

27:6-1 to 27:6-5

LEGISLATIVE HISTORY CHECKLIST

(Ridesharing Act of 1981)

NJSA 27:6-1 to 27:6-5; 34:15-36; 39:1-1 et al; 48:2-13; 48:4-1; 48:4-46

LAWS 1981 CHAPTER 413

Bill No. A3152

Sponsor(s) Rand and others

Date Introduced Feb. 19, 1981

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes ~~Amendments during passage denoted by asterisks~~

Date of Passage: Assembly Nov. 16, 1981

Senate Dec. 10, 1981

Date of approval Jan. 7, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	Yes	<del>No</del>
Senate	Yes	<del>No</del>
Fiscal Note	<del>Yes</del>	<u>No</u>
Veto Message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>

Following were printed:

Reports	<del>Yes</del>	No
Hearings	Yes	<del>No</del>

974.90 New Jersey. Legislature, Assembly. Transportation & Communications Committee.  
A939 Public hearing..., held 10-25-79. Trenton, 1979.  
1979e

6/22/81

PP

1-7-82

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 3152

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1981

By Assemblymen RAND, FORTUNATO, JANISZEWSKI,  
McMANIMON and MAGUIRE

Referred to Committee on Transportation and Communications

AN ACT concerning the sponsorship and promotion of ridesharing arrangements in New Jersey, the liability of employers with respect to employer-sponsored ridesharing arrangements and revising parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the  
2 "New Jersey Ridesharing Act of 1981."

1 2. (New section) The Legislature finds and declares that:

2 New Jersey's transportation needs are being threatened by the  
3 growing energy shortage which this nation faces. In addition, this  
4 State has many roads which are heavily congested during com-  
5 muting hours, resulting in the unnecessary usage of gasoline and in  
6 lengthy delays for the traveling public. There are presently no  
7 energy efficient alternatives such as public transportation for many  
8 citizens in New Jersey which would reduce the number of single  
9 occupaney, private automobiles on the road.

10 Therefore, the Legislature wishes to encourage ridesharing pro-  
11 grams which will help reduce traffic congestion, conserve gasoline  
12 consumption and promote the mobility needs of the public. One  
13 important way to address these problems is to encourage employers,  
14 and employees to form ridesharing arrangements. However, en-  
15 ployers have been reluctant to support such activities because of  
16 their potential liability to employees and others. The Legislature,  
17 therefore, finds that it is in the public interest to promote rideshar-  
18 ing arrangements through employer sponsorship and promotional  
19 activities by exempting employers from certain liabilities they  
20 might incur as a result of their promotion or sponsorship of certain  
21 types of employee ridesharing programs.

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

1 3. (New section) As used in this act:

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

7 b. "Van-pooling" means eight or more persons commuting on a  
8 daily basis to and from work by means of a vehicle with a seating  
9 arrangement designed to carry 8 to 15 adult passengers.

10 *\*c. "Carpool" means two or more persons commuting on a daily*  
11 *basis to and from work by means of a vehicle with a seating capacity*  
12 *of 9 passengers or less.\**

1 4. (New section) *\*a.\** An employer shall not be liable for injuries  
2 or damages sustained by passengers and other persons resulting  
3 from the operation or use of a motor vehicle not owned, leased or  
4 contracted for by the employer, when his or her employee is in a  
5 ridesharing arrangement between his or her place of residence and  
6 place of employment or termini near such places.

7 *\*b. An employer shall not be liable for injuries or damages*  
8 *sustained by passengers and other persons because he provides*  
9 *information, incentives, or otherwise encourages his or her em-*  
10 *ployees to participate in ridesharing arrangements.\**

1 5. (New section) An employee who participates in a ridesharing  
2 arrangement between his or her place of residence and place of em-  
3 ployment, or termini near such places, shall not be entitled to com-  
4 pensation by his or her employer for such travel time, and the wage  
5 provisions in Title 34 shall not apply during this travel period,  
6 unless the employee is required to participate in the ridesharing  
7 arrangement as a condition of his or her employment.

1 6. R. S. 34:15-36 is amended to read as follows:

2 34:15-36. "Willful negligence" within the intent of this chapter  
3 shall consist of (1) deliberate act or deliberate failure to act, or  
4 (2) such conduct as evidences reckless indifference to safety, or (3)  
5 intoxication, operating as the proximate cause of injury, or (4)  
6 unlawful use of a controlled dangerous substance as defined in the  
7 "New Jersey Controlled Dangerous Substances Act", P. L. 1970,  
8 c. 226 (C. 24:21-1 et seq.).

9 "Employer" is declared to be synonymous with master, and in-  
10 cludes natural persons, partnerships, and corporations; "employee"  
11 is synonymous with servant, and includes all natural persons, in-  
12 cluding officers of corporations, who performed service for an em-  
13 ployer for financial consideration, exclusive of casual employments,

14 which shall be defined, if in connection with the employer's business,  
 15 as employment the occasion for which arises by chance or is purely  
 16 accidental; or if not in connection with any business of the employer,  
 17 as employment not regular, periodic or recurring; provided, how-  
 18 ever, that forest fire wardens and forest fire fighters employed by  
 19 the State of New Jersey shall, in no event, be deemed casual em-  
 20 ployees.

21 Employment shall be deemed to commence when an employee  
 22 arrives at the employer's place of employment to report for work  
 23 and shall terminate when the employee leaves the employer's place  
 24 of employment excluding areas not under the control of the em-  
 25 ployer; provided, however, when the employee is required by the  
 26 employer to be away from the employer's place of employment, the  
 27 employee shall be deemed to be in the course of employment when  
 28 the employee is engaged in the direct performance of duties assigned  
 29 or directed by the employer; but the employment of employee paid  
 30 travel time by an employer for time spent traveling to and from a  
 31 job site or of any employee who utilizes an employer authorized  
 32 vehicle shall commence and terminate with the time spent traveling  
 33 to and from a job site or the authorized operation of a vehicle on  
 34 business authorized by the employer. Travel by a policeman or  
 35 fireman in responding to an emergency shall be deemed to be in the  
 36 course of employment.

37 *Employment shall also be deemed to commence when an employee*  
 38 *is traveling in a ridesharing arrangement between his or her place*  
 39 *of residence \*~~and his or her place of employment,~~\* or terminal*  
 40 *near such \*~~places,~~\* \*place and his or her place of employment\**  
 41 *if one of the following conditions is satisfied: the vehicle used in the*  
 42 *ridesharing arrangement is owned, leased or contracted for by the*  
 43 *employer or the employee is required \*by the employer\* to travel*  
 44A *in a ridesharing arrangement as a condition of employment.*

44 "Disability permanent in quality and partial in character" means  
 45 a permanent impairment caused by a compensable accident or com-  
 46 pensable occupational disease, based upon demonstrable objective  
 47 medical evidence, which restricts the function of the body or of its  
 48 members or organs; included in the criteria which shall be con-  
 49 sidered shall be whether there has been a lessening to a material  
 50 degree of an employee's working ability. Subject to the above pro-  
 51 visions nothing in this definition shall be construed to preclude bene-  
 52 fits to a worker who returns to work following a compensable acci-  
 53 dent even if there be no reduction in earnings. Injuries such as  
 54 minor lacerations, minor contusions, minor sprains, and scars which  
 55 do not constitute significant permanent disfigurement, and occupa-

56 tional disease of a minor nature such as mild dermatitis and mild  
57 bronchitis shall not constitute permanent disability within the  
58 meaning of this definition.

59 “Disability permanent in quality and total in character” means a  
60 physical or neuropsychiatric total permanent impairment caused by  
61 a compensable accident or compensable occupational disease where  
62 no fundamental or marked improvement in such condition can be  
63 reasonably expected.

64 Factors other than physical and neuropsychiatric impairment  
65 may be considered in the determination of permanent total disability  
66 where such physical and neuropsychiatric impairments constitute at  
67 least 75% or higher of total disability.

68 “Ridesharing” means the transportation of persons in a motor  
69 vehicle \*,\* with a maximum carrying \*[capacity]\* \*capacity\* of  
70 \*not more than\* 15 passengers \*,\* including the driver, where such  
71 transportation is incidental to the purpose of the driver. This  
72 term shall include such ridesharing arrangements known as carpools  
73 and vanpools.

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

2 39:1-1. As used in this subtitle, unless other meaning is clearly  
3 apparent from the language or context, or unless inconsistent with  
4 the manifest intention of the Legislature:

5 “Alley” means a public highway wherein the roadway does not  
6 exceed 12 feet in width.

7 “Authorized emergency vehicles” means vehicles of the fire de-  
8 partment, police vehicles and such ambulances and other vehicles  
9 as are approved by the Director of the Division of Motor Vehicles  
10 in the Department of Law and Public Safety when operated in  
11 response to an emergency call.

12 “Automobile” includes all motor vehicles except motorcycles.

13 “Berm” means that portion of the highway exclusive of roadway  
14 and shoulder, bordering the shoulder but not to be used for vehi-  
15 ular travel.

16 “Business district” means that portion of a highway and the  
17 territory contiguous thereto, where within any 600 feet along such  
18 highway there are buildings in use for business or industrial pur-  
19 poses, including but not limited to hotel, banks, office buildings,  
20 railroad stations, and public buildings which occupy at least 300  
21 feet of frontage on one side or 300 feet collectively or both sides  
22 of the roadway.

22A \*‘‘Carpool’’ means two or more persons commuting on a daily  
22B basis to and from work by means of a vehicle with a seating capacity  
22C of 9 passengers or less.\*

23 “Commercial motor vehicle” includes every type of motor-driven  
24 vehicles used for commercial purposes on the highways, such as the  
25 transportation of goods, wares and merchandise, excepting such  
26 vehicles as are run only upon rails or tracks and vehicles of the  
27 passenger car type used for touring purposes or the carrying of  
28 farm products and milk, as the case may be.

29 “Commissioner” means the Director of the Division of Motor  
30 Vehicles in the Department of Law and Public Safety of this State.

30A \**“Commuter van” means a motor vehicle having a seating capa-*  
30B *city of not less than eight nor more than 15 adult passengers, in*  
30C *which eight or more persons commute on a daily basis to and from*  
30D *work and which vehicle may also be operated by the driver or other*  
30E *designated persons for their personal use.\**

31 “Crosswalk” means that part of a highway at an intersection  
32 included within the connections of the lateral lines of the sidewalks  
33 on opposite sides of the highway measured from the curbs or, in the  
34 absence of curbs, from the edges of the shoulder or, if none, from  
35 the edges of the roadway; also, any portion of a highway at an  
36 intersection or elsewhere distinctly indicated for pedestrian cross-  
37 ing by lines or other marking on the surface.

38 “Dealer” includes every person actively engaged in the business  
39 of buying, selling or exchanging motor vehicles or motorcycles and  
40 who has an established place of business.

41 “Department” means the Division of Motor Vehicles in the  
42 Department of Law and Public Safety of this State acting directly  
43 or through its duly authorized officers or agents.

44 “Deputy commissioner” means deputy director of the Division  
45 of Motor Vehicles in the Department of Law and Public Safety.

46 “Deputy director” means deputy director of the Division of  
47 Motor Vehicles in the Department of Law and Public Safety.

48 “Director” means the Director of the Division of Motor Vehicles  
49 in the Department of Law and Public Safety.

50 “Division” means the Division of Motor Vehicles in the Depart-  
51 ment of Law and Public Safety acting directly or through its duly  
52 authorized officers or agents.

53 “Driver” means the rider or driver of a horse, bicycle or motor  
54 cycle or the driver or operator of a motor vehicle, unless otherwise  
55 specified.

56 “Explosives” means any chemical compound or mechanical  
57 mixture that is commonly used or intended for the purpose of pro-  
58 ducing an explosion and which contains any oxidizing and con-  
59 bustive units or other ingredients in such proportions, quantities  
60 or packing that an ignition by fire, friction, by concussion, by

61 percussion, or by detonator of any part of the compound or mixture  
62 may cause such a sudden generation of highly heated gases that the  
63 resultant gaseous pressures are capable of producing destructive  
64 effects on contiguous objects or of destroying life or limb.

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

68 "Flammable liquid" means any liquid having a flash point below  
69 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

70 "Gross weight" means the combined weight of a vehicle and a  
71 load thereon.

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

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

77 "Inside lane" means the lane nearest the center line of the road-  
78 way.

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

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

85 "Limited-access highway" means every highway, street, or road-  
86 way in respect to which owners or occupants of abutting lands and  
87 other persons have no legal right of access to or from the same  
88 except at such points only and in such manner as may be determined  
89 by the public authority having jurisdiction over such highway,  
90 street, or roadway; and includes any highway designated as a  
91 "freeway" or "parkway" by authority of law.

92 "Local authorities" means every county, municipal and other  
93 local board or body having authority to adopt local police regula-  
94 tions under the Constitution and laws of this State, including every  
95 county board of chosen freeholders with relation to county roads.

96 "Magistrate" means any municipal court, county district court,  
97 criminal judicial district court, County Court and the Superior  
98 Court, and any officer having the powers of a committing magis-  
99 trate and the Director of the Division of Motor Vehicles in the  
100 Department of Law and Public Safety.

101 "Manufacturer" means a person engaged in the business of  
102 manufacturing or assembling motor vehicles, who will, under

103 normal business conditions during the year, manufacture or  
104 assemble at least 10 new motor vehicles.

105 “Metal tire” means every tire the surface of which in contact  
106 with the highway is wholly or partly of metal or other hard non-  
107 resilient material.

108 “Motorized bicycle” means a pedal bicycle having a helper motor  
109 characterized in that either the maximum piston displacement is  
110 less than 50 cc. or said motor is rated at no more than 1.5 brake  
111 horsepower and said bicycle is capable of a maximum speed of no  
112 more than 25 miles per hour on a flat surface.

113 “Motorecycle” includes motoreycles, motor bikes, bicycles with  
114 motor attached and all motor operated vehicles of the bicycle or  
115 tricycle type, except motorized bicycles as defined in this section  
116 whether the motive power be a part thereof or attached thereto  
117 and having a saddle or seat with driver sitting astride or upon it  
118 or a platform on which the driver stands.

119 “Motor-drawn vehicle” includes trailers, semitrailers, or any  
120 other type of vehicle drawn by a motor-driven vehicle.

121 “Motor vehicle” includes all vehicles propelled otherwise than  
122 by muscular power, excepting such vehicles as run only upon rails  
123 or tracks and motorized bicycles.

124 “Noncommercial truck” means every motor vehicle designed  
125 primarily for transportation of property, and which is not a “com-  
126 mercial vehicle.”

127 “Official traffic control devices” means all signs, signals, mark-  
128 ings, and devices not inconsistent with this subtitle placed or  
129 erected by authority of a public body or official having jurisdiction  
130 for the purpose of regulating, warning, or guiding traffic.

131 “Omnibus” includes all motor vehicles used for the transporta-  
132 tion of passengers for hire, except *\*commuter vans and\* vehicles*  
133 *used in ridesharing arrangements and* school buses if the same are  
134 not otherwise used in the transportation of passengers for hire.

135 “Operator” means a person who is in actual physical control of  
136 a vehicle or street car.

137 “Outside lane” means the lane nearest the curb or outer edge of  
138 the roadway.

139 “Owner” means a person who holds the legal title of a vehicle, or  
140 if a vehicle is the subject of an agreement for the conditional sale or  
141 lease thereof with the right of purchase upon performance of the  
142 conditions stated in the agreement and with an immediate right of  
143 possession vested in the conditional vendee or lessee, or if a  
144 mortgagor of a vehicle is entitled to possession, then the conditional



145 vendee, lessee or mortgagor shall be deemed the owner for the  
146 purpose of this subtitle.

147 "Parking" means the standing or waiting on a street, road or  
148 highway of a vehicle not actually engaged in receiving or discharg-  
149 ing passengers or merchandise, unless in obedience to traffic regu-  
150 lations or traffic signs or signals.

151 "Passenger automobile" means all automobiles used and  
152 designed for the transportation of passengers, other than omni-  
153 buses and school buses.

154 "Pedestrian" means a person afoot.

155 "Person" includes natural persons, firms, copartnerships, asso-  
156 ciations, and corporations.

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

159 "Pole trailer" means every vehicle without motive power  
160 designed to be drawn by another vehicle and attached to the towing  
161 vehicle by means of a reach, or pole, or by being boomed or other-  
162 wise secured to the towing vehicle, and ordinarily used for trans-  
163 porting long or irregularly shaped loads such as poles, pipes, or  
164 structural members capable, generally, of sustaining themselves as  
165 beams between the supporting connections.

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

168 "Railroad train" means a steam engine, electric or other motor,  
169 with or without cars coupled thereto, operated upon rails, except  
170 street cars.

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

176 "*Ridesharing*" means the transportation of persons in a motor  
177 vehicle, with a maximum carrying capacity of \*not more than\* 15  
178 passengers, including the driver, where such transportation is  
179 incidental to the purpose of the driver. The term shall include such  
180 ridesharing arrangements known as carpools and vanpools.

181 "Right-of-way" means the privilege of the immediate use of the  
182-183 highway.

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

188 "Roadway" means that portion of a highway improved,  
 189 designed, or ordinarily used for vehicular travel, exclusive of the  
 190 berm or shoulder. In the event a highway includes two or more  
 191 separate roadways the term "roadway" as used herein shall refer  
 192 to any such roadway separately, but not to all such roadways,  
 193 collectively.

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

198 "School bus" means every motor vehicle operated by, or under  
 199 contract with, a public or governmental agency, or religious or  
 200 other charitable organization or corporation, or privately operated  
 201 for compensation for the transportation of children to or from  
 202 school for secular or religious education which complies with the  
 203 regulations of the Department of Education affecting school buses  
 204 including "School Vehicle Type I" and "School Vehicle Type II"  
 205 as defined below:

206 "School Vehicle Type I" means any vehicle with a seating  
 207 capacity of 17 or more, used to transport enrolled children, and  
 208 adults only when serving as chaperones, to or from a school, school  
 209 connected activity, day camp, summer day camp, nursery school,  
 210 child care center, preschool center or other similar places of edu-  
 211 cation. Such vehicle shall comply with the regulations of the  
 212 Division of Motor Vehicles and either the Department of Edu-  
 213 cation or the Department of Institutions and Agencies whichever  
 214 is the appropriate supervising agency.

215 "School Vehicle Type II" means any vehicle with a seating  
 216 capacity of 16 or less, used to transport enrolled children, and  
 217 adults only when serving as chaperones, to or from a school, school  
 218 connected activity, day camp, summer day camp, nursery school,  
 219 child care center, preschool center or other similar places of edu-  
 220 cation. Such vehicle shall comply with the regulations of the  
 221 Division of Motor Vehicles and either the Department of Edu-  
 222 cation or the Department of Institutions and Agencies whichever  
 223 is the appropriate supervising agency.

224 "School zone" means that portion of a highway which is either  
 225 contiguous to territory occupied by a school building or is where  
 226 school crossings are established in the vicinity of a school, upon  
 227 which are maintained appropriate "school signs" in accordance  
 228 with specifications adopted by the director and in accordance with  
 229 law.

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

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

238 "Shoulder" means that portion of the highway, exclusive of and  
239 bordering the roadway, designed for emergency use but not ordi-  
240 narily to be used for vehicular travel.

241 "Sidewalk" means that portion of a highway intended for the  
242 use of pedestrians, between the curb line or the lateral line of a  
243 shoulder, or if none, the lateral line of the roadway, and the adjacent  
244 right-of-way line.

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

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

248 "Solid tire" means every tire of rubber or other resilient ma-  
249 terial which does not depend upon compressed air for the support  
250 of the load.

251 "Street" means the same as highway.

252 "Street car" means a car other than a railroad train for trans-  
253 porting persons or property and operated upon rails principally  
254 within a municipality.

255 "Stop," when required, means complete cessation from move-  
256 ment.

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

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

265 "Trackless trolley" means every motor vehicle which is propelled  
266 by electric power obtained from overhead trolley wires but not  
267 operated upon rails.

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

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

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

278 "Truck" means every motor vehicle designed, used, or main-  
 279 tained primarily for the transportation of property.

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

284 "*Van-pooling*" means 8 or more persons commuting on a daily  
 285 basis to and from work by means of a vehicle with a seating  
 286 arrangement designed to carry 8 to 15 adult passengers.

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

1 \*8. R. S. 39:3-4.1 is amended to read as follows:

2 39:3-4.1 As used in this section the term "motor vehicle" is  
 3 hereby defined as meaning any motor vehicle propelled otherwise  
 4 than by muscular power (except such vehicles as run only on rails  
 5 or tracks exclusively) carrying passengers for hire of any kind over  
 6 the highways in this State, except (1) taxicabs, (2) hotel buses,  
 7 **[and]** (3) auto buses with a carrying capacity of not more than  
 8 six passengers now or hereafter operated under municipal consent  
 9 upon a route established wholly within the limits of a single muni-  
 10 pality, which route does not in whole or in part parallel upon the  
 11 same street the line of any street railway or traction railway or any  
 12 other auto bus line *and* (4) *vehicles used in ridesharing arrange-*  
 13 *ments.*

14 No motor vehicle as herein defined shall be licensed by the com-  
 15 missioner until the applicant for such license shall first obtain a  
 16 certificate from the Board of Public **[utility commissioners]**  
 17 *utilities*, that such motor vehicle conforms to the rules, regulations  
 18 and specifications of the Board of Public **[utility commissioners]**  
 19 *utilities*, as to construction and safety devices of such motor vehicle;  
 20 but all motor vehicles as herein defined and approved by the board  
 21 of Public **[utility commissioners]** *utilities*, prior to June 6, 1936,  
 22 shall not require the further approval of such board as a condition  
 23 precedent to the issuance of such license.\*

1 \***[8.]**\* \*9.\* R. S. 39:3-10.1 is amended to read as follows:

2 39:3-10.1. No person shall drive any motor vehicle or trackless  
3 trolley with a capacity of more than six passengers used for the  
4 transportation of passengers for hire or for the transportation of  
5 passengers to or from summer day camps or summer residence  
6 camps or any bus as defined by the director used for the intrastate  
7 transportation of passengers, except *vehicles used in ridesharing*  
8 *arrangements*, taxicabs, hotel buses, and omnibuses used for the  
9 transportation of passengers in interstate or foreign commerce,  
10 or any bus used to transport children to and from school pursuant to  
11 section N. J. S. 18A:39-1 et seq. or when being used by a private  
12 school to transport children to and from school, unless specially  
13 licensed so to do by the director. Such license shall not be granted  
14 until the applicant therefor is at least 18 years of age and has  
15 passed a satisfactory examination in ascertainment of his driving  
16 ability and familiarity with the mechanism of said vehicle and has  
17 presented evidence, satisfactory to the director of his previous  
18 experience (including proof that he has had at least 3 years of  
19 driving experience), good character and physical fitness. Said  
20 license shall be effective until suspended or revoked by the director;  
21 provided, the special licensee is also the holder of a license as  
22 provided for in section 39:3-10 of this Title.

23 Every holder of a special license issued pursuant to this section  
24 shall furnish to the director satisfactory evidence of continuing  
25 physical fitness, good character and experience once in every 24  
26 months after the issuance of the special license.

27 The director may suspend or revoke a license granted under  
28 authority of this section for a violation of any of the provisions  
29 of this subtitle, or on other reasonable grounds, or where, in his  
30 opinion, the licensee is either physically or morally unfit to retain  
31 the same.

32 The director may make such rules and regulations as he may  
33 deem necessary to carry out the provisions of this section.

1 \***[9.]**\* \*10.\* R. S. 48:2-13 is amended to read as follows:

2 48:2-13. The board shall have general supervision and regulation  
3 of and jurisdiction and control over all public utilities as herein-  
4 after in this section defined and their property, property rights,  
5 equipment, facilities and franchises so far as may be necessary for  
6 the purpose of carrying out the provisions of this Title.

7 The term "public utility" shall include every individual, co-  
8 partnership, association, corporation or joint stock company, their  
9 lessees, trustees or receivers appointed by any court whatsoever,  
10 their successors, heirs or assigns, that now or hereafter may own,  
11 operate, manage or control within this State any railroad, street

12 railway, traction railway, autobus, charter bus operation, special  
 13 bus operation, canal, express, subway, pipeline, gas, electric light,  
 14 heat, power, water, oil, sewer, solid waste collection, solid waste  
 15 disposal, telephone or telegraph system, plant or equipment for  
 16 public use, under privileges granted or hereafter to be granted  
 17 by this State or by any political subdivision thereof.

18 Nothing contained in this Title shall extend the powers of the  
 19 board to include any supervision and regulation of, or jurisdiction  
 20 and control over any vehicles engaged *in ridesharing arrangements*  
 21 *with a maximum carrying capacity of \*not more than\* 15 passen-*  
 22 *gers, including the driver, where the transportation of passengers*  
 23 *is \*~~incidental~~\* \*incidental\* to the purpose of the driver \*~~of~~\**  
 24 *\*or\* any vehicles engaged in the transportation of passengers for*  
 25 *hire in the manner and form commonly called taxicab service unless*  
 26 *such service becomes or is held out to be regular service between*  
 27 *stated termini; hotel buses used exclusively for the transportation*  
 28 *of hotel patrons to or from local railroad or other common carrier*  
 29 *stations, including local airports, or bus employed solely for trans-*  
 30 *porting school children and teachers, to and from school, or any*  
 31 *autobus with a carrying capacity of not more than 10 passengers*  
 32 *now or hereafter operated under municipal consent upon a route*  
 33 *established wholly within the limits of a single municipality or with*  
 34 *a carrying capacity of not more than 20 passengers operated under*  
 35 *municipal consent upon a route established wholly within the limits*  
 36 *of not more than four contiguous municipalities within any county*  
 37 *of the fifth or sixth class, which route in either case does not in*  
 38 *whole or in part parallel upon the same street the line of any street*  
 39 *railway or traction railway or any other autobus route.*

1 \*~~10.~~\* \*11.\* R. S. 48:4-1 is amended to read as follows:

2 48:4-1. The term "autobus" as used in this chapter means and  
 3 includes, except as hereinafter noted, any motor vehicle or motor-  
 4 bus operated over public highways or public places in this State  
 5 for the transportation of passengers for hire in intrastate business,  
 6 notwithstanding such motor vehicle or motorbus may be used in  
 7 interstate commerce.

8 *The term "ridesharing" as used in this chapter means the trans-*  
 9 *portation of persons in a motor vehicle, with a maximum carrying*  
 10 *capacity of \*not more than\* 15 passengers, including the driver,*  
 11 *where such transportation is incidental to the purpose of the driver.*  
 12 *The term shall include such ridesharing arrangements known as*  
 13 *carpools and vanpools.*

14 Nothing contained herein shall be construed to include:

15 a. Vehicles engaged in the transportation of passengers for hire  
16 in the manner and form commonly called taxicab service unless  
17 such service becomes or is held out to be regular service between  
18 stated termini;

19 b. Hotel buses used exclusively for the transportation of hotel  
20 patrons to or from local railroad or other common carrier stations  
21 including local airport;

21A c. Buses operated for the transportation of enrolled children  
22 and adults only when serving as chaperones to or from a school,  
23 school connected activity, day camp, summer day camp, nursery  
24 school, child care center, pre-school center or other similar places  
25 of education, including "School Vehicle Type I" and "School Vehicle  
26 Type II" as defined in R. S. 39:1-1;

27 d. Any autobus with a carrying capacity of not more than 12 pas-  
28 sengers operated under municipal consent upon a route established  
29 wholly within the limits of a single municipality or with a carrying  
30 capacity of not more than 20 passengers operated under municipal  
31 consent upon a route established wholly within the limits of not  
32 more than four contiguous municipalities within any county of the  
33 fifth or sixth class, which route in either case does not in whole or in  
34 part parallel upon the same street the line of any street railway  
35 or traction railway or any other autobus route;

36 e. Autocabs, limousines or livery services as defined in R. S.  
37 48:16-13, unless such service becomes or is held out to be regular  
38 service between stated termini.

39 *f. Any vehicle used in a "ridesharing" arrangement, as defined*  
40 *by the New Jersey Ridesharing Act of 1981 \*(P. L. 1981, c. )\**

41 The word "person" as used in this chapter means and includes  
42 any individual, copartnership, association, corporation or joint  
43 stock company, their lessees, trustees, or receivers appointed by  
44 any court.

45 The word "street" as used in this chapter means and includes any  
46 street, avenue, park, parkway, highway, road or other public place.

47 The term "charter bus operation" as used in this chapter means  
48 and includes the operation of an autobus or autobuses by the person  
49 owning or leasing such bus or buses pursuant to a contract, agree-  
50 ment or arrangement to furnish an autobus or autobuses and a  
51 driver or drivers thereof to a person, group of persons or organiza-  
52 tion (corporate or otherwise) for a trip designated by such person,  
52A group of persons or organization for a fixed charge per trip, per  
53 autobus or per mile.

54 The term "special bus operation" as used in this chapter means  
 55 and includes the operation by the owner or lessee of an autobus  
 56 or autobuses for the purpose of carrying passengers for hire, each  
 57 passenger paying a fixed charge for his carriage, on a special trip  
 58 arranged and designated by such owner or lessee, which fixed  
 59 charge may or may not include meals, lodging, entertainment or  
 60 other charges.

1 \*~~[11.]~~\* \*12.\* R. S. 48:4-46 is amended to read as follows:

2 48:4-46. (a) As used in this article "motor vehicle carrying  
 3 passengers for hire" is hereby defined as meaning any motor  
 4 vehicle propelled otherwise than by muscular power (excepting  
 5 such vehicles as run only upon rails or tracks exclusively) carrying  
 6 passengers for hire of any kind over the highways in this State  
 7 except (1) motor vehicles carrying passengers for hire over the  
 8 highways in this State by virtue of municipal consent or consents  
 9 upon a route or routes established in any municipality or munici-  
 10 palities; (2) taxicabs; (3) hotel buses; (4) buses employed solely  
 11 for transporting school children and teachers to or from school;  
 12 (5) autobuses with a carrying capacity of not more than 10 passen-  
 13 gers now or hereafter operated under municipal consent upon a  
 14 route established wholly within the limits of a single municipality,  
 15 which route does not in whole or in part parallel upon the same  
 16 street the line of any street railway or traction railway or any  
 17 other autobus route; (6) autobuses operated over highways in this  
 18 State for the purpose of carrying passengers from a point outside  
 19 the State to another point outside the State or from a point outside  
 20 the State to a point within the State, or from a point within the  
 21 State to a point outside the State between fixed termini on a  
 22 regular schedule; (7) *any vehicle with a maximum carrying capa-*  
 23 *city of \*not more than\* 15 passengers, including the driver, which*  
 24 *is used in the form of service termed "ridesharing," where the*  
 25 *transportation of passengers is incidental to the purpose of the*  
 26 *driver. The term shall include such ridesharing arrangements*  
 27 *known as carpools and vanpools.*

28 (b) "Self-insurer" means any person who by virtue of any law  
 29 of this State, or in case of a nonresident, of the state of which such  
 30 person is a resident and in which any motor vehicle coming within  
 31 the provisions of this article is registered, is exempted by some  
 32 official, board or body of this State or such other state from  
 33 requirements imposed upon other owners of similar motor vehicles  
 34 to carry insurance or secure possible claims for damages by a bond  
 35 of a surety company.



36 (c) "Financial responsibility" means ability to satisfy claims to  
37 the extent set forth in sections 48:4-47 and 48:4-48 of this Title.

38 (d) "For hire" means compensation in any form, whether directly  
39 or indirectly made.

40 (e) "Financial coverage" means insurance and also self-insurer.

41 (f) "Magistrate" shall be deemed and understood to mean and  
42 include all judges of county and criminal courts, and other officers  
43 having powers of the committing magistrate.

1 \*~~12.~~\* \*13.\* This act shall take effect immediately.

---

40 (e) "Financial coverage" means insurance and also self-insurer.

41 (f) "Magistrate" shall be deemed and understood to mean and

42 include all judges of county and criminal courts, and other officers

43 having powers of the committing magistrate.

1 12. This act shall take effect immediately.

---

#### STATEMENT

The purpose of this bill is to encourage the formation of ride-sharing arrangements, particularly for commuting to and from work, as an energy-efficient alternative to individuals traveling alone by private automobile. One of the most efficient ways to organize ridesharing programs is through employer sponsorship and promotion. However, employers' uncertainties about their legal liabilities have hampered their promotion and sponsorship of ridesharing programs. The legislation makes clear that worker compensation laws do not apply, and an employer is not liable for injuries sustained by individuals participating in a ridesharing arrangement sponsored or organized by an employer, unless the employer owns, leases or contracts for the vehicle used in the arrangement or requires participation in a ridesharing arrangement as a condition of employment. Similarly, employee participation in a ridesharing arrangement while commuting to and from work shall not trigger the application of minimum wage or overtime pay laws, or other laws regulating hours of work. However, the legislation does not apply to those situations in which an employee participates in a ridesharing arrangement while traveling between his or her place of employment and another job site or location which he or she is authorized or required to visit during the course of his or her employment. In such instances, worker compensation and minimum wage laws pertain.

Finally, the legislation makes it clear that the licensing, registration and Department of Transportation regulations governing vehicles and drivers engaged in the transportation of passengers for hire do not apply to vehicles or drivers engaged in ridesharing arrangements. The Legislature finds that such arrangements, in which the driver's livelihood is not derived from the transportation of passengers, and in which he or she is essentially engaged in a cooperative effort with his or her passengers to obtain inexpensive and energy-efficient transportation to a common or similar destination, do not require the application of laws designed to protect the public dealing at arm's length with transportation operators.

---

A3152 (1981)

LAW LIBRARY COPY  
DO NOT REMOVE

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3152**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1981

The purpose of this bill is to encourage the formation of ridesharing arrangements, particularly for commuting to and from work, as an energy-efficient alternative to individuals traveling alone by private automobile.

This legislation provides a definition of "ridesharing" and "van-pooling" in the statutes. The bill also makes it clear by statute, in R. S. 39:1-1, that vehicles used in ridesharing arrangements, if such vehicles are not otherwise used in the transportation of passengers for hire, are not to be defined as omnibuses. As presently defined in R. S. 39:1-1, "omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and school buses if the same are not otherwise used in the transportation of passengers for hire.

The bill also states that all the provisions contained in Title 48 of the Revised Statutes, which includes statutes governing vehicles and drivers engaged in the transportation of passengers for hire, do not apply to vehicles or drivers engaged in ridesharing arrangements. As a result of an Executive Order issued by Governor Byrne, effective January 1, 1979, the functions, powers, and duties that had been exercised by the Board of Public Utilities with respect to the regulation of *inter alia*, omnibuses, autobuses, and special bus operations, as contained in Title 48, were transferred to the Department of Transportation.

Assembly Bill No. 3152 further provides that worker compensation laws do not apply and an employer is not liable for injuries sustained by individuals participating in a ridesharing arrangement sponsored or organized by an employer, unless the employer owns, leases or contracts for the vehicle used in the arrangement or requires participation in a ridesharing arrangement as a condition of employment. Similarly, employee participation in a ridesharing arrangement while commuting to and from work does not permit the application of minimum wage or overtime pay laws, or other laws regulating hours of work unless the employee is required to participate in the ridesharing arrangement as a condition of employment.

The committee adopted amendments to the bill to accomplish the following:

Establish a definition of "carpool" in the statutes;

Include in the bill the most recently amended language found in R. S. 39:1-1 as contained in P. L. 1981, c. 139;

Change the definition of "ridesharing" to mean 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; such a motor vehicle need not, as the bill originally states, have a maximum carrying capacity of 15 passengers, including the driver;

Provide a new subsection b. to section 4 that clarifies a major provision of Assembly Bill No. 3152: Worker compensation laws do not apply and an employer is not liable for injuries or damages sustained by passengers and other persons simply because he provides information, incentives, or otherwise encourages his or her employees to participate in a ridesharing arrangement. For example, worker compensation laws and such employer liability would not apply to an employer for giving administrative or legal assistance to his or her employees for the purpose of establishing or maintaining a ridesharing program; nor to an employer who disseminates ridesharing information to employees on bulletin boards or company publications. Such worker compensation laws and employer liability would also not be applicable, for example, to an employer for providing preferred parking spaces to employees who utilize ridesharing arrangements;

Provide that in those cases when worker compensation laws do apply and an employer is liable for injuries sustained by individuals participating in a ridesharing arrangement, employment shall be deemed to commence when an employee is traveling between his or her place of residence or termini near such place and his or her place of employment. The bill has been amended so that worker compensation laws do not apply in a ridesharing arrangement for an employee at any termini near his or her place of employment;

Clarify the point that employer liability in worker compensation cases involving ridesharing arrangements is applicable when an employee is required by the employer to travel in such an arrangement as a condition of employment;

Denote that an owner of a motor vehicle used in a ridesharing arrangement is not required to apply for a special certificate from the Board of Public Utilities stating that such motor vehicle conforms to the rules, regulations and specifications of the board, as to construction and safety devices of such motor vehicle.

---

LAW LIBRARY COPY  
DO NOT REMOVE

SENATE TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 3152

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1981

This legislation attempts to foster ridesharing programs by defining ridesharing and by detailing employer liability for encouraging or engaging in such programs.

This bill defines ridesharing as the "transportation of persons in a motor vehicle, with a maximum capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver." "Van-pooling" is defined as "eight or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry eight to 15 adult passengers." "Carpool" is defined as "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." Van-pooling and carpooling are included within the definition of ridesharing.

An employer shall be liable for injuries or damages sustained by passengers and other persons resulting from the operation or use of a ridesharing vehicle if the employer owns, leases or contracts for the vehicle or requires participation in a ridesharing arrangement as a condition of employment. Worker compensation laws shall apply when employer liability is involved. An employer shall not be liable for injuries or damages sustained by passengers and other persons because he provides information or incentives or otherwise encourages ridesharing arrangements.

An employee who participates in a ridesharing arrangement between his residence and place of employment shall not be entitled to compensation for such travel time nor shall he be entitled to minimum wage or overtime pay, or subject to other laws regulating hours of work, unless the employee is required to participate in the ridesharing arrangement as a condition of employment.

Ridesharing vehicles shall not come under the jurisdiction of the Board of Public Utilities nor shall such vehicles, if not otherwise used in the transportation of passengers for hire, be considered omnibuses.

The Department of Transportation supports this legislation.

1-8-82

FROM THE OFFICE OF THE GOVERNOR  
- 2 -

S-3379, sponsored by Senator John F. Russo (D-Ocean) amending existing statutes on the fingerprinting of persons charged with indictable offenses to require that all persons charged with indictable offenses and with narcotics offenses be fingerprinted and the prints filed with the State Bureau of Identification. The act takes effect immediately.

The State Supreme Court, in September of 1980, amended certain court rules pertaining to persons charged with indictable offenses. One of the Court's holdings allowed the issuance of summonses instead of warrants for indictable offenses where there is little need for detention or further investigation (violent crimes were exempted).

The rule resulted in the inability of many law enforcement authorities to fingerprint some persons charged with indictable offenses but issued summonses rather than arrest warrants, since current fingerprinting statutes require an arrest to be made. Persons "summoned" to appear in court are not technically arrested and many narcotics charges are non-indictable offenses.

This bill amends the fingerprinting statutes to require fingerprinting for all indictable offenses and all narcotics related offenses, indictable or non-indictable.

A-1371, sponsored by Assemblywoman Barbara F. Kalik (D-Burlington) allowing counties and municipalities to appoint two alternate members to their utility or sewerage authorities.

The alternates would be able to participate in authority proceedings but would be permitted to vote only if a regular member is absent or disqualified. If an alternate is available, authority proceedings may not be delayed to allow a regular member to vote rather than the alternate. The act takes effect immediately.

A-3152, sponsored by Assemblyman Walter Rand (D-Camden) and known as the "New Jersey Ridesharing Act of 1981," defines ridesharing and attempts to promote its growth by defining employer and employee liability for engaging in van or carpooling programs.

- more -

The bill makes the following distinctions:

- Ridesharing is defined as the transportation, including van-pooling and carpooling, of persons in a vehicle with a maximum capacity of not more than 15 passengers;
- Ridesharing vehicles are not considered buses, not under the jurisdiction of the Board of Public Utilities, and not subject to Department of Transportation regulations governing the drivers and operation of passenger vehicles for hire;
- Employers are liable for injuries or damages sustained by passengers or other persons if the employer owns, leases or contracts the ridesharing vehicle, if he requires participation in a ridesharing program, and if the injuries result from the operation of the vehicle. An employer will not be liable for injuries if he simply encouraged ridesharing through the use of incentives;
- The same liability conditions apply to employees, if an employee or group of employees operate the ridesharing program and own or contract the vehicle; and
- Employees injured in ridesharing programs will be entitled to workers' compensation if the employers owns, leases or contracts for the pooling vehicle---or if he requires participation as a condition of employment. Workers' compensation will not be granted if an employee or employees own or contract for the pool vehicle.

The act takes effect immediately and is expected to encourage ridesharing arrangements between employees and employers. Such arrangements in the past have been discouraged because of a lack of clarity as to respective liability in car and van-pooling programs.

# # # # #