

# 39:3-10.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 124

**NJSA:** 39:3-10.1 (Exempts limousines in funeral services from commercial driver's license)

**BILL NO:** S513 (Substituted for A1469)

**SPONSOR(S):** Sacco and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Transportation  
**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 24, 2004

**SENATE:** February 23, 2004

**DATE OF APPROVAL:** August 16, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) 1<sup>st</sup> reprint enacted

**S513**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A1469**

[SPONSOR'S STATEMENT:](#) (Begins on page 12 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 124, *approved August 16, 2004*  
Senate, No. 513 (*First Reprint*)

1 AN ACT concerning motor vehicles <sup>1</sup>[and ] <sup>1</sup> amending R.S.39:3-  
2 10.1 and P.L.1990, c.103 <sup>1</sup>and supplementing P.L.1990, c.103  
3 (C.39:3-10.9 et seq.)<sup>1</sup>.

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

7  
8 1. R.S.39:3-10.1 is amended to read as follows:

9 39:3-10.1. No person shall drive any motor vehicle or trackless  
10 trolley with a capacity of more than six passengers used for the  
11 transportation of passengers for hire or for the transportation of  
12 passengers to or from summer day camps or summer residence camps  
13 or any bus as defined by the director used for the transportation of  
14 passengers, except vehicles used in ride-sharing arrangements,  
15 taxicabs, <sup>1</sup>motor<sup>1</sup> vehicles<sup>1</sup> with a capacity of more than six  
16 passengers, which are<sup>1</sup> owned and operated directly <sup>1</sup>[or indirectly]<sup>1</sup>  
17 by businesses engaged in the practice of mortuary science when those  
18 vehicles are used exclusively for providing transportation related to the  
19 <sup>1</sup>[provisions]provision<sup>1</sup> of funeral services <sup>1</sup>and which shall not be  
20 used in that capacity at any time to pick up or discharge passengers to  
21 any airline terminal, train station or other transportation center or for  
22 any purpose not directly related to the provision of funeral services<sup>1</sup>  
23 or any bus used to transport children to and from school pursuant to  
24 N.J.S.18A:39-1 et seq. or when being used by a private school to  
25 transport children to and from school, unless specially licensed so to  
26 do by the <sup>1</sup>[director] chief administrator<sup>1</sup> or in the case of a  
27 nonresident, licensed pursuant to the laws of his resident state with  
28 respect to the licensing of bus drivers. Such license shall not be  
29 granted by the <sup>1</sup>[director] chief administrator<sup>1</sup> until the applicant  
30 therefor is at least 18 years of age and has passed a satisfactory  
31 examination in ascertainment of his driving ability and familiarity with  
32 the mechanism of said vehicle and has presented evidence, satisfactory  
33 to the <sup>1</sup>[director] chief administrator<sup>1</sup> of his previous experience  
34 (including proof that he has had at least three years of driving  
35 experience), good character and physical fitness. Said license shall be  
36 effective until suspended or revoked by the director; provided, the  
37 special licensee is also the holder of a license as provided for in  
38 R.S.39:3-10.

39 Every holder of a special license issued pursuant to this section  
40 shall furnish to the <sup>1</sup>[director] chief administrator<sup>1</sup> satisfactory

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate STR committee amendments adopted February 5, 2004.

1 evidence of continuing physical fitness, good character and experience  
2 at the time of application renewal or such other time as the <sup>1</sup>[director]  
3 chief administrator<sup>1</sup> may require, and in such form as the <sup>1</sup>[director]  
4 chief administrator<sup>1</sup> may require. In addition, any person applying for  
5 a special license pursuant to this section for the transporting of  
6 children to and from schools, pursuant to N.J.S.18A:39-1 et seq., shall  
7 comply with the provisions of section 6 of P.L.1989, c.104  
8 (C.18A:39-19.1).

9 The <sup>1</sup>[director] chief administrator<sup>1</sup> may suspend or revoke a  
10 license granted under authority of this section for a violation of any of  
11 the provisions of this subtitle, or on other reasonable grounds, or  
12 where, in his opinion, the licensee is either physically or morally unfit  
13 to retain the same. Notwithstanding the provisions of any law to the  
14 contrary the <sup>1</sup>[director] chief administrator<sup>1</sup> shall, upon notice of  
15 disqualification from the Commissioner of Education pursuant to  
16 section 6 of P.L.1989, c.104 (C.18A:39-19.1), immediately revoke the  
17 special license granted under authority of this section without the  
18 necessity of a further hearing.

19 The <sup>1</sup>[director] chief administrator <sup>1</sup>may make such rules and  
20 regulations as he may deem necessary to carry out the provisions of  
21 this section.

22 (cf: P.L.1990, c.103, s.27)

23

24 2. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to read  
25 as follows:

26 3. For purposes of this act, a term shall have the meaning set forth  
27 in R.S.39:1-1 unless another meaning for the term is set forth in this  
28 act, or unless another meaning is clearly apparent from the language  
29 or context of this act, or unless the meaning for the term set forth in  
30 R.S.39:1-1 is inconsistent with the manifest intent of the Legislature  
31 in this act.

32 For purposes of this act:

33 "Alcohol concentration" means:

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

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

39 "Commercial Driver License Information System" or "CDLIS"  
40 means the information system established pursuant to the federal  
41 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49  
42 U.S.C. s.2701 et seq.) to serve as a clearinghouse for locating  
43 information related to the licensing and identification of commercial  
44 motor vehicle drivers.

45 "Commercial motor vehicle" or "CMV" means a motor vehicle or  
46 combination of motor vehicles used or designed to transport

1 passengers or property:

2 a. If the vehicle has a gross vehicle weight rating of 26,001 or  
3 more pounds or displays a gross vehicle weight rating of 26,001 or  
4 more pounds;

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

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

10 d. If the vehicle is designed to transport eight or more but less than  
11 16 persons, including the driver, and is used to transport such persons  
12 for hire on a daily basis to and from places of employment; or

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

17 The <sup>1</sup>[director] chief administrator<sup>1</sup> may, by regulation, include  
18 within this definition such other motor vehicles or combination of  
19 motor vehicles as he deems appropriate.

20 This term shall not include recreation vehicles.

21 This term shall not include <sup>1</sup>motor<sup>1</sup> vehicles <sup>1</sup>designed to transport  
22 eight or more but less than sixteen persons, including the driver, which  
23 are<sup>1</sup> owned and operated directly <sup>1</sup>[or indirectly]<sup>1</sup> by businesses  
24 engaged in the practice of mortuary science when those vehicles are  
25 used exclusively for providing transportation related to the provision  
26 of funeral services <sup>1</sup>and which shall not be used in that capacity at any  
27 time to pick up or discharge passengers to any airline terminal, train  
28 station or other transportation center, or for any purpose not directly  
29 related to the provision of funeral services<sup>1</sup>.

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

37 "Controlled substance analog" means a substance that has a  
38 chemical structure substantially similar to that of a controlled  
39 dangerous substance and that was specifically designed to produce an  
40 effect substantially similar to that of a controlled dangerous substance.  
41 The term shall not include a substance manufactured or distributed in  
42 conformance with the provisions of an approved new drug application  
43 or an exemption for investigational use within the meaning of section  
44 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s.355).

45 "Conviction" means a final adjudication that a violation has  
46 occurred, a final judgment on a verdict, a finding of guilt in a tribunal

1 of original jurisdiction, or a conviction following a plea of guilty, non  
2 vult or nolo contendere accepted by a court. It also includes an  
3 unvacated forfeiture of bail, bond or collateral deposited to secure the  
4 person's appearance in court, or the payment of a fine or court costs,  
5 or violation of a condition of release without bail, regardless of  
6 whether the penalty is rebated, suspended, or probated.

7 "Disqualification" means either:

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

11 b. A determination by the Federal Highway Administration under  
12 the rules of practice for motor carrier safety contained in 49 C.F.R.  
13 s.386, that a person is no longer qualified to operate a commercial  
14 motor vehicle under 49 C.F.R. s.391; or

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

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

20 "Driver license" means a license issued by this State or any other  
21 jurisdiction to a person authorizing the person to operate a motor  
22 vehicle.

23 "Endorsement" means an authorization to a commercial driver  
24 license required to permit the holder of the license to operate certain  
25 types of commercial motor vehicles.

26 "Felony" means any offense under any federal law or the law of a  
27 state, including this State, that is punishable by death or imprisonment  
28 for a term exceeding one year. The term includes, but is not limited  
29 to, "crimes" as that term is defined in N.J.S.2C:1-1 et seq.

30 "Foreign jurisdiction" means any jurisdiction other than a state of  
31 the United States.

32 "Gross vehicle weight rating" or "GVWR" means the value  
33 specified by a manufacturer as the loaded weight of a single or a  
34 combination (articulated) vehicle, or the registered gross weight,  
35 whichever is greater. The GVWR of a combination (articulated)  
36 vehicle, commonly referred to as the "gross combination weight  
37 rating" or "GCWR," is the GVWR of the power unit plus the GVWR  
38 of the towed unit or units. In the absence of a value specified for the  
39 towed unit or units by the manufacturer, the GVWR of a combination  
40 (articulated) vehicle is the GVWR of the power unit plus the total  
41 weight of the towed unit, including the loads on them.

42 "Hazardous material" means a substance or material determined by  
43 the Secretary of the United States Department of Transportation to be  
44 capable of posing an unreasonable risk to health, safety, and property  
45 when transported in commerce and so designated pursuant to the  
46 provisions of the "Hazardous Materials Transportation Act" (49

1 U.S.C. s.1801 et seq.).

2 "Motor vehicle" includes all vehicles propelled otherwise than by  
3 muscular power, except such vehicles as run only upon rails or tracks.

4 The term "motor vehicle" includes motorized bicycles.

5 "Out of service order" means a temporary prohibition against  
6 operating a commercial motor vehicle.

7 "Recreation vehicle" means a self-propelled or towed vehicle  
8 equipped to serve as temporary living quarters for recreational,  
9 camping, or travel purposes and is used solely as a family or personal  
10 conveyance.

11 "Representative vehicle" means a motor vehicle which represents  
12 the type of motor vehicle that a commercial driver license applicant  
13 operates or expects to operate.

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

16 a. Excessive speeding, involving any single offense for a speed of  
17 15 miles per hour or more above the speed limit;

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

22 c. Improper or erratic traffic lane changes;

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

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

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

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

33 "State" means a state of the United States or the District of  
34 Columbia.

35 "Tank vehicle" means any commercial motor vehicle that is  
36 designed to transport any liquid or gaseous material within a tank that  
37 is either permanently or temporarily attached to the vehicle or the  
38 chassis. Such vehicles include, but are not limited to, cargo tanks and  
39 portable tanks as defined by the director. However, this definition  
40 does not include portable tanks having a rated capacity under 1,000  
41 gallons.

42 "Vehicle group" means a class or type of vehicle with certain  
43 operating characteristics.

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

45

46 13. (New section) Notwithstanding the exemption of motor

1 vehicles which are owned directly by businesses engaged in the  
2 practice of mortuary science from the provisions of P.L.1990,  
3 c.103(C.39:3-10.9 et seq.), pursuant to section 2 of P.L., c.  
4 (C. ) (now before the Legislature as this bill), the driver or operator  
5 of such a motor vehicle shall fulfill all of the requirements of a medical  
6 examination required of those holding a commercial driver license as  
7 provided under 49 C.F.R. s.391.41 et seq.<sup>1</sup>

8

9 <sup>1</sup>[3.]<sup>1</sup> This act shall take effect<sup>1</sup> [ immediately] thirty days after  
10 the date of enactment<sup>1</sup>.

11

12

13

14

15 Exempts limousines used in connection with funeral services from the  
16 requirements that drivers have commercial driver's license.



**SENATE, No. 513**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Exempts limousines used in connection with funeral services from the requirements that drivers have commercial driver's license.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning motor vehicles and amending R.S.39:3-10.1 and  
2 P.L.1990, c.103.

3

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

6

7 1. R.S. 39:3-10.1 is amended to read as follows:

8 39:3-10.1. No person shall drive any motor vehicle or trackless  
9 trolley with a capacity of more than six passengers used for the  
10 transportation of passengers for hire or for the transportation of  
11 passengers to or from summer day camps or summer residence camps  
12 or any bus as defined by the director used for the transportation of  
13 passengers, except vehicles used in ride-sharing arrangements,  
14 taxicabs, vehicles owned and operated directly or indirectly by  
15 businesses engaged in the practice of mortuary science when those  
16 vehicles are used exclusively for providing transportation related to the  
17 provisions of funeral services or any bus used to transport children to  
18 and from school pursuant to N.J.S.18A:39-1 et seq. or when being  
19 used by a private school to transport children to and from school,  
20 unless specially licensed so to do by the director or in the case of a  
21 nonresident, licensed pursuant to the laws of his resident state with  
22 respect to the licensing of bus drivers. Such license shall not be  
23 granted by the director until the applicant therefor is at least 18 years  
24 of age and has passed a satisfactory examination in ascertainment of  
25 his driving ability and familiarity with the mechanism of said vehicle  
26 and has presented evidence, satisfactory to the director of his previous  
27 experience (including proof that he has had at least three years of  
28 driving experience), good character and physical fitness. Said license  
29 shall be effective until suspended or revoked by the director; provided,  
30 the special licensee is also the holder of a license as provided for in  
31 R.S.39:3-10.

32 Every holder of a special license issued pursuant to this section  
33 shall furnish to the director satisfactory evidence of continuing  
34 physical fitness, good character and experience at the time of  
35 application renewal or such other time as the director may require, and  
36 in such form as the director may require. In addition, any person  
37 applying for a special license pursuant to this section for the  
38 transporting of children to and from schools, pursuant to  
39 N.J.S.18A:39-1 et seq., shall comply with the provisions of section 6  
40 of P.L.1989, c.104 (C.18A:39-19.1).

41 The director may suspend or revoke a license granted under  
42 authority of this section for a violation of any of the provisions of this  
43 subtitle, or on other reasonable grounds, or where, in his opinion, the

**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.**

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1 licensee is either physically or morally unfit to retain the same.  
2 Notwithstanding the provisions of any law to the contrary the director  
3 shall, upon notice of disqualification from the Commissioner of  
4 Education pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1),  
5 immediately revoke the special license granted under authority of this  
6 section without the necessity of a further hearing.

7 The director may make such rules and regulations as he may deem  
8 necessary to carry out the provisions of this section.  
9 (cf: P.L.1990, c.103, s.27)

10

11 2. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to read  
12 as follows:

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14 in R.S.39:1-1 unless another meaning for the term is set forth in this  
15 act, or unless another meaning is clearly apparent from the language  
16 or context of this act, or unless the meaning for the term set forth in  
17 R.S.39:1-1 is inconsistent with the manifest intent of the Legislature  
18 in this act.

19 For purposes of this act:

20 "Alcohol concentration" means:

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

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24 accordance with this act to a person authorizing the person to operate  
25 a certain class of commercial motor vehicle.

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33 combination of motor vehicles used or designed to transport  
34 passengers or property:

35 a. If the vehicle has a gross vehicle weight rating of 26,001 or  
36 more pounds or displays a gross vehicle weight rating of 26,001 or  
37 more pounds;

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

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

43 d. If the vehicle is designed to transport eight or more but less than  
44 16 persons, including the driver, and is used to transport such persons  
45 for hire on a daily basis to and from places of employment; or

46 e. If the vehicle is transporting or used in the transportation of

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1 hazardous materials and is required to be placarded in accordance with  
2 Subpart F. of 49 C.F.R.s.172, or the vehicle displays a hazardous  
3 material placard.

4 The director may, by regulation, include within this definition such  
5 other motor vehicles or combination of motor vehicles as he deems  
6 appropriate.

7 This term shall not include recreation vehicles.

8 This term shall not include vehicles owned and operated directly or  
9 indirectly by businesses engaged in the practice of mortuary science  
10 when those vehicles are used exclusively for providing transportation  
11 related to the provision of funeral services.

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

19 "Controlled substance analog" means a substance that has a  
20 chemical structure substantially similar to that of a controlled  
21 dangerous substance and that was specifically designed to produce an  
22 effect substantially similar to that of a controlled dangerous substance.  
23 The term shall not include a substance manufactured or distributed in  
24 conformance with the provisions of an approved new drug application  
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26 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.s.355).

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

35 "Disqualification" means either:

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

39 b. A determination by the Federal Highway Administration under  
40 the rules of practice for motor carrier safety contained in 49  
41 C.F.R.s.386, that a person is no longer qualified to operate a  
42 commercial motor vehicle under 49 C.F.R.s.391; or

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

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5

1 intends to return whenever the person is absent.

2 "Driver license" means a license issued by this State or any other  
3 jurisdiction to a person authorizing the person to operate a motor  
4 vehicle.

5 "Endorsement" means an authorization to a commercial driver  
6 license required to permit the holder of the license to operate certain  
7 types of commercial motor vehicles.

8 "Felony" means any offense under any federal law or the law of a  
9 state, including this State, that is punishable by death or imprisonment  
10 for a term exceeding one year. The term includes, but is not limited  
11 to, "crimes" as that term is defined in N.J.S.2C:1-1 et seq.

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15 specified by a manufacturer as the loaded weight of a single or a  
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18 vehicle, commonly referred to as the "gross combination weight  
19 rating" or "GCWR," is the GVWR of the power unit plus the GVWR  
20 of the towed unit or units. In the absence of a value specified for the  
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39 "Representative vehicle" means a motor vehicle which represents  
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42 "Serious traffic violation" means conviction for one of the following  
43 offenses committed while operating a commercial motor vehicle:

- 44 a. Excessive speeding, involving any single offense for a speed of  
45 15 miles per hour or more above the speed limit;  
46 b. Reckless driving, as defined by state or local law or regulation,

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1 including, but not limited to, offenses of driving a commercial motor  
2 vehicle in willful or wanton disregard of the safety of persons or  
3 property, including violations of R.S.39:4-96;  
4 c. Improper or erratic traffic lane changes;  
5 d. Following a vehicle ahead too closely, including violations of  
6 R.S.39:4-89;  
7 e. A violation, arising in connection with a fatal accident, of state  
8 or local law relating to motor vehicle traffic control, other than a  
9 parking violation; or  
10 f. Any other violation of a state or local law relating to motor  
11 vehicle traffic control determined by the Secretary of the United States  
12 Department of Transportation in 49 C.F.R.s.383.5 to be a serious  
13 traffic violation.

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

15 "State" means a state of the United States or the District of  
16 Columbia.

17 "Tank vehicle" means any commercial motor vehicle that is  
18 designed to transport any liquid or gaseous material within a tank that  
19 is either permanently or temporarily attached to the vehicle or the  
20 chassis. Such vehicles include, but are not limited to, cargo tanks and  
21 portable tanks as defined by the director. However, this definition  
22 does not include portable tanks having a rated capacity under 1,000  
23 gallons.

24 "Vehicle group" means a class or type of vehicle with certain  
25 operating characteristics.

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

27

28 3. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill exempts vehicles owned and operated directly or indirectly  
34 by businesses engaged in the practice of mortuary science when those  
35 vehicles are used exclusively for providing transportation related to the  
36 provision of funeral services from the requirement that their operators  
37 possess a commercial driver's license or a bus driver's license. The  
38 requirements for a commercial driver's license, which include written  
39 examinations focused on requirements suitable for truck drivers and  
40 physical examinations such as stress tests, are not appropriate for the  
41 drivers of limousines used in connection with funeral services. Under  
42 current law the drivers of such vehicles, who are often retired police  
43 and firefighters, would still be required to possess a regular driver's  
44 license.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 513**

# **STATE OF NEW JERSEY**

DATED: JUNE 3, 2004

The Assembly Transportation Committee reports favorably Senate Bill No. 513 (1R).

As reported, the bill exempts motor vehicles owned and operated directly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services and which are not to be used in that capacity at any time to pick up or discharge passengers to any airline terminal, train station or other transportation center, or for any purpose not directly related to the provision of funeral services, from the requirement that their operators possess a commercial driver's license or a bus driver's license. However, the operators of such vehicles shall fulfill the same medical examination requirements as the holders of Commercial Driver's Licenses under 49 C.F.R.s. 391.41 et seq.

As reported, Senate Bill No. 513(1R) is identical to Assembly Bill No. 1469 which was amended and released by committee today.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 513**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2004

The Senate Transportation Committee reports favorably Senate Bill No. 513 with committee amendments.

This amended bill exempts motor vehicles owned and operated directly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services and which are not to be used in that capacity at any time to pick up or discharge passengers to any airline terminal, train station or other transportation center, or for any purpose not directly related to the provision of funeral services, from the requirement that their operators possess a commercial driver's license or a bus driver's license. However, the operators of such vehicles shall fulfill the same medical examination requirements as the holders of Commercial Driver's Licenses under 49 C.F.R.s. 391.41 et seq.

The committee amended the bill to delete reference to vehicles indirectly owned by businesses engaged in mortuary science and put restrictions on the size capacity of the vehicles. In addition, the committee added the requirement that the exempted vehicles not discharge or pick up passengers at certain locations or for purposes not directly related to the provision of funeral services and that the operators of the exempted vehicles must fulfill the same medical examination requirements as the holders of Commercial Driver's Licenses.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# ASSEMBLY, No. 1469

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman ANTHONY IMPREVEDUTO**

**District 32 (Bergen and Hudson)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

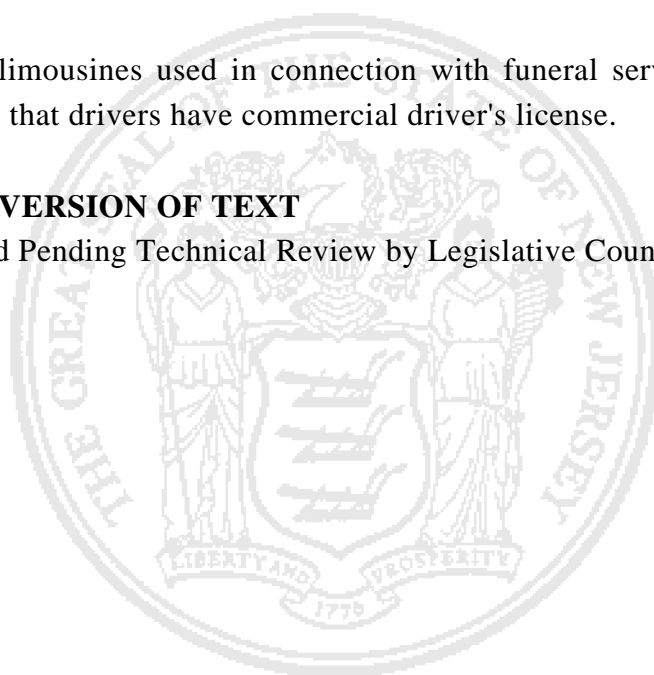
**Assemblymen Eagler and Stanley**

**SYNOPSIS**

Exempts limousines used in connection with funeral services from the requirements that drivers have commercial driver's license.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1469 WISNIEWSKI, IMPREVEDUTO

2

1 AN ACT concerning motor vehicles and amending various 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.39:3-10.1 is amended to read as follows:

8 39:3-10.1. No person shall drive any motor vehicle or trackless  
9 trolley with a capacity of more than six passengers used for the  
10 transportation of passengers for hire or for the transportation of  
11 passengers to or from summer day camps or summer residence camps  
12 or any bus as defined by the director used for the transportation of  
13 passengers, except vehicles used in ride-sharing arrangements,  
14 taxicabs, vehicles owned and operated directly or indirectly by  
15 businesses engaged in the practice of mortuary science when those  
16 vehicles are used exclusively for providing transportation related to the  
17 provision of funeral services and which shall not be used in that  
18 capacity at any time to pick up or discharge passengers to any airline  
19 terminal, train station, or other transportation center, or for any  
20 purpose not directly related to the provision of funeral services, or any  
21 bus used to transport children to and from school pursuant to  
22 N.J.S.18A:39-1 et seq. or when being used by a private school to  
23 transport children to and from school, unless specially licensed so to  
24 do by the director or in the case of a nonresident, licensed pursuant to  
25 the laws of his resident state with respect to the licensing of bus  
26 drivers. Such license shall not be granted by the director until the  
27 applicant therefor is at least 18 years of age and has passed a  
28 satisfactory examination in ascertainment of his driving ability and  
29 familiarity with the mechanism of said vehicle and has presented  
30 evidence, satisfactory to the director of his previous experience  
31 (including proof that he has had at least three years of driving  
32 experience), good character and physical fitness. Said license shall be  
33 effective until suspended or revoked by the director; provided, the  
34 special licensee is also the holder of a license as provided for in  
35 R.S.39:3-10.

36 Every holder of a special license issued pursuant to this section  
37 shall furnish to the director satisfactory evidence of continuing  
38 physical fitness, good character and experience at the time of  
39 application renewal or such other time as the director may require, and  
40 in such form as the director may require. In addition, any person  
41 applying for a special license pursuant to this section for the  
42 transporting of children to and from schools, pursuant to  
43 N.J.S.18A:39-1 et seq., shall comply with the provisions of section 6

**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 of P.L.1989, c.104 (C.18A:39-19.1).

2 The director may suspend or revoke a license granted under  
3 authority of this section for a violation of any of the provisions of this  
4 subtitle, or on other reasonable grounds, or where, in his opinion, the  
5 licensee is either physically or morally unfit to retain the same.  
6 Notwithstanding the provisions of any law to the contrary the director  
7 shall, upon notice of disqualification from the Commissioner of  
8 Education pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1),  
9 immediately revoke the special license granted under authority of this  
10 section without the necessity of a further hearing.

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

13

14 2. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to read  
15 as follows:

16 For purposes of this act, a term shall have the meaning set forth in  
17 R.S.39:1-1 unless another meaning for the term is set forth in this act,  
18 or unless another meaning is clearly apparent from the language or  
19 context of this act, or unless the meaning for the term set forth in  
20 R.S.39:1-1 is inconsistent with the manifest intent of the Legislature  
21 in this act.

22 For purposes of this act:

23 "Alcohol concentration" means:

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

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

29 "Commercial Driver License Information System" or "CDLIS"  
30 means the information system established pursuant to the federal  
31 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49  
32 U.S.C.s.2701 et seq.) to serve as a clearinghouse for locating  
33 information related to the licensing and identification of commercial  
34 motor vehicle drivers.

35 "Commercial motor vehicle" or "CMV" means a motor vehicle or  
36 combination of motor vehicles used or designed to transport  
37 passengers or property:

38 a. If the vehicle has a gross vehicle weight rating of 26,001 or  
39 more pounds or displays a gross vehicle weight rating of 26,001 or  
40 more pounds;

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

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

46 d. If the vehicle is designed to transport eight or more but less than

1 16 persons, including the driver, and is used to transport such persons  
2 for hire on a daily basis to and from places of employment; or

3 e. If the vehicle is transporting or used in the transportation of  
4 hazardous materials and is required to be placarded in accordance with  
5 Subpart F. of 49 C.F.R.s.172, or the vehicle displays a hazardous  
6 material placard.

7 The director may, by regulation, include within this definition such  
8 other motor vehicles or combination of motor vehicles as he deems  
9 appropriate.

10 This term shall not include recreation vehicles.

11 This term shall not include vehicles owned and operated directly or  
12 indirectly by businesses engaged in the practice of mortuary science  
13 when those vehicles are used exclusively for providing transportation  
14 related to the provision of funeral services and which shall not be used  
15 in that capacity at any time to pick up or discharge passengers to any  
16 airline terminal, train station, or other transportation center, or for any  
17 purpose not directly related to the provision of funeral services.

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 through  
21 V of 21 C.F.R.s.1308, or under P.L.1970, c.226 (C.24:21-1 et seq.)  
22 as they may be revised from time to time. The term, wherever it  
23 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 withdrawal  
43 by a state of a person's privilege to operate a commercial motor  
44 vehicle;

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

1 C.F.R.s.386, that a person is no longer qualified to operate a  
2 commercial motor vehicle under 49 C.F.R.s.391; 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 N.J.S.2C:1-1 et seq.

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

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

30 "Hazardous material" means a substance or material determined by  
31 the Secretary of the United States Department of Transportation to be  
32 capable of posing an unreasonable risk to health, safety, and property  
33 when transported in commerce and so designated pursuant to the  
34 provisions of the "Hazardous Materials Transportation Act" (49  
35 U.S.C.s.1801 et seq.).

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

39 "Out of service order" means a temporary prohibition against  
40 operating a commercial motor vehicle.

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

45 "Representative vehicle" means a motor vehicle which represents  
46 the type of motor vehicle that a commercial driver license applicant

1 operates or expects to operate.

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

4 a. Excessive speeding, involving any single offense for a speed of  
5 15 miles per hour or more above the speed limit;

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

10 c. Improper or erratic traffic lane changes;

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

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

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

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

21 "State" means a state of the United States or the District of  
22 Columbia.

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

30 "Vehicle group" means a class or type of vehicle with certain  
31 operating characteristics.

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

33

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

35 33:1-1. For the purpose of this chapter, the following words and  
36 terms shall be deemed to have the meanings herein given to them:

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

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

- 1 c. "Building." A structure of which licensed premises are or may  
2 be a part, including all rooms, cellars, outbuildings, passageways,  
3 closets, vaults, yards, attics, and every part of the structure of which  
4 the licensed premises are a part, and of any other structure to which  
5 there is a common means of access, and any other appurtenances.
- 6 d. "Commissioner." The Director of the Division of Alcoholic  
7 Beverage Control.
- 8 e. "Container." Any glass, can, bottle, vessel or receptacle of any  
9 material whatsoever used for holding alcoholic beverages, which  
10 container is covered, corked or sealed in any manner whatsoever.
- 11 f. "Eligible." The status of a person who is a citizen of the United  
12 States, a resident of this State, of good moral character and repute,  
13 and of legal age.
- 14 g. "Governing board or body." The board or body which governs  
15 a municipality, including a board of aldermen in municipalities so  
16 governed; but in every municipality having a board of public works  
17 which exercises general licensing powers such board shall be  
18 considered as the governing board or body.
- 19 h. "Importing." The act of bringing or causing to be brought any  
20 alcoholic beverage into this State.
- 21 i. "Illicit beverage." Any alcoholic beverage manufactured,  
22 distributed, bought, sold, bottled, rectified, blended, treated, fortified,  
23 mixed, processed, warehoused, possessed or transported in violation  
24 of this chapter, or on which any federal tax or tax imposed by the laws  
25 of this State has not been paid; and any alcoholic beverage possessed,  
26 kept, stored, owned or imported with intent to manufacture, sell,  
27 distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse  
28 or transport in violation of the provisions of this chapter.
- 29 j. "Licensed building." Any building containing licensed premises.
- 30 k. "Licensed premises." Any premises for which a license under this  
31 chapter is in force and effect.
- 32 l. "Magistrate." The Superior Court or municipal court.
- 33 m. "Manufacturer." Any person who, directly or indirectly,  
34 personally or through any agency whatsoever, engages in the making  
35 or other processing whatsoever of alcoholic beverages.
- 36 n. "Municipality." Any city, town, township, village, or borough,  
37 including a municipality governed by a board of commissioners or  
38 improvement commission, but excluding a county.
- 39 o. "Municipal board." The municipal board of alcoholic beverage  
40 control as established by this chapter.
- 41 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,  
42 member of the Division of State Police, or any other person having the  
43 power to execute a warrant for arrest, or any inspector or investigator  
44 of the Division of Alcoholic Beverage Control.
- 45 q. "Original container." Any container in which an alcoholic  
46 beverage has been delivered to a retail licensee.

- 1 r. "Person." Any natural person or association of natural persons,  
2 association, trust company, partnership, corporation, organization, or  
3 the manager, agent, servant, officer, or employee of any of them.
- 4 s. "Premises." The physical place at which a licensee is or may be  
5 licensed to conduct and carry on the manufacture, distribution or sale  
6 of alcoholic beverages, but not including vehicular transportation.
- 7 t. "Restaurant." An establishment regularly and principally used for  
8 the purpose of providing meals to the public, having an adequate  
9 kitchen and dining room equipped for the preparing, cooking and  
10 serving of food for its customers and in which no other business,  
11 except such as is incidental to such establishment, is conducted.
- 12 u. "Retailer." Any person who sells alcoholic beverages to  
13 consumers.
- 14 v. "Rules and regulations." The rules and regulations established  
15 from time to time by the director.
- 16 w. "Sale." Every delivery of an alcoholic beverage otherwise than  
17 by purely gratuitous title, including deliveries from without this State  
18 and deliveries by any person without this State intended for shipment  
19 by carrier or otherwise into this State and brought within this State, or  
20 the solicitation or acceptance of an order for an alcoholic beverage,  
21 and including exchange, barter, traffic in, keeping and exposing for  
22 sale, serving with meals, delivering for value, peddling, possessing  
23 with intent to sell, and the gratuitous delivery or gift of any alcoholic  
24 beverage by any licensee.
- 25 x. "Unlawful alcoholic beverage activity." The manufacture, sale,  
26 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
27 processing, warehousing or transportation of any alcoholic beverage  
28 in violation of this chapter, or the importing, owning, possessing,  
29 keeping or storing in this State of alcoholic beverages with intent to  
30 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix,  
31 process, warehouse or transport alcoholic beverages in violation of  
32 this chapter, or the owning, possessing, keeping or storing in this State  
33 of any implement or paraphernalia for the manufacture, sale,  
34 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
35 processing, warehousing or transportation of alcoholic beverages with  
36 intent to use the same in the manufacture, sale, distribution, bottling,  
37 rectifying, blending, treating, fortifying, mixing, processing,  
38 warehousing or transportation of alcoholic beverages in violation of  
39 this chapter, or to aid or abet another in the manufacture, sale,  
40 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
41 processing, warehousing or transportation of alcoholic beverages in  
42 violation of this chapter, or the aiding or abetting of another in any of  
43 the foregoing activities.
- 44 y. "Unlawful property." All illicit beverages and all implements,  
45 vehicles, vessels, airplanes, and paraphernalia for the manufacture,  
46 sale, distribution, bottling, rectifying, blending, treating, fortifying,



1 mixing, processing, warehousing or transportation of illicit beverages  
2 used in the manufacture, sale, distribution, bottling, rectifying,  
3 blending, treating, fortifying, mixing, processing, warehousing or  
4 transportation of illicit beverages or owned, possessed, kept or stored  
5 with intent to use the same in the manufacture, sale, distribution,  
6 bottling, rectifying, blending, treating, fortifying, mixing, processing,  
7 warehousing or transportation of illicit beverages, whether such use be  
8 by the person owning, possessing, keeping, or storing the same, or by  
9 another with the consent of such person; and all alcoholic beverages,  
10 fixtures and personal property located in or upon any premises,  
11 building, yard or inclosure connected with a building, in which an illicit  
12 beverage is found, possessed, stored or kept.

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

16 aa. "Limousine." A motor vehicle used in the business of carrying  
17 passengers for hire to provide prearranged passenger transportation at  
18 a premium fare on a dedicated, nonscheduled, charter basis that is not  
19 conducted on a regular route, or is furnished without fare as an  
20 accommodation for a patron in connection with other business  
21 purposes, and with a seating capacity in no event of more than 14  
22 passengers, not including the driver, provided, that such a motor  
23 vehicle shall not have a seating capacity in excess of four passengers,  
24 not including the driver, beyond the maximum passenger seating  
25 capacity of the vehicle, not including the driver, at the time of  
26 manufacture. This shall not include taxicabs, hotel or airport shuttles  
27 and buses, buses employed solely in transporting school children or  
28 teachers to and from school, vehicles owned and operated directly or  
29 indirectly by businesses engaged in the practice of mortuary science  
30 when those vehicles are used exclusively for providing transportation  
31 related to the provision of funeral services and which shall not be used  
32 in that capacity at any time to pick up or discharge passengers to any  
33 airline terminal, train station, or other transportation center, or for any  
34 purpose not directly related to the provision of funeral services, or  
35 vehicles owned and operated without charge or remuneration by a  
36 business entity for its own purposes.

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

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

41 (cf: P.L.2001, c.416, s.1.)

42

43 4. Section 1 of P.L.1966, c.113 (C.34:11-56a1) is amended to  
44 read:

45 1. As used in this act:

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

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

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

5 (d) "Wages" means any moneys due an employee from an employer  
6 for services rendered or made available by the employee to the  
7 employer as a result of their employment relationship including  
8 commissions, bonus and piecework compensation and including any  
9 gratuities received by an employee for services rendered for an  
10 employer or a customer of an employer and the fair value of any food  
11 or lodgings supplied by an employer to an employee. The  
12 commissioner may, by regulation, establish the average value of  
13 gratuities received by an employee in any occupation and the fair value  
14 of food and lodging provided to employees in any occupation, which  
15 average values shall be acceptable for the purposes of determining  
16 compliance with this act in the absence of evidence of the actual value  
17 of such items.

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

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

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

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

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

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

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

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

39 (m) "Limousine" means a motor vehicle used in the business of  
40 carrying passengers for hire to provide prearranged passenger  
41 transportation at a premium fare on a dedicated, nonscheduled, charter  
42 basis that is not conducted on a regular route and with a seating  
43 capacity in no event of more than 14 passengers, not including the  
44 driver, provided, that such a motor vehicle shall not have a seating  
45 capacity in excess of four passengers, not including the driver, beyond  
46 the maximum passenger seating capacity of the vehicle, not including

1 the driver, at the time of manufacture. "Limousine" shall not include  
2 taxicabs, hotel or airport shuttles and buses, buses employed solely in  
3 transporting school children or teachers to and from school, vehicles  
4 owned and operated directly or indirectly by businesses engaged in the  
5 practice of mortuary science when those vehicles are used exclusively  
6 for providing transportation related to the provision of funeral services  
7 and which shall not be used in that capacity at any time to pick up or  
8 discharge passengers to any airline terminal, train station, or other  
9 transportation center, or for any purpose not directly related to the  
10 provision of funeral services, or vehicles owned and operated without  
11 charge or remuneration by a business entity for its own purposes.  
12 (cf: P.L.2001, c.416, s.2.)

13

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

15 48:16-13. Except as provided in section 2 of P.L.1997, c.356  
16 (C.48:16-13.1), as used in this article:

17 "Autocab" means a limousine.

18 "Limousine" means and includes any automobile or motor car used  
19 in the business of carrying passengers for hire to provide prearranged  
20 passenger transportation at a premium fare on a dedicated,  
21 nonscheduled, charter basis that is not conducted on a regular route  
22 and with a seating capacity in no event of more than 14 passengers,  
23 not including the driver, provided, that such a vehicle shall not have a  
24 seating capacity in excess of four passengers, not including the driver,  
25 beyond the maximum passenger seating capacity of the vehicle, not  
26 including the driver, at the time of manufacture. Nothing in this article  
27 contained shall be construed to include taxicabs, hotel buses, buses  
28 employed solely in transporting school children or teachers, vehicles  
29 owned and operated directly or indirectly by businesses engaged in the  
30 practice of mortuary science when those vehicles are used exclusively  
31 for providing transportation related to the provision of funeral services  
32 and which shall not be used in that capacity at any time to pick up or  
33 discharge passengers to any airline terminal, train station, or other  
34 transportation center, or for any purpose not directly related to the  
35 provision of funeral services, autobuses which are subject to the  
36 jurisdiction of the Department of Transportation or interstate  
37 autobuses required by federal or State law or regulations of the  
38 Department of Transportation to carry insurance against loss from  
39 liability imposed by law on account of bodily injury or death.

40 "Limousine or livery service" means and includes the business of  
41 carrying passengers for hire by limousines.

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

45 "Principal place of business" means, in reference to a municipality,  
46 the location of the main place of business of the limousine service in

1 the municipality where limousine service is conducted, where  
2 limousines are dispatched, or where limousine drivers report for duty.

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

5 (cf: P.L.2001, c.416, s.4.)

6

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

9 2. In a county of the first class with a population density of over  
10 10,000 persons per square mile, according to the latest federal  
11 decennial census, "limousine" means and includes any automobile or  
12 motor car which is issued special registration plates bearing the word  
13 "limousine" pursuant to section 12 of P.L.1979, c.224 (C.39:3-19.5)  
14 and is engaged in the business of carrying passengers for hire to  
15 provide prearranged passenger transportation at a premium fare on a  
16 dedicated, nonscheduled, charter basis that is not conducted on a  
17 regular route and with a seating capacity in no event of more than 14  
18 passengers, not including the driver, provided, that such a motor  
19 vehicle shall not have a seating capacity in excess of four passengers,  
20 not including the driver, beyond the maximum passenger seating  
21 capacity of the vehicle, not including the driver, at the time of  
22 manufacture. A limousine shall not include a vehicle owned and  
23 operated directly or indirectly by a business engaged in the practice of  
24 mortuary science when that vehicle is used exclusively for providing  
25 transportation related to the provision of funeral services and which  
26 shall not be used in said capacity at any time to pick up or discharge  
27 passengers to any airline terminal, train station, or other transportation  
28 center, or for any purpose not directly related to the provision of  
29 funeral services.

30 (cf: P.L.2001, c.416, s.5.)

31

32 7. This act shall take effect immediately.

33

34

35

#### STATEMENT

36

37 This bill exempts vehicles owned and operated directly or indirectly  
38 by businesses engaged in the practice of mortuary science when those  
39 vehicles are used exclusively for providing transportation related to the  
40 provision of funeral services from the requirement that their operators  
41 possess a commercial driver's license or a bus driver's license. The  
42 requirements for a commercial driver's license, which include written  
43 examinations focused on requirements suitable for truck drivers and  
44 physical examinations such as stress tests, are not appropriate for the  
45 drivers of limousines used in connection with funeral services. Under  
46 current law the drivers of such vehicles, who are often retired police

1 and firefighters, would still be required to possess a regular driver's  
2 license.

3 The bill modifies the term "commercial motor vehicle" to exclude  
4 vehicles owned and operated directly or indirectly by businesses  
5 engaged in the practice of mortuary science when those vehicles are  
6 used exclusively for providing transportation related to the provision  
7 of funeral services and which shall not be used in that capacity at any  
8 time to pick up or discharge passengers to any airline terminal, train  
9 station or other transportation center or for any purpose not directly  
10 related to the provision of funeral services.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1469**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 3, 2004

The Assembly Transportation Committee reports favorably and with amendments Assembly Bill No. 1469.

As reported, the bill, as amended, exempts motor vehicles owned and operated directly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services and which are not to be used in that capacity at any time to pick up or discharge passengers to any airline terminal, train station or other transportation center, or for any purpose not directly related to the provision of funeral services, from the requirement that their operators possess a commercial driver's license or a bus driver's license. However, the operators of such vehicles shall fulfill the same medical examination requirements as the holders of Commercial Driver's Licenses under 49 C.F.R. s. 391.41 et seq.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to delete reference to vehicles indirectly owned by businesses engaged in mortuary science and put restrictions on the size capacity of the vehicles. In addition, the committee added the requirement that the exempted vehicles not discharge or pick up passengers at certain locations or for purposes not directly related to the provision of funeral services and that the operators of the exempted vehicles must fulfill the same medical examination requirements as the holders of Commercial Driver's Licenses.

The committee amendments make Assembly Bill No. 1469 identical to Senate Bill No. 513(1R) which was released by the committee today.