

LEGISLATIVE HISTORY OF R.S. 48:4-3, 7, 11
 (Autobusses: Municipal consent to operation;
 violations - penalty and enforcement)

COPY NO. 1

- L. 1916, c. 136, §2, p. 284 - A40
 Kates.
 Railroads & Canals Committee
 January 17 - Introduced
 March 8 - Passed Assembly, committee substitute (enclosed).
 March 15 - Passed Senate, amended (enclosed).
 Statement ~~enclosed~~ (see 48:4-15)
 No hearings or reports were located.
- L. 1921, c. 204, §1, p. 638 - A394
 Blair - Judiciary Committee
 February 22 - Introduced
 March 14 - Favorably reported.
 Second reading.
 March 30 - Passed Assembly.
 April 6 - Passed Senate.
 April 8 - Approved
 Statement ~~enclosed~~ (see 48:4-3)
 No hearings or reports were located.
- L. 1926, c. 144, §3, p. 220 - A547
 Bruno - Judiciary Committee.
 February 22 - Introduced.
 March 2 - Reported by committee substitute.
 Second reading.
 March 10 - Passed Assembly.
 March 15 - Received in Senate - Highways Committee.
 March 16 - Reported favorably.
 Second reading.
 March 17 - Passed in Senate.
 March 24 - Approved.
 No statement.
 No hearings or reports were located.

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Prior bills: 1961 - A352

L. 1962, c. 198, §68 - A486

March 19 - Introduced by Keegan & 4 others
Highways, Transportation & Economic Development
April 2 - Reported, second reading.
April 16 - Amended
Second reading, amended.
Passed Assembly under emergency resolution, amended.
April 30 - Received in Senate - Federal & Interstate Relations
Committee.
May 14 - Reported with committee amendments.
Second reading.
June 14 - Passed in Senate, amended.
Nov. 19 - Received in Assembly - no reference.
Dec. 3 - Senate amendment passed in Assembly.
Dec. 12 - Approved.
Statement enclosed.

see
48:12-54
n
48:19-20

L. 1973, c. 158 - S1028

Hagedorn and 3 others.
Committee on Transportation & Communications.
May 15, 1972 - Introduced
Nov. 13 - Reported, second reading.
Nov. 16 - Laid over.
Nov. 20 - Passed in Senate (31-2)
Received in Assembly - Transportation & Public
Utilities Committee.
April 9, 1973 - Reported, 2nd reading.
April 30 - Passed in Assembly.
June 7 - Approved.
~~sponsor~~ No statement.
No hearings or reports were located.

NJ An Act to Amend and Supplement Title 48, P.U.C.
KA6.2 draft, December 1960.
48
1960a

JRM/PC

SENATE, No. 1028

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1972

By Senators HAGEDORN, TURNER, HOLLENBECK and WENDEL

Referred to Committee on Transportation and Communications

AN ACT concerning public utilities amending sections 48:2-13, 48:4-3, 48:4-6, 48:4-7, 48:4-8, 48:4-9, 48:4-11 and 48:4-35 of the Revised Statutes, repealing section 48:4-10 of the Revised Statutes and section 89 of P. L. 1962, c. 198 and supplementing Title 48 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. 48:2-13 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 by
17 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 the transportation of
21 passengers for hire in the manner and form commonly called taxi-
22 cab service unless such service becomes or is held out to be regular
23 service between stated termini; hotel busses used exclusively for

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

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

1 2. R. S. 48:4-3 is amended to read as follows:

2 48:4-3. No autobus, *charter bus operation or special bus operation*
 3 *which is engaged wholly or partly in intrastate commerce* shall be
 4 operated or run while carrying passengers for hire *within the State*
 5 *of New Jersey* [wholly or partly along any street in any municipal-
 6 ity, whether such operation is over a route wholly or partly within
 7 the territorial limits of the municipality, except as set forth in sec-
 8 tion 48:4-10 of this Title, until the person owning or possessing
 9 the right to use the same shall obtain the consent of such municipi-
 10 pality given by its governing body or the official, board or body
 11 thereof which by law has control of the public streets therein for
 12 such operation and the use of any street or streets in such mu-
 13 nicipality;] *unless there is in force with respect to such operation*
 14 *a certificate of public convenience and necessity issued by the Board*
 15 *of Public Utility Commissioners authorizing such operation upon*
 16 *a determination that such operation is in the public interest* [pro-
 17 vided, however, that none of the provisions of this article 2 shall
 18 be applicable to a charter bus operation or special bus operation.]
 19 *except that*

20 (a) *any municipal consent granted by any municipality and ap-*
 21 *proved by the Board of Public Utility Commissioners prior to the*
 22 *effective date of this act and which is in full force and effect on*
 23 *the effective date of this act shall be deemed a certificate of public*
 24 *convenience and necessity for the purposes of this chapter;*

25 (b) *any charter bus operation or special bus operation which was*
 26 *in bona fide operation on the date this act was enacted may continue*
 27 *to operate for 6 months thereafter without a certificate. Such oper-*
 28 *ation may continue to operate without a certificate beyond the*
 29 *6-month period only if an application for a certificate of public*
 30 *convenience and necessity authorizing that operation has been filed*

31 *within the 6-month period and is pending determination by the*
 32 *board.*

33 *The board shall issue a certificate authorizing Statewide opera-*
 34 *tion to any charter or special bus operation that was in bona fide*
 35 *operation on the date this act was enacted provided that the opera-*
 36 *tion is otherwise in compliance with the laws of this State and the*
 37 *rules and regulations of the Board of Public Utility Commissioners.*

1 3. R. S. 48:4-6 is amended to read as follows:

2 48:4-6. Any such **[municipal consent]** *certificate of public con-*
 3 *venience and necessity* for the operation of an autobus, *charter bus*
 4 *operation or special bus operation* heretofore granted and now in
 5 effect or hereafter granted and in effect may be transferred by the
 6 holder thereof upon obtaining the approval of the Board of Public
 7 Utility Commissioners upon application to it by either the trans-
 8 feror or the transferee.

9 The transferor and the transferee shall be jointly and severally
 10 liable for any outstanding debt due the board at the time of the
 11 transfer.

1 4. R. S. 48:4-7 is amended to read as follows:

2 48:4-7. Any such **[municipal consent]** *certificate of public con-*
 3 *venience and necessity* for the operation of an autobus, *charter bus*
 4 *operation or special bus operation* heretofore granted and now in
 5 effect or hereafter granted and in effect, shall continue in effect until
 6 revoked, as herein provided *unless otherwise provided in the cer-*
 7 *tificate*. Any such **[municipal consent]** *certificate of public con-*
 8 *venience and necessity*, heretofore or hereafter granted, may be
 9 revoked by the Board of Public Utility Commissioners **[or body**
 10 **of the municipality granting the same]** after notice and hearing
 11 whenever it shall appear that the holder thereof has failed to comply
 12 with any law of this State or any lawful regulation imposed by the
 13 Board of Public Utility Commissioners **[or body granting such**
 14 **consent and approved by the Board of Public Utility Commis-**
 15 **sioners, but no such revocation shall become effective until the**
 16 **Board of Public Utility Commissioners after hearing, shall approve**
 17 **the same]**.

18 *The Board of Public Utility Commissioners, after notice and*
 19 *hearing may revoke any certificate of public convenience and*
 20 *necessity provided it finds that, (a) the operation of autobus ser-*
 21 *vice under certificates of public convenience and necessity held by*
 22 *more than one autobus operator for service in a specific area will*
 23 *adversely affect the financial stability of operators rendering ser-*
 24 *vice in such area because of insufficient revenues, (b) the adverse*
 25 *effect upon the operators will result in improper or inadequate*

26 *service to the public and (c) there will be sufficient autobus service*
 27 *to meet the requirements of public convenience and necessity even*
 28 *though one or more certificates of public convenience and necessity*
 29 *are revoked by the board.*

30 *The authority contained in this section is in addition to any au-*
 31 *thority to revoke certificates of public convenience and necessity*
 32 *which the board of Public Utility Commissioners may otherwise*
 33 *have.*

1 5. R. S. 48:4-8 is amended to read as follows:

2 48:4-8. The holder of any such **【municipal consent】** *certificate of*
 3 *public convenience and necessity* for the operation of an autobus
 4 heretofore granted and now in effect or hereafter granted and in
 5 effect may replace any autobus operated under such **【consent】** *cer-*
 6 *tificate of public convenience and necessity* with another autobus and
 7 may substitute one autobus for another and may operate such other
 8 or substituted autobus under such **【consent】** *certificate of public*
 9 *convenience and necessity* provided such other or substituted auto-
 10 bus shall conform with lawful regulations and specifications.

1 6. R. S. 48:4-9 is amended to read as follows:

2 48:4-9. The holder of a **【municipal consent】** *certificate of public*
 3 *convenience and necessity* for the operation of an autobus may use
 4 such autobus for special or occasional trips off its regular route
 5 whenever the autobus is not required for the operation of the
 6 schedule on its regular route.

7 No special or occasional trip shall be operated in competition
 8 with any autobus route or a street railway line. The provisions
 9 of this paragraph shall apply to operators of special or occasional
 10 trips whether or not they hold **【municipal consents】** *certificates of*
 11 *public convenience and necessity.*

1 7. R. S. 48:4-11 is amended to read as follows:

2 48:4-11. Any person who shall operate an autobus, *charter bus*
 3 *operation or special bus operation* **【in the streets of a municipality】**
 4 *within the State of New Jersey* without complying with the pro-
 5 visions of this article shall be adjudged a disorderly person.

6 The Board of Public Utility Commissioners shall proceed at law
 7 or in equity to prevent any person from operating an autobus in
 8 violation of the provisions of this article or otherwise violating
 9 any provisions thereof.

10 Proceedings to prevent a person from operating an autobus with-
 11 out a valid **【municipal consent】** *certificate of public convenience*
 12 *and necessity* may be instituted by any public utility, the business
 13 or revenues of which are adversely affected thereby.

1 8. R. S. 48:4-35 is amended to read as follows:

2 48:4-35. a. "Motor vehicle" as used in this article includes all
3 vehicles propelled otherwise than by muscular power (excepting
4 such vehicles as run only upon rails or tracks exclusively) carrying
5 passengers for hire now or hereafter operated by virtue of a
6 **[municipal consent]** *certificate of public convenience and necessity*
7 *including vehicles used in connection with charter or special bus*
8 *operations to which this act applies within the State of New Jersey.*
9 **[upon a route or routes established in any municipality or**
10 **municipalities.]**

11 b. "Self-insurer" means any person who, by virtue of any law
12 of this State is exempted by some official, board or body of this
13 State from the requirements imposed upon other owners of similar
14 motor vehicles to carry insurance in an insurance company.

15 c. "Financial responsibility" means ability to satisfy claims to
16 the extent set forth in section 48:4-36 of this Title.

17 d. "For hire" means compensation in any form, whether directly
18 or indirectly made.

19 e. "Financial coverage" means insurance and also self-insurer.

20 f. "Magistrate" shall be deemed and understood to mean and
21 include all justices of the peace, judges of county and criminal
22 courts, police judges, recorders, mayors and other officers having
23 powers of the committing magistrate; but shall not include a justice
24 of the peace sitting within the corporate limits of any municipality
25 having a police judge, police justice, recorder's court or city
26 criminal court.

1 9. The board shall have full jurisdiction over charter busses and
2 special busses, to the same extent that it has jurisdiction over
3 autobuses.

1 10. Nothing in this act shall preclude the board from limiting
2 certificates of public convenience and necessity by imposing con-
3 ditions as to the area of operation, route of operation, expiration
4 of the certificate, equipment, maintenance, service or such other
5 condition as public convenience and necessity may reasonably re-
6 quire or permit.

1 11. R. S. 48:4-10 is hereby repealed.

1 12. Section 89 of P. L. 1962, c. 198 is hereby repealed.

1 13. This act shall take effect immediately.

STATEMENT

This amends existing law to eliminate municipal consents and substitute for them certificates of public convenience and necessity, places special and charter busses under full PUC jurisdiction and provides for the revocation of certificates of public convenience and necessity where there is insufficient revenue to support the existing number of operators, thereby implementing certain proposals with respect to bus transportation recommended by Governor Cahill in his Second Annual Message.

ASSEMBLY, No. 40

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1916.

By Mr. KATES.

Referred to Committee on Municipal Corporations.

AN ACT concerning auto busses and their operation in cities.

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

1 1. The words "auto bus" as used herein shall mean and include any automobile
2 or motor bus engaged in the business of carrying passengers for hire, which is held
3 out, announced or advertised to operate or run, or which is operated or run, over
4 any of the streets or public places in any city of this State, and indiscriminately
5 accepts and discharges such persons as may offer themselves for transportation
6 either at the termini or points along the way or route on which it is used or
7 operated or may be running; *provided*, that vehicles used exclusively as sightseeing
8 cars, hotel busses or taxicabs shall not be considered auto busses within the meaning
9 hereof.

10 The word "person" as used herein shall mean and include any individual,
11 copartnership, association, corporation or joint stock company, their lessees, trustees
12 or receivers appointed by any court whatsoever.

13 The word "street" as used herein shall mean and include any street, avenue,
14 park, parkway, highway or other public place.

1 2. Any person as herein defined who now or hereafter owns, operates, manages
2 or controls any auto bus as herein defined, wholly or partly upon and along any
3 street as herein defined in any city of this State, shall be deemed to be included
4 within the meaning of the term "public utility" as used and defined in an act en-

5 titled "An act concerning public utilities, to create a Board of Public Utility Com-
6 missioners, and to prescribe its duties and powers," approved April twenty-first,
7 one thousand nine hundred and eleven, and the amendments thereof and suppl-
8 ments thereto, and shall be, so far as the owning, operating, managing or con-
9 trolling any auto bus is concerned, subject to all the provisions of said law
10 applicable to other public utilities.

11 3. No auto bus as herein defined shall be operated wholly or partly upon or
12 along any street as herein defined in any city until the owner or owners thereof
13 shall have procured the consent of the governing body of such city for such use
14 of such street, which consent shall contain a description of the route over, and
15 specify the termini between, which such auto bus shall be required to be operated
16 and the hours of service over such route, and may also contain such reasonable
17 terms and conditions as the governing body of such city may deem the interests
18 of the public to require. No such consent shall be valid until approved by the
19 Board of Public Utility Commissioners of the State of New Jersey, such approval
20 to be given in the same manner and according to the same terms and conditions
21 as provided by law for the approval by said board of privileges or franchises
22 granted to any public utility by any political subdivision of this State, and no
23 such consent shall become effective, and no such operation shall be permitted, until
24 the owner of such auto bus in any city shall have executed and delivered a bond
to such city in an amount for each auto bus to be fixed by said governing body
of said city and approved by the Board of Public Utility Commissioners, and in
the form prescribed by the chief law officer of said city with sureties satisfactory
to the chief fiscal officer of said city, or such other person as may be designated
by the governing body of such city; which bond shall provide adequate security
for the prompt payment of any sum accruing to said city and the performance of
any other obligations under the terms and conditions of such consent, as well as
adequate security for the payment by such owner of any damage accruing to, or
judgment recovered by, any person on account of the operation of such auto bus or
any fault in respect thereto. Any such consent may be revoked by the governing

25 body of the city granting the same whenever, after notice and hearing, it shall
26 appear that the person to whom such consent was granted has failed to furnish the
27 service required or to comply with any of the terms and conditions imposed by
28 said consent.

1 4. Every person as herein defined owning and operating an auto bus as herein
2 defined in any city of this State shall, on or before the fifth day of each calendar
3 month, file with the city clerk of such city a statement, verified by oath, showing
4 the gross receipts from the business of said auto bus during the preceding calendar
5 month, and shall at the same time pay to the city treasurer of such city five (5)
6 per centum of such gross receipts as a monthly franchise tax for revenue for the
7 use of such city: *provided*, that if the route over which such auto bus is operated
8 shall extend beyond the limits of such city, then such person shall include in such
9 statement the length of the route over which such auto bus is operated, both within
10 and without said city, and shall pay as said franchise tax to said city five (5)
11 per centum of such proportion of the gross receipts as the length of the route in
12 the city bears to the whole length of such route.

13 Any person owning and operating an auto bus in any city of this State neglect-
14 ing or refusing to make such monthly statement or payment at the time and as re-
15 quired herein shall thereby forfeit and pay for such neglect or refusal one hundred
16 dollars (\$100) for each offense, to be recoverable by action in the name of such city
17 in any court of competent jurisdiction, and when collected paid into the city treas-
18 ury. Any person who shall falsely make any oath required to be made in this act
19 shall be deemed guilty of perjury, and, upon conviction thereof, shall be liable to
20 all penalties by law therefor.

1 5. Nothing herein contained shall exempt any person owning or operating any
2 auto bus from complying with existing statutes relating to the ownership, registra-
3 tion and operation of automobiles in this State.

1 6. Any person operating an auto bus in any of the streets of any city in this
2 State at any time after sixty days from the time when this act shall take effect,

3 without complying with the provisions of this act, shall be deemed guilty of a mis-
4 demeanor and subject to the penalties therefor provided by law.

1 7. If for any reason any section or provision of this act shall be questioned
2 in any court and shall be held to be unconstitutional or invalid, no other section or
3 provision of this act shall be affected thereby.

1 8. All acts or parts of acts inconsistent with this act, to the extent of such
2 inconsistency, be and the same are hereby repealed, and this act shall take effect
3 immediately.

STATEMENT.

The object of this act is to give the public the benefit of the same protection from, and control over, auto busses as over other public utilities. The act applies only to cities, and a tax is imposed upon the operation of auto busses for the benefit of the city in which they operate.

SENATE AMENDMENT TO
ASSEMBLY, No. 40

STATE OF NEW JERSEY

By Mr. COLGATE.

I Section two, line eleven, strike out the words "or damage to property".

COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 40

STATE OF NEW JERSEY

AN ACT concerning auto busses, commonly called jitneys, and their operation in cities.

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

1 1. The words "auto bus" as used herein shall mean and include any auto-
2 mobile or motor bus, commonly called jitney, engaged in the business of carrying pas-
3 sengers for hire which is held out, announced or advertised to operate or run, or
4 which is operated or run, over any of the streets or public places in any city of this
5 State, and indiscriminately accepts and discharges such persons as may offer them-
6 selves for transportation either at the termini or points along the way or route on
7 which it is used or operated or may be running.

8 The word "person" as used herein shall mean and include any individual,
9 copartnership, association, corporation or joint stock company, their lessees, trustees,
10 or receivers appointed by any court whatsoever.

11 The word "street" as used herein shall mean and include any street, avenue,
12 park, parkway, highway or other public place.

1 2. No auto bus as defined herein shall be operated wholly or partly along any
2 street in any city until the owner or owners thereof shall obtain the consent of the
3 board or body having control of public streets in such city for the operation of such
4 auto bus and the use of any street or streets of said city; and no such consent shall
5 become effective and no such operation shall be permitted until the owner of such auto
6 bus in any city shall have filed with the chief fiscal officer of the city in which said
7 auto bus shall be licensed and operated an insurance policy of a company duly
8 licensed to transact business under the insurance laws of the State of New Jersey
9 in the sum of five thousand dollars (\$5,000) against loss from the liability imposed

10 of such proportion of the gross receipts as the length of the route in the city bears
11 to the whole length of such route.

12 The sum accruing to any city under this section when paid shall be in lieu of
13 all other franchise taxes and municipal license fees, and the receipt for same for the
14 last preceding calendar month shall be at all times prominently displayed in or on
15 said auto bus.

16 Any person owning and operating an auto bus in any city of this State neglecting
17 or refusing to make such monthly statement or payment at the time and as required
18 herein shall thereby forfeit and pay for such neglect or refusal one hundred dollars
19 (\$100) for each offense, to be recoverable by action in the name of such city in any
20 court of competent jurisdiction, and when collected paid into the city treasury. Any
21 person who shall falsely make any oath required to be made in this act shall be deemed
22 guilty of perjury, and, upon conviction thereof, shall be liable to all penalties by
23 law thereon.

24 4. Nothing herein contained shall exempt any person owning or operating any
25 auto bus from complying with existing statute relative to the ownership, registration
26 and operation of automobiles in this State.

27 5. Any person operating an auto bus in any of the streets of any city in this
28 State at any time, after sixty days from the time when this act shall take effect,
29 without complying with the provisions of this act, shall be deemed guilty of a mis-
30 demeanor and subject to the penalties therefor provided by law.

31 6. If for any reason any section or provision of this act shall be questioned in
32 any court and shall be held to be unconstitutional or invalid, no other section or
33 provision of this act shall be affected thereby.

34 7. All acts or parts of acts inconsistent with this act, to the extent of such incon-
35 sistence, be and the same are hereby repealed, and this act shall take effect immedi-
36 ately.

ASSEMBLY, No. 394

(Chapter 136 of the Laws of 1910, page 283.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1921.

By Mr. BLAIR.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act concerning auto busses, commonly called jitneys, and their operation in cities," approved March sevenfeenth, one thousand nine hundred and sixteen.

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

1 1. Section two of the act of which this is amendatory be and the same is
2 hereby amended so that it shall read as follows:

3 2. No auto bus as defined herein shall be operated wholly or partly along any
4 street in any city until the owner or owners thereof shall obtain the consent of
5 the board or body having control of public streets in such city for the operation of
6 such auto bus and the use of any street or streets of said city; and no such con-
7 sent shall become effective and no such operation shall be permitted until the
8 owner of such auto bus in any city shall have filed with the chief fiscal officer of the
9 city in which said auto bus shall be licensed and operated an insurance policy of
10 a company duly licensed to transact business under the insurance laws of the State
11 of New Jersey in the sum of five thousand dollars (\$5,000) against loss from the
12 liability imposed by law upon the auto bus owner for damages on account of bodily
13 injury or death suffered by any person or persons as a result of an accident occur-
14 ring by reason of the ownership, maintenance or use of such auto bus upon the pub-
15 lic streets of such city, and such consent shall continue effective and such opera-
16 tion be permitted only so long as such insurance to the full and collectible amount
17 of five thousand dollars (\$5,000) shall remain in force, during the entire term of the

18 policy; such insurance policy shall provide for the payment of any final judgment re-
19 covered by any person on account of the ownership, maintenance and use of such auto
20 bus or any fault in respect thereto and shall be for the benefit of any person suffering
21 loss, damage or injury as aforesaid; *and provided, further,* that a power of attorney
22 shall be executed and delivered to such fiscal officer concurrently with the filing of a
23 policy hereinbefore referred to, wherein and whereby the said owner shall nominate,
24 constitute and appoint such fiscal officer his true and lawful attorney for the pur-
25 pose of acknowledging service of any process out of a court of competent jurisdic-
26 tion to be served against the insured by virtue of the indemnity granted under the
27 insurance policy filed. Any such consent may be revoked by the governing body of
28 the city granting the same after notice and hearing whenever it shall appear that the
29 person to whom such consent was granted has failed to furnish and keep in force the
30 insurance and the power of attorney herein required, or to comply with any terms or
31 conditions imposed by the board or body granting such consent or any law of the State
32 of New Jersey.

1 2. All acts or parts of acts inconsistent herewith are hereby repealed to the
2 extent of such inconsistencies.

1 3. This act shall take effect immediately.

STATEMENT.

This bill is necessary in order that persons using jitneys may know that there is always a policy of \$5,000.00 on file to protect them against loss or damage sustained by injury. Under the present law, as interpreted by Vice Chancellor Fielder, in *Turk vs. Goldberg*, 109 Atlantic Reporter, page 732, the liability on the part of the Insurance Company is limited to \$5,000.00 during the entire term of the policy so that if a policy is dated as of January 1st, 1921, and judgment is recovered against it on March 21st, 1921, for \$4,500.00, the Insurance Company is only liable to persons injured after March 1st to the amount of \$500.00. This bill will cure that defect and carry out the intention of the Legislature that there should always be liability to the amount of \$5,000.00 on the part of the persons operating the jitney and the Insurance Company.

ASSEMBLY, No. 547

(P. L. 1916, Chap. 136, p. 283.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1926.

By Mr. BRUNO.

Referred to Committee on Judiciary.

AN ACT to amend the title and body of an act entitled "An act concerning auto busses, commonly called jitneys, and their operation in cities," approved March seventeenth, one thousand nine hundred and sixteen.

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

1 1. The title of the act to which this act is an amendment be and the same is
2 hereby amended so as to read "An act concerning auto busses, commonly called
3 jitneys, and their operation in cities."

1 2. Section one of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 1. The words "auto bus" as used herein shall mean and include any automobile
4 or motor bus (commonly called jitney) engaged in the business of carrying pas-
5 sengers for hire which is held out, announced or advertised to operate or run, or
6 which is operated or run, over the streets or public places in any [city] muni-
7 city of this State, whether such auto bus is operated over a route wholly or
8 partly within the territorial limits of such municipality, and indiscriminately accepts
9 and discharges such persons as may offer themselves for transportation, either at
10 the termini or points along the way or route on which it is used or operated or
11 may be running. Nothing herein contained shall be construed to include taxicabs,
12 hotel busses, or busses employed solely in transporting school children.

13 The word "person" as used herein shall mean and include any individual,

14 copartnership, association, corporation or joint stock company, their lessees, trustees,
15 or receivers appointed by any court whatsoever.

16 The word "street" as used herein shall mean and include any street, avenue,
17 park, parkway, highway or other public place.

1 3. Section two of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 2. No auto bus as defined herein shall be operated or run while carrying pas-
4 sengers for hire wholly or partly along any street in any [city] municipality, whe-
5 ther such auto bus is operated over a route wholly or partly within the territorial
6 limits of such municipality, except as hereafter set forth, until the owner or owners
7 thereof shall obtain the consent of the board or body having control of public
8 streets in such [city] municipality for the operation of such auto bus and the use
9 of any street or streets of said [city] municipality; and no such consent shall be-
10 come effective and no such operation shall be permitted until the [owner of such
11 auto bus in any city] holder of such consent shall have filed with the chief fiscal
12 officer of the [city] municipality by which said consent was granted [in which said
13 auto bus shall be licensed and operated] an insurance policy of a company duly
14 licensed to transact business under the insurance laws of the State of New Jersey in
15 the sum of five thousand dollars (\$5,000.00) against loss from the liability im-
16 posed by law upon the auto bus owner for damages on account of bodily injury
17 or death suffered by any person or persons as a result of an accident occurring by
18 reason of the ownership, maintenance or use of such auto bus upon the public
19 streets of such [city] municipality, and such consent shall continue effective and
20 such operation be permitted only so long as such insurance to the full and collect-
21 ible amount of five thousand dollars (\$5,000.00) shall remain in force, during the
22 entire term of the policy; such insurance policy shall provide for the payment of
23 any final judgment recovered by any person on account of the ownership, mainte-
24 nance and use of such auto bus or any fault in respect thereto and shall be for
25 the benefit of any person suffering loss, damage or injury as aforesaid; and pro-
26 vided, further, that a power of attorney shall be executed and delivered to such
27 fiscal officer concurrently with the filing of a policy hereinbefore referred to,

28 wherein and whereby the said owner shall nominate, constitute and appoint such
 37 lawful officer his true and lawful attorney for the purpose of acknowledging service
of any process out of a court of competent jurisdiction to be served against the in-
 31 sured by virtue of the indemnity granted under the insurance policy filed [.];
 32 and provided, further, that the provisions hereof as to insurance shall not apply to
 33 any company which shall comply with the provisions of chapter two hundred and
 34 eleven of the Laws of one thousand nine hundred and twenty five. Any such con-
 35 sent, now or hereafter granted and in effect, shall continue in effect until revoked,
 36 as herein provided. Any such consent, heretofore or hereafter granted, may be re-
 37 voked by the governing body of the [city] municipality granting the same after
 38 notice and hearing whenever it shall appear that the person to whom such con-
 39 sent was granted has failed to furnish and keep in force the insurance and the
 40 power of attorney herein required, or to comply with any [terms or conditions]
 41 lawful regulation imposed by the board or body granting such consent and ap-
 42 proved by the Board of Public Utility Commissioners or any law of the State of
 43 New Jersey [.], but no such revocation shall become effective until the Board of
 44 Public Utility Commissioners, after hearing, shall approve same. Any consent
 45 now or hereafter granted and in effect may be transferred upon obtaining the ap-
 46 proval of the Board of Public Utility Commissioners. Whenever the route of any
 47 auto bus extends through more than two municipalities and one or more munici-
 48 palities have granted consent for such operation and the Board of Public Utility
 49 Commissioners has approved such consent and one or more municipalities have re-
 50 fused or failed to grant the necessary consent, in such case the Board of Public
 51 Utilities may permit the owner of such auto bus to run his auto bus through the
 52 municipality or municipalities which have refused or failed to grant the necessary
 53 consent; provided that no passengers be either taken on or discharged from said
 54 auto bus anywhere within the boundaries of the municipality or municipalities so
 55 refusing or failing to grant such consent.

1 4. Section three of the act to which this act is an amendment be and the same
 2 is hereby amended so that the same shall read as follows:

3 3. Every person as herein defined owning and operating an auto bus as herein
 4 defined in any [city] municipality of this State shall, on or before the tenth day

5 of each calendar month, file with the **[city treasurer]** chief fiscal officer of such
6 **[city]** municipality a statement, verified by oath, showing the gross receipts from
7 the business of said auto bus or busses during the preceding calendar month, and
8 shall at the same time pay to **[the city treasurer]** such fiscal officer of such **[city]**
9 municipality five (5) per centum of such gross receipts as a monthly franchise tax
10 for revenue for the use of **[such city]** the streets; *provided*, that if the route over
11 which such auto bus is operated shall extend beyond the limits of such **[city]** mu-
12 nicipality, then such person shall include in such statement the length of the route
13 over which said auto bus is operated both within and without said **[city]** muni-
14 pality, and shall pay as said franchise tax to said **[city]** municipality five (5) per
15 centum of such proportion of the gross receipts as the length of the route in the
16 **[city]** municipality bears to the whole length of such route.

17 The sum accruing to any **[city]** municipality under this section when paid shall
18 be in lieu of all other franchise taxes and municipal license fees.

19 All moneys now or hereafter payable under any law of this State as a fee for
20 the licensing or registration of any auto bus, as herein defined, or as a tax on the
21 fuel or the sale thereof used in any such auto bus in its operation in any munici-
22 pality and all other taxes or fees imposed under any law of this State upon any
23 auto bus or the operation thereof (except taxes on personal property) shall be paid
24 notwithstanding this act by the owner or owners of such auto bus or by the per-
25 son liable for such tax under any law of this State, and when paid the amount
26 thereof shall be considered a credit on account of or in full, as the case may be,
27 for the franchise tax to be paid and apportioned according to the provisions here-
28 of.

29 Any person owning and operating an auto bus or auto busses in any **[city]**
30 municipality of this State neglecting or refusing to make such monthly statement
31 or payment at the time and as required herein shall thereby forfeit and pay for
32 such neglect or refusal one hundred dollars (\$100.00) for each offense, to be re-
33 coverable by action in the name of such **[city]** municipality in any court of com-
34 petent jurisdiction, and when collected paid into the **[city]** municipal treasury. Any
35 person who shall falsely make an oath required to be made in this act shall be deemed

36 guilty of perjury, and, upon conviction thereof, shall be liable to all penalties by
37 law therefor.

1 5. Section five of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 5. Any person operating an auto bus in any of the streets of any [city] mu-
4 nicipality in this State at any time, after sixty days from the time when this act
5 shall take effect, without complying with the provisions of this act, shall be deemed
6 guilty of a misdemeanor and subject to the penalties therefor provided by law.
7 It shall be the duty of the Board of Public Utility Commissioners to take proceed-
8 ings at law or in equity to prevent any person operating an auto bus in violation
9 of the provisions of this act, or otherwise violating any provision of this act, or
10 such proceeding may be instituted by any public utility, the business or revenues of
11 which are adversely affected by any such violation.

1 6. All acts or parts of acts inconsistent with the provisions of this act be and
2 the same are hereby repealed and this act shall take effect immediately.

STATEMENT.

The purpose of this act is to amend what is known as the Kates act of 1916, to provide for the proper regulation of auto busses and to further provide for the raising of additional revenue for the use of municipalities in which such auto busses operate by extending the imposition of the five per cent franchise tax for the operation of such auto busses to all municipalities the present act limiting the collection of such five per cent tax on gross receipts to cities only.

COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 547

STATE OF NEW JERSEY

ADOPTED MARCH 2, 1926.

AN ACT to amend the title and body of an act entitled "An act concerning auto busses, commonly called jitneys, and their operation in cities," approved March seventeenth, one thousand nine hundred and sixteen.

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

1 1. The title of the act to which this act is an amendment be and the same is
2 hereby amended so as to read "An act concerning auto busses and their operation."

1 2. Section one of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 1. The words "auto bus" as used herein shall mean and include any automobile
4 or motor bus carrying passengers for hire which is held out, announced or advertised
5 to operate or run, or which is operated or run, over any of the streets or public places
6 in any municipality of this State, and indiscriminately accepts and discharges such
7 persons as may offer themselves for transportation either at the termini or points
8 along the way or route on which it is used or operated or may be running. Nothing
9 herein contained shall be construed to include taxicabs, hotel busses, or busses em-
10 ployed solely in transporting school children and teachers.

11 The word "person" as used herein shall mean and include any individual, copart-
12 nership, association, corporation or joint stock company, their lessees, trustees, or re-
13 ceivers appointed by any court whatsoever.

14 The word "street" as used herein shall mean and include any street, avenue,
15 park, parkway, highway, road or other public place.

16 The word "municipality" as used herein shall mean and include any city, town,
17 township, village, borough, and any municipality governed by a board of commis-
18 sioners or improvement commission.

1 3. Section two of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 2. No auto bus as defined herein shall be operated or run while carrying pas-
4 sengers for hire wholly or partly along any street in any municipality, whether such
5 operation is over a route wholly or partly within the territorial limits of such mu-
6 nicipality, except as hereafter set forth, until the person owning or possessing the
7 right to use the same shall obtain the consent of the board or body having control of
8 public streets in such municipality for such operation and the use of any street or
9 streets in said municipality; and no such consent shall become effective and no such
10 operation shall be permitted until the holder of such consent shall have filed with the
11 chief fiscal officer of the municipality by which said consent was granted an insur-
12 ance policy of a company duly licensed to transact business under the insurance laws
13 of the State of New Jersey in the sum of five thousand dollars (\$5,000) against loss
14 from the liability imposed by law upon the holder of such consent for damages on
15 account of bodily injury or death suffered by any person or persons as a result of
16 an accident occurring by reason of the ownership, maintenance or use of such auto
17 bus upon the public streets of such municipality, and such consent shall continue effec-
18 tive and such operation be permitted only so long as such insurance to the full and
19 collectible amount of five thousand dollars (\$5,000) shall remain in force, during the
20 entire term of the policy; such insurance policy shall provide for the payment of any
21 final judgment recovered by any person on account of the ownership, maintenance
22 and use of such auto bus or any fault in respect thereto and shall be for the benefit
23 of any person suffering loss, damage or injury as aforesaid; *and provided, further,*
24 *that a power of attorney shall be executed and delivered to such fiscal officer concur-*
25 *rently with the filing of a policy hereinbefore referred to, wherein and whereby the*
26 *said holder of such consent shall nominate, constitute and appoint such fiscal officer*
27 *his true and lawful attorney for the purpose of acknowledging service of any proce-*
28 *ess out of a court of competent jurisdiction to be served against the insured by vir-*
29 *tue of the indemnity granted under the insurance policy filed; and provided, fur-*
30 *ther,* that the provisions hereof as to the insurance shall not apply to any company
31 which shall comply with the provisions of chapter two hundred and eleven of the
32 Laws of one thousand nine hundred and twenty-five. The holder of any such con-

33 sent heretofore granted and now in effect or hereafter granted and in effect may re-
34 place any auto bus operated under such consent with another auto bus and may sub-
35 stitute one auto bus for another and may operate such other or substituted auto bus
36 under such consent provided such other or substituted auto bus conforms with law
37 ful regulations and specifications. Any such consent heretofore granted and now in
38 effect or hereafter granted and in effect, shall continue in effect until revoked, as
39 herein provided. Any such consent, heretofore or hereafter granted, may be re-
40 voked by the board or body of the municipality granting the same after notice and
41 hearing whenever it shall appear that the holder of such consent has failed to furnish
42 and keep in force the insurance and the power of attorney herein required, or to com-
43 ply with any lawful regulation imposed by the board or body granting such con-
44 sent and approved by the Board of Public Utility Commissioners or any law of the
45 State of New Jersey, but no such revocation shall become effective until the Board
46 of Public Utility Commissioners, after hearing, shall approve same. Any such con-
47 sent heretofore granted and now in effect or hereafter granted and in effect may be
48 transferred by the holder thereof upon obtaining the approval of the Board of Pub-
49 lic Utility Commissioners upon application to it by either the transferrer or the trans-
50 feree. The holder of any consent for the operation of an auto bus may use such auto
51 bus for special or occasional trips off its regular route whenever such auto bus is not
52 required for the operation of the schedule on its regular route; *provided*, that no
53 such special or occasional trips shall be in competition with any other auto bus route
54 or street railway line. Whenever the route of any auto bus extends through more
55 than two municipalities and one or more municipalities have granted consent for
56 such operation and the Board of Public Utility Commissioners has approved such
57 consent and one or more municipalities have refused or failed to grant the necessary
58 consent, in such case the Board of Public Utility Commissioners may permit the
59 holder of such consent so granted and approved to run his auto bus through the
60 municipality or municipalities which have refused or failed to grant the necessary
61 consent; *provided*, that no passengers be either taken on or discharged from said
62 auto bus anywhere within the boundaries of the municipality or municipalities so
63 refusing or failing to grant such consent; *and provided, further*, that nothing herein
64 contained shall be held to entitle any such municipality which has refused or failed to

65 grant such consent, to any proportion of the five per centum franchise tax herein
66 imposed.

1 4. Section three of the act to which this act is an amendment be and the same
2 is hereby amended so that the same shall read as follows:

3 3. Every person as herein defined owning or operating an auto bus as herein
4 defined in any municipality of this State shall, on or before the tenth day of each
5 calendar month, file with the chief fiscal officer of such municipality a statement, veri-
6 fied by oath, showing the gross receipts from the business of said auto bus or busses
7 during the preceding calendar month, and shall at the same time pay to such fiscal
8 officer of such municipality five (5) per centum of such gross receipts as a monthly
9 franchise tax for revenue for the use of the streets; *provided*, that if the route over
10 which such auto bus is operated shall extend beyond the limits of such municipality,
11 then such person shall include in such statement the length of the route over
12 which said auto bus is operated both within and without said municipality, and shall
13 pay as said franchise tax to said municipality five (5) per centum of such proportion
14 of the gross receipts as the length of the route in the municipality bears to the whole
15 length of such route.

16 The sum accruing to any municipality under this section when paid shall be in
17 lieu of all other franchise taxes and municipal license fees.

18 All moneys now or hereafter payable under any law of this State as a fee for the
19 licensing or registration of any auto bus, as herein defined, or as a tax on the fuel or
20 the sale thereof used in any such auto bus in its operation in any municipality and
21 all other taxes or fees now or hereafter imposed under any law of this State upon
22 any auto bus or the operation thereof (except taxes on personal property) shall be
23 paid notwithstanding this act by the owner or owners of such auto bus or by the per-
24 son liable for such tax under any law of this State, and when paid the amount there-
25 of shall be considered a credit on account of or in full as the case may be, for the
26 franchise tax to be paid and apportioned according to the provisions hereof.

27 Any person owning or operating an auto bus or auto busses in any municipality
28 of this State neglecting or refusing to make such monthly statement or payment at
29 the time and as required herein shall thereby forfeit and pay for such neglect or re-
30 fiscal one hundred dollars (\$100) for each offense, to be recoverable by action in

31 the name of such municipality in any court of competent jurisdiction, and when col-
32 lected paid into the municipal treasury. Any person who shall falsely make any oath
33 required to be made in this act shall be deemed guilty of perjury, and, upon convic-
34 tion thereof, shall be liable to all penalties by law therefor.

1 5. Section five of the act to which this act is an amendment be and the same is
2 hereby amended so that the same shall read as follows:

3 5. Any person operating an auto bus in any of the streets of any municipality in
4 this State at any time, after sixty days from the time when this act shall take effect,
5 without complying with the provisions of this act, shall be deemed guilty of a mis-
6 demeanor and subject to the penalties therefor provided by law. It shall be the duty
7 of the Board of Public Utility Commissioners to take proceedings at law or in equity
8 to prevent any person operating an auto bus in violation of the provisions of this
9 act or otherwise violating any provisions of this act, or any proceeding to prevent
10 any person from operating any auto bus without a valid consent for such operation
11 may be instituted by any public utility, the business or revenues of which are ad-
12 versely affected by any such operation.

1 6. The provisions of this act shall not apply to any auto bus with a carrying
2 capacity of not more than six passengers now or hereafter operated under municipal
3 consent upon a route established wholly within the limits of a single municipality,
4 which route does not in whole or in part parallel upon the same street the line of
5 any street railway or traction railway or any other auto bus route.

1 7. All acts or parts of acts inconsistent with the provisions of this act be and
2 the same are hereby repealed, and this act shall take effect immediately, and the sec-
3 tions of this act are intended to be and are separable, and if for any reason any sec-
4 tion of this act shall be held invalid no other section thereof shall be invalidated
5 thereby.

A486 (1962)

- 34 Sections 48:17-1 through 48:17-7 of the Revised Statutes.
35 Section 48:17-9 of the Revised Statutes.
36 Section 48:17-13 of the Revised Statutes.
37 Section 48:17-15 of the Revised Statutes.
38 Sections 48:19-1 through 48:19-4 of the Revised Statutes.
39 Sections 48:19-9, 48:19-10 and 48:19-12 of the Revised Statutes.
40 Sections 48:19-15 and 48:19-16 of the Revised Statutes.
41 Section 48:19-21 of the Revised Statutes.
1 199. This act shall take effect 90 days after enactment.

STATEMENT

This bill represents a revision of Assembly 352 of the 1961 session. The revision is the result of a series of conferences between the Board of Public Utility Commissioners and representatives of the public utility industry. It has the endorsement of the Board of Public Utility Commissioners.