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OTHER: Yes

Committee meeting of Assembly Transportation, Public Works and Independent Authorities Committee : Assembly Bill no. 1486 (de-designates portions of Route 24), Assembly Bill no. 3737 (concerns occupational safety and health for public employees of certain interstate authorities), Assembly Bill no. 3789 (designates State Highway Route 53 as "Alex DeCroce Memorial Highway"), Assembly Bill no. 3993 (increases insurance requirements on operators of autobuses; requires driver of autobus to possess commercial drivers license) : [September 23, 2013, Trenton, New Jersey] / meeting transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit. by New Jersey. Legislature. General Assembly. Transportation, Public Works and Independent Authorities Committee.

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LAW/RWH

§1 –
C.39:3-10.18a
§2 –
C.39:3-10.24a
Title 56.
Chapter 16. (New)
Autobuses
§§3-9 -
C.56:16-1 to
56:16-7
§§1,2 – Notes
to C.56:16-1
§10 - Note

(CORRECTED COPY)

P.L.2013, CHAPTER 224, *approved January 17, 2014*
Senate, No. 3082 (*First Reprint*)

1 AN ACT concerning the operation of certain autobuses ¹, designated
2 as Angelie’s Law,¹ and supplementing Titles 39 and 56 of the
3 Revised Statutes.

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

7
8 1. The owner of an autobus shall not knowingly allow, require,
9 permit, or authorize an operator of an autobus to operate the vehicle
10 without a valid commercial driver license. An owner who is
11 convicted of a violation of this section shall be subject to a fine of
12 \$1,500 for a first violation, \$3,000 for a second violation, and
13 \$5,000 for a third or subsequent violation. For the purposes of this
14 section, the terms “owner,” “operator,” and “autobus” shall have the
15 meanings provided in section 4 of P.L. , c. (C.) (pending
16 before the Legislature as this bill).

17
18 2. A police officer shall obtain a blood sample from an
19 operator of an autobus involved in an accident resulting in the death
20 or serious bodily injury, as defined in N.J.S.2C:11-1, of any person;
21 provided, however, the police officer shall not obtain a blood
22 sample from the operator of an autobus involved in an accident
23 resulting in death or serious bodily injury if the police officer
24 determines that the operator of the autobus did not contribute in any
25 way to the accident. A blood sample taken pursuant to this section
26 shall not be taken forcibly or against physical resistance by an
27 operator of an autobus. For the purposes of this section, the terms
28 “autobus” and “operator” shall have the meanings provided in

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 19, 2013.

1 section 4 of P.L. , c. (C.) (pending before the Legislature
2 as this bill).

3

4 3. Sections 3 through 10 of P.L. , c. (C.) (pending
5 before the Legislature as this bill) shall be known and may be cited
6 as the “Bill of Rights for Customers of Certain Autobuses Act.”

7

8 4. For the purposes of section 3 through 9 of P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 “Autobus” means a privately-owned autobus operated over the
11 public highways in this State for the transportation of not more than
12 40 passengers for hire in intrastate or interstate business except that
13 “autobus” shall not include:

14 (1) a vehicle engaged in motorbus regular route service as
15 defined in section 3 of P.L.1979, c. 150 (C.27:25-3);

16 (2) a vehicle engaged in the transportation of passengers for hire
17 in the manner and form commonly called taxicab service unless that
18 service becomes or is held out to be regular service between stated
19 termini;

20 (3) a hotel bus used exclusively for the transportation of hotel
21 patrons to or from local railroad or other common carrier stations
22 including local airports;

23 (4) a bus operated for the transportation of enrolled children and
24 adults only when serving as chaperones to or from a school, school
25 connected activity, day camp, summer day camp, nursery school,
26 child care center, pre-school center, or other similar places of
27 education, including "School Vehicle Type I" and "School Vehicle
28 Type II" as defined in R.S.39:1-1;

29 (5) an autobus with a carrying capacity of not more than 13
30 passengers operated under municipal consent upon a route
31 established wholly within the limits of a single municipality or with
32 a carrying capacity of not more than 20 passengers operated under
33 municipal consent upon a route established wholly within the limits
34 of not more than four contiguous municipalities within any county
35 of the fifth or sixth class, which route in either case does not in
36 whole or in part parallel upon the same street the line of any street
37 railway or traction railway or any other autobus route;

38 (6) an autocab, limousine, or livery service as defined in
39 R.S.48:16-13, unless that service becomes or is held out to be
40 regular service between stated termini;

41 (7) a vehicle used in a "ridesharing" arrangement, as defined by
42 the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413
43 (C.27:26-1 et al.);

44 (8) a motor bus owned by, or operated under a contract with, the
45 New Jersey Transit Corporation;

46 (9) charter bus operations, as defined in R.S.48:4-1;

47 (10) a vehicle designed to transport 8 or more, but less than 16,
48 persons, including the driver, which is used exclusively for the

1 transportation of persons between an off-airport parking facility and
2 an airport; or

3 (11) a special paratransit vehicle, as defined in R.S.48:4-1.

4 "Bill of Rights for Customers of Certain Autobuses" means the
5 consumer protections, obligations of the owners and operators of
6 autobuses, and basic expectations and guarantees of health, safety,
7 and welfare established pursuant to section 6 of P.L. , c. (C.)
8 (pending before the Legislature as this bill).

9 "Operator" means a person who is in actual physical control of
10 an autobus.

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

19

20 5. The Legislature finds and declares that:

21 a. The residents of this State rely on a variety of passenger
22 vehicle transportation options. The provision of safe and lawful
23 transportation options is vital to the economy of the State and to the
24 health and welfare of New Jersey residents.

25 b. The proliferation of privately-owned autobuses which are
26 operated in intrastate or interstate business over the public
27 highways in this State for the transportation of not more than 40
28 passengers, often incorrectly referred to as jitneys, as a
29 transportation option in the State has led to an increase in
30 congestion on the roadways, presented public safety issues,
31 engendered passenger service complaints, and posed environmental
32 hazards.

33 c. In protecting the health, safety, and welfare of the thousands
34 of New Jersey residents who use autobuses and other residents who
35 encounter these autobuses on the highways, it is necessary and
36 proper to ensure that the owners and operators of these autobuses
37 uphold their obligations to provide safe and lawful services to their
38 customers.

39 d. In order to ensure that autobuses provide safe and lawful
40 services to the people of this State, it is appropriate for this
41 Legislature to enact a bill of rights for customers of certain
42 autobuses that establishes basic rights and guarantees that protect
43 the health, safety, and welfare of customers.

44

45 6. There is created a "Bill of Rights for Customers of Certain
46 Autobuses" which shall provide the following consumer
47 protections, obligations of the owners and operators of autobuses,
48 and basic expectations and guarantees of health, safety, and welfare:

1 a. The owner of an autobus shall provide clear and conspicuous
2 notice of customer complaint contact information by prominently
3 displaying the telephone number, established by the Division of
4 Consumer Affairs in the Department of Law and Public Safety
5 pursuant to subsection b. of section 7 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), on the interior and
7 exterior of the autobus.

8 b. The owner of an autobus shall respond to all complaints in a
9 timely fashion and work to resolve any problems customers
10 encounter regarding unsafe, poor, or inadequate service.

11 c. The owner of an autobus shall ensure that all operators are
12 well-trained.

13 d. The operator of an autobus shall not allow an autobus to
14 exceed the number of passengers that the autobus can safely
15 accommodate.

16 e. The operator of an autobus shall ensure that the autobus is
17 clean, well-maintained, and in good working condition at all times.

18 f. The operator of an autobus shall not operate an autobus
19 while smoking or using a cellular telephone, or engage in any other
20 action that may endanger the health, safety, or welfare of
21 passengers.

22 g. The operator of an autobus shall comply with all federal and
23 State laws governing the safe operation of a motor vehicle.

24

25 7. The Director of the Division of Consumer Affairs in the
26 Department of Law and Public Safety shall:

27 a. establish a telephone number where customers may submit
28 complaints regarding service provided by autobus owners and
29 operators; and

30 b. initiate, investigate, attempt to resolve, and, if necessary,
31 refer to the Attorney General any matter or complaint received
32 concerning a violation of the Bill of Rights for Customers of
33 Certain Autobuses established pursuant to section 6 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill). The
35 division may conduct an investigation and may request in writing
36 the production of documents and records as part of its investigation.
37 Trade secrets and proprietary business information contained in the
38 documents or records received by the division pursuant to a written
39 request or a subpoena shall be confidential and shall not be deemed
40 a “government record” under section 1 of P.L.1995, c.23 (C.47:1A-
41 1.1 et seq.).

42 If the person of whom such request was made fails to produce
43 the documents or records within 30 days after the date of the
44 request, the division may issue and serve subpoenas to compel the
45 production of those documents and records. If any person refuses
46 to comply with a subpoena issued under this section, the division
47 may petition the Superior Court to enforce the subpoena by means

1 of such sanctions as the court may direct. After completion of the
2 investigation, the division shall either:

3 (1) dismiss the complaint following a determination that no
4 violation occurred; or

5 (2) determine that a violation has likely occurred and, if so,
6 shall attempt to resolve the matter by settlement, which may include
7 a monetary settlement to cover the costs incurred by the division. If
8 no settlement is achieved, then the division may take further action,
9 including, if necessary, referring the matter to the Attorney General
10 for further proceedings.

11 Any records, documents, papers, maps, books, tapes,
12 photographs, files, sound recordings, or other business material,
13 regardless of form or characteristics, obtained by the division
14 pursuant to subpoena shall be confidential. At the conclusion of an
15 investigation, any matter determined by the division, or by a federal
16 or State judicial or administrative body, to be a trade secret or
17 proprietary confidential business information held by the division
18 pursuant to the investigation shall be considered confidential. The
19 materials may be used in any administrative or judicial proceeding
20 as long as the confidential or proprietary nature of the material is
21 maintained.

22
23 8. A person who violates any of the provisions of section 6 of
24 P.L. , c. (C.) (pending before the Legislature as this bill)
25 shall be subject to a civil penalty of \$1,000 for a first violation,
26 \$2,000 for a second violation, and \$5,000 for a third or subsequent
27 violation. Each day upon which the violation continues shall
28 constitute a separate offense. The penalty prescribed in this section
29 shall be collected in a civil action by a summary proceeding
30 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
31 c.274 (C.2A:58-10 et seq.). The Superior Court shall have
32 jurisdiction of proceedings for the enforcement of the penalty
33 provided by this section. Process shall be in the nature of a
34 summons or warrant which shall issue upon the complaint of the
35 Attorney General or any other person.

36
37 9. The Director of the Division of Consumer Affairs in the
38 Department of Law and Public Safety shall adopt rules and
39 regulations, pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
41 the purposes of sections 3 through 8 of P.L. , c. (C.)
42 (pending before the Legislature as this bill).

43
44 10. Sections 1 and 2 of this act shall take effect immediately,
45 and sections 3 through 9 of this act shall take effect on the first day
46 of the 12th month following enactment, except that the Director of
47 the Division of Consumer Affairs in the Department of Law and
48 Public Safety may take any anticipatory administrative action in

S3082 [1R]

6

1 advance of that date as shall be necessary for the timely
2 implementation of this act.

3

4

5

6

7 “Angelie’s Law”; regulates the operation of certain autobuses.

SENATE, No. 3082

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED DECEMBER 12, 2013

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Regulates the operation of certain autobuses.

CURRENT VERSION OF TEXT

As introduced.



S3082 SACCO, PENNACCHIO

2

1 AN ACT concerning the operation of certain autobuses and
2 supplementing Titles 39 and 56 of the Revised Statutes.

3

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

6

7 1. The owner of an autobus shall not knowingly allow, require,
8 permit, or authorize an operator of an autobus to operate the vehicle
9 without a valid commercial driver license. An owner who is
10 convicted of a violation of this section shall be subject to a fine of
11 \$1,500 for a first violation, \$3,000 for a second violation, and
12 \$5,000 for a third or subsequent violation. For the purposes of this
13 section, the terms “owner,” “operator,” and “autobus” shall have the
14 meanings provided in section 4 of P.L. , c. (C.) (pending
15 before the Legislature as this bill).

16

17 2. A police officer shall obtain a blood sample from an
18 operator of an autobus involved in an accident resulting in the death
19 or serious bodily injury, as defined in N.J.S.2C:11-1, of any person;
20 provided, however, the police officer shall not obtain a blood
21 sample from the operator of an autobus involved in an accident
22 resulting in death or serious bodily injury if the police officer
23 determines that the operator of the autobus did not contribute in any
24 way to the accident. A blood sample taken pursuant to this section
25 shall not be taken forcibly or against physical resistance by an
26 operator of an autobus. For the purposes of this section, the terms
27 “autobus” and “operator” shall have the meanings provided in
28 section 4 of P.L. , c. (C.) (pending before the Legislature
29 as this bill).

30

31 3. Sections 3 through 10 of P.L. , c. (C.) (pending
32 before the Legislature as this bill) shall be known and may be cited
33 as the “Bill of Rights for Customers of Certain Autobuses Act.”

34

35 4. For the purposes of section 3 through 9 of P.L. , c. (C.)
36 (pending before the Legislature as this bill):

37 “Autobus” means a privately-owned autobus operated over the
38 public highways in this State for the transportation of not more than
39 40 passengers for hire in intrastate or interstate business except that
40 “autobus” shall not include:

41 (1) a vehicle engaged in motorbus regular route service as
42 defined in section 3 of P.L.1979, c. 150 (C.27:25-3);

43 (2) a vehicle engaged in the transportation of passengers for hire
44 in the manner and form commonly called taxicab service unless that
45 service becomes or is held out to be regular service between stated
46 termini;

S3082 SACCO, PENNACCHIO

- 1 (3) a hotel bus used exclusively for the transportation of hotel
2 patrons to or from local railroad or other common carrier stations
3 including local airports;
- 4 (4) a bus operated for the transportation of enrolled children and
5 adults only when serving as chaperones to or from a school, school
6 connected activity, day camp, summer day camp, nursery school,
7 child care center, pre-school center, or other similar places of
8 education, including "School Vehicle Type I" and "School Vehicle
9 Type II" as defined in R.S.39:1-1;
- 10 (5) an autobus with a carrying capacity of not more than 13
11 passengers operated under municipal consent upon a route
12 established wholly within the limits of a single municipality or with
13 a carrying capacity of not more than 20 passengers operated under
14 municipal consent upon a route established wholly within the limits
15 of not more than four contiguous municipalities within any county
16 of the fifth or sixth class, which route in either case does not in
17 whole or in part parallel upon the same street the line of any street
18 railway or traction railway or any other autobus route;
- 19 (6) an autocab, limousine, or livery service as defined in
20 R.S.48:16-13, unless that service becomes or is held out to be
21 regular service between stated termini;
- 22 (7) a vehicle used in a "ridesharing" arrangement, as defined by
23 the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413
24 (C.27:26-1 et al.);
- 25 (8) a motor bus owned by, or operated under a contract with, the
26 New Jersey Transit Corporation;
- 27 (9) charter bus operations, as defined in R.S.48:4-1;
- 28 (10) a vehicle designed to transport 8 or more, but less than 16,
29 persons, including the driver, which is used exclusively for the
30 transportation of persons between an off-airport parking facility and
31 an airport; or
- 32 (11) a special paratransit vehicle, as defined in R.S.48:4-1.
- 33 "Bill of Rights for Customers of Certain Autobuses" means the
34 consumer protections, obligations of the owners and operators of
35 autobuses, and basic expectations and guarantees of health, safety,
36 and welfare established pursuant to section 6 of P.L. , c. (C.)
37 (pending before the Legislature as this bill).
- 38 "Operator" means a person who is in actual physical control of
39 an autobus.
- 40 "Owner" means a person who holds the legal title of an autobus,
41 or if an autobus is the subject of an agreement for the conditional
42 sale or lease thereof with the right of purchase upon performance of
43 the conditions stated in the agreement and with an immediate right
44 of possession vested in the conditional vendee or lessee, or if a
45 mortgagor of an autobus is entitled to possession, then the
46 conditional vendee, lessee or mortgagor shall be considered the
47 owner.

1 5. The Legislature finds and declares that:

2 a. The residents of this State rely on a variety of passenger
3 vehicle transportation options. The provision of safe and lawful
4 transportation options is vital to the economy of the State and to the
5 health and welfare of New Jersey residents.

6 b. The proliferation of privately-owned autobuses which are
7 operated in intrastate or interstate business over the public
8 highways in this State for the transportation of not more than 40
9 passengers, often incorrectly referred to as jitneys, as a
10 transportation option in the State has led to an increase in
11 congestion on the roadways, presented public safety issues,
12 engendered passenger service complaints, and posed environmental
13 hazards.

14 c. In protecting the health, safety, and welfare of the thousands
15 of New Jersey residents who use autobuses and other residents who
16 encounter these autobuses on the highways, it is necessary and
17 proper to ensure that the owners and operators of these autobuses
18 uphold their obligations to provide safe and lawful services to their
19 customers.

20 d. In order to ensure that autobuses provide safe and lawful
21 services to the people of this State, it is appropriate for this
22 Legislature to enact a bill of rights for customers of certain
23 autobuses that establishes basic rights and guarantees that protect
24 the health, safety, and welfare of customers.

25
26 6. There is created a “Bill of Rights for Customers of Certain
27 Autobuses” which shall provide the following consumer
28 protections, obligations of the owners and operators of autobuses,
29 and basic expectations and guarantees of health, safety, and welfare:

30 a. The owner of an autobus shall provide clear and conspicuous
31 notice of customer complaint contact information by prominently
32 displaying the telephone number, established by the Division of
33 Consumer Affairs in the Department of Law and Public Safety
34 pursuant to subsection b. of section 7 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), on the interior and
36 exterior of the autobus.

37 b. The owner of an autobus shall respond to all complaints in a
38 timely fashion and work to resolve any problems customers
39 encounter regarding unsafe, poor, or inadequate service.

40 c. The owner of an autobus shall ensure that all operators are
41 well-trained.

42 d. The operator of an autobus shall not allow an autobus to
43 exceed the number of passengers that the autobus can safely
44 accommodate.

45 e. The operator of an autobus shall ensure that the autobus is
46 clean, well-maintained, and in good working condition at all times.

47 f. The operator of an autobus shall not operate an autobus
48 while smoking or using a cellular telephone, or engage in any other

1 action that may endanger the health, safety, or welfare of
2 passengers.

3 g. The operator of an autobus shall comply with all federal and
4 State laws governing the safe operation of a motor vehicle.

5

6 7. The Director of the Division of Consumer Affairs in the
7 Department of Law and Public Safety shall:

8 a. establish a telephone number where customers may submit
9 complaints regarding service provided by autobus owners and
10 operators; and

11 b. initiate, investigate, attempt to resolve, and, if necessary,
12 refer to the Attorney General any matter or complaint received
13 concerning a violation of the Bill of Rights for Customers of
14 Certain Autobuses established pursuant to section 6 of P.L. , c.
15 (C.) (pending before the Legislature as this bill). The division
16 may conduct an investigation and may request in writing the
17 production of documents and records as part of its investigation.
18 Trade secrets and proprietary business information contained in the
19 documents or records received by the division pursuant to a written
20 request or a subpoena shall be confidential and shall not be deemed
21 a "government record" under section 1 of P.L.1995, c.23 (C.47:1A-
22 1.1 et seq.).

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

31 (1) dismiss the complaint following a determination that no
32 violation occurred; or

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

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

1 as long as the confidential or proprietary nature of the material is
2 maintained.

3
4 8. A person who violates any of the provisions of section 6 of
5 P.L. , c. (C.) (pending before the Legislature as this bill)
6 shall be subject to a civil penalty of \$1,000 for a first violation,
7 \$2,000 for a second violation, and \$5,000 for a third or subsequent
8 violation. Each day upon which the violation continues shall
9 constitute a separate offense. The penalty prescribed in this section
10 shall be collected in a civil action by a summary proceeding
11 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,
12 c.274 (C.2A:58-10 et seq.). The Superior Court shall have
13 jurisdiction of proceedings for the enforcement of the penalty
14 provided by this section. Process shall be in the nature of a
15 summons or warrant which shall issue upon the complaint of the
16 Attorney General or any other person.

17
18 9. The Director of the Division of Consumer Affairs in the
19 Department of Law and Public Safety shall adopt rules and
20 regulations, pursuant to the “Administrative Procedure Act,”
21 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
22 the purposes of sections 3 through 8 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 10. Sections 1 and 2 of this act shall take effect immediately,
26 and sections 3 through 9 of this act shall take effect on the first day
27 of the 12th month following enactment, except that the Director of
28 the Division of Consumer Affairs in the Department of Law and
29 Public Safety may take any anticipatory administrative action in
30 advance of that date as shall be necessary for the timely
31 implementation of this act.

32
33
34

STATEMENT

35
36 This bill establishes a Bill of Rights for Customers of Certain
37 Autobuses. For the purposes of the bill, a “autobus” is defined as a
38 privately-owned passenger motor vehicle operated in intrastate or
39 interstate business over the public highways in this State for the
40 transportation of not more than 40 passengers for hire. The
41 following types of vehicles are not considered autobuses for the
42 purposes of the bill: vehicles engaged in motorbus regular route
43 service, taxicabs, hotel buses, school buses, Atlantic County and
44 Cape May County jitney buses, limousines, vehicles used in a
45 ridesharing arrangement, motor buses owned by, or under contract
46 with, the New Jersey Transit Corporation, charter bus operations,
47 off-airport parking shuttles, and special paratransit vehicles.

S3082 SACCO, PENNACCHIO

7

1 The Bill of Rights for Customers of Certain Buses
2 established by the bill provides customer protections, obligations of
3 the owners and operators of buses, and basic expectations and
4 guarantees of health, safety, and welfare as follows:

5 The owner of an bus is required to provide clear and
6 conspicuous notice of customer complaint contact information by
7 prominently displaying the telephone number on the interior and
8 exterior of the bus where customers may direct complaints.

9 The owner of an bus is required to respond to all complaints
10 in a timely fashion and work to resolve any problems customers
11 encounter regarding unsafe, poor, or inadequate service.

12 The owner of an bus is required ensure that all bus
13 operators are well-trained.

14 The operator of an bus is prohibited from allowing the
15 number of passengers to exceed the number the bus can safely
16 accommodate.

17 The operator of an bus is required to ensure that the bus
18 is clean, well-maintained, and in good working condition at all
19 times.

20 The operator of an bus is prohibited from smoking, using a
21 cellular telephone, or engaging in other actions that may endanger
22 the health, safety, or welfare of passengers.

23 The operator of an bus is required to comply with all federal
24 and State laws governing the safe operation of a motor vehicle.

25 The Director of the Division of Consumer Affairs in the
26 Department of Law and Public Safety is required to: establish the
27 telephone number, that is to be displayed on the interior and
28 exterior of all buses, where customers may submit complaints
29 regarding service provided by bus owners and operators; and
30 initiate, investigate, attempt to resolve, and if necessary refer to the
31 Attorney General any matters or complaints received concerning
32 violations of the Bill of Rights for Customers of Certain Buses.
33 The penalty for a violation of the Bill of Rights for Customers of
34 Certain Buses is a civil penalty of no more than \$1,000 for a
35 first violation, \$2,000 for a second violation, and \$5,000 for a third
36 or subsequent violation.

37 This bill also prohibits an owner of an bus from allowing,
38 requiring, permitting, or authorizing any operator of an bus
39 from operating an bus without a valid commercial driver
40 license. The penalty for a violation is a fine of between \$1,500 for
41 a first violation, \$3,000 for a second violation, and \$5,000 for a
42 third or subsequent violation. Under current law, a driver who
43 operates a commercial motor vehicle without a valid commercial
44 driver license is subject to a fine, but there is no penalty for the
45 owner of the vehicle.

46 Finally, the bill requires a police officer to obtain a blood sample
47 from an operator of an bus if the bus is involved in an
48 accident resulting in the death or serious bodily injury of any

S3082 SACCO, PENNACCHIO

8

1 person. However, the police officer is not required to obtain a
2 blood sample if the police officer determines that the operator of the
3 autobus did not contribute in any way to the accident.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3082

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2013

The Senate Transportation Committee reports favorably Senate Bill No. 3082.

As reported, this bill establishes a Bill of Rights for Customers of Certain Autobuses. For the purposes of the bill, a “autobus” is defined as a privately-owned passenger motor vehicle operated in intrastate or interstate business over the public highways in this State for the transportation of not more than 40 passengers for hire. The following types of vehicles are not considered autobuses for the purposes of the bill: vehicles engaged in motorbus regular route service, taxicabs, hotel buses, school buses, Atlantic County and Cape May County jitney buses, limousines, vehicles used in a ridesharing arrangement, motor buses owned by, or under contract with, the New Jersey Transit Corporation, charter bus operations, off-airport parking shuttles, and special paratransit vehicles.

The Bill of Rights for Customers of Certain Autobuses established by the bill provides customer protections, obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare as follows:

The owner of an autobus is required to provide clear and conspicuous notice of customer complaint contact information by prominently displaying the telephone number on the interior and exterior of the autobus where customers may direct complaints.

The owner of an autobus is required to respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service.

The owner of an autobus is required ensure that all autobus operators are well-trained.

The operator of an autobus is prohibited from allowing the number of passengers to exceed the number the autobus can safely accommodate.

The operator of an autobus is required to ensure that the autobus is clean, well-maintained, and in good working condition at all times.

The operator of an autobus is prohibited from smoking, using a cellular telephone, or engaging in other actions that may endanger the health, safety, or welfare of passengers.

The operator of an autobus is required to comply with all federal and State laws governing the safe operation of a motor vehicle.

The Director of the Division of Consumer Affairs in the Department of Law and Public Safety is required to: establish the telephone number, that is to be displayed on the interior and exterior of all autobuses, where customers may submit complaints regarding service provided by autobus owners and operators; and initiate, investigate, attempt to resolve, and if necessary refer to the Attorney General any matters or complaints received concerning violations of the Bill of Rights for Customers of Certain Autobuses. The penalty for a violation of the Bill of Rights for Customers of Certain Autobuses is a civil penalty of no more than \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation.

This bill also prohibits an owner of an autobus from allowing, requiring, permitting, or authorizing any operator of an autobus from operating an autobus without a valid commercial driver license. The penalty for a violation is a fine of between \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation. Under current law, a driver who operates a commercial motor vehicle without a valid commercial driver license is subject to a fine, but there is no penalty for the owner of the vehicle.

Finally, the bill requires a police officer to obtain a blood sample from an operator of an autobus if the autobus is involved in an accident resulting in the death or serious bodily injury of any person. However, the police officer is not required to obtain a blood sample if the police officer determines that the operator of the autobus did not contribute in any way to the accident.

STATEMENT TO

SENATE, No. 3082

with Senate Floor Amendments
(Proposed by Senator SACCO)

ADOPTED: DECEMBER 19, 2013

These Senate amendments designate the bill as “Angelie’s Law.” Angelie Jiang Paredes was tragically killed when an unlawfully operated autobus in West New York struck a light pole which fell and crushed the 8-month old in her stroller.

ASSEMBLY, No. 4546

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 16, 2013

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

SYNOPSIS

Regulates the operation of certain autobuses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the operation of certain autobuses and
2 supplementing Titles 39 and 56 of the Revised Statutes.

3

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

6

7 1. The owner of an autobus shall not knowingly allow, require,
8 permit, or authorize an operator of an autobus to operate the vehicle
9 without a valid commercial driver license. An owner who is
10 convicted of a violation of this section shall be subject to a fine of
11 \$1,500 for a first violation, \$3,000 for a second violation, and
12 \$5,000 for a third or subsequent violation. For the purposes of this
13 section, the terms “owner,” “operator,” and “autobus” shall have the
14 meanings provided in section 4 of P.L. , c. (C.) (pending
15 before the Legislature as this bill).

16

17 2. A police officer shall obtain a blood sample from an
18 operator of an autobus involved in an accident resulting in the death
19 or serious bodily injury, as defined in N.J.S.2C:11-1, of any person;
20 provided, however, the police officer shall not obtain a blood
21 sample from the operator of an autobus involved in an accident
22 resulting in death or serious bodily injury if the police officer
23 determines that the operator of the autobus did not contribute in any
24 way to the accident. A blood sample taken pursuant to this section
25 shall not be taken forcibly or against physical resistance by an
26 operator of an autobus. For the purposes of this section, the terms
27 “autobus” and “operator” shall have the meanings provided in
28 section 4 of P.L. , c. (C.) (pending before the Legislature
29 as this bill).

30

31 3. Sections 3 through 10 of P.L. , c. (C.) (pending
32 before the Legislature as this bill) shall be known and may be cited
33 as the “Bill of Rights for Customers of Certain Autobuses Act.”

34

35 4. For the purposes of section 3 through 9 of P.L. ,
36 c. (C.) (pending before the Legislature as this bill):

37 “Autobus” means a privately-owned autobus operated over the
38 public highways in this State for the transportation of not more than
39 40 passengers for hire in intrastate or interstate business except that
40 “autobus” shall not include:

41 (1) a vehicle engaged in motorbus regular route service as
42 defined in section 3 of P.L.1979, c.150 (C.27:25-3);

43 (2) a vehicle engaged in the transportation of passengers for hire
44 in the manner and form commonly called taxicab service unless that
45 service becomes or is held out to be regular service between stated
46 termini;

- 1 (3) a hotel bus used exclusively for the transportation of hotel
2 patrons to or from local railroad or other common carrier stations
3 including local airports;
- 4 (4) a bus operated for the transportation of enrolled children and
5 adults only when serving as chaperones to or from a school, school
6 connected activity, day camp, summer day camp, nursery school,
7 child care center, pre-school center, or other similar places of
8 education, including "School Vehicle Type I" and "School Vehicle
9 Type II" as defined in R.S.39:1-1;
- 10 (5) an autobus with a carrying capacity of not more than 13
11 passengers operated under municipal consent upon a route
12 established wholly within the limits of a single municipality or with
13 a carrying capacity of not more than 20 passengers operated under
14 municipal consent upon a route established wholly within the limits
15 of not more than four contiguous municipalities within any county
16 of the fifth or sixth class, which route in either case does not in
17 whole or in part parallel upon the same street the line of any street
18 railway or traction railway or any other autobus route;
- 19 (6) an autocab, limousine, or livery service as defined in
20 R.S.48:16-13, unless that service becomes or is held out to be
21 regular service between stated termini;
- 22 (7) a vehicle used in a "ridesharing" arrangement, as defined by
23 the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413
24 (C.27:26-1 et al.);
- 25 (8) a motor bus owned by, or operated under a contract with, the
26 New Jersey Transit Corporation;
- 27 (9) charter bus operations, as defined in R.S.48:4-1;
- 28 (10) a vehicle designed to transport 8 or more, but less than 16,
29 persons, including the driver, which is used exclusively for the
30 transportation of persons between an off-airport parking facility and
31 an airport; or
- 32 (11) a special paratransit vehicle, as defined in R.S.48:4-1.
- 33 "Bill of Rights for Customers of Certain Autobuses" means the
34 consumer protections, obligations of the owners and operators of
35 autobuses, and basic expectations and guarantees of health, safety,
36 and welfare established pursuant to section 6 of P.L. ,
37 c. (C.) (pending before the Legislature as this bill).
- 38 "Operator" means a person who is in actual physical control of
39 an autobus.
- 40 "Owner" means a person who holds the legal title of an autobus,
41 or if an autobus is the subject of an agreement for the conditional
42 sale or lease thereof with the right of purchase upon performance of
43 the conditions stated in the agreement and with an immediate right
44 of possession vested in the conditional vendee or lessee, or if a
45 mortgagor of an autobus is entitled to possession, then the
46 conditional vendee, lessee or mortgagor shall be considered the
47 owner.

1 5. The Legislature finds and declares that:

2 a. The residents of this State rely on a variety of passenger
3 vehicle transportation options. The provision of safe and lawful
4 transportation options is vital to the economy of the State and to the
5 health and welfare of New Jersey residents.

6 b. The proliferation of privately-owned autobuses which are
7 operated in intrastate or interstate business over the public
8 highways in this State for the transportation of not more than 40
9 passengers, often incorrectly referred to as jitneys, as a
10 transportation option in the State has led to an increase in
11 congestion on the roadways, presented public safety issues,
12 engendered passenger service complaints, and posed environmental
13 hazards.

14 c. In protecting the health, safety, and welfare of the thousands
15 of New Jersey residents who use autobuses and other residents who
16 encounter these autobuses on the highways, it is necessary and
17 proper to ensure that the owners and operators of these autobuses
18 uphold their obligations to provide safe and lawful services to their
19 customers.

20 d. In order to ensure that autobuses provide safe and lawful
21 services to the people of this State, it is appropriate for this
22 Legislature to enact a bill of rights for customers of certain
23 autobuses that establishes basic rights and guarantees that protect
24 the health, safety, and welfare of customers.

25
26 6. There is created a “Bill of Rights for Customers of Certain
27 Autobuses” which shall provide the following consumer
28 protections, obligations of the owners and operators of autobuses,
29 and basic expectations and guarantees of health, safety, and welfare:

30 a. The owner of an autobus shall provide clear and conspicuous
31 notice of customer complaint contact information by prominently
32 displaying the telephone number, established by the Division of
33 Consumer Affairs in the Department of Law and Public Safety
34 pursuant to subsection b. of section 7 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), on the interior and
36 exterior of the autobus.

37 b. The owner of an autobus shall respond to all complaints in a
38 timely fashion and work to resolve any problems customers
39 encounter regarding unsafe, poor, or inadequate service.

40 c. The owner of an autobus shall ensure that all operators are
41 well-trained.

42 d. The operator of an autobus shall not allow an autobus to
43 exceed the number of passengers that the autobus can safely
44 accommodate.

45 e. The operator of an autobus shall ensure that the autobus is
46 clean, well-maintained, and in good working condition at all times.

47 f. The operator of an autobus shall not operate an autobus
48 while smoking or using a cellular telephone, or engage in any other

1 action that may endanger the health, safety, or welfare of
2 passengers.

3 g. The operator of an autobus shall comply with all federal and
4 State laws governing the safe operation of a motor vehicle.

5

6 7. The Director of the Division of Consumer Affairs in the
7 Department of Law and Public Safety shall:

8 a. establish a telephone number where customers may submit
9 complaints regarding service provided by autobus owners and
10 operators; and

11 b. initiate, investigate, attempt to resolve, and, if necessary,
12 refer to the Attorney General any matter or complaint received
13 concerning a violation of the Bill of Rights for Customers of
14 Certain Autobuses established pursuant to section 6 of P.L. ,

15 c. (C.) (pending before the Legislature as this bill). The
16 division may conduct an investigation and may request in writing
17 the production of documents and records as part of its investigation.
18 Trade secrets and proprietary business information contained in the
19 documents or records received by the division pursuant to a written
20 request or a subpoena shall be confidential and shall not be deemed
21 a "government record" under section 1 of P.L.1995, c.23 (C.47:1A-
22 1.1 et seq.).

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

31 (1) dismiss the complaint following a determination that no
32 violation occurred; or

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

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

1 as long as the confidential or proprietary nature of the material is
2 maintained.

3
4 8. A person who violates any of the provisions of section 6 of
5 P.L. , c. (C.) (pending before the Legislature as this bill)
6 shall be subject to a civil penalty of \$1,000 for a first violation,
7 \$2,000 for a second violation, and \$5,000 for a third or subsequent
8 violation. Each day upon which the violation continues shall
9 constitute a separate offense. The penalty prescribed in this section
10 shall be collected in a civil action by a summary proceeding
11 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,
12 c.274 (C.2A:58-10 et seq.). The Superior Court shall have
13 jurisdiction of proceedings for the enforcement of the penalty
14 provided by this section. Process shall be in the nature of a
15 summons or warrant which shall issue upon the complaint of the
16 Attorney General or any other person.

17
18 9. The Director of the Division of Consumer Affairs in the
19 Department of Law and Public Safety shall adopt rules and
20 regulations, pursuant to the “Administrative Procedure Act,”
21 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
22 the purposes of sections 3 through 8 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 10. Sections 1 and 2 of this act shall take effect immediately,
26 and sections 3 through 9 of this act shall take effect on the first day
27 of the 12th month following enactment, except that the Director of
28 the Division of Consumer Affairs in the Department of Law and
29 Public Safety may take any anticipatory administrative action in
30 advance of that date as shall be necessary for the timely
31 implementation of this act.

32

33

34

STATEMENT

35

36 This bill establishes a Bill of Rights for Customers of Certain
37 Autobuses. For the purposes of the bill, a “autobus” is defined as a
38 privately-owned passenger motor vehicle operated in intrastate or
39 interstate business over the public highways in this State for the
40 transportation of not more than 40 passengers for hire. The
41 following types of vehicles are not considered autobuses for the
42 purposes of the bill: vehicles engaged in motorbus regular route
43 service, taxicabs, hotel buses, school buses, Atlantic County and
44 Cape May County jitney buses, limousines, vehicles used in a
45 ridesharing arrangement, motor buses owned by, or under contract
46 with, the New Jersey Transit Corporation, charter bus operations,
47 off-airport parking shuttles, and special paratransit vehicles.

1 The Bill of Rights for Customers of Certain Buses
2 established by the bill provides customer protections, obligations of
3 the owners and operators of buses, and basic expectations and
4 guarantees of health, safety, and welfare as follows:

5 The owner of an autobus is required to provide clear and
6 conspicuous notice of customer complaint contact information by
7 prominently displaying the telephone number on the interior and
8 exterior of the autobus where customers may direct complaints.

9 The owner of an autobus is required to respond to all complaints
10 in a timely fashion and work to resolve any problems customers
11 encounter regarding unsafe, poor, or inadequate service.

12 The owner of an autobus is required ensure that all autobus
13 operators are well-trained.

14 The operator of an autobus is prohibited from allowing the
15 number of passengers to exceed the number the autobus can safely
16 accommodate.

17 The operator of an autobus is required to ensure that the autobus
18 is clean, well-maintained, and in good working condition at all
19 times.

20 The operator of an autobus is prohibited from smoking, using a
21 cellular telephone, or engaging in other actions that may endanger
22 the health, safety, or welfare of passengers.

23 The operator of an autobus is required to comply with all federal
24 and State laws governing the safe operation of a motor vehicle.

25 The Director of the Division of Consumer Affairs in the
26 Department of Law and Public Safety is required to: establish the
27 telephone number, that is to be displayed on the interior and
28 exterior of all autobuses, where customers may submit complaints
29 regarding service provided by autobus owners and operators; and
30 initiate, investigate, attempt to resolve, and if necessary refer to the
31 Attorney General any matters or complaints received concerning
32 violations of the Bill of Rights for Customers of Certain Buses.

33 The penalty for a violation of the Bill of Rights for Customers of
34 Certain Buses is a civil penalty of no more than \$1,000 for a
35 first violation, \$2,000 for a second violation, and \$5,000 for a third
36 or subsequent violation.

37 This bill also prohibits an owner of an autobus from allowing,
38 requiring, permitting, or authorizing any operator of an autobus
39 from operating an autobus without a valid commercial driver
40 license. The penalty for a violation is a fine of between \$1,500 for
41 a first violation, \$3,000 for a second violation, and \$5,000 for a
42 third or subsequent violation. Under current law, a driver who
43 operates a commercial motor vehicle without a valid commercial
44 driver license is subject to a fine, but there is no penalty for the
45 owner of the vehicle.

46 Finally, the bill requires a police officer to obtain a blood sample
47 from an operator of an autobus if the autobus is involved in an
48 accident resulting in the death or serious bodily injury of any

1 person. However, the police officer is not required to obtain a
2 blood sample if the police officer determines that the operator of the
3 autobus did not contribute in any way to the accident.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4546

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 4546, with committee amendments.

As amended, this bill is designated as Angelie's Law. The bill establishes a Bill of Rights for Customers of Certain Autobuses to provide additional consumer safeguards for passengers of commercial autobus transit.

The bill imposes the following requirements on autobus owners:

- Provide clear and conspicuous notice of customer complaint contact information by prominently displaying the telephone number on the interior and exterior of the autobus where customers may direct complaints;
- Respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service; and
- Ensure that all autobus operators are well-trained.

The bill imposes the following requirements on autobus operators:

- No passengers in excess of an autobus's safely accommodated capacity;
- Ensure that the autobus is clean, well-maintained, and in good working condition at all times;
- No smoking, cellular telephone use, or other actions that may endanger the health, safety, or welfare of passengers; and
- Comply with all federal and State laws governing the safe operation of a motor vehicle.

The bill also requires the Director of the Division of Consumer Affairs in the Department of Law and Public Safety to:

- Establish a telephone number, that is to be displayed on the interior and exterior of all autobuses, where customers may submit complaints regarding service provided by autobus owners and operators; and

- Initiate, investigate, attempt to resolve, and if necessary refer to the Attorney General any matters or complaints received concerning violations of the Bill of Rights for Customers of Certain Autobuses.

The bill specifies that a violation of the Bill of Rights for Customers of Certain Autobuses may result in a civil penalty of no more than \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation.

This bill also prohibits an owner of an autobus from allowing, requiring, permitting, or authorizing any operator of an autobus from operating an autobus without a valid commercial driver license. The penalty for a violation is a fine of between \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation. Under current law, a driver who operates a commercial motor vehicle without a valid commercial driver license is subject to a fine, but there is no penalty for the owner of the vehicle.

Additionally, the bill requires a police officer to obtain a blood sample from an operator of an autobus if the autobus is involved in an accident resulting in the death or serious bodily injury of any person. However, the police officer is not required to obtain a blood sample if the police officer determines that the operator of the autobus did not contribute in any way to the accident.

The bill's regulation of autobuses is restricted to privately-owned passenger motor vehicles operated in intrastate or interstate business over the public highways in this State for the transportation of not more than 40 passengers for hire. The following types of vehicles are not considered autobuses for the purposes of the bill: vehicles engaged in motorbus regular route service, taxicabs, hotel buses, school buses, Atlantic County and Cape May County jitney buses, limousines, vehicles used in a ridesharing arrangement, motor buses owned by, or under contract with, the New Jersey Transit Corporation, charter bus operations, off-airport parking shuttles, and special paratransit vehicles.

As amended and reported by the Committee, Assembly Bill No. 4546 is identical to Senate Bill No. 3082 (1R).

FISCAL IMPACT:

The fiscal impact of the bill is indeterminate. The bill may cause the Division of Consumer Affairs to incur additional operating expenses owing to additional duties imposed under the bill. The bill may also generate an indeterminable amount of revenue based on its penalty provisions.

COMMITTEE AMENDMENTS:

The amendments designate the bill as Angelie's Law.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4546
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JANUARY 14, 2014

SUMMARY

Synopsis: Regulates the operation of certain autobuses.

Type of Impact: Expenditure Increase Offset by Revenue Gain. General Fund.

Agencies Affected: Department of Law and Public Safety; Division of Consumer Affairs; Administrative Office of The Courts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) notes that the cost to establish the “Bill of Rights for Customers of Certain Autobuses” is indeterminate. The amount of revenue which will be collected through penalties and the estimated expenditures to implement the complaint hotline and enforce the bill’s provisions are unknown.
- This bill requires the Director of the Division of Consumer Affairs in the Department of Law and Public Safety to establish a hotline and telephone number, that is to be displayed on the interior and exterior of all autobuses, indicating where customers may submit complaints regarding service provided by autobus owners and operators and to initiate, investigate, attempt to resolve, and if necessary refer to the Attorney General, any matters or complaints received concerning violations of the “Bill of Rights for Customers of Certain Autobuses.”
- This bill establishes a penalty for a violation of the “Bill of Rights for Customers of Certain Autobuses” of \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation.
- This bill also establishes penalties for the owner of an autobus who allows, requires, permits, or authorizes any operator of an autobus to operate an autobus without a valid commercial driver license. The fine for a violation is \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation.

BILL DESCRIPTION

Assembly Bill No. 4546 of 2013 establishes a ‘Bill of Rights for Customers of Certain Buses.’ “

The bill provides customer protections, obligations of the owners and operators of buses, and basic expectations and guarantees of health, safety, and welfare as follows:

- The owner of a bus is required to provide a clear and conspicuous notice of customer complaint contact information by prominently displaying the telephone number on the interior and exterior of the bus where customers may direct complaints.
- The owner of a bus is required to respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service.
- The owner of a bus is required ensure that all bus operators are well-trained.
- The operator of a bus is prohibited from allowing the number of passengers to exceed the number the bus can safely accommodate.
- The operator of a bus is required to ensure that the bus is clean, well-maintained, and in good working condition at all times.
- The operator of a bus is prohibited from smoking, using a cellular telephone, or engaging in other actions that may endanger the health, safety, or welfare of passengers.
- The operator of a bus is required to comply with all federal and State laws governing the safe operation of a motor vehicle.

The Director of the Division of Consumer Affairs in the Department of Law and Public Safety is required to establish the telephone number that is to be displayed on the interior and exterior of all buses, indicating where customers may submit complaints regarding service provided by bus owners and operators and to initiate, investigate, attempt to resolve, and if necessary refer to the Attorney General any matters or complaints received concerning violations of the “Bill of Rights for Customers of Certain Buses.”

The penalty for a violation of the “Bill of Rights for Customers of Certain Buses” is a civil penalty of \$1,000 for a first violation, \$2,000 for a second violation, and \$5,000 for a third or subsequent violation.

This bill also prohibits an owner of a bus from allowing, requiring, permitting, or authorizing any operator of a bus from operating a bus without a valid Commercial Driver License (CDL). The penalty for a violation is a fine of \$1,500 for a first violation, \$3,000 for a second violation, and \$5,000 for a third or subsequent violation. Under current law, a driver who operates a CDL motor vehicle without a valid commercial driver license is subject to a fine, but there is no penalty for the owner of the vehicle.

Finally, the bill requires a police officer to obtain a blood sample from an operator of a bus if the bus is involved in an accident resulting in the death or serious bodily injury of any person. However, the police officer is not required to obtain a blood sample if the police officer determines that the operator of the bus did not contribute in any way to the accident.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the cost to establish the “Bill of Rights for Customers of Certain Autobuses” is indeterminate. The amount of revenue which will be collected through penalties and the estimated expenditures to implement the complaint hotline and enforce the bills provisions are unknown.

The bill requires the Division of Consumer Affairs to establish a telephone hotline for customers to submit complaints regarding service provided by certain autobus owners and operators. This is hotline number is to be placed on the interior and exterior of all autobuses. As the complaints are filed, the Division of Consumer Affairs is tasked with investigating and resolving the complaints. If necessary, the complaints are to be referred to the Attorney General.

The OLS notes that the cost of establishing a telephone hotline and providing enforcement to the State is indeterminate and will ultimately depend on the number of complaints filed by customers. Although the Division of Consumer Affairs’ resources continue to be stretched thin, the division does provide similar customer protection services in other various cases and may be able to combine and absorb the provisions of this bill.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: David J. Rosen
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 (C.52:13B-6 et seq.).