a motor  
5 vehicle, with a maximum carrying capacity of not more than 15  
6 passengers, including the driver, where such transportation is  
7 incidental to the purpose of the driver. The term shall include such  
8 ridesharing arrangements known as car pools and van pools.

9 "Right-of-way" means the privilege of the immediate use of the  
10 highway.

11 "Road tractor" means every motor vehicle designed and used for  
12 drawing other vehicles and not so constructed as to carry any load  
13 thereon either independently or any part of the weight of a vehicle or  
14 load so drawn.

15 "Roadway" means that portion of a highway improved, designed,  
16 or ordinarily used for vehicular travel, exclusive of the berm or  
17 shoulder. In the event a highway includes two or more separate  
18 roadways, the term "roadway" as used herein shall refer to any such  
19 roadway separately, but not to all such roadways, collectively.

20 "Safety zone" means the area or space officially set aside within a  
21 highway for the exclusive use of pedestrians, which is so plainly  
22 marked or indicated by proper signs as to be plainly visible at all times  
23 while set apart as a safety zone.

24 "School bus" means every motor vehicle operated by, or under  
25 contract with, a public or governmental agency, or religious or other  
26 charitable organization or corporation, or privately operated for  
27 compensation for the transportation of children to or from school for  
28 secular or religious education, which complies with the regulations of  
29 the Department of Education affecting school buses, including "School  
30 Vehicle Type I" and "School Vehicle Type II" as defined below:

31 "School Vehicle Type I" means any vehicle with a seating capacity  
32 of 17 or more, used to transport enrolled children, and adults only  
33 when serving as chaperones, to or from a school, school connected  
34 activity, day camp, summer day camp, nursery school, child care  
35 center, preschool center or other similar places of education. Such  
36 vehicle shall comply with the regulations of the Division of Motor  
37 Vehicles and either the Department of Education or the Department  
38 of Human Services, whichever is the appropriate supervising agency.

39 "School Vehicle Type II" means any vehicle with a seating capacity  
40 of 16 or less, used to transport enrolled children, and adults only when  
41 serving as chaperones, to or from a school, school connected activity,  
42 day camp, summer day camp, nursery school, child care center,  
43 preschool center or other similar places of education. Such vehicle  
44 shall comply with the regulations of the Division of Motor Vehicles  
45 and either the Department of Education or the Department of Human  
46 Services, whichever is the appropriate supervising agency.

1 "School zone" means that portion of a highway which is either  
2 contiguous to territory occupied by a school building or is where  
3 school crossings are established in the vicinity of a school, upon which  
4 are maintained appropriate "school signs" in accordance with  
5 specifications adopted by the director and in accordance with law.

6 "School crossing" means that portion of a highway where school  
7 children are required to cross the highway in the vicinity of a school.

8 "Semitrailer" means every vehicle with or without motive power,  
9 other than a pole trailer, designed for carrying persons or property and  
10 for being drawn by a motor vehicle and so constructed that some part  
11 of its weight and that of its load rests upon or is carried by another  
12 vehicle.

13 "Shipper" means any person who shall deliver, or cause to be  
14 delivered, any commodity, produce or article for transportation as the  
15 contents or load of a commercial motor vehicle. In the case of a  
16 sealed ocean container, "shipper" shall not be construed to include any  
17 person whose activities with respect to the shipment are limited to the  
18 solicitation or negotiation of the sale, resale, or exchange of the  
19 commodity, produce or article within that container.

20 "Shoulder" means that portion of the highway, exclusive of and  
21 bordering the roadway, designed for emergency use but not ordinarily  
22 to be used for vehicular travel.

23 "Sidewalk" means that portion of a highway intended for the use  
24 of pedestrians, between the curb line or the lateral line of a shoulder,  
25 or if none, the lateral line of the roadway and the adjacent right-of-way  
26 line.

27 "Sign." See "Official traffic control devices."

28 "Slow-moving vehicle" means a vehicle run at a speed less than the  
29 maximum speed then and there permissible.

30 "Solid tire" means every tire of rubber or other resilient material  
31 which does not depend upon compressed air for the support of the  
32 load.

33 "Street" means the same as highway.

34 "Street car" means a car other than a railroad train, for  
35 transporting persons or property and operated upon rails principally  
36 within a municipality.

37 "Stop," when required, means complete cessation from movement.

38 "Stopping or standing," when prohibited, means any cessation of  
39 movement of a vehicle, whether occupied or not, except when  
40 necessary to avoid conflict with other traffic or in compliance with the  
41 directions of a police officer or traffic control sign or signal.

42 "Suburban business or residential district" means that portion of  
43 highway and the territory contiguous thereto, where within any 1,320  
44 feet along that highway there is land in use for business or residential  
45 purposes and that land occupies more than 660 feet of frontage on one  
46 side or collectively more than 660 feet of frontage on both sides of

1 that roadway.

2 "Through highway" means every highway or portion thereof at the  
3 entrances to which vehicular traffic from intersecting highways is  
4 required by law to stop before entering or crossing the same and when  
5 stop signs are erected as provided in this chapter.

6 "Trackless trolley" means every motor vehicle which is propelled  
7 by electric power obtained from overhead trolley wires but not  
8 operated upon rails.

9 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
10 street cars, and other conveyances either singly, or together, while  
11 using any highway for purposes of travel.

12 "Traffic control signal" means a device, whether manually,  
13 electrically, mechanically, or otherwise controlled, by which traffic is  
14 alternately directed to stop and to proceed.

15 "Trailer" means every vehicle with or without motive power, other  
16 than a pole trailer, designed for carrying persons or property and for  
17 being drawn by a motor vehicle and so constructed that no part of its  
18 weight rests upon the towing vehicle.

19 "Truck" means every motor vehicle designed, used, or maintained  
20 primarily for the transportation of property.

21 "Truck tractor" means every motor vehicle designed and used  
22 primarily for drawing other vehicles and not so constructed as to carry  
23 a load other than a part of the weight of the vehicle and load so drawn.

24 "Van pooling" means seven or more persons commuting on a daily  
25 basis to and from work by means of a vehicle with a seating  
26 arrangement designed to carry seven to 15 adult passengers.

27 "Vehicle" means every device in, upon or by which a person or  
28 property is or may be transported upon a highway, excepting devices  
29 moved by human power or used exclusively upon stationary rails or  
30 tracks or motorized bicycles.

31 (cf: P.L.1995, c.397, s.1)

32

33 4. R.S.48:16-13 is amended to read as follows:

34 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
35 (C.48:16-13.1), as used in this article:

36 "Autocab" means a limousine.

37 "Limousine" means and includes any automobile or motor car used  
38 in the business of carrying passengers for hire to provide prearranged  
39 passenger transportation at a premium fare on a dedicated,  
40 nonscheduled, charter basis that is not conducted on a regular route  
41 and with a seating capacity in no event of more than 14 passengers,  
42 not including the driver, provided, that such a vehicle shall not have a  
43 seating capacity in excess of four passengers, not including the driver,  
44 beyond the maximum passenger seating capacity of the vehicle, not  
45 including the driver, at the time of manufacture. Nothing in this article  
46 contained shall be construed to include taxicabs, hotel buses [or],

1 buses employed solely in transporting school children or teachers [or],  
2 vehicles owned and operated directly or indirectly by businesses  
3 engaged in the practice of mortuary science when those vehicles are  
4 used exclusively for providing transportation related to the provision  
5 of funeral services, autobuses which are subject to the jurisdiction of  
6 the Department of Transportation[, ] or interstate autobuses required  
7 by federal or State law or regulations of the Department of  
8 Transportation to carry insurance against loss from liability imposed  
9 by law on account of bodily injury or death.

10 "Limousine or livery service" means and includes the business of  
11 carrying passengers for hire by limousines.

12 "Person" means and includes any individual, copartnership,  
13 association, corporation or joint stock company, their lessees, trustees  
14 or receivers appointed by any court whatsoever.

15 "Principal place of business" means, in reference to a municipality,  
16 the location of the main place of business of the limousine service in  
17 the municipality where limousine service is conducted, where  
18 limousines are dispatched, or where limousine drivers report for duty.

19 "Street" means and includes any street, avenue, park, parkway,  
20 highway, or other public place.

21 (cf: P.L.1999, c.356, s.3)

22  
23 5. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read  
24 as follows:

25 2. In a county of the first class with a population density of over  
26 10,000 persons per square mile, according to the latest federal  
27 decennial census, "limousine" means and includes any automobile or  
28 motor car which is issued special registration plates bearing the word  
29 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
30 and is engaged in the business of carrying passengers for hire to  
31 provide prearranged passenger transportation at a premium fare on a  
32 dedicated, nonscheduled, charter basis that is not conducted on a  
33 regular route and with a seating capacity in no event of more than  
34 14 passengers, not including the driver, provided, that such a motor  
35 vehicle shall not have a seating capacity in excess of four passengers,  
36 not including the driver, beyond the maximum passenger seating  
37 capacity of the vehicle, not including the driver, at the time of  
38 manufacture. A limousine shall not include a vehicle owned and  
39 operated directly or indirectly by a business engaged in the practice of  
40 mortuary science when that vehicle is used exclusively for providing  
41 transportation related to the provision of funeral services.

42 (cf: P.L.1999, c.356, s.4)

43  
44 6. (New section) Notwithstanding any other provisions of law to  
45 the contrary, a municipality may require a limousine service to obtain  
46 a corporate license, permit, certificate or other form of authority if the

1 limousine service is providing service on an intra-municipal, point-to-  
2 point basis within that municipality. The municipality may charge a fee  
3 that shall not exceed a total of \$50 for the issuance of that license,  
4 permit, certificate or other form of authority which shall apply to all  
5 limousines operated by the limousine service and providing intra-  
6 municipal, point-to-point service within that municipality.

7

8 7. Section 14 of P.L.1999, c.356 (C.48:16-22.4) is amended to  
9 read as follows:

10 14. [Notwithstanding the provisions of this act to the contrary, no  
11 limousine registered in another state or the District of Columbia shall  
12 conduct wholly intra-State operations on the highways of this State  
13 unless the owner of the limousine has proof of insurance in the amount  
14 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
15 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
16 in which it has a business address.] a. Except as provided in  
17 subsection b. of this section, a limousine registered in another state or  
18 the District of Columbia operating in interstate service which picks up  
19 or discharges passengers in New Jersey or a black car which picks up  
20 and discharges passengers wholly within the State of New Jersey shall  
21 comply with the provisions of article 2 of chapter 16 of Title 48 of the  
22 Revised Statutes, provided that, with regard to the requirements of  
23 R.S.48:16-17, R.S.48:16-18, and R.S.48:16-22, the owner may have  
24 his principal place of business in a location other than a municipality  
25 in this State, in which case the owner may elect any municipality in the  
26 State of New Jersey in which he has a business address to file the  
27 required insurance policy and receive the license to operate.

28 b. A black car which picks up or discharges passengers in New  
29 Jersey in route to or from another state, shall only (1) comply with the  
30 provisions of subsection a. of section 11 of P.L.1999, c.356 (C.48:16-  
31 22.1) requiring a two-way communications system, which, at a  
32 minimum, shall provide for communication to a person outside the  
33 vehicle for a distance of not less than 100 miles and which requirement  
34 may be satisfied by a mobile telephone, (2) comply with the provisions  
35 of subsection b. of section 11 of P.L.1999, c.356 (C.48:16-22.1)  
36 requiring a removable first-aid kit and an operable fire extinguisher,  
37 which shall be placed in an accessible place within the vehicle and (3)  
38 in lieu of the insurance requirements in the amount of \$1,500,000 set  
39 forth in R.S. 48:16-14, and the requirements of R.S. 48:16-17, have  
40 proof of insurance in the amounts of not less than \$100,000 liability  
41 for bodily injury or death to one person in any one accident  
42 and,subject to such limit for any one person so injured or killed, not  
43 less than \$300,000 liability for bodily injury or death to more than one  
44 person in any one accident. A black car operating in interstate service  
45 which picks up or discharges passengers in New Jersey, but does not  
46 operate wholly within the State of New Jersey, shall not be subject to

1 any provisions of article 2 of chapter 16 of Title 48 of the Revised  
2 Statutes, except the provisions of this subsection and the provisions of  
3 R.S.48:16-21 concerning the operation of automobiles in this State but  
4 not with reference to ownership and registration.

5 As used in this section, "black car" means any motor vehicle hired  
6 for transportation of passengers and which has a capacity of not more  
7 than six passengers that is licensed as a black car in another state, or  
8 political subdivision thereof, or the District of Columbia; and whose  
9 registered owner holds a franchise from the corporation or other  
10 business entity that dispatches such motor vehicle, or who is a member  
11 of a cooperative that operates such corporation or other business  
12 entity, where such corporation or other business entity has certified to  
13 the satisfaction of another state, or political subdivision thereof, or the  
14 District of Columbia that more than 90 percent of the corporation's or  
15 other business entity's business is on a payment basis other than direct  
16 cash payment by a passenger.

17 (cf: P.L.1999, c.356, s.14)

18

19 8. R.S.48:16-14 is amended to read as follows:

20 48:16-14. **[No]** Except as provided in section 14 of P.L.1999,  
21 c.356 (C.48:16-22.4), no limousine shall be operated wholly or partly  
22 along any street in any municipality until the owner of the limousine  
23 shall have filed with the clerk of the municipality in which the owner  
24 has his principal place of business, an insurance policy of a company  
25 duly licensed to transact business under the insurance laws of this  
26 State in the sum of \$1,500,000 against loss by reason of the liability  
27 imposed by law upon every limousine owner for damages on account  
28 of bodily injury or death suffered by any person as the result of an  
29 accident occurring by reason of the ownership, maintenance or use of  
30 the limousine upon any public street. The insurance company shall  
31 supply to the Director of the Division of Motor Vehicles notice  
32 concerning all motor vehicle liability insurance policies canceled for  
33 non-payment and new policies issued after the effective date of P.L. ,  
34 c. (C. ) (now before the Legislature as this bill). The notice shall  
35 be supplied monthly. After receipt of the notice of cancellation, the  
36 division shall notify the owner of the date the policy was canceled. If  
37 the director has not received proof of liability insurance within 30 days  
38 of the date the notification was sent to the owner, the director shall  
39 suspend the registration of the limousine until new proof is supplied  
40 that motor vehicle liability insurance has been secured for the  
41 limousine. If the owner fails to provide proof of insurance or  
42 surrender the license plates within 60 days of the date the notification  
43 was sent to him by the division, the division shall suspend the owner's  
44 corporation code registration privilege.

45

46 Such operation shall be permitted only so long as the insurance  
policy shall remain in force to the full and collectible amount of



1 \$1,500,000.

2 The insurance policy shall provide for the payment of any final  
3 judgment recovered by any person on account of the ownership,  
4 maintenance and use of such limousine or any fault in respect thereto,  
5 and shall be for the benefit of every person suffering loss, damage or  
6 injury as aforesaid.

7 (cf: P.L.1999, c.356, s.5)

8

9 9. a. (New section) Any person who owns a limousine service  
10 shall require an applicant for employment as a limousine operator or  
11 driver to provide the applicant's name, address, citizenship status, a  
12 form of photographic identification, birth certificate, and such other  
13 information as the Commissioner of Transportation, hereinafter the  
14 commissioner, may require.

15 b. An applicant subject to the provisions of subsection a. of this  
16 section shall submit to being fingerprinted by the Division of State  
17 Police in the Department of Law and Public Safety or by agents  
18 appointed by or under contract to the division. The applicant also  
19 shall provide written consent to the performance of a criminal history  
20 record background check. The commissioner is authorized to  
21 exchange fingerprint data and photographic identification with and  
22 receive criminal history record background information results from  
23 the Federal Bureau of Investigation and the Division of State Police.  
24 The division shall inform the commissioner if an applicant's criminal  
25 history record background check reveals a conviction of a  
26 disqualifying crime as specified in subsection d. of this section. The  
27 applicant shall bear the cost of fingerprinting and the cost for the  
28 background checks, including all costs of administering and processing  
29 the checks. As used in this section, "criminal history record  
30 background check" means a determination of whether a person has a  
31 criminal record by cross-referencing that person's name and fingerprint  
32 data with those on file with the Federal Bureau of Investigation,  
33 Identification Division and the State Bureau of Identification in the  
34 Division of State Police.

35 c. No applicant shall be permitted to operate or drive a limousine  
36 unless the applicant is 21 years of age or older and unless the  
37 commissioner provides written notification to the owner of the  
38 limousine service of the commissioner's determination that the  
39 applicant is qualified for employment as a limousine operator or driver.

40 d. An applicant shall be disqualified from operating or driving a  
41 limousine if the applicant's criminal history record background check  
42 reveals a record of conviction of any of the following crimes:

43 (1) In New Jersey or elsewhere any crime as follows: aggravated  
44 assault, arson, burglary, escape, extortion, homicide, kidnaping,  
45 robbery, aggravated sexual assault, sexual assault or endangering the  
46 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed

1 with or having in his possession any weapon enumerated in subsection  
2 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of  
3 N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or other than a  
4 disorderly persons or petty disorderly persons offense for the unlawful  
5 use, possession or sale of a controlled dangerous substance as defined  
6 in N.J.S.2C:35-2.

7 (2) In any other state, territory, commonwealth or other  
8 jurisdiction of the United States, or any country in the world, as a  
9 result of a conviction in a court of competent jurisdiction, a crime  
10 which in that other jurisdiction or country is comparable to one of the  
11 crimes enumerated in paragraph (1) of subsection d. of this section.

12 e. The commissioner is authorized to adopt regulations, pursuant  
13 to the "Administrative Procedure Act, " P.L.1968, c.410 (C.52:14B-1  
14 et seq.), to effectuate the purposes of this section.

15 f. The provisions of this section shall apply to persons making  
16 applications for employment on or after the effective date of P.L. ,c.  
17 (C. )(now before the Legislature as this bill).

18

19 10. (New section) Any person who owns a limousine service shall  
20 require an applicant for employment as a limousine operator or driver  
21 to be tested, at the applicant's expense, for dangerous controlled  
22 substances as defined in N.J.S.2C:35-2. Upon the advice of the State  
23 Limousine Advisory Committee, the Commissioner of Transportation  
24 shall adopt regulations, pursuant to the "Administrative Procedure  
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and  
26 testing of applicants for employment as limousine operators or drivers.  
27 The regulations shall be substantially similar to the regulations of New  
28 York City concerning the testing of an applicant for a for-hire vehicle  
29 driver's license pursuant to section 6-15 of Title 35 of the New York  
30 City Rules and Regulations.

31

32 11. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to read  
33 as follows:

34 18. A person who shall own and operate a limousine in any street  
35 in this State in violation of the provisions of article 2 of chapter 16 of  
36 Title 48 of the Revised Statutes or of Title 39 of the Revised Statutes  
37 shall be subject to the following penalties:

38 a. (1) For operating a limousine without a license issued by a  
39 municipality pursuant to R.S.48:16-17, [operating a limousine without  
40 authority to operate a limousine in interstate service granted by the  
41 Federal Highway Administration, or the Interstate Commerce  
42 Commission, as provided in section 14 of P.L.1999, c.356  
43 (C.48:16-22.4),] knowingly permitting a driver to operate a limousine  
44 without a validly issued driver's license or a validly issued commercial  
45 driver license if required pursuant to N.J.A.C.13:21-23.1, failure to  
46 have filed an insurance policy in the amount of \$1,500,000 which is

1 currently in force as provided in R.S.48:16-14 or in the amounts  
2 required pursuant to section 14 of P.L.1999, c.356 (C.48:16-22.4),  
3 operating a limousine in which the number of passengers exceeds the  
4 maximum seating capacity as provided in R.S.48:16-13 or section 2 of  
5 P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense  
6 and a fine of \$5000 for the second or subsequent offense;

7 (2) For operating a limousine without the special registration  
8 plates required pursuant to section 12 of P.L.1979, c.224  
9 (C.39:3-19.5), or operating a limousine without the limousine being  
10 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for the  
11 first offense and a fine of \$2,500 for the second or subsequent offense;

12 (3) For operating a limousine without the attached sideboards  
13 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to  
14 retain within the limousine appropriate proof of insurance or failure to  
15 execute and deliver to the Director of the Division of Motor Vehicles  
16 the power of attorney required pursuant to R.S. 48:16-16: a fine of  
17 \$250 for the first offense and \$500 for the second and subsequent  
18 offense;

19 (4) For failure to be equipped with a two-way communications  
20 system, a removable first-aid kit or an operable fire extinguisher as  
21 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), or any other  
22 violation of the provisions of article 2 of chapter 16 of Title 48 of the  
23 Revised Statutes other than those enumerated in this subsection: a fine  
24 of \$50 for the first offense and \$100 for the second and subsequent  
25 offense.

26 b. Violations of this section shall be enforced and penalties  
27 collected in a summary proceeding pursuant to "The Penalty  
28 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
29 The Superior Court or any municipal court where the violation was  
30 detected, or where the defendant was apprehended, shall have  
31 jurisdiction to enforce this section. Penalties imposed pursuant to this  
32 section shall be in addition to those otherwise imposed according to  
33 law. All penalties collected pursuant to the provisions of this section  
34 shall be forwarded as provided in R.S.39:5-40 and subsection b. of  
35 R.S.39:5-41.

36 (cf: P.L.1999,c.356,s.18)

37

38 12. This act shall take effect immediately.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1906**

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 1906.

The substitute bill makes various revisions to the State's limousine law:

Funeral Vehicles. The substitute excludes from the definition of limousine vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when these vehicles are used exclusively for providing transportation related to the provision of funeral services.

Leased Vehicles. R.S.39:1-1 is amended to provide a definition of a leased limousine as any limousine subject to regulation in the State which is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire. In addition, the leased limousine must be leased or rented for a period of one year or more following registration.

Municipal Licensing. The bill provides that a municipality may require a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intra-municipal point-to-point basis within that municipality. The municipality may charge a fee which totals not in excess of \$50 for such license, permit, certificate or other form of authority which shall apply to all limousines operated by the limousine service and providing intra-municipal point-to-point service within that municipality. The bill also defines "principal place of business" for limousine services in reference to a municipality as the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched or where limousine drivers report for duty.

Out-of-State Limousines. The bill provides that an out-of-State limousine, or out-of-State "black car" which picks up and discharges passengers wholly within the State of New Jersey, is to generally comply with the provisions of New Jersey's limousine law, provided that the owner of the vehicle in question may have his principal place of business in a location other than a municipality in this State, in which case he may elect any municipality in this State in which he has

a business address to file the required insurance policy and receive the license to operate. With regard to out-of-State black cars which pick up or discharge passengers in New Jersey in route to or from another state, these latter black cars are generally to comply with the equipment requirements for in-State limousines, but generally are not required to comply with the other provisions of the limousine law. These latter black cars, however, while not required to carry \$1.5 million in liability insurance still must have not less than \$100,000 liability coverage for bodily injury to one person in any one accident and, subject to that limit for any one person so injured or killed, not less than \$300,000 liability coverage for bodily injury or death to more than one person in any one accident. A "black car" is defined in the bill as a vehicle which is licensed as a black car in another state and meets certain other criteria.

Insurance Requirements. The bill requires insurance companies to give notice of cancellation or nonrenewal of a limousine owner's insurance policy to the Division of Motor Vehicles and provides for the suspension of the owner's registration until replacement coverage is secured. Under certain circumstances a limousine owner's corporation code registration privilege may be suspended.

Applicant Requirements. The bill requires fingerprinting and criminal history record background checks, as well as testing for dangerous controlled substances, of all new applicants for employment as limousine operators or drivers. The Commissioner of Transportation is to adopt regulations for the testing and licensing of new applicants which will be substantially similar to New York City rules and regulations for applicants for a for-hire driver's license.

P.L. 2001, CHAPTER 416, *approved January 8, 2002*  
Assembly Committee Substitute (*Second Reprint*) for  
Assembly, No. 2722

1 **AN ACT** concerning limousines and revising parts of the statutory law.

2

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

5

6 1. R.S.33:1-1 is amended to read as follows:

7 33:1-1. For the purpose of this chapter, the following words and  
8 terms shall be deemed to have the meanings herein given to them:

9 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
10 spirits from whatever source or by whatever process produced.

11 b. "Alcoholic beverage." Any fluid or solid capable of being  
12 converted into a fluid, suitable for human consumption, and having an  
13 alcohol content of more than one-half of one per centum (1/2 of 1%)  
14 by volume, including alcohol, beer, lager beer, ale, porter, naturally  
15 fermented wine, treated wine, blended wine, fortified wine, sparkling  
16 wine, distilled liquors, blended distilled liquors and any brewed,  
17 fermented or distilled liquors fit for use for beverage purposes or any  
18 mixture of the same, and fruit juices.

19 c. "Building." A structure of which licensed premises are or may  
20 be a part, including all rooms, cellars, outbuildings, passageways,  
21 closets, vaults, yards, attics, and every part of the structure of which  
22 the licensed premises are a part, and of any other structure to which  
23 there is a common means of access, and any other appurtenances.

24 d. "Commissioner." The Director of the Division of Alcoholic  
25 Beverage Control.

26 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
27 material whatsoever used for holding alcoholic beverages, which  
28 container is covered, corked or sealed in any manner whatsoever.

29 f. "Eligible." The status of a person who is a citizen of the United  
30 States, a resident of this State, of good moral character and repute,  
31 and of legal age.

32 g. "Governing board or body." The board or body which governs  
33 a municipality, including a board of aldermen in municipalities so  
34 governed; but in every municipality having a board of public works  
35 which exercises general licensing powers such board shall be

**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:**

<sup>1</sup> Assembly floor amendments adopted December 10, 2001.

<sup>2</sup> Assembly floor amendments adopted December 17, 2001.

- 1 considered as the governing board or body.
- 2 h. "Importing." The act of bringing or causing to be brought any  
3 alcoholic beverage into this State.
- 4 i. "Illicit beverage." Any alcoholic beverage manufactured,  
5 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
6 mixed, processed, warehoused, possessed or transported in violation  
7 of this chapter, or on which any federal tax or tax imposed by the laws  
8 of this State has not been paid; and any alcoholic beverage possessed,  
9 kept, stored, owned or imported with intent to manufacture, sell,  
10 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
11 or transport in violation of the provisions of this chapter.
- 12 j. "Licensed building." Any building containing licensed premises.
- 13 k. "Licensed premises." Any premises for which a license under  
14 this chapter is in force and effect.
- 15 l. "Magistrate." The Superior Court or municipal court.
- 16 m. "Manufacturer." Any person who, directly or indirectly,  
17 personally or through any agency whatsoever, engages in the making  
18 or other processing whatsoever of alcoholic beverages.
- 19 n. "Municipality." Any city, town, township, village, or borough,  
20 including a municipality governed by a board of commissioners or  
21 improvement commission, but excluding a county.
- 22 o. "Municipal board." The municipal board of alcoholic beverage  
23 control as established by this chapter.
- 24 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
25 member of the Division of State Police, or any other person having the  
26 power to execute a warrant for arrest, or any inspector or investigator  
27 of the Division of Alcoholic Beverage Control.
- 28 q. "Original container." Any container in which an alcoholic  
29 beverage has been delivered to a retail licensee.
- 30 r. "Person." Any natural person or association of natural persons,  
31 association, trust company, partnership, corporation, organization, or  
32 the manager, agent, servant, officer, or employee of any of them.
- 33 s. "Premises." The physical place at which a licensee is or may be  
34 licensed to conduct and carry on the manufacture, distribution or sale  
35 of alcoholic beverages, but not including vehicular transportation.
- 36 t. "Restaurant." An establishment regularly and principally used  
37 for the purpose of providing meals to the public, having an adequate  
38 kitchen and dining room equipped for the preparing, cooking and  
39 serving of food for its customers and in which no other business,  
40 except such as is incidental to such establishment, is conducted.
- 41 u. "Retailer." Any person who sells alcoholic beverages to  
42 consumers.
- 43 v. "Rules and regulations." The rules and regulations established  
44 from time to time by the director.
- 45 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
46 by purely gratuitous title, including deliveries from without this State

1 and deliveries by any person without this State intended for shipment  
2 by carrier or otherwise into this State and brought within this State, or  
3 the solicitation or acceptance of an order for an alcoholic beverage,  
4 and including exchange, barter, traffic in, keeping and exposing for  
5 sale, serving with meals, delivering for value, peddling, possessing  
6 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
7 beverage by any licensee.

8 x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
9 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
10 processing, warehousing or transportation of any alcoholic beverage  
11 in violation of this chapter, or the importing, owning, possessing,  
12 keeping or storing in this State of alcoholic beverages with intent to  
13 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
14 process, warehouse or transport alcoholic beverages in violation of  
15 this chapter, or the owning, possessing, keeping or storing in this State  
16 of any implement or paraphernalia for the manufacture, sale,  
17 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
18 processing, warehousing or transportation of alcoholic beverages with  
19 intent to use the same in the manufacture, sale, distribution, bottling,  
20 rectifying, blending, treating, fortifying, mixing, processing,  
21 warehousing or transportation of alcoholic beverages in violation of  
22 this chapter, or to aid or abet another in the manufacture, sale,  
23 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
24 processing, warehousing or transportation of alcoholic beverages in  
25 violation of this chapter, or the aiding or abetting of another in any of  
26 the foregoing activities.

27 y. "Unlawful property." All illicit beverages and all implements,  
28 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
29 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
30 mixing, processing, warehousing or transportation of illicit beverages  
31 used in the manufacture, sale, distribution, bottling, rectifying,  
32 blending, treating, fortifying, mixing, processing, warehousing or  
33 transportation of illicit beverages or owned, possessed, kept or stored  
34 with intent to use the same in the manufacture, sale, distribution,  
35 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
36 warehousing or transportation of illicit beverages, whether such use be  
37 by the person owning, possessing, keeping, or storing the same, or by  
38 another with the consent of such person; and all alcoholic beverages,  
39 fixtures and personal property located in or upon any premises,  
40 building, yard or inclosure connected with a building, in which an illicit  
41 beverage is found, possessed, stored or kept.

42 z. "Wholesaler." Any person who sells an alcoholic beverage for  
43 the purpose of resale either to a licensed wholesaler or to a licensed  
44 retailer, or both.

45 aa. "Limousine." A motor vehicle used in the business of carrying  
46 passengers for hire to provide prearranged passenger transportation at



1 a premium fare on a dedicated, nonscheduled, charter basis that is not  
2 conducted on a regular route, or is furnished without fare as an  
3 accommodation for a patron in connection with other business  
4 purposes, and with a seating capacity in no event of more than  
5 14 passengers, not including the driver, provided, that such a motor  
6 vehicle shall not have a seating capacity in excess of four passengers,  
7 not including the driver, beyond the maximum passenger seating  
8 capacity of the vehicle, not including the driver, at the time of  
9 manufacture. This shall not include taxicabs, hotel or airport shuttles  
10 and buses, [or] buses employed solely in transporting schoolchildren  
11 or teachers to and from school, vehicles owned and operated directly  
12 or indirectly by businesses engaged in the practice of mortuary science  
13 when those vehicles are used exclusively for providing transportation  
14 related to the provision of funeral services or vehicles owned and  
15 operated without charge or remuneration by a business entity for its  
16 own purposes.

17 bb. "Entertainment facility" is a privately-owned facility in which  
18 athletic, commercial, cultural, or artistic events are featured.

19 Any definition herein contained shall apply to the same word in any  
20 form. Thus "sell" means to make a "sale" as above defined.

21 (cf: P.L.2000, c.83, s.5)

22

23 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
24 read as follows:

25 1. As used in this act:

26 (a) "Commissioner" means the Commissioner of Labor.

27 (b) "Director" means the director in charge of the bureau referred  
28 to in section 3 of this act.

29 (c) "Wage board" means a board created as provided in section 10  
30 of this act.

31 (d) "Wages" means any moneys due an employee from an  
32 employer for services rendered or made available by the employee to  
33 the employer as a result of their employment relationship including  
34 commissions, bonus and piecework compensation and including any  
35 gratuities received by an employee for services rendered for an  
36 employer or a customer of an employer and the fair value of any food  
37 or lodgings supplied by an employer to an employee. The  
38 commissioner may, by regulation, establish the average value of  
39 gratuities received by an employee in any occupation and the fair value  
40 of food and lodging provided to employees in any occupation, which  
41 average values shall be acceptable for the purposes of determining  
42 compliance with this act in the absence of evidence of the actual value  
43 of such items.

44 (e) "Regular hourly wage" means the amount that an employee is  
45 regularly paid for each hour of work as determined by dividing the  
46 total hours of work during the week into the employee's total earnings

1 for the week, exclusive of overtime premium pay.

2 (f) "Employ" includes to suffer or to permit to work.

3 (g) "Employer" includes any individual, partnership, association,  
4 corporation or any person or group of persons acting directly or  
5 indirectly in the interest of an employer in relation to an employee.

6 (h) "Employee" includes any individual employed by an employer.

7 (i) "Occupation" means any occupation, service, trade, business,  
8 industry or branch or group of industries or employment or class of  
9 employment in which employees are gainfully employed.

10 (j) "Minimum fair wage order" means a wage order promulgated  
11 pursuant to this act.

12 (k) "Fair wage" means a wage fairly and reasonably commensurate  
13 with the value of the service or class of service rendered and sufficient  
14 to meet the minimum cost of living necessary for health.

15 (l) "Oppressive and unreasonable wage" means a wage which is  
16 both less than the fair and reasonable value of the service rendered and  
17 less than sufficient to meet the minimum cost of living necessary for  
18 health.

19 (m) "Limousine" means a motor vehicle used in the business of  
20 carrying passengers for hire to provide prearranged passenger  
21 transportation at a premium fare on a dedicated, nonscheduled, charter  
22 basis that is not conducted on a regular route and with a seating  
23 capacity in no event of more than 14 passengers, not including the  
24 driver, provided, that such a motor vehicle shall not have a seating  
25 capacity in excess of four passengers, not including the driver, beyond  
26 the maximum passenger seating capacity of the vehicle, not including  
27 the driver, at the time of manufacture. "Limousine" shall not include  
28 taxicabs, hotel or airport shuttles and buses, [or] buses employed  
29 solely in transporting school children or teachers to and from school,  
30 vehicles owned and operated directly or indirectly by businesses  
31 engaged in the practice of mortuary science when those vehicles are  
32 used exclusively for providing transportation related to the provision  
33 of funeral services or vehicles owned and operated without charge or  
34 remuneration by a business entity for its own purposes.

35 (cf: P.L.1999, c.356, s.2)

36

37 3. R.S.39:1-1 is amended to read as follows:

38 39:1-1. As used in this subtitle, unless other meaning is clearly  
39 apparent from the language or context, or unless inconsistent with the  
40 manifest intention of the Legislature:

41 "Alley" means a public highway wherein the roadway does not  
42 exceed 12 feet in width.

43 "Authorized emergency vehicles" means vehicles of the fire  
44 department, police vehicles and such ambulances and other vehicles as  
45 are approved by the Director of the Division of Motor Vehicles in the  
46 Department of Transportation when operated in response to an

1 emergency call.

2 "Automobile" includes all motor vehicles except motorcycles.

3 "Berm" means that portion of the highway exclusive of roadway  
4 and shoulder, bordering the shoulder but not to be used for vehicular  
5 travel.

6 "Business district" means that portion of a highway and the  
7 territory contiguous thereto, where within any 600 feet along such  
8 highway there are buildings in use for business or industrial purposes,  
9 including but not limited to hotels, banks, office buildings, railroad  
10 stations, and public buildings which occupy at least 300 feet of  
11 frontage on one side or 300 feet collectively on both sides of the  
12 roadway.

13 "Car pool" means two or more persons commuting on a daily basis  
14 to and from work by means of a vehicle with a seating capacity of nine  
15 passengers or less.

16 "Commercial motor vehicle" includes every type of motor-driven  
17 vehicle used for commercial purposes on the highways, such as the  
18 transportation of goods, wares and merchandise, excepting such  
19 vehicles as are run only upon rails or tracks and vehicles of the  
20 passenger car type used for touring purposes or the carrying of farm  
21 products and milk, as the case may be.

22 "Commissioner" means the Director of the Division of Motor  
23 Vehicles in the Department of Transportation of this State.

24 "Commuter van" means a motor vehicle having a seating capacity  
25 of not less than seven nor more than 15 adult passengers, in which  
26 seven or more persons commute on a daily basis to and from work and  
27 which vehicle may also be operated by the driver or other designated  
28 persons for their personal use.

29 "Crosswalk" means that part of a highway at an intersection  
30 included within the connections of the lateral lines of the sidewalks on  
31 opposite sides of the highway measured from the curbs or, in the  
32 absence of curbs, from the edges of the shoulder, or, if none, from the  
33 edges of the roadway; also, any portion of a highway at an intersection  
34 or elsewhere distinctly indicated for pedestrian crossing by lines or  
35 other marking on the surface.

36 "Dealer" includes every person actively engaged in the business of  
37 buying, selling or exchanging motor vehicles or motorcycles and who  
38 has an established place of business.

39 "Department" means the Division of Motor Vehicles in the  
40 Department of Transportation of this State acting directly or through  
41 its duly authorized officers or agents.

42 "Deputy commissioner" means deputy director of the Division of  
43 Motor Vehicles in the Department of Transportation.

44 "Deputy director" means deputy director of the Division of Motor  
45 Vehicles in the Department of Transportation.

46 "Director" means the Director of the Division of Motor Vehicles

1 in the Department of Transportation.

2 "Division" means the Division of Motor Vehicles in the  
3 Department of Transportation acting directly or through its duly  
4 authorized officers or agents.

5 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
6 or the driver or operator of a motor vehicle, unless otherwise  
7 specified.

8 "Explosives" means any chemical compound or mechanical mixture  
9 that is commonly used or intended for the purpose of producing an  
10 explosion and which contains any oxidizing and combustive units or  
11 other ingredients in such proportions, quantities or packing that an  
12 ignition by fire, friction, by concussion, by percussion, or by detonator  
13 of any part of the compound or mixture may cause such a sudden  
14 generation of highly heated gases that the resultant gaseous pressures  
15 are capable of producing destructive effects on contiguous objects or  
16 of destroying life or limb.

17 "Farm tractor" means every motor vehicle designed and used  
18 primarily as a farm implement for drawing plows, mowing machines,  
19 and other implements of husbandry.

20 "Flammable liquid" means any liquid having a flash point below  
21 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

22 "Gross weight" means the combined weight of a vehicle and a load  
23 thereon.

24 "High occupancy vehicle" or "HOV" means a vehicle which is used  
25 to transport two or more persons and shall include public  
26 transportation, car pool, van pool, and other vehicles as determined by  
27 regulation of the Department of Transportation.

28 "Highway" means the entire width between the boundary lines of  
29 every way publicly maintained when any part thereof is open to the use  
30 of the public for purposes of vehicular travel.

31 "Horse" includes mules and all other domestic animals used as  
32 draught animals or beasts of burden.

33 "Inside lane" means the lane nearest the center line of the roadway.

34 "Intersection" means the area embraced within the prolongation of  
35 the lateral curb lines or, if none, the lateral boundary lines of two or  
36 more highways which join one another at an angle, whether or not one  
37 such highway crosses another.

38 "Laned roadway" means a roadway which is divided into two or  
39 more clearly marked lanes for vehicular traffic.

40 "Leased limousine" means any limousine subject to regulation in  
41 the State which:

42 a. Is offered for rental or lease, without a driver, to be operated  
43 by a limousine service as the lessee, for the purpose of carrying  
44 passengers for hire; and

45 b. Is leased or rented for a period of one year or more following  
46 registration.

1 "Leased motor vehicle" means any motor vehicle subject to  
2 registration in this State which:

3 a. Is offered for rental or lease, without a driver, to be operated  
4 by the lessee, his agent or servant, for purposes other than the  
5 transportation of passengers for hire; and

6 b. Is leased or rented for a period of one year or more following  
7 registration.

8 "Limited-access highway" means every highway, street, or roadway  
9 in respect to which owners or occupants of abutting lands and other  
10 persons have no legal right of access to or from the same except at  
11 such points only and in such manner as may be determined by the  
12 public authority having jurisdiction over such highway, street, or  
13 roadway; and includes any highway designated as a "freeway" or  
14 "parkway" by authority of law.

15 "Local authorities" means every county, municipal and other local  
16 board or body having authority to adopt local police regulations under  
17 the Constitution and laws of this State, including every county  
18 governing body with relation to county roads.

19 "Magistrate" means any municipal court and the Superior Court,  
20 and any officer having the powers of a committing magistrate and the  
21 Director of the Division of Motor Vehicles in the Department of  
22 Transportation.

23 "Manufacturer" means a person engaged in the business of  
24 manufacturing or assembling motor vehicles, who will, under normal  
25 business conditions during the year, manufacture or assemble at least  
26 10 new motor vehicles.

27 "Metal tire" means every tire the surface of which in contact with  
28 the highway is wholly or partly of metal or other hard nonresilient  
29 material.

30 "Motorized bicycle" means a pedal bicycle having a helper motor  
31 characterized in that either the maximum piston displacement is less  
32 than 50 cc. or said motor is rated at no more than 1.5 brake  
33 horsepower and said bicycle is capable of a maximum speed of no  
34 more than 25 miles per hour on a flat surface.

35 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
36 motor attached and all motor-operated vehicles of the bicycle or  
37 tricycle type, except motorized bicycles as defined in this section,  
38 whether the motive power be a part thereof or attached thereto and  
39 having a saddle or seat with driver sitting astride or upon it or a  
40 platform on which the driver stands.

41 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
42 type of vehicle drawn by a motor-driven vehicle.

43 "Motor vehicle" includes all vehicles propelled otherwise than by  
44 muscular power, excepting such vehicles as run only upon rails or  
45 tracks and motorized bicycles.

46 "Noncommercial truck" means every motor vehicle designed

1 primarily for transportation of property, and which is not a  
2 "commercial vehicle."

3 "Official traffic control devices" means all signs, signals, markings,  
4 and devices not inconsistent with this subtitle placed or erected by  
5 authority of a public body or official having jurisdiction for the  
6 purpose of regulating, warning, or guiding traffic.

7 "Omnibus" includes all motor vehicles used for the transportation  
8 of passengers for hire, except commuter vans and vehicles used in  
9 ridesharing arrangements and school buses, if the same are not  
10 otherwise used in the transportation of passengers for hire.

11 "Operator" means a person who is in actual physical control of a  
12 vehicle or street car.

13 "Outside lane" means the lane nearest the curb or outer edge of the  
14 roadway.

15 "Owner" means a person who holds the legal title of a vehicle, or  
16 if a vehicle is the subject of an agreement for the conditional sale or  
17 lease thereof with the right of purchase upon performance of the  
18 conditions stated in the agreement and with an immediate right of  
19 possession vested in the conditional vendee or lessee, or if a  
20 mortgagor of a vehicle is entitled to possession, then the conditional  
21 vendee, lessee or mortgagor shall be deemed the owner for the  
22 purpose of this subtitle.

23 "Parking" means the standing or waiting on a street, road or  
24 highway of a vehicle not actually engaged in receiving or discharging  
25 passengers or merchandise, unless in obedience to traffic regulations  
26 or traffic signs or signals.

27 "Passenger automobile" means all automobiles used and designed  
28 for the transportation of passengers, other than omnibuses and school  
29 buses.

30 "Pedestrian" means a person afoot.

31 "Person" includes natural persons, firms, copartnerships,  
32 associations, and corporations.

33 "Pneumatic tire" means every tire in which compressed air is  
34 designed to support the load.

35 "Pole trailer" means every vehicle without motive power designed  
36 to be drawn by another vehicle and attached to the towing vehicle by  
37 means of a reach, or pole, or by being boomed or otherwise secured  
38 to the towing vehicle, and ordinarily used for transporting long or  
39 irregularly shaped loads, such as poles, pipes, or structural members  
40 capable, generally, of sustaining themselves as beams between the  
41 supporting connections.

42 "Private road or driveway" means every road or driveway not open  
43 to the use of the public for purposes of vehicular travel.

44 "Railroad train" means a steam engine, electric or other motor,  
45 with or without cars coupled thereto, operated upon rails, except  
46 street cars.

1 "Recreation vehicle" means a self-propelled or towed vehicle  
2 equipped to serve as temporary living quarters for recreational,  
3 camping or travel purposes and used solely as a family or personal  
4 conveyance.

5 "Residence district" means that portion of a highway and the  
6 territory contiguous thereto, not comprising a business district, where  
7 within any 600 feet along such highway there are buildings in use for  
8 business or residential purposes which occupy 300 feet or more of  
9 frontage on at least one side of the highway.

10 "Ridesharing" means the transportation of persons in a motor  
11 vehicle, with a maximum carrying capacity of not more than 15  
12 passengers, including the driver, where such transportation is  
13 incidental to the purpose of the driver. The term shall include such  
14 ridesharing arrangements known as car pools and van pools.

15 "Right-of-way" means the privilege of the immediate use of the  
16 highway.

17 "Road tractor" means every motor vehicle designed and used for  
18 drawing other vehicles and not so constructed as to carry any load  
19 thereon either independently or any part of the weight of a vehicle or  
20 load so drawn.

21 "Roadway" means that portion of a highway improved, designed,  
22 or ordinarily used for vehicular travel, exclusive of the berm or  
23 shoulder. In the event a highway includes two or more separate  
24 roadways, the term "roadway" as used herein shall refer to any such  
25 roadway separately, but not to all such roadways, collectively.

26 "Safety zone" means the area or space officially set aside within a  
27 highway for the exclusive use of pedestrians, which is so plainly  
28 marked or indicated by proper signs as to be plainly visible at all times  
29 while set apart as a safety zone.

30 "School bus" means every motor vehicle operated by, or under  
31 contract with, a public or governmental agency, or religious or other  
32 charitable organization or corporation, or privately operated for  
33 compensation for the transportation of children to or from school for  
34 secular or religious education, which complies with the regulations of  
35 the Department of Education affecting school buses, including "School  
36 Vehicle Type I" and "School Vehicle Type II" as defined below:

37 "School Vehicle Type I" means any vehicle with a seating capacity  
38 of 17 or more, used to transport enrolled children, and adults only  
39 when serving as chaperones, to or from a school, school connected  
40 activity, day camp, summer day camp, nursery school, child care  
41 center, preschool center or other similar places of education. Such  
42 vehicle shall comply with the regulations of the Division of Motor  
43 Vehicles and either the Department of Education or the Department  
44 of Human Services, whichever is the appropriate supervising agency.

45 "School Vehicle Type II" means any vehicle with a seating capacity  
46 of 16 or less, used to transport enrolled children, and adults only when

1 serving as chaperones, to or from a school, school connected activity,  
2 day camp, summer day camp, nursery school, child care center,  
3 preschool center or other similar places of education. Such vehicle  
4 shall comply with the regulations of the Division of Motor Vehicles  
5 and either the Department of Education or the Department of Human  
6 Services, whichever is the appropriate supervising agency.

7 "School zone" means that portion of a highway which is either  
8 contiguous to territory occupied by a school building or is where  
9 school crossings are established in the vicinity of a school, upon which  
10 are maintained appropriate "school signs" in accordance with  
11 specifications adopted by the director and in accordance with law.

12 "School crossing" means that portion of a highway where school  
13 children are required to cross the highway in the vicinity of a school.

14 "Semitrailer" means every vehicle with or without motive power,  
15 other than a pole trailer, designed for carrying persons or property and  
16 for being drawn by a motor vehicle and so constructed that some part  
17 of its weight and that of its load rests upon or is carried by another  
18 vehicle.

19 "Shipper" means any person who shall deliver, or cause to be  
20 delivered, any commodity, produce or article for transportation as the  
21 contents or load of a commercial motor vehicle. In the case of a  
22 sealed ocean container, "shipper" shall not be construed to include any  
23 person whose activities with respect to the shipment are limited to the  
24 solicitation or negotiation of the sale, resale, or exchange of the  
25 commodity, produce or article within that container.

26 "Shoulder" means that portion of the highway, exclusive of and  
27 bordering the roadway, designed for emergency use but not ordinarily  
28 to be used for vehicular travel.

29 "Sidewalk" means that portion of a highway intended for the use  
30 of pedestrians, between the curb line or the lateral line of a shoulder,  
31 or if none, the lateral line of the roadway and the adjacent right-of-way  
32 line.

33 "Sign." See "Official traffic control devices."

34 "Slow-moving vehicle" means a vehicle run at a speed less than the  
35 maximum speed then and there permissible.

36 "Solid tire" means every tire of rubber or other resilient material  
37 which does not depend upon compressed air for the support of the  
38 load.

39 "Street" means the same as highway.

40 "Street car" means a car other than a railroad train, for  
41 transporting persons or property and operated upon rails principally  
42 within a municipality.

43 "Stop," when required, means complete cessation from movement.

44 "Stopping or standing," when prohibited, means any cessation of  
45 movement of a vehicle, whether occupied or not, except when  
46 necessary to avoid conflict with other traffic or in compliance with the



1 directions of a police officer or traffic control sign or signal.

2 "Suburban business or residential district" means that portion of  
3 highway and the territory contiguous thereto, where within any 1,320  
4 feet along that highway there is land in use for business or residential  
5 purposes and that land occupies more than 660 feet of frontage on one  
6 side or collectively more than 660 feet of frontage on both sides of  
7 that roadway.

8 "Through highway" means every highway or portion thereof at the  
9 entrances to which vehicular traffic from intersecting highways is  
10 required by law to stop before entering or crossing the same and when  
11 stop signs are erected as provided in this chapter.

12 "Trackless trolley" means every motor vehicle which is propelled  
13 by electric power obtained from overhead trolley wires but not  
14 operated upon rails.

15 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
16 street cars, and other conveyances either singly, or together, while  
17 using any highway for purposes of travel.

18 "Traffic control signal" means a device, whether manually,  
19 electrically, mechanically, or otherwise controlled, by which traffic is  
20 alternately directed to stop and to proceed.

21 "Trailer" means every vehicle with or without motive power, other  
22 than a pole trailer, designed for carrying persons or property and for  
23 being drawn by a motor vehicle and so constructed that no part of its  
24 weight rests upon the towing vehicle.

25 "Truck" means every motor vehicle designed, used, or maintained  
26 primarily for the transportation of property.

27 "Truck tractor" means every motor vehicle designed and used  
28 primarily for drawing other vehicles and not so constructed as to carry  
29 a load other than a part of the weight of the vehicle and load so drawn.

30 "Van pooling" means seven or more persons commuting on a daily  
31 basis to and from work by means of a vehicle with a seating  
32 arrangement designed to carry seven to 15 adult passengers.

33 "Vehicle" means every device in, upon or by which a person or  
34 property is or may be transported upon a highway, excepting devices  
35 moved by human power or used exclusively upon stationary rails or  
36 tracks or motorized bicycles.

37 (cf: P.L.1995, c.397, s.1)

38

39 <sup>1</sup>[4. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to  
40 read as follows:

41 12. a. Upon the application of any person who owns a limousine  
42 service, the Director of the Division of Motor Vehicles shall issue  
43 special registration plates bearing the word "limousine" in addition to  
44 the registration number and other markings or identification otherwise  
45 prescribed by law.

46 b. The special registration plates authorized by this act shall be

1 issued upon proof, satisfactory to the director, that the applicant has  
2 complied with the provisions of article 2 of chapter 16 of Title 48 of  
3 the Revised Statutes.

4 c. The fee for such special registration plates shall be \$10.00 in  
5 addition to the fees otherwise prescribed by law for the registration of  
6 such motor vehicles.

7 d. The registration certificate issued pursuant to chapter 3 of  
8 Title 39 of the Revised Statutes for a leased limousine shall, in  
9 addition to containing the name and street address of the lessee,  
10 identify the vehicle as a leased limousine.

11 (cf: P.L.1999, c.356, s.19)]<sup>1</sup>

12

13 <sup>1</sup>[5.] 4.<sup>1</sup> R.S.48:16-13 is amended to read as follows:

14 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
15 (C.48:16-13.1), as used in this article:

16 "Autocab" means a limousine.

17 "Limousine" means and includes any automobile or motor car used  
18 in the business of carrying passengers for hire to provide prearranged  
19 passenger transportation at a premium fare on a dedicated,  
20 nonscheduled, charter basis that is not conducted on a regular route  
21 and with a seating capacity in no event of more than 14 passengers,  
22 not including the driver, provided, that such a vehicle shall not have a  
23 seating capacity in excess of four passengers, not including the driver,  
24 beyond the maximum passenger seating capacity of the vehicle, not  
25 including the driver, at the time of manufacture. Nothing in this article  
26 contained shall be construed to include taxicabs, hotel buses [or] ,  
27 buses employed solely in transporting school children or teachers [or],  
28 vehicles owned and operated directly or indirectly by businesses  
29 engaged in the practice of mortuary science when those vehicles are  
30 used exclusively for providing transportation related to the provision  
31 of funeral services, autobuses which are subject to the jurisdiction of  
32 the Department of Transportation[,], or interstate autobuses required  
33 by federal or State law or regulations of the Department of  
34 Transportation to carry insurance against loss from liability imposed  
35 by law on account of bodily injury or death.

36 "Limousine or livery service" means and includes the business of  
37 carrying passengers for hire by limousines.

38 "Person" means and includes any individual, copartnership,  
39 association, corporation or joint stock company, their lessees, trustees  
40 or receivers appointed by any court whatsoever.

41 "Principal place of business" means, in reference to a municipality,  
42 the location of the main place of business of the limousine service in  
43 the municipality where limousine service is conducted, where  
44 limousines are dispatched, or where limousine drivers report for duty.

45 "Street" means and includes any street, avenue, park, parkway,

1 highway, or other public place.

2 (cf: P.L.1999, c.356, s.3)

3

4 <sup>1</sup>[6.] 5.<sup>1</sup> Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended  
5 to read as follows:

6 2. In a county of the first class with a population density of over  
7 10,000 persons per square mile, according to the latest federal  
8 decennial census, "limousine" means and includes any automobile or  
9 motor car which is issued special registration plates bearing the word  
10 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
11 and is engaged in the business of carrying passengers for hire to  
12 provide prearranged passenger transportation at a premium fare on a  
13 dedicated, nonscheduled, charter basis that is not conducted on a  
14 regular route and with a seating capacity in no event of more than  
15 14 passengers, not including the driver, provided, that such a motor  
16 vehicle shall not have a seating capacity in excess of four passengers,  
17 not including the driver, beyond the maximum passenger seating  
18 capacity of the vehicle, not including the driver, at the time of  
19 manufacture. A limousine shall not include a vehicle owned and  
20 operated directly or indirectly by a business engaged in the practice of  
21 mortuary science when that vehicle is used exclusively for providing  
22 transportation related to the provision of funeral services.

23 (cf: P.L.1999, c.356, s.4)

24

25 <sup>1</sup>[7.] 6.<sup>1</sup> (New section) Notwithstanding any other provisions of  
26 law to the contrary, a municipality may require a limousine service to  
27 obtain a corporate license, permit, certificate or other form of  
28 authority if the limousine service is providing service on an intra-  
29 municipal, point-to-point basis within that municipality. The  
30 municipality may charge a fee that shall not exceed a total of \$50 for  
31 the issuance of that license, permit, certificate or other form of  
32 authority which shall apply to all limousines operated by the limousine  
33 service and providing intra- municipal, point-to-point service within  
34 that municipality.

35

36 <sup>1</sup>[8.] 7.<sup>1</sup> Section 14 of P.L.1999, c.356 (C. 48:16-22.4) is  
37 amended to read as follows:

38 14. [Notwithstanding the provisions of this act to the contrary, no  
39 limousine registered in another state or the District of Columbia shall  
40 conduct wholly intra-State operations on the highways of this State  
41 unless the owner of the limousine has proof of insurance in the amount  
42 of \$1,500,000 as provided in R.S.48:16-14 for limousines registered  
43 in this State, and is licensed pursuant to R.S.48:16-17 in a municipality  
44 in which it has a business address.]

45 a. <sup>1</sup>[Notwithstanding the provisions of article 2 of chapter 16 of Title  
46 48 of the Revised Statutes to the contrary.] Except as provided in

1 subsection b. of this section,<sup>1</sup> a limousine registered in another state  
2 or the District of Columbia operating in interstate service which picks  
3 up or discharges passengers in New Jersey <sup>1</sup> [shall have proof of  
4 insurance in the amount of \$1,500,000 as provided in R.S.48:16-14 for  
5 limousines registered in this State, comply with the equipment  
6 requirements of section 11 of P.L.1999, c.356 (C.48:16-22.1) with  
7 respect to a two-way communications system, removable first-aid kit  
8 and operable fire extinguisher and possess authority to operate a  
9 limousine in interstate service granted by the Federal Highway  
10 Administration or the Interstate Commerce Commission] or a black  
11 car <sup>2</sup>[operating in interstate service]<sup>2</sup> which picks up [or] and <sup>2</sup>  
12 discharges passengers wholly within the State of New Jersey shall  
13 comply with the provisions of article 2 of chapter 16 of Title 48 of the  
14 Revised Statutes, provided that, with regard to the requirements of  
15 R.S.48:16-17, R.S.48:16-18, and R.S.48:16-22, the owner may have  
16 his principal place of business in a location other than a municipality  
17 in this State, in which case the owner may elect any municipality in the  
18 State of New Jersey in which he has a business address to file the  
19 required insurance policy and receive the license to operate<sup>1</sup>.

20 <sup>1</sup>b. A black car <sup>2</sup>[operating in interstate service]<sup>2</sup> which picks up  
21 or discharges passengers in New Jersey <sup>2</sup>[, but does not operate  
22 wholly within the State of New Jersey,]in route to or from another  
23 state, <sup>2</sup>shall only (1) comply with the provisions of subsection a. of  
24 section 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a two-way  
25 communications system, which, at a minimum, shall provide for  
26 communication to a person outside the vehicle for a distance of not  
27 less than 100 miles and which requirement may be satisfied by a mobile  
28 telephone, (2) comply with the provisions of subsection b. of section  
29 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a removable first-aid  
30 kit and an operable fire extinguisher, which shall be placed in an  
31 accessible place within the vehicle and (3) in lieu of the insurance  
32 requirements in the amount of \$1,500,000 set forth in R.S.48:16-14,  
33 and the requirements of R.S.48:16-17, have proof of insurance in the  
34 amounts of not less than \$100,000 liability for bodily injury <sup>2</sup>or death<sup>2</sup>  
35 to one person in any one accident and <sup>2</sup>, subject to such limit for any  
36 one person so injured or killed, <sup>2</sup> not less than \$300,000 liability for  
37 bodily injury <sup>2</sup>or death<sup>2</sup> to more than one person in any one accident.  
38 A black car operating in interstate service which picks up or  
39 discharges passengers in New Jersey, but does not operate wholly  
40 within the State of New Jersey, shall not be subject to any provisions  
41 of article 2 of chapter 16 of Title 48 of the Revised Statutes, except  
42 the provisions of this subsection and the provisions of R.S.48:16-21  
43 concerning the operation of automobiles in this State but not with  
44 reference to ownership and registration.

45 <sup>2</sup>[A black car operating in interstate service which picks up or  
46 discharges passengers in New Jersey shall, in addition to complying

1 with the provisions of this subsection, maintain a business address in  
2 a municipality in New Jersey, except that such business address need  
3 not be the location of the black car's principal place of business.]]<sup>2</sup>

4 As used in this section, "black car" means any motor vehicle hired  
5 for transportation of passengers and which has a capacity of not more  
6 than six passengers that is licensed as a black car in another state, or  
7 political subdivision thereof, or the District of Columbia; and whose  
8 registered owner holds a franchise from the corporation or other  
9 business entity that dispatches such motor vehicle, or who is a member  
10 of a cooperative that operates such corporation or other business  
11 entity, where such corporation or other business entity has certified to  
12 the satisfaction of another state, or political subdivision thereof, or the  
13 District of Columbia that more than 90 percent of the corporation's or  
14 other business entity's business is on a payment basis other than direct  
15 cash payment by a passenger.

16 [b. A limousine registered in another state or the District of  
17 Columbia operating in interstate service which picks up or discharges  
18 passengers wholly within the State of New Jersey shall, in addition to  
19 complying with the provisions of subsection a. of this section, maintain  
20 a business address in a municipality in New Jersey and be licensed  
21 pursuant to R.S.48:16-17 in that municipality.]]<sup>1</sup>

22 (cf: P.L.1999, c.356, s.14)

23  
24 <sup>1</sup>8. R.S. 48:16-14 is amended to read as follows:

25 48:16-14. [No] Except as provided in section 14 of P.L.1999,  
26 c.356 (C.48:16-22.4), no limousine shall be operated wholly or partly  
27 along any street in any municipality until the owner of the limousine  
28 shall have filed with the clerk of the municipality in which the owner  
29 has his principal place of business, an insurance policy of a company  
30 duly licensed to transact business under the insurance laws of this  
31 State in the sum of \$1,500,000 against loss by reason of the liability  
32 imposed by law upon every limousine owner for damages on account  
33 of bodily injury or death suffered by any person as the result of an  
34 accident occurring by reason of the ownership, maintenance or use of  
35 the limousine upon any public street. The insurance company shall  
36 supply to the Director of the Division of Motor Vehicles notice  
37 concerning all motor vehicle liability insurance policies canceled for  
38 non-payment and new policies issued after the effective date of  
39 P.L. , c. (C. ) (now before the Legislature as this bill). The notice  
40 shall be supplied monthly. After receipt of the notice of cancellation,  
41 the division shall notify the owner of the date the policy was canceled.  
42 If the director has not received proof of liability insurance within 30  
43 days of the date the notification was sent to the owner, the director  
44 shall suspend the registration of the limousine until new proof is  
45 supplied that motor vehicle liability insurance has been secured for the  
46 limousine. If the owner fails to provide proof of insurance or

1 surrender the license plates within 60 days of the date the notification  
2 was sent to him by the division, the division shall suspend the owner's  
3 corporation code registration privilege.

4 Such operation shall be permitted only so long as the insurance  
5 policy shall remain in force to the full and collectible amount of  
6 \$1,500,000.

7 The insurance policy shall provide for the payment of any final  
8 judgment recovered by any person on account of the ownership,  
9 maintenance and use of such limousine or any fault in respect thereto,  
10 and shall be for the benefit of every person suffering loss, damage or  
11 injury as aforesaid.<sup>1</sup>

12 (cf: P.L.1999, c.356, s.5)

13  
14 <sup>1</sup>9.(New section) a. Any person who owns a limousine service  
15 shall require an applicant for employment as a limousine operator or  
16 driver to provide the applicant's name, address, citizenship status, a  
17 form of photographic identification, birth certificate, and such other  
18 information as the Commissioner of Transportation, hereinafter the  
19 commissioner, may require.

20 b. An applicant subject to the provisions of subsection a. of this  
21 section shall submit to being fingerprinted by the Division of State  
22 Police in the Department of Law and Public Safety or by agents  
23 appointed by or under contract to the division. The applicant also  
24 shall provide written consent to the performance of a criminal history  
25 record background check. The commissioner is authorized to  
26 exchange fingerprint data and photographic identification with and  
27 receive criminal history record background information results from  
28 the Federal Bureau of Investigation and the Division of State Police.  
29 The division shall inform the commissioner if an applicant's criminal  
30 history record background check reveals a conviction of a  
31 disqualifying crime as specified in subsection d. of this section. The  
32 applicant shall bear the cost of fingerprinting and the cost for the  
33 background checks, including all costs of administering and processing  
34 the checks. As used in this section, "criminal history record  
35 background check" means a determination of whether a person has a  
36 criminal record by cross-referencing that person's name and fingerprint  
37 data with those on file with the Federal Bureau of Investigation,  
38 Identification Division and the State Bureau of Identification in the  
39 Division of State Police.

40 c. No applicant shall be permitted to operate or drive a limousine  
41 unless the applicant is 21 years of age or older and unless the  
42 commissioner provides written notification to the owner of the  
43 limousine service of the commissioner's determination that the  
44 applicant is qualified for employment as a limousine operator or driver.

45 d. An applicant shall be disqualified from operating or driving a  
46 limousine if the applicant's criminal history record background check

1 reveals a record of conviction of any of the following crimes:

2 (1) In New Jersey or elsewhere any crime as follows: aggravated  
3 assault, arson, burglary, escape, extortion, homicide, kidnaping,  
4 robbery, aggravated sexual assault, sexual assault or endangering the  
5 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed  
6 with or having in his possession any weapon enumerated in subsection  
7 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of  
8 N.J.S.2C:39-3, N.J.S. 2C:39-4 or N.J.S.2C:39-9, or other than a  
9 disorderly persons or petty disorderly persons offense for the unlawful  
10 use, possession or sale of a controlled dangerous substance as defined  
11 in N.J.S.2C:35-2.

12 (2) In any other state, territory, commonwealth or other  
13 jurisdiction of the United States, or any country in the world, as a  
14 result of a conviction in a court of competent jurisdiction, a crime  
15 which in that other jurisdiction or country is comparable to one of the  
16 crimes enumerated in paragraph (1) of subsection d. of this section.

17 e. The commissioner is authorized to adopt regulations, pursuant  
18 to the "Administrative Procedure Act, " P.L. 1968, c. 410 (C.52:14B-1  
19 et seq.), to effectuate the purposes of this section.

20 f. The provisions of this section shall apply to persons making  
21 applications for employment on or after the effective date of P.L. .c.  
22 (C. )(now before the Legislature as this bill).<sup>1</sup>

23  
24 <sup>1</sup>10. (New section) Any person who owns a limousine service  
25 shall require an applicant for employment as a limousine operator or  
26 driver to be tested, at the applicant's expense, for dangerous controlled  
27 substances as defined in N.J.S.2C:35-2. Upon the advice of the State  
28 Limousine Advisory Committee, the Commissioner of Transportation  
29 shall adopt regulations, pursuant to the "Administrative Procedure  
30 Act, " P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and  
31 testing of applicants for employment as limousine operators or drivers.  
32 The regulations shall be substantially similar to the regulations of New  
33 York City concerning the testing of an applicant for a for-hire vehicle  
34 driver's license pursuant to section 6-15 of Title 35 of the New York  
35 City Rules and Regulations.<sup>1</sup>

36  
37 <sup>1</sup>11. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to  
38 read as follows:

39 18. A person who shall own and operate a limousine in any street  
40 in this State in violation of the provisions of article 2 of chapter 16 of  
41 Title 48 of the Revised Statutes or of Title 39 of the Revised Statutes  
42 shall be subject to the following penalties:

43 a. (1) For operating a limousine without a license issued by a  
44 municipality pursuant to R.S.48:16-17, [operating a limousine without  
45 authority to operate a limousine in interstate service granted by the  
46 Federal Highway Administration, or the Interstate Commerce

1 Commission, as provided in section 14 of P.L.1999, c.356  
2 (C.48:16-22.4),] knowingly permitting a driver to operate a limousine  
3 without a validly issued driver's license or a validly issued commercial  
4 driver license if required pursuant to N.J.A.C.13:21-23.1, failure to  
5 have filed an insurance policy in the amount of \$1,500,000 which is  
6 currently in force as provided in R.S.48:16-14 or in the amounts  
7 required pursuant to section 14 of P.L.1999, c.356 (C.48:16-22.4),  
8 operating a limousine in which the number of passengers exceeds the  
9 maximum seating capacity as provided in R.S.48:16-13 or section 2 of  
10 P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense  
11 and a fine of \$5000 for the second or subsequent offense;

12 (2) For operating a limousine without the special registration  
13 plates required pursuant to section 12 of P.L.1979, c.224  
14 (C.39:3-19.5), or operating a limousine without the limousine being  
15 properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for the  
16 first offense and a fine of \$2,500 for the second or subsequent offense;

17 (3) For operating a limousine without the attached sideboards  
18 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to  
19 retain within the limousine appropriate proof of insurance or failure to  
20 execute and deliver to the Director of the Division of Motor Vehicles  
21 the power of attorney required pursuant to R.S.48:16-16: a fine of  
22 \$250 for the first offense and \$500 for the second and subsequent  
23 offense;

24 (4) For failure to be equipped with a two-way communications  
25 system, a removable first-aid kit or an operable fire extinguisher as  
26 required by section 11 of P.L.1999, c.356 (C.48:16-22.1), or any other  
27 violation of the provisions of article 2 of chapter 16 of Title 48 of the  
28 Revised Statutes other than those enumerated in this subsection: a fine  
29 of \$50 for the first offense and \$100 for the second and subsequent  
30 offense.

31 b. Violations of this section shall be enforced and penalties  
32 collected in a summary proceeding pursuant to "The Penalty  
33 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
34 The Superior Court or any municipal court where the violation was  
35 detected, or where the defendant was apprehended, shall have  
36 jurisdiction to enforce this section. Penalties imposed pursuant to this  
37 section shall be in addition to those otherwise imposed according to  
38 law. All penalties collected pursuant to the provisions of this section  
39 shall be forwarded as provided in R.S.39:5-40 and subsection b. of  
40 R.S.39:5-41.<sup>1</sup>

41 (cf: P.L.1999,c.356,s.18)

42

43 <sup>1</sup>[9.] 12.<sup>1</sup> This act shall take effect immediately.

44

45

46



- 1 Makes various changes to limousine law.

## CHAPTER 416

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

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

1. R.S.33:1-1 is amended to read as follows:

### Definitions.

33:1-1. For the purpose of this chapter, the following words and terms shall be deemed to have the meanings herein given to them:

a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.

b. "Alcoholic beverage." Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

c. "Building." A structure of which licensed premises are or may be a part, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and every part of the structure of which the licensed premises are a part, and of any other structure to which there is a common means of access, and any other appurtenances.

d. "Commissioner." The Director of the Division of Alcoholic Beverage Control.

e. "Container." Any glass, can, bottle, vessel or receptacle of any material whatsoever used for holding alcoholic beverages, which container is covered, corked or sealed in any manner whatsoever.

f. "Eligible." The status of a person who is a citizen of the United States, a resident of this State, of good moral character and repute, and of legal age.

g. "Governing board or body." The board or body which governs a municipality, including a board of aldermen in municipalities so governed; but in every municipality having a board of public works which exercises general licensing powers such board shall be considered as the governing board or body.

h. "Importing." The act of bringing or causing to be brought any alcoholic beverage into this State.

i. "Illicit beverage." Any alcoholic beverage manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported in violation of this chapter, or on which any federal tax or tax imposed by the laws of this State has not been paid; and any alcoholic beverage possessed, kept, stored, owned or imported with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport in violation of the provisions of this chapter.

j. "Licensed building." Any building containing licensed premises.

k. "Licensed premises." Any premises for which a license under this chapter is in force and effect.

l. "Magistrate." The Superior Court or municipal court.

m. "Manufacturer." Any person who, directly or indirectly, personally or through any agency whatsoever, engages in the making or other processing whatsoever of alcoholic beverages.

n. "Municipality." Any city, town, township, village, or borough, including a municipality governed by a board of commissioners or improvement commission, but excluding a county.

o. "Municipal board." The municipal board of alcoholic beverage control as established by this chapter.

p. "Officer." Any sheriff, deputy sheriff, constable, police officer, member of the Division of State Police, or any other person having the power to execute a warrant for arrest, or any inspector or investigator of the Division of Alcoholic Beverage Control.

q. "Original container." Any container in which an alcoholic beverage has been delivered to a retail licensee.

r. "Person." Any natural person or association of natural persons, association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer, or employee of any of them.

s. "Premises." The physical place at which a licensee is or may be licensed to conduct and carry on the manufacture, distribution or sale of alcoholic beverages, but not including vehicular transportation.

t. "Restaurant." An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted.

u. "Retailer." Any person who sells alcoholic beverages to consumers.

v. "Rules and regulations." The rules and regulations established from time to time by the director.

w. "Sale." Every delivery of an alcoholic beverage otherwise than by purely gratuitous title, including deliveries from without this State and deliveries by any person without this State intended for shipment by carrier or otherwise into this State and brought within this State, or the solicitation or acceptance of an order for an alcoholic beverage, and including exchange, barter, traffic in, keeping and exposing for sale, serving with meals, delivering for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

x. "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this chapter, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this chapter, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or to aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or the aiding or abetting of another in any of the foregoing activities.

y. "Unlawful property." All illicit beverages and all implements, vehicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person; and all alcoholic beverages, fixtures and personal property located in or upon any premises, building, yard or inclosure connected with a building, in which an illicit beverage is found, possessed, stored or kept.

z. "Wholesaler." Any person who sells an alcoholic beverage for the purpose of resale either to a licensed wholesaler or to a licensed retailer, or both.

aa. "Limousine." A motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, or is furnished without fare as an accommodation for a patron in connection with other business purposes, and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. This shall not include taxicabs, hotel or airport shuttles and buses, buses employed solely in transporting schoolchildren or teachers to and from school, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the

provision of funeral services or vehicles owned and operated without charge or remuneration by a business entity for its own purposes.

bb. "Entertainment facility" is a privately-owned facility in which athletic, commercial, cultural, or artistic events are featured.

Any definition herein contained shall apply to the same word in any form. Thus "sell" means to make a "sale" as above defined.

2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to read as follows:

C.34:11-56a1 Definitions.

1. As used in this act:

(a) "Commissioner" means the Commissioner of Labor.

(b) "Director" means the director in charge of the bureau referred to in section 3 of this act.

(c) "Wage board" means a board created as provided in section 10 of this act.

(d) "Wages" means any moneys due an employee from an employer for services rendered or made available by the employee to the employer as a result of their employment relationship including commissions, bonus and piecework compensation and including any gratuities received by an employee for services rendered for an employer or a customer of an employer and the fair value of any food or lodgings supplied by an employer to an employee. The commissioner may, by regulation, establish the average value of gratuities received by an employee in any occupation and the fair value of food and lodging provided to employees in any occupation, which average values shall be acceptable for the purposes of determining compliance with this act in the absence of evidence of the actual value of such items.

(e) "Regular hourly wage" means the amount that an employee is regularly paid for each hour of work as determined by dividing the total hours of work during the week into the employee's total earnings for the week, exclusive of overtime premium pay.

(f) "Employ" includes to suffer or to permit to work.

(g) "Employer" includes any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

(h) "Employee" includes any individual employed by an employer.

(i) "Occupation" means any occupation, service, trade, business, industry or branch or group of industries or employment or class of employment in which employees are gainfully employed.

(j) "Minimum fair wage order" means a wage order promulgated pursuant to this act.

(k) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered and sufficient to meet the minimum cost of living necessary for health.

(l) "Oppressive and unreasonable wage" means a wage which is both less than the fair and reasonable value of the service rendered and less than sufficient to meet the minimum cost of living necessary for health.

(m) "Limousine" means a motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. "Limousine" shall not include taxicabs, hotel or airport shuttles and buses, buses employed solely in transporting school children or teachers to and from school, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services or vehicles owned and operated without charge or remuneration by a business entity for its own purposes.

3. R.S.39:1-1 is amended to read as follows:

Words and phrases defined.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Transportation when operated in response to an emergency call.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Car pool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Director of the Division of Motor Vehicles in the Department of Transportation of this State.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Crosswalk" means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Department" means the Division of Motor Vehicles in the Department of Transportation of this State acting directly or through its duly authorized officers or agents.

"Deputy commissioner" means deputy director of the Division of Motor Vehicles in the Department of Transportation.

"Deputy director" means deputy director of the Division of Motor Vehicles in the Department of Transportation.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation.

"Division" means the Division of Motor Vehicles in the Department of Transportation acting directly or through its duly authorized officers or agents.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200E Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and a load thereon.

"High occupancy vehicle" or "HOV" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Leased limousine" means any limousine subject to regulation in the State which:

a. Is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

"Leased motor vehicle" means any motor vehicle subject to registration in this State which:

a. Is offered for rental or lease, without a driver, to be operated by the lessee, his agent or servant, for purposes other than the transportation of passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads.

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Transportation.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Recreation vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as car pools and van pools.

"Right-of-way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately

operated for compensation for the transportation of children to or from school for secular or religious education, which complies with the regulations of the Department of Education affecting school buses, including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipper" means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, "shipper" shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Suburban business or residential district" means that portion of highway and the territory contiguous thereto, where within any 1,320 feet along that highway there is land in use for business or residential purposes and that land occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.



"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Van pooling" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

4. R.S.48:16-13 is amended to read as follows:

Definitions.

48:16-13. Except as provided in section 2 of P.L.1997, c.356 (C.48:16-13.1), as used in this article:

"Autocab" means a limousine.

"Limousine" means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

"Limousine or livery service" means and includes the business of carrying passengers for hire by limousines.

"Person" means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

"Principal place of business" means, in reference to a municipality, the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

"Street" means and includes any street, avenue, park, parkway, highway, or other public place.

5. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read as follows:

C.48:16-13.1 Limousine defined; county, certain.

2. In a county of the first class with a population density of over 10,000 persons per square

mile, according to the latest federal decennial census, "limousine" means and includes any automobile or motor car which is issued special registration plates bearing the word "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5) and is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. A limousine shall not include a vehicle owned and operated directly or indirectly by a business engaged in the practice of mortuary science when that vehicle is used exclusively for providing transportation related to the provision of funeral services.

C.48:16-18.1 Municipal licensing requirements for limousine service; fee.

6. Notwithstanding any other provisions of law to the contrary, a municipality may require a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intra-municipal, point-to-point basis within that municipality. The municipality may charge a fee that shall not exceed a total of \$50 for the issuance of that license, permit, certificate or other form of authority which shall apply to all limousines operated by the limousine service and providing intra- municipal, point-to-point service within that municipality.

7. Section 14 of P.L.1999, c.356 (C.48:16-22.4) is amended to read as follows:

C.48:16-22.4 Regulations applicable to out-of State limousines, black cars; definition.

14. a. Except as provided in subsection b. of this section, a limousine registered in another state or the District of Columbia operating in interstate service which picks up or discharges passengers in New Jersey or a black car which picks up and discharges passengers wholly within the State of New Jersey shall comply with the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes, provided that, with regard to the requirements of R.S.48:16-17, R.S.48:16-18, and R.S.48:16-22, the owner may have his principal place of business in a location other than a municipality in this State, in which case the owner may elect any municipality in the State of New Jersey in which he has a business address to file the required insurance policy and receive the license to operate.

b. A black car which picks up or discharges passengers in New Jersey in route to or from another state, shall only (1) comply with the provisions of subsection a. of section 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a two-way communications system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone, (2) comply with the provisions of subsection b. of section 11 of P.L.1999, c.356 (C.48:16-22.1) requiring a removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle and (3) in lieu of the insurance requirements in the amount of \$1,500,000 set forth in R.S.48:16-14, and the requirements of R.S.48:16-17, have proof of insurance in the amounts of not less than \$100,000 liability for bodily injury or death to one person in any one accident and, subject to such limit for any one person so injured or killed, not less than \$300,000 liability for bodily injury or death to more than one person in any one accident. A black car operating in interstate service which picks up or discharges passengers in New Jersey, but does not operate wholly within the State of New Jersey, shall not be subject to any provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes, except the provisions of this subsection and the provisions of R.S.48:16-21 concerning the operation of automobiles in this State but not with reference to ownership and registration.

As used in this section, "black car" means any motor vehicle hired for transportation of passengers and which has a capacity of not more than six passengers that is licensed as a black car in another state, or political subdivision thereof, or the District of Columbia; and whose registered owner holds a franchise from the corporation or other business entity that dispatches such motor vehicle, or who is a member of a cooperative that operates such corporation or other

business entity, where such corporation or other business entity has certified to the satisfaction of another state, or political subdivision thereof, or the District of Columbia that more than 90 percent of the corporation's or other business entity's business is on a payment basis other than direct cash payment by a passenger.

8. R.S. 48:16-14 is amended to read as follows:

Insurance policy on limousine.

48:16-14. Except as provided in section 14 of P.L.1999, c.356 (C.48:16-22.4), no limousine shall be operated wholly or partly along any street in any municipality until the owner of the limousine shall have filed with the clerk of the municipality in which the owner has his principal place of business, an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. The insurance company shall supply to the Director of the Division of Motor Vehicles notice concerning all motor vehicle liability insurance policies canceled for non-payment and new policies issued after the effective date of P.L.2001, c.416 (C.48:16-18.1). The notice shall be supplied monthly. After receipt of the notice of cancellation, the division shall notify the owner of the date the policy was canceled. If the director has not received proof of liability insurance within 30 days of the date the notification was sent to the owner, the director shall suspend the registration of the limousine until new proof is supplied that motor vehicle liability insurance has been secured for the limousine. If the owner fails to provide proof of insurance or surrender the license plates within 60 days of the date the notification was sent to him by the division, the division shall suspend the owner's corporation code registration privilege.

Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$1,500,000.

The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

C.48:16-22.3a Requirements for applicants as limousine operator, driver.

9. a. Any person who owns a limousine service shall require an applicant for employment as a limousine operator or driver to provide the applicant's name, address, citizenship status, a form of photographic identification, birth certificate, and such other information as the Commissioner of Transportation, hereinafter the commissioner, may require.

b. An applicant subject to the provisions of subsection a. of this section shall submit to being fingerprinted by the Division of State Police in the Department of Law and Public Safety or by agents appointed by or under contract to the division. The applicant also shall provide written consent to the performance of a criminal history record background check. The commissioner is authorized to exchange fingerprint data and photographic identification with and receive criminal history record background information results from the Federal Bureau of Investigation and the Division of State Police. The division shall inform the commissioner if an applicant's criminal history record background check reveals a conviction of a disqualifying crime as specified in subsection d. of this section. The applicant shall bear the cost of fingerprinting and the cost for the background checks, including all costs of administering and processing the checks. As used in this section, "criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprint data with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.

c. No applicant shall be permitted to operate or drive a limousine unless the applicant is 21 years of age or older and unless the commissioner provides written notification to the owner of the limousine service of the commissioner's determination that the applicant is qualified for

employment as a limousine operator or driver.

d. An applicant shall be disqualified from operating or driving a limousine if the applicant's criminal history record background check reveals a record of conviction of any of the following crimes:

(1) In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnaping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S. 2C:39-4 or N.J.S.2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2.

(2) In any other state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph (1) of subsection d. of this section.

e. The commissioner is authorized to adopt regulations, pursuant to the "Administrative Procedure Act, " P.L. 1968, c. 410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

f. The provisions of this section shall apply to persons making applications for employment on or after the effective date of P.L.2001, c.416 (C.48:16-18.1 et al.).

C.48:16-22.3b Applicants to be tested for controlled dangerous substances; regulations.

10. Any person who owns a limousine service shall require an applicant for employment as a limousine operator or driver to be tested, at the applicant's expense, for dangerous controlled substances as defined in N.J.S.2C:35-2. Upon the advice of the State Limousine Advisory Committee, the Commissioner of Transportation shall adopt regulations, pursuant to the "Administrative Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et seq.), for the licensing and testing of applicants for employment as limousine operators or drivers. The regulations shall be substantially similar to the regulations of New York City concerning the testing of an applicant for a for-hire vehicle driver's license pursuant to section 6-15 of Title 35 of the New York City Rules and Regulations.

11. Section 18 of P.L.1999, c.356 (C.39:5G-1) is amended to read as follows:

C.39:5G-1 Penalties for violations of limousine laws; enforcement.

18. A person who shall own and operate a limousine in any street in this State in violation of the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes or of Title 39 of the Revised Statutes shall be subject to the following penalties:

a. (1) For operating a limousine without a license issued by a municipality pursuant to R.S.48:16-17, knowingly permitting a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver license if required pursuant to N.J.A.C.13:21-23.1, failure to have filed an insurance policy in the amount of \$1,500,000 which is currently in force as provided in R.S.48:16-14 or in the amounts required pursuant to section 14 of P.L.1999, c.356 (C.48:16-22.4), operating a limousine in which the number of passengers exceeds the maximum seating capacity as provided in R.S.48:16-13 or section 2 of P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the first offense and a fine of \$5000 for the second or subsequent offense;

(2) For operating a limousine without the special registration plates required pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5), or operating a limousine without the limousine being properly inspected as provided in R.S.39:8-1: a fine of \$1,250 for the first offense and a fine of \$2,500 for the second or subsequent offense;

(3) For operating a limousine without the attached sideboards required by section 11 of P.L.1999, c.356 (C.48:16-22.1), failure to retain within the limousine appropriate proof of insurance or failure to execute and deliver to the Director of the Division of Motor Vehicles the power of attorney required pursuant to R.S.48:16-16: a fine of \$250 for the first offense and

\$500 for the second and subsequent offense;

(4) For failure to be equipped with a two-way communications system, a removable first-aid kit or an operable fire extinguisher as required by section 11 of P.L.1999, c.356 (C.48:16-22.1), or any other violation of the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes other than those enumerated in this subsection: a fine of \$50 for the first offense and \$100 for the second and subsequent offense.

b. Violations of this section shall be enforced and penalties collected in a summary proceeding pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal court where the violation was detected, or where the defendant was apprehended, shall have jurisdiction to enforce this section. Penalties imposed pursuant to this section shall be in addition to those otherwise imposed according to law. All penalties collected pursuant to the provisions of this section shall be forwarded as provided in R.S.39:5-40 and subsection b. of R.S.39:5-41.

12. This act shall take effect immediately.

Approved January 8, 2002.