

48:4-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 48:4-1; 48:16-13 et al.; 39:3-19.5 (Buses - charter and special operations - under full regulation by PUC)

LAWS OF 1979 CHAPTER 224

Bill No. A1039

Sponsor(s) Barry and others

Date Introduced March 6, 1978

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 13, 1978

Senate Feb. 26, 1979

Date of approval Oct. 12, 1979

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note Yes

Veto message Yes

Message on signing Yes

Following were printed:

Reports Yes

Hearings Yes

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ASSEMBLY, No. 1039

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1978

By Assemblymen BARRY, DiFRANCESCO, OLSZOWY, BASSANO, HARDWICK, MAGUIRE, BURNS, STEWART, D. GALLO, ADUBATO, McMANIMON, BORNHEIMER, OTLOWSKI, Assemblywoman BURGIO and Assemblymen KERN and SNEDEKER

Referred to Committee on Transportation and Communications

AN ACT concerning autocabs, limousines***[.]*** and livery services, amending various sections of the statutory law, *repealing R. S. 48:16-15* and supplementing Chapter 3 of Title 39 of the Revised Statutes.

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

1 1. 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 for
5 the transportation of passengers for hire in intrastate business,
6 notwithstanding such motor vehicle or motorbus may be used in
7 interstate commerce.

8 Nothing contained herein shall be construed to include:

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

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

16 c. Buses operated for the transportation of enrolled children
17 and adults only when serving as chaperons to or from a school,
18 school connected activity, day camp, summer day camp, nursery
19 school, child care center, pre-school center or other similar places
20 of education, including "School Vehicle Type I" and "School
21 Vehicle Type II" as defined in R. S. 39:1-1**[.]**;

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

22 d. Any autobus with a carrying capacity of not more than 10
 23 passengers operated under municipal consent upon a route estab-
 24 lished wholly within the limits of a single municipality or with a
 25 carrying capacity of not more than 20 passengers operated under
 26 municipal consent upon a route established wholly within the limits
 27 of not more than four contiguous municipalities within any county
 28 of the fifth or sixth class, which route in either case does not in
 29 whole or in part parallel upon the same street the line of any street
 30 railway or traction railway or any other autobus route;

31 e. *Autocabs, limousines*[,]** or *livery services as defined in R. S.*
 32 *48:16-13**, unless such service becomes or is held out to be regular
 32A *service between stated termini**.

33 The word "person" as used in this chapter means and includes
 34 any individual, copartnership, association, corporation or joint
 35 stock company, their lessees, trustees, or receivers appointed by any
 36 court.

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

40 The term "charter bus operation" as used in this chapter means
 41 and includes the operation of an autobus or autobuses by the person
 42 owning or leasing such bus or buses pursuant to a contract, agree-
 43 ment or arrangement to furnish an autobus or autobuses and a
 44 driver or drivers thereof to a person, group of persons or orga-
 45 nization (corporate or otherwise) for a trip designated by such
 46 person, group of persons or organization for a fixed charge per
 47 trip, per autobus or per mile.

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

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

2 48:16-13. As used in this article:

3 "Autocab" means and includes any automobile or motor car
 4 *with a carrying capacity of *not* more than nine passengers, not*
 5 *including the driver, *[,]** **used** in the business of carry-
 6 ing passengers for hire which is held out, announced or advertised
 7 to operate or run or which is operated or run over any of the streets
 8 or public highways of this State, and which is hired by charter or
 9 for a particular contract, or by the day or hour or other fixed period,

10 or to transport passengers to a specified place or places, or which
 11 charges a fare or price agreed upon in advance between the operator
 12 and the passenger. Nothing in this article contained shall be con-
 13 strued to include taxicabs, hotel buses or buses employed solely in
 14 transporting school children or teachers or autobuses which are
 15 subject to the jurisdiction of the Board of Public [Utility Commis-
 16 sioners] *Utilities*, or interstate autobuses required by Federal or
 17 State law or rules of the Board of Public [Utility Commissioners]
 18 *Utilities* to carry insurance against loss from liability imposed by
 19 law on account of bodily injury or death.

19A “*Limousine or livery service*” means and includes *~~nine pas-~~
 19B ~~sengers, not including the driver, engaged in the business of carry-~~
 20 ~~ing passengers for hire which is held out, announced or advertised~~
 21 ~~to operate or run or which is operated or run over any of the streets~~
 22 ~~or public highways of this State, and which is hired by charter or~~
 23 ~~for a particular contract, or by the day or hour or other fixed~~
 24 ~~period, or to transport passengers to a specified place or places, or~~
 25 ~~which charges a fare or price agreed upon in advance between the~~
 26 ~~operator and the passenger. Nothing in this article contained shall~~
 27 ~~be construed to include taxicabs, hotel buses or buses employed~~
 28 ~~solely in transporting school children or teachers or autobuses~~
 29 ~~which are subject to the jurisdiction of the Board of Public~~
 30 ~~Utilities, or interstate autobuses required by Federal or State~~
 31 ~~law or rules of the Board of Public Utilities to carry insurance~~
 32 ~~against loss from liability imposed by law on account of bodily in-~~
 33 ~~jury or death]~~* *the business of carrying passengers for hire by
 33A *autocabs**.

34 “Person” means and includes any individual, copartnership,
 35 association, corporation or joint stock company, their lessees,
 36 trustees or receivers appointed by any court whatsoever.

37 “Street” means and includes any street, avenue, park, park-
 38 way, highway, or other public place.

1 3. R. S. 48:16-14 is amended to read as follows:

2 48:16-14. No autocab, *limousine or livery service* shall be
 3 operated wholly or partly along any street in any municipality
 4 until the owner of the autocab, *limousine or livery service* shall
 5 have filed with the clerk of the municipality in which *~~such opera-~~
 6 ~~tion is maintained]~~* *the owner has his principal place of business*,
 7 an insurance policy of a company duly licensed to transact business
 8 under the insurance laws of this State in the sum of *~~[\$5,000.00]~~*
 9 *\$50,000.00* against loss by reason of the liability imposed by law
 10 upon *~~the]~~* *every* autocab, *limousine or livery service* owner for
 11 damages on account of bodily injury or death suffered by any

12 person as the result of an accident occurring by reason of the
 13 ownership, maintenance or use of the autocab, *limousine or livery*
 13A *service* upon any public street.

14 Such operation shall be permitted only so long as the insurance
 15 policy shall remain in force to the full and collectible amount of
 16 *~~[\$5,000.00]~~* *\$50,000.00*.

17 The insurance policy shall provide for the payment of any final
 18 judgment recovered by any person on account of the ownership,
 19 maintenance and use of such autocab, *limousine or livery service*
 20 or any fault in respect thereto, and shall be for the benefit of every
 21 person suffering loss, damage or injury as aforesaid.

1 4. R. S. 48:16-15 is *~~[amended to read as follows:]~~* *repealed.*

2 *~~[48:16-15. If such owner operates more than one autocab, *lim-*~~
 3 ~~*ousine or livery service*, he may file with the clerk of the municipi-~~
 4 ~~pality, in lieu of the policy required by section 48:16-14 of this~~
 5 ~~Title, a bond or insurance policy of a company duly licensed to~~
 6 ~~transact business under the insurance laws of this State, in the sum~~
 7 ~~of \$50,000.00, which shall be a blanket insurance covering all cabs,~~
 8 ~~*limousine or livery service* operated by such owner which shall pro-~~
 9 ~~vide for the payment of any final judgment recovered by any per-~~
 10 ~~son on account of the ownership, maintenance and use of any such~~
 11 ~~autocabs, *limousine or livery service* or any fault in respect thereto,~~
 12 ~~and shall be for the benefit of every person suffering loss, damage~~
 13 ~~or injury as aforesaid.]~~*

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

2 48:16-16. The owner of the autocab, *limousine or livery service*
 3 shall execute and deliver to the clerk of the municipality*, *in which*
 4 *the owner has his principal place of business**, concurrently with
 4A the filing of a policy or bond referred to in *~~[sections]~~* *~~section~~*
 5 48:16-14 *~~[and 48:16-15]~~* of this Title, a power of attorney,
 6 wherein and whereby the owner shall appoint the chief fiscal officer
 7 of the municipality his true and lawful attorney for the purpose of
 8 acknowledging service of any process out of a court of competent
 9 jurisdiction to be served against the insured by virtue of the
 10 indemnity granted under the insurance policy or bond filed.

1 6. R. S. 48:16-17 is amended to read as follows:

2 48:16-17. The clerk of the municipality, **in which the owner has*
 3 *his principal place of business**, upon the filing of the required
 4 insurance policy or bond, shall issue a certificate in duplicate
 5 showing that the owner of the autocab, *limousine or livery service*
 5A has complied with the terms and provisions of this article.

6 The certificate shall recite the name of the insurance company,
7 the number and date of expiration of the policy or bond, a descrip-
8 tion of ***[the]*** *every* autocab, *limousine or livery service* insured
9 thereunder, and the registration number of the same.

10 The duplicate certificate shall be filed with the **[Department]**
11 *Division of Motor Vehicles* before any such car is registered as an
12 autocab, *limousine or livery service*.

13 The original certificate shall be posted in a conspicuous place
14 within the autocab, *limousine or livery service*.

1 7. R. S. 48:16-18 is amended to read as follows:

2 48:16-18. Where an autocab, *limousine or livery service* operates
3 in more than one municipality, the insurance policy or bond
4 required by ***[sections]*** *section* 48:16-14 ***[and 48:16-15]*** of
5 this Title shall be filed with the clerk of the municipality in which
6 the owner has his principal place of business ***[and certificates, in**
7 such number as may be necessary, certifying that the owner has
8 complied with all the provisions of this article shall, by the clerk
9 of the municipality, be delivered to the owner, who shall file the
10 certificate with the clerk of each municipality in which such opera-
11 tion takes place**]***.

1 8. R. S. 48:16-19 is amended to read as follows:

1A 48:16-19. Any corporation organized under the laws of this State
2 having a paid up cash capital of not less than \$150,000.00 may carry
3 its own liability insurance, if it can reasonably satisfy the Commis-
4 sioner of **[Banking and]** Insurance as to the permanence and
5 financial standing of its business.

6 If the commissioner shall by written order make such an exemp-
7 tion, the company in lieu of the insurance policy or bond provided
8 for by ***[sections]*** *section* 48:16-14 ***[and 48:16-15]*** of this
9 Title, may file a copy of the order with a statement sworn to by its
10 president, vice president, treasurer or assistant treasurer that the
11 corporation is the owner of autocabs, *limousine or livery services*
12 and that the copy of the order attached to the affidavit and filed
13 therewith is a true copy of the original order and that the same
14 has not been revoked.

15 The copy of the order of exemption and statement shall remain
16 in lieu of an insurance policy or bond so long as the paid up cash
17 capital of the corporation shall be not less than \$150,000.00 and
18 the order of the commissioner shall remain in force.

1 9. R. S. 48:16-20 is amended to read as follows:

2 48:16-20. If it shall appear to the Commissioner of **[Banking**
3 **and]** Insurance, after a hearing, that the company no longer has a
4 paid up cash capital of at least \$150,000.00 and is no longer able to

5 pay damages which may result from an accident occurring by
6 reason of the ownership, maintenance or use of the autocabs,
7 *limousine or livery services* owned by it, upon any public street, he
8 shall revoke his order granting exemption. Thereupon the company
9 shall immediately file an insurance policy or bond as required by
10 ***[sections]* *section* 48:16-14 *and 48:16-15]*** of this Title.

1 10. R. S. 48:16-21 is amended to read as follows:

2 48:16-21. Nothing in this article contained shall exempt any
3 person owning or operating any autocab, *limousine or livery service*
4 from complying with the law relating to the ownership, registration
5 and operation of automobiles in this State.

1 11. R. S. 48:16-22 is amended to read as follows:

2 48:16-22. Any person who shall operate an autocab, *limousine or*
3 *livery service* in any street in this State without complying with
4 the provisions of this article shall be guilty of a misdemeanor.

1 12. (New section) a. Upon the application of any person who
2 owns **an autocab,** a limousine or livery service, the Director of
3 the Division of Motor Vehicles shall issue special registration plates
4 bearing the word "livery" in addition to the registration number
5 and other markings or identification otherwise prescribed by law.

6 ***[Said registration plates shall be imprinted with three letters**
7 **and a numeral.]***

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

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

1 13. This act shall take effect immediately.

9 shall immediately file an insurance policy or bond as required by
10 sections 48:16-14 and 48:16-15 of this Title.

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13 addition to the fees otherwise prescribed by law for the registration
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STATEMENT

The purpose of this bill is to reaffirm the intent of P. L. 1973, c. 158 to place charter and special bus operations under full regulation of the Board of Public Utilities. P. L. 1973, c. 158 was not intended to place limousine and livery services, already covered by R. S. 48:16-13 et seq., under regulation, and this bill so states.

This bill amends sections 13 through 22 of Chapter 16 of Title 48 of the Revised Statutes to clarify their application with respect to limousine and livery services.

In addition, this bill supplements chapter 3 of Title 39 of the Revised Statutes to permit the owner of limousine or livery service to apply for, and receive from the Director of the Division of Motor Vehicles special registration plates bearing the word "livery" in addition to the registration number and other markings or identification otherwise prescribed by law.

A1039(1979)

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1039

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 18, 1979

This legislation concerns the definition and regulation of autocabs, limousines, and livery services. It defines limousine or livery service as the business of carrying passengers for hire by autocabs. Autocabs are defined as any automobile or motor car with a carrying capacity of not more than nine passengers, not including the driver. Autocabs, limousines or livery services are exempted from Board of Public Utility regulation except when such service is regular service between stated termini.

The legislation provides that no autocab, limousine or livery service shall be operated within any municipality until the owner of the autocab, limousine or livery service files with the clerk of the municipality, in which the owner has his principal place of business, an insurance policy in the sum of \$50,000.00.

Furthermore, the bill permits the owner of an autocab, limousine or livery service to apply for special registration plates from the Division of Motor Vehicles.