

48:2-13

LEGISLATIVE FACT SHEET

on *Titneys - increases amount of required insurance.*

N.J.R.S. 48:2-13  
48:4-1, 1.1  
48:16 - 23, 24

( 1971 Amendment)

LAWS OF 1971

CHAPTER 16 Jan. 29, 1971

SENATE BILL 773 [OCR]

ASSEMBLY BILL

INTRODUCED *April 13, 1970*

BY *Farley*

SPONSOR'S STATEMENT

YES  NO

ASSEMBLY COMMITTEE STATEMENT

YES  NO

SENATE COMMITTEE STATEMENT

YES  NO

FISCAL NOTE

YES  NO

AMENDED DURING PASSAGE

YES NO

HEARING *None discovered*

VETO

JA/PC  
11/7/75

SENATE, No. 773

STATE OF NEW JERSEY

INTRODUCED APRIL 13, 1970

By Senator FARLEY

(Without Reference)

AN ACT concerning autobuses with respect to specifications, insurance requirements and financial responsibility, and amending P. L. 1962, chapter 198, and R. S. 48:16-24.

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

1 1. Section 89 of P. L. 1962, chapter 190 (C. 48:4-1.1) is amended  
1A to read as follows:

2 48:4-1.1. The board shall have jurisdiction with respect to speci-  
3 fications and insurance requirements or financial responsibility as  
4 to charter busses, **[and]** special busses**[.]** *and autobusses, includ-*  
5 *ing for purposes of this section, autobusses with carrying capacity*  
6 *of not more than 20 passengers.*

1 2. R. S. 48:16-24 is amended to read as follows:

2 48:16-24. No autobus as defined herein shall be operated wholly  
3 or partly along any street in any city until the owner or owners  
4 thereof shall obtain the consent of the board or body having con-  
5 trol of public streets in such city for the operation of such autobus  
6 and the use of any street or streets of said city.

7 No such consent shall become effective and no such operation  
8 shall be permitted until the owner of such autobus (*including, for*  
9 *purposes of this section, autobuses with carrying capacity of not*  
10 *more 20 passengers*) in any city shall have filed with the chief fiscal  
11 officer of the city in which said autobus shall be licensed and  
12 operated an insurance policy of a company duly licensed to trans-  
13 act business under the insurance laws of this State in the sum of  
14 \$10,000.00 against loss from the liability imposed by law upon the  
15 autobus owner for damages on account of bodily injury or death  
16 suffered by any one person and in the sum of \$20,000.00 on account  
17 of bodily injury or death suffered by more than one person, and in  
18 the sum of \$5,000.00 against loss on account of property damage

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

19 suffered by any person or persons as a result of an accident occurring  
20 by reason of the ownership, maintenance or use of such autobus  
21 upon the public streets of such city, and such consent shall continue  
22 effective and such operation be permitted only so long as such in-  
23 surance to the full and collectible amount of \$10,000.00 for one per-  
24 son and ~~[\$20,000.00]~~ \$100,000.00 for more than one person for  
25 bodily injuries or death and \$5,000.00 for property damage shall  
26 remain in force, during the entire term of the police. Such insurance  
27 policy shall provide for the payment of any final judgment re-  
28 covered by any person on account of the ownership, maintenance  
29 and use of such autobus or any fault in respect thereto and shall be  
30 for the benefit of any person suffering loss, damage or injury as  
31 aforesaid.

32 A power of attorney shall be executed and delivered to such fiscal  
33 officer concurrently with the filing of a policy hereinbefore referred  
34 to, wherein and whereby the said owner shall nominate, constitute  
35 and appoint such fiscal officer his true and lawful attorney for the  
36 purpose of acknowledging service of any process out of a court of  
37 competent jurisdiction to be served against the insured by virtue of  
38 the indemnity granted under the insurance policy filed.

39 Any such consent may be revoked by the board or body of the mu-  
40 nicipality granting the same after notice and hearing whenever it  
41 shall appear that the person to whom such consent was granted has  
42 failed to furnish and keep in force the insurance and the power of  
43 attorney herein required, or to comply with any terms or conditions  
44 imposed by the board or body granting such consent or any law of  
45 this State.

1 3. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO  
**SENATE, No. 773**

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**STATE OF NEW JERSEY**

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ADOPTED MAY 14, 1970

Amend page 1, title, line 2, after "amending", insert "R. S. 48:2-13, R. S. 48:4-1,".

Amend page 1, title, line 3, after "198," insert "R. S. 48:16-23".

Amend page 1, insert new sections 1 and 2 as follows:

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

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

The term "public utility" shall include every individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, their successors, heirs or assigns, that now or hereafter may own, operate, manage or control within this State any railroad, street railway, traction railway, autobus, canal, express, subway, pipeline, gas, electric light, heat, power, water, oil, sewer, *solid waste collection, solid waste disposal*, telephone or telegraph system, plant or equipment for public use, under privileges granted or hereafter to be granted by this State or by any political subdivision thereof.

Nothing contained in this Title shall extend the powers of the board to include any supervision and regulation of, or jurisdiction and control over any vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini; hotel busses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations, including local airports, or bus employed solely for transporting school children and teachers, to and from school, or any autobus with a carrying capacity of not more than 10 passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality *or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route*

*established wholly within the limits of not more than four contiguous municipalities within any county of the fifth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.*”.

“2. R. S. 48:4-1 is amended to read as follows:

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

Nothing contained herein shall be construed to include:

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

b. Hotel busses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airports;

c. Busses operated solely for the transportation of school children and teachers to and from school;

d. Any autobus with a carrying capacity of not more than 10 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality *or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.*

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

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

The term “charter bus operation” as used in this chapter means and includes the operation of an autobus or autobusses by the person owning or leasing such bus or busses pursuant to a contract, agreement or arrangement to furnish an autobus or autobusses and a driver or drivers thereof to a person, group of persons or organization (corporate or otherwise) for a trip designated by such person, group of persons or organization for a fixed charge per trip, per autobus or per mile.

The term “special bus operation” as used in this chapter means and includes the operation by the owner or lessee of an autobus or auto-

busses for the purpose of carrying passengers for hire, each passenger paying a fixed charge for his carriage, on a special trip arranged and designated by such owner or lessee, which fixed charge may or may not include meals, lodging, entertainment or other charges.”

Amend page 1, section 1, line 1, omit “1”, insert “3”.

Amend page 1, section 1, line 2, omit “48:4-1.1”, insert “89”.

Amend page 1, section 1, after line 6, insert a new section as follows:

“4. R. S. 48:16-23 is amended to read as follows:

48:16-23. The word “autobus” as used in this article shall mean and include any automobile or motor bus, commonly called jitney, with a carrying capacity of not more than ten passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality *or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth class*, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

The word “person” as used in this article shall mean and include any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court whatsoever.

The word “street” as used in this article shall mean and include any street, avenue, park, parkway, highway or other public place.”

Amend page 1, section 2, line 1, omit “2”, insert “5”.

Amend page 1, section 2, line 16, omit “\$20,000.00”, insert “\$100,000.00”.

Amend page 2, section 3, line 1, omit “3”, insert “6”.

CHAPTER 116 N. J. 1971

APPROVED 1/29/71

[OFFICIAL COPY REPRINT]

SENATE, No. 773

# STATE OF NEW JERSEY

INTRODUCED APRIL 13, 1970

By Senator FARLEY

(Without Reference)

AN ACT concerning autobuses with respect to specifications, insurance requirements and financial responsibility, and amending

\*R. S. 48:2-13, R. S. 48:4-1,\* P. L. 1962, chapter 198, \*R. S. 48:16-23\* and R. S. 48:16-24.

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

1 \*1. 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, canal, express, subway, pipeline,  
13 gas, electric light, heat, power, water, oil, sewer, solid waste collec-  
14 tion, solid waste disposal, telephone or telegraph system, plant or  
15 equipment for public use, under privileges granted or hereafter to  
16 be granted by this State or by any political subdivision thereof.

17 Nothing contained in this Title shall extend the powers of the  
18 board to include any supervision and regulation of, or jurisdiction  
19 and control over any vehicles engaged in the transportation of  
20 passengers for hire in the manner and form commonly called taxi-  
21 cab service unless such service becomes or is held out to be regular  
22 service between stated termini; hotel busses used exclusively for  
23 the transportation of hotel patrons to or from local railroad or  
24 other common carrier stations, including local airports, or bus em-

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

25 *ployed solely for transporting school children and teachers, to and*  
 26 *from school, or any autobus with a carrying capacity of not more*  
 27 *than 10 passengers now or hereafter operated under municipal*  
 28 *consent upon a route established wholly within the limits of a single*  
 29 *municipality or with a carrying capacity of not more than 20*  
 30 *passengers operated under municipal consent upon a route estab-*  
 31 *lished wholly within the limits of not more than four contiguous*  
 32 *municipalities within any county of the fifth class, which route in*  
 33 *either case does not in whole or in part parallel upon the same street*  
 34 *the line of any street railway or traction railway or any other auto-*  
 35 *bus route.*

1 *2. 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 busses used exclusively for the transportation of hotel*  
 14 *patrons to or from local railroad or other common carrier stations*  
 15 *including local airports;*

16 *c. Busses operated solely for the transportation of school chil-*  
 17 *dren and teachers to and from school;*

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

27 *The word "person" as used in this chapter means and includes*  
 28 *any individual, copartnership, association, corporation or joint*  
 29 *stock company, their lessees, trustees, or receivers appointed by any*  
 30 *court.*

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



34 The term "charter bus operation" as used in this chapter means  
 35 and includes the operation of an autobus or autobusses by the per-  
 36 son owning or leasing such bus or busses pursuant to a contract,  
 37 agreement or arrangement to furnish an autobus or autobusses and  
 38 a driver or drivers thereof to a person, group of persons or orga-  
 39 nization (corporate or otherwise) for a trip designated by such per-  
 40 son, group of persons or organization for a fixed charge per trip,  
 41 per autobus or per mile.

42 The term "special bus operation" as used in this chapter means  
 43 and includes the operation by the owner or lessee of an autobus or  
 44 autobusses for the purpose of carrying passengers for hire, each  
 45 passenger paying a fixed charge for his carriage, on a special trip  
 46 arranged and designated by such owner or lessee, which fixed  
 47 charge may or may not include meals, lodging, entertainment or  
 48 other charges.\*

1 \***[1.]**\* \*3.\* Section 89 of P. L. 1962, chapter 190 (C. 48:4-1.1) is  
 2 amended to read as follows:

3 \***[48:4-1.1.]**\* \*89.\* The board shall have jurisdiction with  
 4 respect to specifications and insurance requirements or financial  
 5 responsibility as to charter busses, **[and]** special busses**[.]** and  
 6 autobusses, including for purposes of this section, autobusses with  
 7 carrying capacity of not more than 20 passengers.

1 \*4. R. S. 48:16-23 is amended to read as follows:

2 48:16-23. The word "autobus" as used in this article shall mean  
 3 and include any automobile or motor bus, commonly called jitney,  
 4 with a carrying capacity of not more than ten passengers, operated  
 5 under municipal consent upon a route established wholly within the  
 6 limits of a single municipality or with a carrying capacity of not  
 7 more than 20 passengers operated under municipal consent upon a  
 8 route established wholly within the limits of not more than four  
 9 contiguous municipalities within any county of the fifth class, which  
 10 route in either case 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 autobus route.

13 The word "person" as used in this article shall mean and include  
 14 any individual, copartnership, association, corporation or joint  
 15 stock company, their lessees, trustees, or receivers appointed by  
 16 any court whatsoever.

17 The word "street" as used in this article shall mean and include  
 18 any street, avenue, park, parkway, highway or other public place.\*

1 \***[2.]**\* \*5.\* R. S. 48:16-24 is amended to read as follows:

2 48:16-24. No autobus as defined herein shall be operated wholly  
 3 or partly along any street in any city until the owner or owners

4 thereof shall obtain the consent of the board or body having con-  
5 trol of public streets in such city for the operation of such autobus  
6 and the use of any street or streets of said city.

7 No such consent shall become effective and no such operation  
8 shall be permitted until the owner of such autobus (*including, for*  
9 *purposes of this section, autobusses with carrying capacity of not*  
10 *more 20 passengers*) in any city shall have filed with the chief fiscal  
11 officer of the city in which said autobus shall be licensed and  
12 operated an insurance policy of a company duly licensed to trans-  
13 act business under the insurance laws of this State in the sum of  
14 \$10,000.00 against loss from the liability imposed by law upon the  
15 autobus owner for damages on account of bodily injury or death  
16 suffered by any one person and in the sum of \***[\$20,000.00]**\*  
17 \*\$100,000.00\* on account of bodily injury or death suffered by more  
18 than one person, and in the sum of \$5,000.00 against loss on account  
19 of property damage suffered by any person or persons as a result of  
20 an accident occurring by reason of the ownership, maintenance or  
21 use of such autobus upon the public streets of such city, and such  
22 consent shall continue effective and such operation be permitted  
23 only so long as such insurance to the full and collectible amount of  
24 \$10,000.00 for one person and **[\$20,000.00]** \$100,000.00 for more  
25 than one person for bodily injuries or death and \$5,000.00 for  
26 property damage shall remain in force, during the entire term of  
27 the police. Such insurance policy shall provide for the payment of  
28 any final judgment recovered by any person on account of the  
29 ownership, maintenance and use of such autobus or any fault in  
30 respect thereto and shall be for the benefit of any person suffering  
31 loss, damage or injury as aforesaid.

32 A power of attorney shall be executed and delivered to such fiscal  
33 officer concurrently with the filing of a policy hereinbefore referred  
34 to, wherein and whereby the said owner shall nominate, constitute  
35 and appoint such fiscal officer his true and lawful attorney for the  
36 purpose of acknowledging service of any process out of a court of  
37 competent jurisdiction to be served against the insured by virtue of  
38 the indemnity granted under the insurance policy filed.

39 Any such consent may be revoked by the board or body of the mu-  
40 nicipality granting the same after notice and hearing whenever it  
41 shall appear that the person to whom such consent was granted has  
42 failed to furnish and keep in force the insurance and the power of  
43 attorney herein required, or to comply with any terms or conditions  
44 imposed by the board or body granting such consent or any law of  
45 this State.

1 \***[3.]**\* \*6.\* This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: January 29, 1971

Governor William T. Cahill signed into law Senate Bill 773 which will permit jitney buses to run throughout Absecon Island.

The 20 passenger jitneys currently do not travel outside the Atlantic City city limits.

The Governor signed the bill to permit the continuation of public transportation for citizens of Margate, Ventnor and Longport.

The citizens of those municipalities presently are threatened with the loss of public transportation because the present Atlantic City Transportation Company is in danger of terminating services on Monday.

The Governor said that as of this afternoon no application for a new State-county subsidy has been requested by the bus company.

The Governor indicated that if the Atlantic County freeholders had agreed to a new subsidy to keep the buses in operation, it might not have been necessary to authorize the jitneys to extend their service beyond Atlantic City. However, the Governor stressed that he felt in view of existing conditions it was essential to insure the citizens of the shore area continued transportation service.

The bill was sponsored by Senator Frank Farley (R., Atlantic).

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HC  
1/23/71

State of New Jersey  
DEPARTMENT OF PUBLIC UTILITIES  
BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE THREATENED )  
DISCONTINUANCE OF BUS SERVICE )  
BY ATLANTIC CITY TRANSPORTATION )  
COMPANY. )

ORDER  
Docket No. 711-59

BY THE BOARD:

Atlantic City Transportation Company (Respondent) has approval of municipal consents for the operation of autobuses on various routes in the City of Atlantic City and surrounding environs.

It has come to the Board's attention that Respondent has threatened to discontinue autobus service on all its routes as of February 1, 1971 without permission of the Board.

The appropriate statute provides:

"No public utility shall discontinue, curtail or abandon any service without obtaining permission from the board after notice. The board may withhold permission until after hearing to determine if the discontinuance, curtailment or abandonment will adversely affect public convenience and necessity . . . ." N.J.S.A. 48:2-24.

Therefore, the Respondent, Atlantic City Transportation Company is HEREBY ORDERED to continue to render safe, adequate and proper autobus service on its routes and keep its equipment in a safe condition pursuant to N.J.S.A. 48:2-23 and continue its insurance coverage in effect until further order of this Board, or until the Respondent has applied to the Board for permission to curtail or discontinue service and the Board has rendered an appropriate determination thereon consistent with the requirements of public convenience and necessity.