

40:48-4.10 to 40:48-4.13

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:48-4.10 to 40:48-4.13

(senior citizens and  
handicapped--  
transportation--municipal)

LAWS OF: 1985

CHAPTER: 199

Bill No: A502

Sponsor(s): Doyle and others

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: Aging

Amended during passage: Yes  
according to Governor's recommendations

Amendments denoted by asterisks

Date of Passage: Assembly: October 18, 1984 Re-enacted 4-29-85

Senate: February 14, 1985 Re-enacted 6 17 85

Date of Approval: June 26, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate  
committee amendments,  
adopted 2-6-84 (with  
statement)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: Yes

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

120  
6 26 84  
85  
[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 502

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman DOYLE, Assemblywoman PERUN,  
Assemblymen SCHWARTZ and BOCCHINI

AN ACT authorizing municipalities to provide free *\*\*or low cost\*\** transportation services to senior citizens and handicapped citizens **\*\*\***[residing in senior or handicapped citizens' apartment complexes or retirement communities]**\*\*\***, and supplementing Title 40 of the Revised Statutes.

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

1 1. The Legislature finds and declares that many senior citizens  
2 and handicapped citizens of this State **\*\*\***[reside in apartment  
3 complexes and retirement communities specially constructed and  
4 reserved for senior citizens and handicapped citizen occupancy; that  
5 often these apartment complexes and retirement communities are  
6 so located as not to be readily accessible to public transportation;  
7 that senior citizens and handicapped citizens]**\*\*\*** need to be pro-  
8 vided with transportation services to obtain the necessities of life,  
9 such as food, clothing and medical services and to visit their fami-  
10 lies and friends, all of which is essential to their health, safety and  
11 welfare; that many senior citizens and handicapped citizens live on  
12 fixed incomes and are unable to provide for their own transportation  
13 needs. It is, therefore, declared to be a valid public purpose, and  
14 in the best interest of the citizens of this State, to allow munic-  
15 ipalities to supply free *\*\*or low cost\*\** transportation services to  
16 senior citizens and handicapped **\*\*\***[citizen apartment complexes  
17 and retirement communities]**\*\*\*** *\*\*\*citizens\*\*\**, provided the  
18 **\*\***[free]**\*\*** transportation services are noncompetitive with avail-  
19 able public transportation services.

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

Matter printed in italics *thus* is new matter.

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

\*—Assembly committee amendments adopted February 6, 1984.

\*\*—Senate committee amendments adopted December 13, 1984.

\*\*\*—Assembly amendments adopted in accordance with Governor's recommendations April 15, 1985.

1 2. For the purposes of this act, unless the context clearly in-  
2 dicates otherwise:

3 a. "Senior citizen" means any individual 62 years of age or over.

4 b. "Handicapped citizen" means any individual who, by reason of  
5 illness, injury, age, congenital malfunction or other permanent or  
6 temporary incapacity or disability, is unable without special  
7 facilities or special planning or design to utilize mass transporta-  
8 tion facilities and services as effectively as persons who are not so  
9 affected.

10 \*\*\*[c. "Senior citizen or handicapped citizen apartment complex  
11 or retirement community" means one or a number of buildings  
12 specially constructed or reserved by public or private developers  
13 for a majority of senior citizen or handicapped citizen residency  
14 and wherein at least 50 senior citizens or handicapped citizens  
15 reside.]\*\*\*

1 3. \***[Any]**\* *\*Notwithstanding any provision to the contrary in*  
2 *the "County Transportation Authorities Act," P. L. 1980, c. 44*  
3 *(C. 40:35B-1 et seq.), any\** municipality may purchase buses, vans  
4 or other motor vehicles for the purpose of providing transporta-  
5 tion to \*\*\***[residents of]**\*\*\* senior citizens or handicapped \*\*\***[citi-**  
6 **zens' apartment complexes or retirement communities]**\*\*\* \*\*\**citi-*  
7 *zens*\*\*\*. The municipality may also provide drivers for the motor  
8 vehicles and pay all costs of maintenance, including insurance.  
9 The transportation shall be provided free of charge \*\***[as a public**  
10 **service]**\*\* *\*\*or for a nominal fee not to exceed \$0.25 per ride\*\**.  
11 No transportation service shall be provided pursuant to this act  
12 **\*\*[in competition with]**\*\* *\*\*which duplicates\*\** available public  
13 transportation service.

1 4. The use of municipally owned buses, vans or other motor  
2 vehicles for transportation of senior citizens and handicapped  
3 citizens pursuant to this act shall not be construed or used for hire  
4 and shall not be subject to regulation by or the jurisdiction of the  
5 **\*[Board of Public Utilities]**\* *\*Department of Transportation\**.

1 5. This act shall take effect immediately.

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**ASSEMBLY, No. 502**

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman DOYLE, Assemblywoman PERUN,  
Assemblymen SCHWARTZ and BOCCHINI

AN ACT authorizing municipalities to provide free transportation services to senior citizens and handicapped citizens residing in senior or handicapped citizens' apartment complexes or retirement communities, and supplementing Title 40 of the Revised Statutes.

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

1 1. The Legislature finds and declares that many senior citizens  
2 and handicapped citizens of this State reside in apartment com-  
3 plexes and retirement communities specially constructed and  
4 reserved for senior citizens and handicapped citizen occupancy; that  
5 often these apartment complexes and retirement communities are  
6 so located as not to be readily accessible to public transportation;  
7 that senior citizens and handicapped citizens need to be provided  
8 with transportation services to obtain the necessities of life, such  
9 as food, clothing and medical services and to visit their families  
10 and friends, all of which is essential to their health, safety and  
11 welfare; that many senior citizens and handicapped citizens live on  
12 fixed incomes and are unable to provide for their own transportation  
13 needs. It is, therefore, declared to be a valid public purpose, and  
14 in the best interest of the citizens of this State, to allow munic-  
15 ipalities to supply free transportation services to senior citizens  
16 and handicapped citizen apartment complexes and retirement com-  
17 munities, provided the free transportation services are noncompeti-  
18 tive with available public transportation services.

1 2. For the purposes of this act, unless the context clearly in-  
2 dicates otherwise:

3 a. "Senior citizen" means any individual 62 years of age or over.

4 b. "Handicapped citizen" means any individual who, by reason of  
5 illness, injury, age, congenital malfunction or other permanent or  
6 temporary incapacity or disability, is unable without special  
7 facilities or special planning or design to utilize mass transporta-  
8 tion facilities and services as effectively as persons who are not so  
9 affected.

10 c. "Senior citizen or handicapped citizen apartment complex or  
11 retirement community" means one or a number of buildings  
12 specially constructed or reserved by public or private developers  
13 for a majority of senior citizen or handicapped citizen residency  
14 and wherein at least 50 senior citizens or handicapped citizens  
15 reside.

1 3. Any municipality may purchase buses, vans or other motor  
2 vehicles for the purpose of providing transportation to residents  
3 of senior citizens or handicapped citizens' apartment complexes or  
4 retirement communities. The municipality may also provide drivers  
5 for the motor vehicles and pay all costs of maintenance, including  
6 insurance. The transportation shall be provided free of charge as  
7 a public service. No transportation service shall be provided pur-  
8 suant to this act in competition with available public transportation  
9 service.

1 4. The use of municipally owned buses, vans or other motor  
2 vehicles for transportation of senior citizens and handicapped  
3 citizens pursuant to this act shall not be construed or used for hire  
4 and shall not be subject to regulation by or the jurisdiction of the  
5 Board of Public Utilities.

1 5. This act shall take effect immediately.

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#### STATEMENT

This bill authorizes municipalities to provide free transportation to senior citizens and handicapped citizens' residency in senior citizen or handicapped citizen apartment complexes or retirement communities. The service may not be provided if it competes with available public transportation services.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 502**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 6, 1984

Assembly Bill No. 502 authorizes municipalities to provide free transportation to residents of senior citizens' or handicapped citizens' apartment complexes or retirement communities. Under the bill, a senior citizen or handicapped citizen apartment complex or retirement community is one or a number of buildings specially constructed or reserved by public or private developers for residence by a majority of senior citizens or handicapped citizens, or of both senior citizens and handicapped citizens, and wherein at least 50 senior citizens or handicapped citizens, or both, reside. The service may not be provided if it competes with available public transportation services.

The committee amendments are technical in nature.

SENATE COMMITTEE ON AGING

STATEMENT TO

**ASSEMBLY, No. 502**

with Assembly committee amendments

and Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 13, 1984

This bill permits municipalities to provide transportation for residents of apartment complexes for senior citizens or handicapped citizens or retirement communities. With the Senate committee amendments this transportation shall be provided at no cost or for a nominal charge, not to exceed \$0.25 per trip. The Senate committee amendments also provide that this transportation may not duplicate available public transportation.

Assembly  
Committee Amendments

ADOPTED  
FEB 6 1984

to

Assembly Bill No. 502

Amend:

Page	Sec.	Line
2	3	1
2	4	5

Omit "Any" insert "Notwithstanding any provision to the contrary in the "County Transportation Authorities Act," P.L. 1980, c.44 (C.40:35B-1 et seq.), any"

Omit "Board of Public Utilities" insert "Department of Transportation"

NOTE TO PRINTER:

Page 1, section 1, line 5: "apartment" should be "apartment"

STATEMENT

The Committee amendments are technical in nature.



FISCAL NOTE TO  
**ASSEMBLY, No. 502**

**STATE OF NEW JERSEY**

DATED: JANUARY 8, 1985

Assembly Bill No. 502 of 1984 authorizes municipalities to provide free transportation to residents of senior citizens' or handicapped citizens' apartment complexes or retirement communities. Under the bill, a senior citizen or handicapped citizen apartment complex or retirement community is one or a number of buildings specially constructed or reserved by public or private developers for residence by a majority of senior citizens or handicapped citizens, or of both senior citizens and handicapped citizens, and wherein at least 50 senior citizens or handicapped citizens, or both, reside. The service may not be provided if it competes with available public transportation services.

The Department of Transportation states that as State agencies have no role in this legislation, there are no State costs. The Department also states that local costs are impossible to estimate, since this new transit service does not mandate municipal participation, but rather authorizes it only.

The Office of Legislative Services concurs.

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This Fiscal Note has been prepared pursuant to P. L. 1980, c. 67.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

April 15, 1985

ASSEMBLY BILL NO. 502 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 502 (2nd OCR) with my recommendations for reconsideration.

This bill would authorize municipalities to provide transportation services to senior citizens and handicapped citizens residing in senior and handicapped citizens' apartment complexes or retirement communities.

I am in agreement with the purposes of this bill. I believe, however, that municipalities wishing to provide transportation services to senior citizens and handicapped citizens should be permitted to do so wherever these citizens live. The valid public purpose served by this permissive legislation extends to those senior citizens and handicapped citizens who live outside of senior or handicapped citizens' apartment complexes or retirement communities, as well as those living therein.

Many senior citizens and handicapped citizens of this State living alone or with others in private residences or apartments would benefit from municipal transportation services to help them in obtaining the necessities of life, such as food, clothing and medical services, and to visit their families and friends.

I propose, therefore, that the provisions of this bill be expanded to situations of all senior citizens and handicapped citizens. I also note that this bill is permissive, and that the decision to provide these services rests with the sound discretion of our municipalities.

Accordingly, I return Assembly Bill No. 502 (2nd OCR) to you and recommend that it be amended as follows:

Page 1, Title, Lines 3 and 4: Delete "residing in senior or handicapped citizens' apartment complexes or retirement communities"

Page 1, Section 1, Lines 2 through 7: On Line 2 delete "reside in apartment com-", delete Lines 3 through 6 in their entirety, on Line 7 delete "that senior citizens and handicapped citizens"

Page 1, Section 1, Lines 16-17: After "handicapped" delete "citizen apartment complexes and retirement communities", insert "citizens"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Page 2, Section 2, Lines 10 through 15: Delete in their entirety

Page 2, Section 3, Lines 5 through 6: On Line 5 delete "residents of",  
after "handicapped" delete "citizens' apartment complexes or retirement  
communities", insert "citizens"

Respectfully,

/s/ Thomas H. Kean

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GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

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Chief Counsel