

33:1-1 et al

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 1999 **CHAPTER:** 356
NJSA: 33:1-1 et al (Limousine Law)
BILL NO: S2034 (Substituted for A3291)

SPONSOR(S): Ciesla & Codey

DATE INTRODUCED: June 24, 1999

COMMITTEE: **ASSEMBLY:** ---

SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 10, 2000

SENATE: January 10, 2000

DATE OF APPROVAL: January 14, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Senate Committee Substitute
(Amendments during passage denoted by superscript numbers)

SENATE COMMITTEE SUBSTITUTE for S2034

SPONSOR'S STATEMENT: No

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S2034

SPONSORS STATEMENT: (Begins on page 10 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3291

SPONSORS STATEMENT: (Begins on page 6 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 6-21-99 (Consumer)
Yes 12-2-99 (Approp.)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

Title 39.
Chapter 5G. (New)
Limousine Operation
and Enforcement
§18
C.39:5G-1
§§11-17
C.48:16-22.1 to
48:16-22.7
§21
Repealer
§22
Note to §§1-21

P.L. 1999, CHAPTER 356, *approved January 14, 2000*
Senate Committee Substitute for
Senate, No. 2034

1 **AN ACT** concerning limousine service and revising parts of the
2 statutory law.

3

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

6

7 1. R.S.33:1-1 is amended to read as follows:

8 33:1-1. For the purpose of this chapter, the following words and
9 terms shall be deemed to have the meanings herein given to them:

10 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral
11 spirits from whatever source or by whatever process produced.

12 b. "Alcoholic beverage." Any fluid or solid capable of being
13 converted into a fluid, suitable for human consumption, and having an
14 alcohol content of more than one-half of one per centum (1/2 of 1%)
15 by volume, including alcohol, beer, lager beer, ale, porter, naturally
16 fermented wine, treated wine, blended wine, fortified wine, sparkling
17 wine, distilled liquors, blended distilled liquors and any brewed,
18 fermented or distilled liquors fit for use for beverage purposes or any
19 mixture of the same, and fruit juices.

20 c. "Building." A structure of which licensed premises are or may
21 be a part, including all rooms, cellars, outbuildings, passageways,
22 closets, vaults, yards, attics, and every part of the structure of which
23 the licensed premises are a part, and of any other structure to which
24 there is a common means of access, and any other appurtenances.

25 d. "Commissioner." The Director of the Division of Alcoholic
26 Beverage Control.

27 e. "Container." Any glass, can, bottle, vessel or receptacle of any
28 material whatsoever used for holding alcoholic beverages, which
29 container is covered, corked or sealed in any manner whatsoever.

30 f. "Eligible." The status of a person who is a citizen of the United

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

Matter underlined thus is new matter.

- 1 States, a resident of this State, of good moral character and repute,
2 and of legal age.
- 3 g. "Governing board or body." The board or body which governs
4 a municipality, including a board of aldermen in municipalities so
5 governed; but in every municipality having a board of public works
6 which exercises general licensing powers such board shall be
7 considered as the governing board or body.
- 8 h. "Importing." The act of bringing or causing to be brought any
9 alcoholic beverage into this State.
- 10 i. "Illicit beverage." Any alcoholic beverage manufactured,
11 distributed, bought, sold, bottled, rectified, blended, treated, fortified,
12 mixed, processed, warehoused, possessed or transported in violation
13 of this chapter, or on which any federal tax or tax imposed by the laws
14 of this State has not been paid; and any alcoholic beverage possessed,
15 kept, stored, owned or imported with intent to manufacture, sell,
16 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse
17 or transport in violation of the provisions of this chapter.
- 18 j. "Licensed building." Any building containing licensed premises.
- 19 k. "Licensed premises." Any premises for which a license under
20 this chapter is in force and effect.
- 21 l. "Magistrate." The Superior Court or municipal court.
- 22 m. "Manufacturer." Any person who, directly or indirectly,
23 personally or through any agency whatsoever, engages in the making
24 or other processing whatsoever of alcoholic beverages.
- 25 n. "Municipality." Any city, town, township, village, or borough,
26 including a municipality governed by a board of commissioners or
27 improvement commission, but excluding a county.
- 28 o. "Municipal board." The municipal board of alcoholic beverage
29 control as established by this chapter.
- 30 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,
31 member of the Division of State Police, or any other person having the
32 power to execute a warrant for arrest, or any inspector or investigator
33 of the Division of Alcoholic Beverage Control.
- 34 q. "Original container." Any container in which an alcoholic
35 beverage has been delivered to a retail licensee.
- 36 r. "Person." Any natural person or association of natural persons,
37 association, trust company, partnership, corporation, organization, or
38 the manager, agent, servant, officer, or employee of any of them.
- 39 s. "Premises." The physical place at which a licensee is or may be
40 licensed to conduct and carry on the manufacture, distribution or sale
41 of alcoholic beverages, but not including vehicular transportation.
- 42 t. "Restaurant." An establishment regularly and principally used
43 for the purpose of providing meals to the public, having an adequate
44 kitchen and dining room equipped for the preparing, cooking and
45 serving of food for its customers and in which no other business,
46 except such as is incidental to such establishment, is conducted.

- 1 u. "Retailer." Any person who sells alcoholic beverages to
2 consumers.
- 3 v. "Rules and regulations." The rules and regulations established
4 from time to time by the director.
- 5 w. "Sale." Every delivery of an alcoholic beverage otherwise than
6 by purely gratuitous title, including deliveries from without this State
7 and deliveries by any person without this State intended for shipment
8 by carrier or otherwise into this State and brought within this State, or
9 the solicitation or acceptance of an order for an alcoholic beverage,
10 and including exchange, barter, traffic in, keeping and exposing for
11 sale, serving with meals, delivering for value, peddling, possessing
12 with intent to sell, and the gratuitous delivery or gift of any alcoholic
13 beverage by any licensee.
- 14 x. "Unlawful alcoholic beverage activity." The manufacture, sale,
15 distribution, bottling, rectifying, blending, treating, fortifying, mixing,
16 processing, warehousing or transportation of any alcoholic beverage
17 in violation of this chapter, or the importing, owning, possessing,
18 keeping or storing in this State of alcoholic beverages with intent to
19 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,
20 process, warehouse or transport alcoholic beverages in violation of
21 this chapter, or the owning, possessing, keeping or storing in this State
22 of any implement or paraphernalia for the manufacture, sale,
23 distribution, bottling, rectifying, blending, treating, fortifying, mixing,
24 processing, warehousing or transportation of alcoholic beverages with
25 intent to use the same in the manufacture, sale, distribution, bottling,
26 rectifying, blending, treating, fortifying, mixing, processing,
27 warehousing or transportation of alcoholic beverages in violation of
28 this chapter, or to aid or abet another in the manufacture, sale,
29 distribution, bottling, rectifying, blending, treating, fortifying, mixing,
30 processing, warehousing or transportation of alcoholic beverages in
31 violation of this chapter, or the aiding or abetting of another in any of
32 the foregoing activities.
- 33 y. "Unlawful property." All illicit beverages and all implements,
34 vehicles, vessels, airplanes, and paraphernalia for the manufacture,
35 sale, distribution, bottling, rectifying, blending, treating, fortifying,
36 mixing, processing, warehousing or transportation of illicit beverages
37 used in the manufacture, sale, distribution, bottling, rectifying,
38 blending, treating, fortifying, mixing, processing, warehousing or
39 transportation of illicit beverages or owned, possessed, kept or stored
40 with intent to use the same in the manufacture, sale, distribution,
41 bottling, rectifying, blending, treating, fortifying, mixing, processing,
42 warehousing or transportation of illicit beverages, whether such use be
43 by the person owning, possessing, keeping, or storing the same, or by
44 another with the consent of such person; and all alcoholic beverages,
45 fixtures and personal property located in or upon any premises,
46 building, yard or inclosure connected with a building, in which an illicit

1 beverage is found, possessed, stored or kept.

2 z. "Wholesaler." Any person who sells an alcoholic beverage for
3 the purpose of resale either to a licensed wholesaler or to a licensed
4 retailer, or both.

5 aa. "Limousine." A motor vehicle [with a carrying capacity of not
6 more than nine passengers, not including the driver,] used in the
7 business of carrying passengers for hire [which is hired by charter or
8 for a particular contract, or by the day or hour or other fixed period,
9 or to transport passengers to a specified place, or which charges a fare
10 or price agreed upon in advance between the operator and the
11 passenger or which is furnished as an accommodation for a patron in
12 connection with other business purposes] to provide prearranged
13 passenger transportation at a premium fare on a dedicated,
14 nonscheduled, charter basis that is not conducted on a regular route
15 and with a seating capacity in no event of more than 14 passengers,
16 not including the driver, providing, that such a motor vehicle shall not
17 have a seating capacity in excess of four passengers, not including the
18 driver, beyond the maximum passenger seating capacity of the vehicle,
19 not including the driver, at the time of manufacture. This shall not
20 include taxicabs, hotel or airport shuttles and buses, or buses
21 employed solely in transporting schoolchildren or teachers to and from
22 school, or vehicles owned and operated without charge or
23 remuneration by a business entity for its own purposes.

24 bb. "Entertainment facility" is a privately-owned facility in which
25 athletic, commercial, cultural, or artistic events are featured.

26 Any definition herein contained shall apply to the same word in any
27 form. Thus "sell" means to make a "sale" as above defined.

28 (cf: P.L.1997, c.8, s.1)

29

30 2. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to
31 read as follows:

32 1. As used in this act:

33 (a) "Commissioner" means the Commissioner of Labor.

34 (b) "Director" means the director in charge of the bureau referred
35 to in section 3 of this act.

36 (c) "Wage board" means a board created as provided in section 10
37 of this act.

38 (d) "Wages" means any moneys due an employee from an
39 employer for services rendered or made available by the employee to
40 the employer as a result of their employment relationship including
41 commissions, bonus and piecework compensation and including any
42 gratuities received by an employee for services rendered for an
43 employer or a customer of an employer and the fair value of any food
44 or lodgings supplied by an employer to an employee. The
45 commissioner may, by regulation, establish the average value of
46 gratuities received by an employee in any occupation and the fair value

1 of food and lodging provided to employees in any occupation which
2 average values shall be acceptable for the purposes of determining
3 compliance with this act in the absence of evidence of the actual value
4 of such items.

5 (e) "Regular hourly wage" means the amount that an employee is
6 regularly paid for each hour of work as determined by dividing the
7 total hours of work during the week into the employee's total earnings
8 for the week, exclusive of overtime premium pay.

9 (f) "Employ" includes to suffer or to permit to work.

10 (g) "Employer" includes any individual, partnership, association,
11 corporation or any person or group of persons acting directly or
12 indirectly in the interest of an employer in relation to an employee.

13 (h) "Employee" includes any individual employed by an employer.

14 (i) "Occupation" means any occupation, service, trade, business,
15 industry or branch or group of industries or employment or class of
16 employment in which employees are gainfully employed.

17 (j) "Minimum fair wage order" means a wage order promulgated
18 pursuant to this act.

19 (k) "Fair wage" means a wage fairly and reasonably commensurate
20 with the value of the service or class of service rendered and sufficient
21 to meet the minimum cost of living necessary for health.

22 (l) "Oppressive and unreasonable wage" means a wage which is
23 both less than the fair and reasonable value of the service rendered and
24 less than sufficient to meet the minimum cost of living necessary for
25 health.

26 (m) "Limousine" means a motor vehicle [with a carrying capacity
27 of not more than nine passengers, not including the driver,] used in the
28 business of carrying passengers for hire[, which is hired by charter or
29 for a particular contract, or by the day or the hour or other fixed
30 period, or to transport passengers to a specified place, or which
31 charges a fare or price agreed upon in advance between the operator
32 and the passenger, or which is furnished as an accommodation for a
33 patron in connection with other business purposes] to provide
34 prearranged passenger transportation at a premium fare on a
35 dedicated, nonscheduled, charter basis that is not conducted on a
36 regular route and with a seating capacity in no event of more than 14
37 passengers, not including the driver, provided, that such a motor
38 vehicle shall not have a seating capacity in excess of four passengers,
39 not including the driver, beyond the maximum passenger seating
40 capacity of the vehicle, not including the driver, at the time of
41 manufacture. "Limousine" shall not include taxicabs, hotel or airport
42 shuttles and buses, or buses employed solely in transporting school
43 children or teachers to and from school, or vehicles owned and
44 operated without charge or remuneration by a business entity for its
45 own purposes.

46 (cf: P.L.1995, c.387, s.1)

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

2 48:16-13. Except as provided in section 2 of P.L.1997, c.356
3 (C.48:16-13.1), as used in this article:

4 "Autocab" means a limousine.

5 **["Autocab"]** "Limousine" means and includes any automobile or
6 motor car **["with a carrying capacity of not more than nine passengers,**
7 **not including the driver,"]** used in the business of carrying passengers
8 for hire **["which is held out, announced or advertised to operate or run**
9 **or which is operated or run over any of the streets or public highways**
10 **of this State, and which is hired by charter or for a particular contract,**
11 **or by the day or hour or other fixed period, or to transport passengers**
12 **to a specified place or places, or which charges a fare or price agreed**
13 **upon in advance between the operator and the passenger]** to provide
14 prearranged passenger transportation at a premium fare on a
15 dedicated, nonscheduled, charter basis that is not conducted on a
16 regular route and with a seating capacity in no event of more than 14
17 passengers, not including the driver, provided, that such a vehicle shall
18 not have a seating capacity in excess of four passengers, not including
19 the driver, beyond the maximum passenger seating capacity of the
20 vehicle, not including the driver, at the time of manufacture. Nothing
21 in this article contained shall be construed to include taxicabs, hotel
22 buses or buses employed solely in transporting school children or
23 teachers or autobuses which are subject to the jurisdiction of the
24 **["Board of Public Utilities"]** Department of Transportation, or interstate
25 autobuses required by federal or State law or **["rules"]** regulations of
26 the **["Board of Public Utilities"]** Department of Transportation to carry
27 insurance against loss from liability imposed by law on account of
28 bodily injury or death.

29 "Limousine or livery service" means and includes the business of
30 carrying passengers for hire by **["autocabs"]** limousines.

31 "Person" means and includes any individual, copartnership,
32 association, corporation or joint stock company, their lessees, trustees
33 or receivers appointed by any court whatsoever.

34 "Street" means and includes any street, avenue, park, parkway,
35 highway, or other public place.

36 (cf: P.L.1997, c.356, s.1)

37

38 4. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read
39 as follows:

40 2. In a county of the first class with a population density of over
41 10,000 persons per square mile, according to the latest federal
42 decennial census, **["autocab"]** "limousine" means and includes any
43 automobile or motor car **["with a carrying capacity of not more than**
44 **nine passengers, not including the driver,"]** which is issued special
45 registration plates bearing the word **["livery"]** "limousine" pursuant

1 to section 12 of P.L.1979, c.224 (C.39:3-19.5) and is engaged in the
2 business of carrying passengers for hire【, which is held out, announced
3 or advertised to operate or run or which is operated or run over any
4 of the streets or public highways of this State and which is hired by
5 charter or for a particular contract or by the day or hour or other fixed
6 period, on a prearranged basis for proms, weddings, funerals, or to
7 transport passengers to and from airports, other passenger stations or
8 motels and hotels, and for which a price is agreed upon in advance】to
9 provide prearranged passenger transportation at a premium fare on a
10 dedicated, nonscheduled, charter basis that is not conducted on a
11 regular route and with a seating capacity of in no event of more than
12 14 passengers, not including the driver, provided, that such a motor
13 vehicle shall not have a seating capacity in excess of four passengers,
14 not including the driver, beyond the maximum passenger seating
15 capacity of the vehicle, not including the driver, at the time of
16 manufacture.

17 (cf: P.L.1997, c.356, s.2)

18

19 5. R.S.48:16-14 is amended to read as follows:

20 48:16-14. No 【autocab,】 limousine 【or livery service】 shall be
21 operated wholly or partly along any street in any municipality until the
22 owner of the 【autocab,】 limousine 【or livery service】 shall have filed
23 with the clerk of the municipality in which the owner has his principal
24 place of business, an insurance policy of a company duly licensed to
25 transact business under the insurance laws of this State in the sum of
26 【\$50,000.00】 \$1,500,000 against loss by reason of the liability
27 imposed by law upon every 【autocab,】 limousine 【or livery service】
28 owner for damages on account of bodily injury or death suffered by
29 any person as the result of an accident occurring by reason of the
30 ownership, maintenance or use of the 【autocab,】 limousine 【or livery
31 service】 upon any public street.

32 Such operation shall be permitted only so long as the insurance
33 policy shall remain in force to the full and collectible amount of
34 【\$50,000.00】 \$1,500,000.

35 The insurance policy shall provide for the payment of any final
36 judgment recovered by any person on account of the ownership,
37 maintenance and use of such 【autocab,】 limousine 【or livery service】
38 or any fault in respect thereto, and shall be for the benefit of every
39 person suffering loss, damage or injury as aforesaid.

40 (cf: P.L.1979, c.224, s.3)

41

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

43 48:16-16. The owner of the 【autocab,】 limousine 【or livery
44 service】 shall execute and deliver to the 【clerk of the municipality, in
45 which the owner has his principal place of business】 Division of Motor

1 Vehicles, concurrently with the filing of a policy **【or bond】** referred to
2 in **【section】 R.S.48:16-14 【of this Title】**, a power of attorney,
3 wherein and whereby the owner shall appoint the **【chief fiscal officer**
4 **of the municipality】** Director of the Division of Motor Vehicles his
5 true and lawful attorney for the purpose of acknowledging service of
6 any process out of a court of competent jurisdiction to be served
7 against the insured by virtue of the indemnity granted under the
8 insurance policy **【or bond】** filed.

9 (cf: P.L.1979, c.224, s.5)

10

11 7. R.S.48:16-17 is amended to read as follows:

12 48:16-17. The clerk of the municipality, in which the owner has
13 his principal place of business, upon the filing of the required
14 insurance policy **【or bond】** and the payment of a fee which shall not
15 exceed \$50, shall issue **【a certificate】** in duplicate a license to operate
16 showing that the owner of the **【autocab,】** limousine **【or livery**
17 **service】** has complied with the terms and provisions of this article.

18 The **【certificate】** license shall recite the name of the insurance
19 company, the number and date of expiration of the policy **【or bond】**,
20 a description of every **【autocab,】** limousine **【or livery service】** insured
21 thereunder, and the registration number of the same.

22 The duplicate **【certificate】** license shall be filed with the Division
23 of Motor Vehicles before any such car is registered as **【an autocab,】**
24 a limousine 【or livery service】.

25 The original **【certificate】** license shall be **【posted in a conspicuous**
26 **place】** retained within the **【autocab,】** limousine **【or livery service】** and
27 shall be available for inspection by any police officer in the State. In
28 lieu of the recital of insurance information required on the license
29 pursuant to this section, the owner of a limousine may affix to the
30 original license retained within the limousine a notarized letter from an
31 insurance company containing the same insurance information required
32 in the recital, which shall constitute proof of insurance coverage, and
33 which shall also be available for inspection by any police officer in the
34 State. A copy of the notarized letter shall constitute proof to the
35 Director of the Division of Motor Vehicles, that the applicant has
36 complied with the insurance provisions of this section.

37 (cf: P.L.1979, c. 224, s. 6)

38

39 8. R.S.48:16-18 is amended to read as follows:

40 48:16-18. Where **【an autocab,】** a limousine **【or livery】** service
41 operates in more than one municipality, the insurance policy **【or bond】**
42 required by **【section】 R.S.48:16-14 【of this Title】** shall be filed with
43 the clerk of the municipality in which the owner has his principal place
44 of business.

45 (cf: P.L.1979, c.224, s.7)

1 9. 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】**
4 service from complying with the law relating to the ownership,
5 registration and operation of automobiles in this State.
6 (cf: P.L.1979, c.224, s. 10)

7

8 10. R.S.48:16-22 is amended to read as follows:

9 48:16-22. **【Any】** No person **【who】** shall operate **【an autocab,】**
10 a limousine 【or livery】 service in any street in this State without a
11 license to operate issued by a municipality in which the owner has his
12 principal place of business and without otherwise complying with the
13 provisions of this article **【shall be guilty of a misdemeanor】**.
14 (cf: P.L.1979, c.224, s.11)

15

16 11. (New section) No limousine shall be operated on the
17 highways of this State unless it has a license issued pursuant to
18 R.S.48:16-17 and the limousine is equipped, in accordance with
19 minimum standards established by the Director of the Division of
20 Motor Vehicles in the Department of Transportation, with:

21 a. a two-way communications system, which, at a minimum, shall
22 provide for communication to a person outside the vehicle for a
23 distance of not less than 100 miles and which requirement may be
24 satisfied by a mobile telephone;

25 b. a removable first-aid kit and an operable fire extinguisher,
26 which shall be placed in an accessible place within the vehicle;

27 c. sideboards attached to the permanent body construction of the
28 vehicle if the height of the vehicle floor is 10 inches or more above
29 ground level.

30

31 12. (New section) a. Prior to any operation of a limousine on the
32 highways of this State for the purpose of picking up passengers, the
33 driver of the limousine shall conduct a general examination of the
34 condition of the vehicle to ascertain its fitness to operate, which shall
35 include, at a minimum, an examination of the tires, windshield wipers,
36 horn, condition of the front and rear windshield and side windows,
37 front and rear lights, fluid levels and brakes, as well as the condition
38 of the two-way communications system. The completion of a check
39 list by the driver containing, at a minimum, the items enumerated in
40 this subsection and the date and time of the examination, and supplied
41 by the owner of the limousine service, shall constitute proof of
42 compliance with this subsection. Nothing in this subsection shall be
43 construed as requiring more than the general examination to be
44 conducted prior to the commencement of operation in any one day.

45 b. In a calendar year in which a limousine is not required to
46 undergo an inspection as required pursuant to R.S.39:8-1, the owner

1 of the limousine service shall cause to be conducted, by a person
2 qualified to do so, an examination of the mechanical and operating
3 condition of the limousine, including at a minimum, the condition of
4 the brakes, the exhaust system, condition of the tires, functioning of
5 front and rear lights, and operation of fan belts and other belts in the
6 engine of the vehicle. The person conducting the examination shall
7 issue a report thereof to the owner who shall retain the report of the
8 examination until the time of the next inspection required pursuant to
9 R.S.39:8-1. The report shall be subject to inspection by the Division
10 of Motor Vehicles.

11

12 13. (New section) Neither the State nor any political subdivision
13 of the State shall enact, adopt or enforce any ordinance, resolution,
14 rule, regulation, order, standard or other provision having the force
15 and effect of law that would require a person lawfully engaged in
16 limousine service on an intra-State basis between or among political
17 subdivisions within the State to obtain a license, permit, certificate or
18 other form of authority from any political subdivision of the State
19 other than that political subdivision in which the owner of the
20 limousine service maintains his principal place of business.

21

22 14. (New section) Notwithstanding the provisions of this act to
23 the contrary, no limousine registered in another state or the District of
24 Columbia shall conduct wholly intra-State operations on the highways
25 of this State unless the owner of the limousine has proof of insurance
26 in the amount of \$1,500,000 as provided in R.S.48:16-14 for
27 limousines registered in this State, and is licensed pursuant to
28 R.S.48:16-17 in a municipality in which it has a business address.

29

30 15. (New section) Nothing in this act shall be construed in any
31 way as altering the authority of municipalities to regulate taxis, nor as
32 giving the State or any political subdivision thereof the authority to set
33 or regulate limousine fares or tariffs.

34

35 16. (New section) Nothing in this act shall be construed as
36 preventing the filing of a complaint concerning limousine service with
37 the Division of Consumer Affairs in the Department of Law and Public
38 Safety with regard to a violation of the New Jersey consumer fraud
39 act, P.L.1960, c.39 (C.56:8-1 et seq.).

40

41 17. (New section) There is created in the Department of
42 Transportation a State Limousine Advisory Committee consisting of
43 six members appointed by the Commissioner of Transportation, three
44 upon recommendation of the New Jersey Limousine Association and
45 three upon recommendation of the South Jersey Limousine
46 Association; the Director of the Division of Motor Vehicles or the

1 director's designee who shall serve ex officio, the Director of the
2 Division of Consumer Affairs in the Department of Law and Public
3 Safety or the director's designee who shall serve ex officio; and such
4 additional public members or representatives of limousine services as
5 the Director of the Division of Motor Vehicles or the director of the
6 Division of Consumer Affairs may designate. The membership of the
7 committee shall include at least one owner of a limousine service
8 having 15 or more vehicles, at least one owner of a limousine service
9 having no less than seven nor more than 14 vehicles, and at least one
10 owner of a limousine service having six or fewer vehicles. The non-ex
11 officio members shall serve at the pleasure of the appointing authority.
12 The Director of the Division of Motor Vehicles shall serve as the
13 chairman of the committee. The duty of the committee shall be to
14 advise the Department of Transportation regarding policies,
15 regulations and standards as may be necessary or desirable to promote
16 the public safety and convenience in respect to limousine service. The
17 committee shall meet at least twice during each year and all meetings
18 shall be open to members of the public.

19

20 18. (New section) A person who shall own and operate a
21 limousine in any street in this State in violation of the provisions of
22 article 2 of chapter 16 of Title 48 of the Revised Statutes or of Title
23 39 of the Revised Statutes shall be subject to the following penalties:

24 a. (1) For operating a limousine without a license issued by a
25 municipality pursuant to R.S.48:16-17, operating a limousine without
26 authority to operate a limousine in interstate service granted by the
27 Federal Highway Administration, or the Interstate Commerce
28 Commission, as provided in section 14 of P.L. , c. (C.)(now before
29 the Legislature as this bill), knowingly permitting a driver to operate
30 a limousine without a validly issued driver's license or a validly issued
31 commercial driver license if required pursuant to N.J.A.C. 13:21-23.1,
32 failure to have filed an insurance policy in the amount of \$1,500,000
33 which is currently in force as provided in R.S.48:16-14 or required
34 pursuant to section 14 of P.L. , c. (C.)(now before the Legislature
35 as this bill), operating a limousine in which the number of passengers
36 exceeds the maximum seating capacity as provided in R.S.48:16-13 or
37 section 2 of P.L.1997, c.356 (C.48:16-13.1): a fine of \$2,500 for the
38 first offense and a fine of \$5000 for the second or subsequent offense;

39 (2) For operating a limousine without the special registration
40 plates required pursuant to section 12 of P.L.1979, c.224 (C.39:3-
41 19.5), or operating a limousine without the limousine being properly
42 inspected as provided in R.S.39:8-1: a fine of \$1,250 for the first
43 offense and a fine of \$2,500 for the second or subsequent offense;

44 (3) For operating a limousine without the attached sideboards
45 required by section 11 of P.L. , c. (C.)(now before the Legislature
46 as this bill), failure to retain within the limousine appropriate proof of

1 insurance or failure to execute and deliver to the Director of the
2 Division of Motor Vehicles the power of attorney required pursuant
3 to R.S. 48:16-16: a fine of \$250 for the first offense and \$500 for the
4 second and subsequent offense.

5 (4) For failure to be equipped with a two-way communications
6 system, a removable first-aid kit or an operable fire extinguisher as
7 required by section 11 of P.L. , c. (C.)(now before the Legislature
8 as this bill), or any other violation of the provisions of article 2 of
9 chapter 16 of Title 48 of the Revised Statutes other than those
10 enumerated in this subsection: a fine of \$50 for the first offense and
11 \$100 for the second and subsequent offense.

12 b. Violations of this section shall be enforced and penalties
13 collected in a summary proceeding pursuant to "the penalty
14 enforcement law" (N.J.S.A.2A:58-1 et seq.). The Superior Court or
15 any municipal court where the violation was detected or , or where the
16 defendant was apprehended, shall have jurisdiction to enforce this
17 section. Penalties imposed pursuant to this section shall be in addition
18 to those otherwise imposed according to law. All penalties collected
19 pursuant to the provisions of this section shall be forwarded as
20 provided in R.S.39:5-40 and subsection b. of R.S.39:5-41.

21

22 19. Section 12 of P.L.1979, c.224 (C.39:3-19.5) is amended to
23 read as follows:

24 12. a. Upon the application of any person who owns **【an**
25 **autocab,】** a limousine **【or livery】** service, the Director of the Division
26 of Motor Vehicles shall issue special registration plates bearing the
27 word **【"livery"】** "limousine" in addition to the registration number
28 and other markings or identification otherwise prescribed by law.

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

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

36 (cf: P.L.1979, c. 224, s.12)

37

38 20. Section 1 of P.L.1983, c.307 (C.39:4-51a) is amended to read
39 as follows:

40 1. a. A person shall not consume an alcoholic beverage while
41 operating a motor vehicle. A passenger in a motor vehicle shall not
42 consume an alcoholic beverage while the motor vehicle is being
43 operated. This subsection shall not apply to a passenger of a charter
44 or special bus operated as defined under R.S.48:4-1 or **【an autocab,】**
45 a limousine **【or livery】** service.

46 b. A person shall be presumed to have consumed an alcoholic

1 beverage in violation of this section if an unsealed container of an
2 alcoholic beverage is located in the passenger compartment of the
3 motor vehicle, the contents of the alcoholic beverage have been
4 partially consumed and the physical appearance or conduct of the
5 operator of the motor vehicle or a passenger may be associated with
6 the consumption of an alcoholic beverage. For the purposes of this
7 section, the term "unsealed" shall mean a container with its original
8 seal broken or a container such as a glass or cup.

9 c. For the first offense, a person convicted of violating this section
10 shall be fined \$200.00 and shall be informed by the court of the
11 penalties for a second or subsequent violation of this section. For a
12 second or subsequent offense, a person convicted of violating this
13 section shall be fined \$250.00 or shall be ordered by the court to
14 perform community service for a period of 10 days in such form and
15 on such terms as the court shall deem appropriate under the
16 circumstances.

17 (cf: P.L.1983, c.307, s.1)

18

19 21. R.S.48:16-19 through R.S.48:16-20 are repealed.

20

21 22. This act shall take effect on the 90th day following enactment,
22 except that section 19 shall take effect on March 1st next following
23 180 days after enactment, but the Commissioner of Transportation
24 may take such anticipatory administrative action in advance as shall be
25 necessary for the implementation of the act.

26

27

28

29

30 Revises limousine law.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2034**

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 2034.

This substitute bill revises the law concerning the operation of limousines by making the laws concerning limousines more uniform, clarifying the definition of limousine, regulating their operation and establishing a special license plate for limousines.

The substitute defines "limousine" as a motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled charter basis that is not regular route with a seating capacity in no event of more than 14 passengers, not including the driver. A limousine may not have a seating capacity, not including the driver, of more than four passengers more than the maximum seating capacity of the vehicle at the time it was manufactured. Currently a limousine may not have a capacity of more than nine passengers, not including the driver.

The substitute prohibits the operation of a limousine on the public streets unless the owner carries \$1,500,000 of liability insurance on account of bodily injury or death. This is an increase from the current statutory requirement of \$50,000 of liability insurance.

The substitute requires the limousine owner to execute and deliver to the Division of Motor Vehicles (DMV) a power of attorney appointing the Director of the DMV attorney for acknowledging service of process against the insured under the insurance policy. Currently the chief fiscal officer of the municipality of the limousine owner's principal place of business is attorney for service of process.

The substitute forbids a person from operating a limousine service without a license to operate issued by the municipality of the owner's principal place of business. A limousine must be equipped with a two-way communications system with a range of at least 100 miles, a removable first aid kit and a fire extinguisher. If the height of the limousine floor is 10 inches or more above ground level the vehicle must have sideboards attached to the permanent body construction.

The substitute requires that, before operating a limousine for

passenger service, the driver must conduct an examination of the vehicle. The owner of a limousine must have an examination of the mechanical and operating condition of the limousine performed every year in which the limousine is not required to undergo an inspection as required pursuant to R.S.39:8-1.

The State, and all political subdivisions of the State, are prohibited from requiring a person lawfully engaged in limousine service on an intra-State basis between or among political subdivisions within the State to obtain a license or other form of authority from any political subdivision of the State other than the limousine owner's principal place of business.

No limousine registered out-of-State may conduct wholly intra-State operations unless the owner of the limousine has proof of \$1.5 million of liability insurance coverage and is licensed in a New Jersey municipality in which it has a business address.

The substitute establishes a State Limousine Advisory Committee within the Department of Transportation. The committee will advise the Department of Transportation regarding policies, regulations and standards as may be necessary or desirable to promote the public safety and convenience in respect to limousine service.

The substitute establishes penalties for violation of the limousine requirements. The substitute provides for a fine of \$2,500 for a first offense and a fine of \$5,000 for second and subsequent offenses for: operating a limousine without a license issued by a municipality, operating a limousine without authority to operate a limousine in interstate service granted by the Federal Highway Administration, or the Interstate Commerce Commission, knowingly permitting a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver license, failure to have filed an insurance policy in the amount of \$1,500,000 currently in force, or operating a limousine in which the number of passengers exceeds the statutory maximum seating capacity.

The substitute provides for a fine of \$1,250 for a first offense and \$2,500 for second and subsequent offenses for: operating a limousine without the required special registration, or operating a limousine without the limousine being properly inspected.

The substitute provides for a fine of \$250 for a first offense and a fine of \$500 for second and subsequent offenses for: operating a limousine without the attached sideboards required, failure to retain within the limousine appropriate proof of insurance, or failure to execute and deliver to the Director of the Division of Motor Vehicles the required power of attorney.

The substitute provides for a fine of \$50 for a first offense and a fine of \$100 for second and subsequent offenses for: failure to be equipped with a two-way communications system, a removable first-aid kit or an operable fire extinguisher, or any other violation of the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes

other than those enumerated in the substitute.

As reported by the committee, the substitute is identical to ACS for A3291 (1R).

SENATE, No. 2034

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 24, 1999

Sponsored by:

Senator ANDREW R. CIESLA
District 10 (Monmouth and Ocean)
Senator RICHARD J. CODEY
District 27 (Essex)

SYNOPSIS

Establishes certain licensing requirements for limousine drivers and additional requirements for owners of limousines.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning autocab, limousine and livery service and revising
2 various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set forth
10 in R.S.39:1-1 unless another meaning for the term is set forth in this
11 act, or unless another meaning is clearly apparent from the language
12 or context of this act, or unless the meaning for the term set forth in
13 R.S.39:1-1 is inconsistent with the manifest intent of the Legislature
14 in this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

- 17 a. The number of grams of alcohol per 100 milliliters of blood; or
18 b. The number of grams of alcohol per 210 liters of breath.

19 "Commercial driver license" or "CDL" means a license issued in
20 accordance with this act to a person authorizing the person to operate
21 a certain class of commercial motor vehicle.

22 "Commercial Driver License Information System" or "CDLIS"
23 means the information system established pursuant to **the** federal
24 **["Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49**
25 **U.S.C. s. 2701 et seq.)]** law, Pub.L. 103-272 (49 U.S.C. s.31301 et
26 seq.) to serve as a clearinghouse for locating information related to
27 the licensing and identification of commercial motor vehicle drivers.

28 "Commercial motor vehicle" or "CMV" means a motor vehicle or
29 combination of motor vehicles used or designed to transport
30 passengers or property:

31 a. If the vehicle has a gross vehicle weight rating of 26,001 or
32 more pounds or displays a gross vehicle weight rating of 26,001 or
33 more pounds;

34 b. If the vehicle has a gross combination weight rating of 26,001
35 or more pounds inclusive of a towed unit with a gross vehicle weight
36 rating of more than 10,000 pounds;

37 c. If the vehicle is designed to transport 16 or more passengers
38 including the driver;

39 d. If the vehicle is designed to transport eight or more but less
40 than 16 persons, including the driver, and is used to transport such
41 persons for hire on a daily basis to and from places of employment;

42 **[or]**

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

Matter underlined thus is new matter.

1 e. If the vehicle has a seating capacity of not more than 14
2 passengers, not including the driver, used in the business of carrying
3 passengers for hire which is prearranged passenger transportation that
4 is provided at a premium fare on a non-scheduled, charter basis and is
5 not on a regular route, but does not include a vehicle with a maximum
6 seating capacity of six passengers, including the driver, which is driven
7 by a person who on the effective date of P.L.1999, c. (C.)
8 (pending before the Legislature as this bill) has not less than two years
9 of experience operating such a vehicle; or

10 f. If the vehicle is transporting or used in the transportation of
11 hazardous materials and is required to be placarded in accordance with
12 Subpart F. of 49 C.F.R. s. 172, or the vehicle displays a hazardous
13 material placard.

14 The director may, by regulation, include within this definition such
15 other motor vehicles or combination of motor vehicles as he deems
16 appropriate.

17 This term shall not include recreation vehicles.

18 "Controlled substance" means any substance so classified under
19 subsection (6) of section 102 of the "Controlled Substances Act" (21
20 U.S.C. s. 802), and includes all substances listed on Schedules I
21 through V of 21 C.F.R. s. 1308, or under P.L.1970, c.226 (C.24:21-1
22 et seq.) as they may be revised from time to time. The term, wherever
23 it appears in this act or administrative regulation promulgated pursuant
24 to this act, shall include controlled substance analogs.

25 "Controlled substance analog" means a substance that has a
26 chemical structure substantially similar to that of a controlled
27 dangerous substance and that was specifically designed to produce an
28 effect substantially similar to that of a controlled dangerous substance.
29 The term shall not include a substance manufactured or distributed in
30 conformance with the provisions of an approved new drug application
31 or an exemption for investigational use within the meaning of section
32 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s. 355).

33 "Conviction" means a final adjudication that a violation has
34 occurred, a final judgment on a verdict, a finding of guilt in a tribunal
35 of original jurisdiction, or a conviction following a plea of guilty, non
36 vult or nolo contendere accepted by a court. It also includes an
37 unvacated forfeiture of bail, bond or collateral deposited to secure the
38 person's appearance in court, or the payment of a fine or court costs,
39 or violation of a condition of release without bail, regardless of
40 whether the penalty is rebated, suspended, or probated.

41 "Disqualification" means either:

42 a. The suspension, revocation, cancellation, or any other
43 withdrawal by a state of a person's privilege to operate a commercial
44 motor vehicle;

45 b. A determination by the Federal Highway Administration under
46 the rules of practice for motor carrier safety contained in 49 C.F.R.

1 s. 386, that a person is no longer qualified to operate a commercial
2 motor vehicle under **49 C.F.R. s. 391** 49 C.F.R. s.391.1 et seq.; or

3 c. The loss of qualification which automatically follows conviction
4 of an offense listed in 49 C.F.R. s. 383.51.

5 "Domicile" means that state where a person has a true, fixed, and
6 permanent home and principal residence and to which the person
7 intends to return whenever the person is absent.

8 "Driver license" means a license issued by this State or any other
9 jurisdiction to a person authorizing the person to operate a motor
10 vehicle.

11 "Endorsement" means an authorization to a commercial driver
12 license required to permit the holder of the license to operate certain
13 types of commercial motor vehicles.

14 "Felony" means any offense under any federal law or the law of a
15 state, including this State, that is punishable by death or imprisonment
16 for a term exceeding one year. The term includes, but is not limited
17 to, "crimes" as that term is defined in the "New Jersey Code of
18 Criminal Justice. N.J.S.2C:1-1 et seq.

19 "Foreign jurisdiction" means any jurisdiction other than a state of
20 the United States.

21 "Gross vehicle weight rating" or "GVWR" means the value
22 specified by a manufacturer as the loaded weight of a single or a
23 combination (articulated) vehicle, or the registered gross weight,
24 whichever is greater. The GVWR of a combination (articulated)
25 vehicle, commonly referred to as the "gross combination weight
26 rating" or "GCWR," is the GVWR of the power unit plus the GVWR
27 of the towed unit or units. In the absence of a value specified for the
28 towed unit or units by the manufacturer, the GVWR of a combination
29 (articulated) vehicle is the GVWR of the power unit plus the total
30 weight of the towed unit, including the loads on them.

31 "Hazardous material" means a substance or material determined by
32 the Secretary of the United States Department of Transportation to be
33 capable of posing an unreasonable risk to health, safety, and property
34 when transported in commerce and so designated pursuant to the
35 provisions of the **["Hazardous Materials Transportation Act" (49**
36 **U.S.C. s. 1801 et seq.).]** "Hazardous Materials Transportation
37 Authorization Act of 1994," Pub.L.103-311 (C.49 U.S.C. s.5101 et
38 seq.).

39 "Motor vehicle" includes all vehicles propelled otherwise than by
40 muscular power, except such vehicles as run only upon rails or tracks.
41 The term "motor vehicle" includes motorized bicycles.

42 "Out of service order" means a temporary prohibition against
43 operating a commercial motor vehicle.

44 "Recreation vehicle" means a self-propelled or towed vehicle
45 equipped to serve as temporary living quarters for recreational,
46 camping, or travel purposes and is used solely as a family or personal

1 conveyance.

2 "Representative vehicle" means a motor vehicle which represents
3 the type of motor vehicle that a commercial driver license applicant
4 operates or expects to operate.

5 "Serious traffic violation" means conviction for one of the following
6 offenses committed while operating a commercial motor vehicle:

7 a. Excessive speeding, involving any single offense for a speed of
8 15 miles per hour or more above the speed limit;

9 b. Reckless driving, as defined by state or local law or regulation,
10 including, but not limited to, offenses of driving a commercial motor
11 vehicle in willful or wanton disregard of the safety of persons or
12 property, including violations of R.S.39:4-96;

13 c. Improper or erratic traffic lane changes;

14 d. Following a vehicle ahead too closely, including violations of
15 R.S.39:4-89;

16 e. A violation, arising in connection with a fatal accident, of state
17 or local law relating to motor vehicle traffic control, other than a
18 parking violation; or

19 f. Any other violation of a state or local law relating to motor
20 vehicle traffic control determined by the Secretary of the United States
21 Department of Transportation in 49 C.F.R. s. 383.5 to be a serious
22 traffic violation.

23 This term shall not include vehicle weight or defect violations.

24 "State" means a state of the United States or the District of
25 Columbia.

26 "Tank vehicle" means any commercial motor vehicle that is
27 designed to transport any liquid or gaseous material within a tank that
28 is either permanently or temporarily attached to the vehicle or the
29 chassis. Such vehicles include, but are not limited to, cargo tanks and
30 portable tanks as defined by the director. However, this definition
31 does not include portable tanks having a rated capacity under 1,000
32 gallons.

33 "Vehicle group" means a class or type of vehicle with certain
34 operating characteristics.

35 (cf: P.L.1990, c.103, s.3)

36

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

38 48:16-13. Except as provided in section 2 of P.L.1997, c.356
39 (C.48:16-13.1), as used in this article:

40 "Autocab" means and includes any automobile or motor car with
41 a **【carrying】** seating capacity of not more than **【nine】** 14 passengers,
42 not including the driver, used in the business of carrying passengers for
43 hire which is **【held out, announced or advertised to operate or run or**
44 **which is operated or run over any of the streets or public highways of**
45 **this State, and which is hired by charter or for a particular contract, or**
46 **by the day or hour or other fixed period, or to transport passengers to**

1 a specified place or places, or which charges a fare or price agreed
2 upon in advance between the operator and the passenger **】** prearranged
3 passenger transportation that is provided at a premium fare on a non-
4 scheduled, charter basis and is not on a regular route. Nothing in this
5 article contained shall be construed to include taxicabs, hotel buses or
6 buses employed solely in transporting school children or teachers or
7 autobuses which are subject to the jurisdiction of the Board of Public
8 Utilities, or interstate autobuses required by federal or State law or
9 rules of the Board of Public Utilities to carry insurance against loss
10 from liability imposed by law on account of bodily injury or death.

11 "Limousine or livery service" means and includes the business of
12 carrying passengers for hire by autocabs.

13 "Person" means and includes any individual, copartnership,
14 association, corporation or joint stock company, their lessees, trustees
15 or receivers appointed by any court whatsoever.

16 "Street" means and includes any street, avenue, park, parkway,
17 highway, or other public place.

18 (cf: P.L.1997, c.356, s.1)

19

20 3. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read
21 as follows:

22 2. In a county of the first class with a population density of over
23 10,000 persons per square mile, according to the latest federal
24 decennial census, "autocab" means and includes any automobile or
25 motor car with a **【**carrying**】** seating capacity of not more than **【**nine**】**
26 14 passengers, not including the driver, which is issued special
27 registration plates bearing the word "livery" pursuant to section 12 of
28 P.L.1979, c.224 (C.39:3-19.5) and is engaged in the business of
29 carrying passengers for hire, which is **【**held out, announced or
30 advertised to operate or run or which is operated or run over any of
31 the streets or public highways of this State and which is hired by
32 charter or for a particular contract or by the day or hour or other fixed
33 period, on a prearranged basis for proms, weddings, funerals, or to
34 transport passengers to and from airports, other passenger stations or
35 motels and hotels, and for which a price is agreed upon in advance **】**
36 prearranged passenger transportation that is provided at a premium
37 fare on a non-scheduled, charter basis and is not on a regular route.

38 (cf: P.L.1997, c.356, s.2)

39

40 4. R.S.48:16-14 is amended to read as follows:

41 48:16-14. No autocab, limousine or livery service shall be operated
42 wholly or partly along any street in any municipality until the owner of
43 the autocab, limousine or livery service shall have filed with the **【**clerk
44 of the municipality in which the owner has his principal place of
45 business**】** Division of Motor Vehicles, an insurance policy of a
46 company duly licensed to transact business under the insurance laws

1 of this State in the sum of **[\$50,000.00]** \$1,500,000 against loss by
2 reason of the liability imposed by law upon every autocab, limousine
3 or livery service owner for damages on account of bodily injury or
4 death suffered by any person as the result of an accident occurring by
5 reason of the ownership, maintenance or use of the autocab, limousine
6 or livery service upon any public street.

7 Such operation shall be permitted only so long as the insurance
8 policy shall remain in force to the full and collectible amount of
9 **[\$50,000.00]** \$1,500,000.

10 The insurance policy shall provide for the payment of any final
11 judgment recovered by any person on account of the ownership,
12 maintenance and use of such autocab, limousine or livery service or
13 any fault in respect thereto, and shall be for the benefit of every person
14 suffering loss, damage or injury as aforesaid.

15 (cf: P.L.1979, c.224, s.3)

16

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

18 48:16-16. The owner of the autocab, limousine or livery service
19 shall execute and deliver to the **[clerk of the municipality, in which the**
20 **owner has his principal place of business]** Division of Motor Vehicles,
21 concurrently with the filing of a policy or bond referred to in
22 **[section]** R.S.48:16-14 **[of this Title]**, a power of attorney, wherein
23 and whereby the owner shall appoint the **[chief fiscal officer of the**
24 **municipality]** Director of the Division of Motor Vehicles his true and
25 lawful attorney for the purpose of acknowledging service of any
26 process out of a court of competent jurisdiction to be served against
27 the insured by virtue of the indemnity granted under the insurance
28 policy or bond filed.

29 (cf: P.L.1979, c. 224, s. 5)

30

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

32 48:16-17. The **[clerk of the municipality, in which the owner has**
33 **his principal place of business]** Division of Motor Vehicles, upon the
34 filing of the required insurance policy or bond, shall issue a certificate
35 in duplicate showing that the owner of the autocab, limousine or
36 livery service has complied with the terms and provisions of this
37 article.

38 The certificate shall recite the name of the insurance company, the
39 number and date of expiration of the policy or bond, a description of
40 every autocab, limousine or livery service insured thereunder, and the
41 registration number of the same.

42 The duplicate certificate shall be filed with the Division of Motor
43 Vehicles before any such car is registered as an autocab, limousine or
44 livery service.

45 The original certificate shall be **[posted in a conspicuous place]**

1 retained within the autocab, limousine or livery service.
2 (cf: P.L.1979, c.224, s.6)

3
4 7. R.S.48:16-22 is amended to read as follows:

5 48:16-22. a. Any person who shall operate an autocab, limousine
6 or livery service in any street in this State without complying with the
7 provisions of this article **【shall be guilty of a misdemeanor】** is liable to
8 a penalty of not more than \$5,000 for a first offense and not more than
9 \$10,000 for a second or subsequent offense.

10 b. The fines collected pursuant to subsection a. of this section shall
11 be annually appropriated to the Division of Motor Vehicles for the
12 purpose of implementing the provisions of R.S.48:16-13 et seq.
13 (cf: P.L.1979, c.224, s.11)

14
15 8. N.J.S.2C:33-13 is amended to read as follows:

16 2C:33-13. Smoking in Public. a. Any person who smokes or
17 carries lighted tobacco in or upon any bus , autocab, limousine or
18 livery service as defined in R.S.48:16-13, or other public conveyance,
19 except group charter buses **【,】** and specially marked railroad smoking
20 cars, **【limousines or livery services, and, when the driver is the only**
21 **person in the vehicle, autocabs,】** is a petty disorderly person.

22 b. Any person who smokes or carries lighted tobacco in any public
23 place, including but not limited to places of public accommodation,
24 where such smoking is prohibited by municipal ordinance under
25 authority of R.S. 40:48-1 and 40:48-2 or by the owner or person
26 responsible for the operation of the public place, and when adequate
27 notice of such prohibition has been conspicuously posted, is guilty of
28 a petty disorderly persons offense. Notwithstanding the provisions of
29 N.J.S. 2C:43-3, the maximum fine which can be imposed for a
30 violation of this section is \$200.00.

31 c. The provisions of this section shall supersede any other statute
32 and any rule or regulation adopted pursuant to law.
33 (cf: P.L.1985, c.187, s.1)

34
35 9. (New section) Except as otherwise provided by reciprocity
36 agreement or arrangement entered into by the Director of the Division
37 of Motor Vehicles in the Department of Transportation or by a
38 declaration issued by him, no autocab, limousine or livery service as
39 defined in R.S.48:16-13 registered in another state or the District of
40 Columbia and whose principal place of business is in a jurisdiction
41 which requires the payment of a registration fee or fees or taxes of any
42 nature from an owner of an autocab, limousine or livery service
43 properly registered in this State for the operation of that vehicle on the
44 highways of the other state or district, as the case may be, shall be
45 operated on the highways of this State unless a fee is paid to the
46 director, equal in amount to the fee or tax collected by the authorized

1 official or body of the other jurisdiction for the operation on its
2 highways of the autocab, limousine or livery service properly
3 registered in this State. Motor fuels and motor fuels use taxes, taxes
4 based on income, and property taxes shall be excluded under this
5 section.

6
7 10. (New section) No autocab, limousine or livery service as
8 defined in R.S.48:16-13 shall be operated on the highways of this
9 State unless it is equipped, in accordance with minimum standards
10 established by the Director of the Division of Motor Vehicles in the
11 Department of Transportation, with:

12 a. a two-way communications system, which, at a minimum, shall
13 provide for communication to a person outside the vehicle for a
14 distance of not less than 100 miles;

15 b. a removable first-aid kit, which shall be placed in an accessible
16 place within the vehicle;

17 c. sideboards attached to the permanent body construction of the
18 vehicle if the height of the vehicle floor is 10 inches or more above
19 ground level.

20
21 11. (New section) No autocab, limousine or livery service as
22 defined in R.S.48:16-13 shall be operated on the highways of this
23 State if, on or after the effective date of this act, the vehicle exceeds
24 the gross vehicle weight established by the original equipment
25 manufacturer for that vehicle unless the owner of the vehicle
26 demonstrates that the vehicle conforms to all applicable federal and
27 State motor vehicle standards at the time of registration.

28
29 12. (New section) Notwithstanding the provisions of R.S.39:8-2
30 to the contrary, an autocab, limousine or livery service as defined in
31 R.S.48:16-13 shall be inspected annually.

32
33 13. (New section) a. There is created in the Department of
34 Transportation a State Limousine Advisory Board consisting of nine
35 members, seven of whom shall be appointed by the Governor with the
36 advice and consent of the Senate. The membership of the board shall
37 be as follows: the Director of the Division of Consumer Affairs in the
38 Department of Law and Public Safety, or his designee, who shall serve
39 ex officio; the Director of the Division of Motor Vehicles in the
40 Department of Transportation, or his designee, who shall serve ex
41 officio; and the seven appointed members, including three
42 representatives of the South Jersey Limousine Association, one of
43 whom shall represent a company with not more than six limousines,
44 one of whom shall represent a company of more than six but not more
45 than 15 limousines, and one of whom shall represent a company with
46 more than 15 limousines; three representatives from the New Jersey

1 Limousine Association, one of whom shall represent a company with
2 not more than six limousines, one of whom shall represent a company
3 of more than six but not more than 15 limousines, and one of whom
4 shall represent a company with more than 15 limousines; and a
5 representative from a company of coachbuilders.

6 The term of office of each appointed board member shall be four
7 years; except that of the members first appointed, three shall serve for
8 four years, two shall serve for three years, and two shall serve for two
9 years. Vacancies shall be filled for the unexpired terms only. No
10 member may be appointed for more than two consecutive terms.

11 The organization, meetings and management of the board shall be
12 established in regulations promulgated by the Director of the Division
13 of Motor Vehicles.

14 The officers and members of the board shall not be compensated,
15 but shall be reimbursed for actual expenses reasonably incurred in the
16 performance of their duties.

17 The Director of the Division of Motor Vehicles shall provide
18 staffing and any administrative assistance that he may deem necessary
19 in order for the board to carry out its duties pursuant to this act.

20 b. The duties of the board shall be as follows: to recommend to the
21 Director of the Division of Motor Vehicles regulations necessary to
22 effectuate the provisions of this act; to make recommendations for
23 promoting public safety in the operation of autocab, limousine or
24 livery service; to participate in the formulation of rules and
25 regulations, the hearing of grievances, and the establishment of
26 standards for the operation of autocab, limousine or livery service; and
27 to oversee the implementation of this act by the Director of the
28 Division of Motor Vehicles.

29

30 14. R.S.48:16-18 through R.S.48:16-20 are repealed.

31

32 15. This act shall take effect on the 180th day following enactment.

33

34

35 STATEMENT

36

37 This bill revises the definition of autocab in the statutes. The bill
38 redefines autocab as any automobile or motor car with a seating
39 capacity of not more than 14 passengers, not including the driver, used
40 in the business of carrying passengers for hire which is prearranged
41 passenger transportation that is provided at a premium fare on a non-
42 scheduled, charter basis and is not on a regular route.

43 The bill also amends the "New Jersey Commercial Driver License
44 Act," P.L.1990, c.103 (C.39:3-10.9 et seq.), which requires drivers of
45 commercial motor vehicles to obtain a commercial driver license, by
46 changing the definition of "commercial motor vehicle" to include

1 autocabs as redefined. This definition does not include a vehicle with
2 a maximum seating capacity of six passengers, including the driver,
3 which is driven by a person who on the effective date of this bill has
4 not less than two years of experience operating such a vehicle. This
5 bill requires, then, that the drivers of autocabs comply with the
6 provisions of the act, and obtain a commercial driver license.

7 In addition, the bill authorizes the Director of the Division of Motor
8 Vehicles in the Department of Transportation to impose "counterpart
9 fees" on limousine and livery companies licensed in jurisdictions
10 outside of this State and whose principal place of business is in a
11 jurisdiction which applies certain fees or taxes against vehicles
12 properly registered in New Jersey when they operate in that
13 jurisdiction.

14 Further, the bill stipulates that no autocab, limousine or livery
15 service shall operate along any street in any municipality unless the
16 owner of any such service carries liability insurance in an amount of
17 \$1,500,000 for damages on account of bodily injury or death suffered
18 by any person as a result of an accident occurring by reason of the
19 ownership, maintenance or use of the autocab, limousine or livery
20 service upon any public street. Under current law, the liability
21 coverage required of an owner is \$50,000. In addition, the bill
22 stipulates that an autocab, limousine or livery service shall file the
23 required insurance policy with the Division of Motor Vehicles rather
24 than, as currently required, with the clerk of the municipality in which
25 the owner has his principal place of business.

26 Also, the bill provides that it is a petty disorderly persons offense
27 for any person to smoke tobacco in an autocab, limousine or livery
28 service.

29 The bill also requires that an autocab, limousine or livery service
30 shall be inspected annually. Under current law, most classes of
31 vehicles are required to be inspected biennially.

32 The bill requires, in addition, that limousine and livery operators
33 equip each of their vehicles with a two-way communications system,
34 a removable first-aid kit and sideboards attached to the permanent
35 body construction of the vehicle if the height of the vehicle floor is 10
36 inches or more above ground level.

37 Furthermore, this bill states that no autocab, limousine or livery
38 service shall be operated on the highways of this State if, on or after
39 the effective date of this act, the vehicle exceeds the gross vehicle
40 weight limit established by the original equipment manufacturer for
41 that vehicle, unless the owner of the vehicle demonstrates that the
42 vehicle conforms to all applicable federal and State motor vehicle
43 standards at the time of registration.

44 The bill also repeals R.S.48:16-18 through R.S.48:16-20.
45 R.S.48:16-18 provides that when an autocab, limousine or livery
46 service operates in more than one municipality, the insurance policy

S2034 CIESLA, CODEY

12

1 required pursuant to R.S.48:16-14 shall be filed with the clerk of the
2 municipality in which the owner has his principal place of business.
3 R.S.48:16-19 and R.S.48:16-20 relate to conditions under which an
4 autocab, limousine or livery service may carry its own liability
5 insurance.

ASSEMBLY, No. 3291

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 17, 1999

Sponsored by:

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

SYNOPSIS

Revises requirements for owners of limousines.

CURRENT VERSION OF TEXT

As introduced.



A3291 MORAN, IMPREVEDUTO

2

1 AN ACT concerning autocab, limousine and livery service and revising
2 various parts of the statutory law.

3

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

6

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

8 48:16-13. Except as provided in section 2 of P.L.1997, c.356
9 (C.48:16-13.1), as used in this article:

10 "Autocab" means and includes any automobile or motor car with
11 a **[carrying] seating** capacity of not more than **[nine] 14** passengers,
12 not including the driver, used in the business of carrying passengers for
13 hire which is **[held out, announced or advertised to operate or run or**
14 **which is operated or run over any of the streets or public highways of**
15 **this State, and which is hired by charter or for a particular contract, or**
16 **by the day or hour or other fixed period, or to transport passengers to**
17 **a specified place or places, or which charges a fare or price agreed**
18 **upon in advance between the operator and the passenger] prearranged**
19 **passenger transportation that is provided at a premium fare on a non-**
20 **scheduled, charter basis and is not on a regular route.** Nothing in this
21 article contained shall be construed to include taxicabs, hotel buses or
22 buses employed solely in transporting school children or teachers or
23 autobuses which are subject to the jurisdiction of the Board of Public
24 Utilities, or interstate autobuses required by federal or State law or
25 rules of the Board of Public Utilities to carry insurance against loss
26 from liability imposed by law on account of bodily injury or death.

27 "Limousine or livery service" means and includes the business of
28 carrying passengers for hire by autocabs.

29 "Person" means and includes any individual, copartnership,
30 association, corporation or joint stock company, their lessees, trustees
31 or receivers appointed by any court whatsoever.

32 "Street" means and includes any street, avenue, park, parkway,
33 highway, or other public place.

34 (cf: P.L.1997, c.356, s.1)

35

36 2. Section 2 of P.L.1997, c.356 (C.48:16-13.1) is amended to read
37 as follows:

38 2. In a county of the first class with a population density of over
39 10,000 persons per square mile, according to the latest federal
40 decennial census, "autocab" means and includes any automobile or
41 motor car with a **[carrying] seating** capacity of not more than **[nine]**
42 **14** passengers, not including the driver, which is issued special
43 registration plates bearing the word "livery" pursuant to section 12 of

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

Matter underlined thus is new matter.

1 P.L.1979, c.224 (C.39:3-19.5) and is engaged in the business of
2 carrying passengers for hire, which is **【**held out, announced or
3 advertised to operate or run or which is operated or run over any of
4 the streets or public highways of this State and which is hired by
5 charter or for a particular contract or by the day or hour or other fixed
6 period, on a prearranged basis for proms, weddings, funerals, or to
7 transport passengers to and from airports, other passenger stations or
8 motels and hotels, and for which a price is agreed upon in advance**】**
9 prearranged passenger transportation that is provided at a premium
10 fare on a non-scheduled, charter basis and is not on a regular route.
11 (cf: P.L.1997, c.356, s.2)

12

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

14 48:16-14. No autocab, limousine or livery service shall be operated
15 wholly or partly along any street in any municipality until the owner of
16 the autocab, limousine or livery service shall have filed with the **【**clerk
17 of the municipality in which the owner has his principal place of
18 business**】** Division of Motor Vehicles, an insurance policy of a
19 company duly licensed to transact business under the insurance laws
20 of this State in the sum of **【**~~\$50,000.00~~ \$1,500,000**】** against loss by
21 reason of the liability imposed by law upon every autocab, limousine
22 or livery service owner for damages on account of bodily injury or
23 death suffered by any person as the result of an accident occurring by
24 reason of the ownership, maintenance or use of the autocab, limousine
25 or livery service upon any public street.

26 Such operation shall be permitted only so long as the insurance
27 policy shall remain in force to the full and collectible amount of
28 **【**~~\$50,000.00~~ \$1,500,000**】**.

29 The insurance policy shall provide for the payment of any final
30 judgment recovered by any person on account of the ownership,
31 maintenance and use of such autocab, limousine or livery service or
32 any fault in respect thereto, and shall be for the benefit of every person
33 suffering loss, damage or injury as aforesaid.

34 (cf: P.L.1979, c. 224, s. 3)

35

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

37 48:16-16. The owner of the autocab, limousine or livery service
38 shall execute and deliver to the **【**clerk of the municipality, in which the
39 owner has his principal place of business**】** Division of Motor Vehicles,
40 concurrently with the filing of a policy or bond referred to in
41 **【**section**】** R.S.48:16-14 **【**of this Title**】**, a power of attorney, wherein
42 and whereby the owner shall appoint the **【**chief fiscal officer of the
43 municipality**】** Director of the Division of Motor Vehicles his true and
44 lawful attorney for the purpose of acknowledging service of any
45 process out of a court of competent jurisdiction to be served against

A3291 MORAN, IMPREVEDUTO

1 the insured by virtue of the indemnity granted under the insurance
2 policy or bond filed.

3 (cf: P.L.1979, c.224, s.5)

4

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

6 48:16-17. The **clerk of the municipality, in which the owner has**
7 **his principal place of business** Division of Motor Vehicles, upon the
8 filing of the required insurance policy or bond, shall issue a certificate
9 in duplicate showing that the owner of the autocab, limousine or
10 livery service has complied with the terms and provisions of this
11 article.

12 The certificate shall recite the name of the insurance company, the
13 number and date of expiration of the policy or bond, a description of
14 every autocab, limousine or livery service insured thereunder, and the
15 registration number of the same.

16 The duplicate certificate shall be filed with the Division of Motor
17 Vehicles before any such car is registered as an autocab, limousine or
18 livery service.

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

21 (cf: P.L.1979, c.224, s.6)

22

23 6. R.S.48:16-22 is amended to read as follows:

24 48:16-22. a. Any person who shall operate an autocab, limousine
25 or livery service in any street in this State without complying with the
26 provisions of this article **shall be guilty of a misdemeanor** is liable to
27 a penalty of not more than \$5,000 for a first offense and not more than
28 \$10,000 for a second or subsequent offense.

29 b. The fines collected pursuant to subsection a. of this section shall
30 be annually appropriated to the Division of Motor Vehicles for the
31 purpose of implementing the provisions of R.S.48:16-13 et seq.

32 (cf: P.L.1979, c.224, s.11)

33

34 7. (New section) Except as otherwise provided by reciprocity
35 agreement or arrangement entered into by the Director of the Division
36 of Motor Vehicles in the Department of Transportation or by a
37 declaration issued by him, no autocab, limousine or livery service as
38 defined in R.S.48:16-13 registered in another state or the District of
39 Columbia and whose principal place of business is in a jurisdiction
40 which requires the payment of a registration fee or fees or taxes of any
41 nature from an owner of an autocab, limousine or livery service
42 properly registered in this State for the operation of that vehicle on the
43 highways of the other state or district, as the case may be, shall be
44 operated on the highways of this State unless a fee is paid to the
45 director, equal in amount to the fee or tax collected by the authorized
46 official or body of the other jurisdiction for the operation on its

1 highways of the autocab, limousine or livery service properly
2 registered in this State. Motor fuels and motor fuels use taxes, taxes
3 based on income, and property taxes shall be excluded under this
4 section.

5

6 8. (New section) No autocab, limousine or livery service as
7 defined in R.S.48:16-13 shall be operated on the highways of this
8 State unless it is equipped, in accordance with minimum standards
9 established by the Director of the Division of Motor Vehicles in the
10 Department of Transportation, with:

11 a. a two-way communications system, which, at a minimum, shall
12 provide for communication to a person outside the vehicle for a
13 distance of not less than 100 miles;

14 b. a removable first-aid kit, which shall be placed in an accessible
15 place within the vehicle;

16 c. sideboards attached to the permanent body construction of the
17 vehicle if the height of the vehicle floor is 10 inches or more above
18 ground level.

19

20 9. (New section) No autocab, limousine or livery service as
21 defined in R.S.48:16-13 shall be operated on the highways of this
22 State if, on or after the effective date of this act, the vehicle exceeds
23 the gross vehicle weight limit established by the original equipment
24 manufacturer for that vehicle unless the owner of the vehicle
25 demonstrates that the vehicle conforms to all applicable federal and
26 State motor vehicle standards at the time of registration.

27

28 10. (New section) Notwithstanding the provisions of R.S.39:8-2
29 to the contrary, an autocab, limousine or livery service as defined in
30 R.S.48:16-13 shall be inspected annually.

31

32 11. (New section) a. There is created in the Department of Law
33 and Public Safety a State Limousine Advisory Board consisting of nine
34 members, seven of whom shall be appointed by the Governor with the
35 advice and consent of the Senate. The membership of the board shall
36 be as follows: the Director of the Division of Consumer Affairs in the
37 Department of Law and Public Safety, or his designee, who shall serve
38 ex officio; the Director of the Division of Motor Vehicles in the
39 Department of Transportation, or his designee, who shall serve ex
40 officio; and the seven appointed members, including three
41 representatives of the South Jersey Limousine Association, one of
42 whom shall represent a company with not more than six limousines,
43 one of whom shall represent a company of more than six but not more
44 than 15 limousines, and one of whom shall represent a company with
45 more than 15 limousines; three representatives from the New Jersey
46 Limousine Association, one of whom shall represent a company with

1 not more than six limousines, one of whom shall represent a company
2 of more than six but not more than 15 limousines, and one of whom
3 shall represent a company with more than 15 limousines; and a
4 representative from a company of coachbuilders.

5 The term of office of each appointed board member shall be four
6 years; except that of the members first appointed, three shall serve for
7 four years, two shall serve for three years, and two shall serve for two
8 years. Vacancies shall be filled for the unexpired terms only. No
9 member may be appointed for more than two consecutive terms.

10 The organization, meetings and management of the board shall be
11 established in regulations promulgated by the Director of the Division
12 of Consumer Affairs.

13 The officers and members of the board shall not be compensated,
14 but shall be reimbursed for actual expenses reasonably incurred in the
15 performance of their duties.

16 The Director of the Division of Consumer Affairs shall provide
17 staffing and any administrative assistance that he may deem necessary
18 in order for the board to carry out its duties pursuant to this act.

19 b. The duties of the board shall be as follows: to recommend to the
20 Director of the Division of Consumer Affairs and the Director of the
21 Division of Motor Vehicles regulations necessary to effectuate the
22 provisions of this act; to make recommendations for promoting public
23 safety in the operation of autocab, limousine or livery service; to
24 participate in the formulation of rules and regulations, the hearing of
25 grievances, and the establishment of standards for the operation of
26 autocab, limousine or livery service; and to oversee the implementation
27 of this act by the Director of the Division of Consumer Affairs and the
28 Director of the Division of Motor Vehicles.

29

30 12. R.S.48:16-18 through R.S.48:16-20 are repealed.

31

32 13. This act shall take effect on the 180th day following enactment.

33

34

35

STATEMENT

36

37 This bill revises the definition of autocab in the autocab article in
38 Title 48. The bill redefines autocab as any automobile or motor car
39 with a seating capacity of not more than 14 passengers, not including
40 the driver, used in the business of carrying passengers for hire which
41 is prearranged passenger transportation that is provided at a premium
42 fare on a non-scheduled, charter basis and is not on a regular route.

43 In addition, the bill authorizes the Director of the Division of Motor
44 Vehicles in the Department of Transportation to impose "counterpart
45 fees" on limousine and livery companies licensed in jurisdictions
46 outside of this State and whose principal place of business is in a

1 jurisdiction which applies certain fees or taxes against vehicles
2 properly registered in New Jersey when they operate in that
3 jurisdiction.

4 Further, the bill stipulates that no autocab, limousine or livery
5 service shall operate along any street in any municipality unless the
6 owner of any such service carries liability insurance in an amount of
7 \$1,500,000 for damages on account of bodily injury or death suffered
8 by any person as a result of an accident occurring by reason of the
9 ownership, maintenance or use of the autocab, limousine or livery
10 service upon any public street. Under current law, the liability
11 coverage required of an owner is \$50,000. In addition, the bill
12 stipulates that an autocab, limousine or livery service shall file the
13 required insurance policy with the Division of Motor Vehicles rather
14 than, as currently required, with the clerk of the municipality in which
15 the owner has his principal place of business.

16 The bill also requires that an autocab, limousine or livery service
17 shall be inspected annually. Under current law, most classes of
18 vehicles are required to be inspected biennially.

19 The bill requires, in addition, that limousine and livery operators
20 equip each of their vehicles with a two-way communications system,
21 a removable first-aid kit and sideboards attached to the permanent
22 body construction of the vehicle if the height of the vehicle floor is 10
23 inches or more above ground level.

24 Furthermore, this bill states that no autocab, limousine or livery
25 service shall be operated on the highways of this State if, on or after
26 the effective date of this act, the vehicle exceeds the gross vehicle
27 weight limit established by the original equipment manufacturer for
28 that vehicle unless the owner of the vehicle demonstrates that the
29 vehicle conforms to all applicable federal and State motor vehicle
30 standards at the time of registration.

31 The bill also repeals R.S.48:16-18 through R.S.48:16-20.
32 R.S.48:16-18 provides that when an autocab, limousine or livery
33 service operates in more than one municipality, the insurance policy
34 required pursuant to R.S.48:16-14 shall be filed with the clerk of the
35 municipality in which the owner has his principal place of business.
36 R.S.48:16-19 and R.S.48:16-20 relate to conditions under which an
37 autocab, limousine or livery service may carry its own liability
38 insurance.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3291

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 3291.

As amended, this bill revises the definition of autocab in the autocab article in Title 48 of the Revised Statutes. The bill redefines autocab as any automobile or motor car with a seating capacity of not more than 14 passengers, not including the driver, used in the business of carrying passengers for hire which is prearranged passenger transportation that is provided at a premium fare on a non-scheduled, charter basis and is not on a regular route.

In addition, the bill authorizes the Director of the Division of Motor Vehicles in the Department of Transportation to impose "counterpart fees" on limousine and livery companies licensed in jurisdictions outside of this State and whose principal place of business is in a jurisdiction which applies certain fees or taxes against vehicles properly registered in New Jersey when they operate in that jurisdiction.

Further, the bill stipulates that no autocab, limousine or livery service shall operate along any street in any municipality unless the owner of any such service carries liability insurance in an amount of \$1,500,000 for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of the ownership, maintenance or use of the autocab, limousine or livery service upon any public street. Under current law, the liability coverage required of an owner is \$50,000. In addition, the bill stipulates that an autocab, limousine or livery service shall file the required insurance policy with the Division of Motor Vehicles rather than, as currently required, with the clerk of the municipality in which the owner has his principal place of business.

The bill also requires that an autocab, limousine or livery service shall be inspected annually. Under current law, most classes of vehicles are required to be inspected biennially.

The bill requires, in addition, that limousine and livery operators

equip each of their vehicles with a two-way communications system, a removable first-aid kit and sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

Furthermore, this bill states that no autocab, limousine or livery service shall be operated on the highways of this State if, on or after the effective date of this act, the vehicle exceeds the gross vehicle weight limit established by the original equipment manufacturer for that vehicle unless the owner of the vehicle demonstrates that the vehicle conforms to all applicable federal and State motor vehicle standards at the time of registration.

The bill also repeals R.S.48:16-18 through R.S.48:16-20. R.S.48:16-18 provides that when an autocab, limousine or livery service operates in more than one municipality, the insurance policy required pursuant to R.S.48:16-14 shall be filed with the clerk of the municipality in which the owner has his principal place of business. R.S.48:16-19 and R.S.48:16-20 relate to conditions under which an autocab, limousine or livery service may carry its own liability insurance.

The committee amendments place the State Limousine Advisory Board established in the bill in the Department of Transportation rather than the Department of Law and Public Safety. In addition, the amendments stipulate that the Director of the Division of Motor Vehicle implement the provisions of this bill including activities related to the State Limousine Advisory Board.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3291**

STATE OF NEW JERSEY

DATED: DECEMBER 2, 1999

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3291.

This Assembly Committee Substitute for Assembly Bill No. 3291 revises the law concerning the operation of limousines by making the laws concerning limousines more uniform, clarifying the definition of limousine, regulating their operation and establishing a special license plate for limousines.

The substitute defines "limousine" as a motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled charter basis that is not regular route with a seating capacity in no event of more than 14 passengers, not including the driver. A limousine may not have a seating capacity, not including the driver, of more than four passengers more than the maximum seating capacity of the vehicle at the time it was manufactured. Currently a limousines may not have a capacity of more than nine passengers, not including the driver.

The substitute prohibits the operation of a limousine on the public streets unless the owner carries \$1,500,000 of liability insurance on account of bodily injury or death. This is an increase from the current statutory requirement of \$50,000 of liability insurance.

The substitute requires the limousine owner to execute and deliver to the Division of Motor Vehicles (DMV) a power of attorney appointing the Director of the DMV attorney for acknowledging service of process against the insured under the insurance policy. Currently the chief fiscal officer of the municipality of the limousine owner's principal place of business is attorney for service of process.

The substitute forbids a person from operating a limousine service without a license to operate issued by the municipality of the owner's principal place of business. A limousine must be equipped with a two-way communications system with a range of at least 100 miles, a removable first aid kit and a fire extinguisher. If the height of the limousine floor is 10 inches or more above ground level the vehicle must have sideboards attached to the permanent body construction.

The substitute requires that, before operating a limousine for

passenger service, the driver must conduct an examination of the vehicle. The owner of a limousine must have an examination of the mechanical and operating condition of the limousine performed every year in which the limousine is not required to undergo an inspection as required pursuant to R.S.39:8-1.

The State, and all political subdivisions of the State, are prohibited from requiring a person lawfully engaged in limousine service on an intra-State basis between or among political subdivisions within the State to obtain a license or other form of authority from any political subdivision of the State other than the limousine owner's principal place of business.

No limousine registered out-of-State may conduct wholly intra-State operations unless the owner of the limousine has proof of \$1.5 million of liability insurance coverage and is licensed in a New Jersey municipality in which it has a business address.

The substitute establishes a State Limousine Advisory Committee within the Department of Transportation. The committee will advise the Department of Transportation regarding policies, regulations and standards as may be necessary or desirable to promote the public safety and convenience in respect to limousine service.

The substitute establishes penalties for violation of the limousine requirements. The substitute provides for a fine of \$2,500 for a first offense and a fine of \$5,000 for second and subsequent offenses for: operating a limousine without a license issued by a municipality, operating a limousine without authority to operate a limousine in interstate service granted by the Federal Highway Administration, or the Interstate Commerce Commission, knowingly permitting a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver license, failure to have filed an insurance policy in the amount of \$1,500,000 currently in force, or operating a limousine in which the number of passengers exceeds the statutory maximum seating capacity.

The substitute provides for a fine of \$1,250 for a first offense and \$2,500 for second and subsequent offenses for: operating a limousine without the required special registration, or operating a limousine without the limousine being properly inspected.

The substitute provides for a fine of \$250 for a first offense and a fine of \$500 for second and subsequent offenses for: operating a limousine without the attached sideboards required, failure to retain within the limousine appropriate proof of insurance, or failure to execute and deliver to the Director of the Division of Motor Vehicles the required power of attorney.

The substitute provides for a fine of \$50 for a first offense and a fine of \$100 for second and subsequent offenses for: failure to be equipped with a two-way communications system, a removable first-aid kit or an operable fire extinguisher, or any other violation of the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes other than those enumerated in the substitute.

FISCAL IMPACT:

Preliminary information from the Department of Transportation suggests that the cost of issuing the limousine license plates required by the bill would be offset by the \$10 additional fee provided under the bill and that the \$50 fee for issuance of a limousine license should cover administrative costs of registering limousine businesses.

The department cannot, at this time, estimate the revenues expected from the fine structure under the bill.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3291**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 10, 2000

Assembly Committee Substitute for Assembly Bill No. 3291 of 1999 revises the law on limousine service. The substitute bill revises the definition of limousine, increases the amount of liability insurance coverage required on such vehicles, imposes a \$50 fee for a license to operate a limousine service, specifies that special license plates identify those vehicles providing limousine service, imposes fines that range from \$50 to \$5,000 depending on the infraction of law and whether it is a first or subsequent offense, and otherwise provides a framework to promote the public safety and convenience in respect to limousine service.

Verbal communications between the Department of Transportation (DOT) and the Office of Legislative Services (OLS) suggest that this substitute bill should not create an additional cost to DOT. The cost of issuing special limousine license plates should be offset by the statutory charge of \$10 for their issuance. It is also anticipated that the \$50 fee charged to issue a license to operate a limousine service should cover the administrative costs associated with registering limousine businesses. Further, according to DOT, other functions regulating limousine service could be absorbed within the existing funds appropriated to the department.

However, new revenue derived from fines imposed on limousine services because of infractions of law specified in this substitute bill could not be estimated by DOT.

OLS would concur in these estimates.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: January 14, 2000

S-279 (Girgenti) (Russo) - Clarifies duties and responsibilities of municipal prosecutors.

S-504 (Ciesla/Matheussen) (Blee/Malone) - Requires public school districts to provide transportation to all nonpublic schools in certain situations.

S-912 (Palaia/Bark) (Roberts/Geist) - Authorizes certain charges to office of county fire marshal and allows creation of arson investigation unit therein.

SCS for S-1196 (Kosco/Bryant/Furnari) (Cohen/DiGaetano) - Amends "Check Cashers Regulatory Act" to make it a crime to cash a check for consideration without a license and requires the revocation of license under certain circumstances; amends "Casino Control Act" to require casino licensees to file suspicious transaction report.

S-1492 (Sinagra/Bassano) (Cruz-Perez/Vandervalk) - "Physician- Dentist Fellowship and Education Program to Provide Health Care to Persons with Developmental Disabilities," appropriates \$2,500,000.

S-2217 (Gormley) (LeFevre/Blee) - Clarifies that cooperative to condominium conversions are not subject to realty transfer fee.

AS for SCS for S-949 (Blee/Cruz-Perez/Previte/Bryant/Gormley) (Jones/Asselta) - Makes Division of Criminal Justice investigators and probation officers eligible for body armor grants.

A-2965 (Bodine/Gregg) (Sinagra/Vitale) - Clarifies that only large water systems are required annually to mail drinking water quality information to customers; requires certain entities to post water quality test results.

A-3270 (Malone/Cottrell) (Singer/Allen) - Requires a board of education providing certain services to nonpublic school pupils to provide consultation with representatives of the nonpublic school on any change in the provision of services.

A-3408 (Biondi/Heck) (Kavanaugh/Robertson) - Provides sales tax exemptions for certain purchases by flood victims of Hurricane Floyd.

A-3571 (Blee) (Bryant/Matheussen) - Revises certain procedures for the receipt of State matching funds against contributions and donations made to institutions of higher education and institutional foundations.

S-1842 (Singer/Bark) (Malone/Conaway) - Establishes a special license plate to aid Deborah Hospital Foundation.

S-1869 (O'Connor) (Asselta/Gregg) - Makes permanent the Vietnam Veterans' Memorial Fund contribution gross income tax return check-off.

SCS for S-2034 (Ciesla/Codey) (Moran/Impeveduto) - Establishes certain licensing requirements for limousine drivers and additional requirements for owners of limousines.

A-2055 (Weinberg/Zisa) (Bassano/Singer) - Establishes Prostate Cancer Awareness, Education and Research Program in DHSS; appropriates \$1 million.

A-3245 (Lance/Gregg) (Schluter) - Appropriates \$200,000 for deer control research.

A-3410 (Lance/Smith) (Lynch) - Authorizes municipalities to establish grant programs to provide relief to certain real property owners for damages due to floods, hurricanes and other natural disasters.

A-3568 (Felice/Doria) (Bassano/Codey) - Continues health service corporation member on Individual Health Coverage and Small Employer Health Benefits Program boards.

A-3622 (Kramer) (Inverso) - Excludes certain hedge fund activity income of corporations of foreign nations from taxation under the corporation business tax.

A-3636 (DeCroce/Ciesla) - Exempts motor carrier employees from the State's statutory overtime wage rate requirements.