

# 39:3-79.22 to 39:3-79.24

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007                      **CHAPTER:** 40

**NJSA:** 39:3-79.22 to 39:3-79.24            (Concerns omnibuses; creates "Omnibus Safety Enforcement Fund.")

**BILL NO:** A1321/2980/2981            (Substituted for S2059)

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

**DATE INTRODUCED:** January 10, 2006

**COMMITTEE:**            **ASSEMBLY:** Transportation and Public Works

**SENATE:** Budget and Appropriations; Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** June 26, 2006

**SENATE:** December 11, 2006

**DATE OF APPROVAL:** January 29, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

### A1321/2980/2981

[SPONSOR'S STATEMENT \(A1321\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A2980\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A2981\)](#): (Begins on page 3 of original bill) [Yes](#)

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

**SENATE:**                      Yes [10-23-06 Transportation](#)  
   [11-27-06 Budget](#)

**FLOOR AMENDMENT STATEMENT:**                      No

[LEGISLATIVE FISCAL ESTIMATE:](#)                      [Yes](#)

### S2059/2060

[SPONSOR'S STATEMENT \(S2059\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2060\)](#): (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                      **ASSEMBLY:**                      No

**SENATE:**                      Yes [10-23-06 Transportation](#)  
   [11-27-06 Budget](#)

**FLOOR AMENDMENT STATEMENT:**                      No

**LEGISLATIVE FISCAL ESTIMATE:**                      No

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH 4/29/08

P.L. 2007, CHAPTER 40, *approved January 29, 2007*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 1321, 2980, and 2981

1 AN ACT concerning omnibuses, creating an “Omnibus Safety  
2 Enforcement Fund,” amending R.S.39:3-19.1 and R.S.39:3-29,  
3 and supplementing Title 39 of the Revised Statutes.  
4

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

7  
8 1. R.S.39:3-19.1 is amended to read as follows:

9 39:3-19.1. Any person owning or operating a motor vehicle who  
10 shall use his motor vehicle for transportation of passengers for hire,  
11 without having an omnibus registration as provided for in section  
12 39:3-19 of this title, shall be subject to a fine of **[not exceeding**  
13 **twenty-five dollars or to imprisonment for a period of not exceeding**  
14 **thirty days]** \$250 for a first offense, and the unregistered motor  
15 vehicle so used may be impounded. Any offender who shall be  
16 convicted of a second or any subsequent offense of the same  
17 violation shall be **[fined one hundred dollars or be imprisoned for a**  
18 **period of not exceeding ninety days]** subject to a fine of \$500, and  
19 the unregistered motor vehicle so used may be impounded.

20 Any police officer is authorized to remove any such unregistered  
21 motor vehicle from the public highway to a storage space or garage,  
22 and the expense involved in such removal and storing of the vehicle  
23 shall be borne by the owner of the vehicle, except that the expense  
24 shall be borne by the lessee of a leased vehicle.

25 In addition to and independent of any fine or other penalty  
26 provided for under law, the court shall impose a fine of \$150 on  
27 any driver or operator of an omnibus, **[charged with]** convicted  
28 of<sup>1</sup> a violation of this section, who does not have a certificate of  
29 public convenience and necessity as required pursuant to R.S.48:4-  
30 3. The State Treasurer shall annually deposit the monies collected  
31 from the fines imposed pursuant to this paragraph to the “Omnibus  
32 Safety Enforcement Fund” established pursuant to section 4 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill). The  
34 fine described herein shall not be deemed a fine, penalty <sup>1</sup> or  
35 forfeiture pursuant to R.S.39:5-41.

36 (cf: R.S.39:3-19.1)

37

38 2. R.S.39:3-29 is amended to read as follows:

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate STR committee amendments adopted October 23, 2006.

1 39:3-29. The driver's license, the registration certificate of a  
2 motor vehicle and an insurance identification card shall be in the  
3 possession of the driver or operator at all times when he is in charge  
4 of a motor vehicle on the highways of this State.

5 The driver or operator shall exhibit his driver's license and an  
6 insurance identification card, and the holder of a registration  
7 certificate or the operator or driver of a motor vehicle for which a  
8 registration certificate has been issued, whether or not the holder,  
9 driver or operator is a resident of this State, shall also exhibit the  
10 registration certificate, when requested so to do by a police officer  
11 or judge, while in the performance of the duties of his office, and  
12 shall write his name in the presence of the officer, so that the officer  
13 may thereby determine the identity of the licensee and at the same  
14 time determine the correctness of the registration certificate, as it  
15 relates to the registration number and number plates of the motor  
16 vehicle for which it was issued; and the correctness of the evidence  
17 of a policy of insurance, as it relates to the coverage of the motor  
18 vehicle for which it was issued.

19 Any person violating this section shall be subject to a fine of  
20 \$150, ~~of which~~ except that if the person is a driver or operator of  
21 an omnibus, as defined pursuant to R.S.39:1-1, the amount of the  
22 fine shall be \$250. Of the amount of any such fine collected  
23 pursuant to this paragraph, \$25 shall be deposited in the Uninsured  
24 Motorist Prevention Fund established by section 2 of P.L.1983,  
25 c.141 (C.39:6B-3) .

26 If a person charged with a violation of this section can exhibit his  
27 driver's license, insurance identification card and registration  
28 certificate, which were valid on the day he was charged, to the  
29 judge of the municipal court before whom he is summoned to  
30 answer to the charge, such judge may dismiss the charge. However,  
31 the judge may impose court costs.

32 In addition to and independent of any fine or other penalty  
33 provided for under law, the court shall impose a fine of \$150 on any  
34 driver or operator of an omnibus, '【charged with】 convicted of' a  
35 violation of this section, who does not have a certificate of public  
36 convenience and necessity as required pursuant to R.S.48:4-3. The  
37 State Treasurer shall annually deposit the monies collected from the  
38 fin es imposed pursuant to this paragraph to the "Omnibus Safety  
39 Enforcement Fund" established pursuant to section 4 of P.L. , c.  
40 (C. ) (pending before the Legislature as this bill). The fine  
41 described herein shall not be deemed a fine, penalty, or forfeiture  
42 pursuant to R.S.39:5-41.

43 (cf: P.L.2003, c.89, s.78)

44

45 3. (New section) Whenever an owner or operator of an omnibus,  
46 as defined pursuant to R.S.39:1-1, does not have a certificate of  
47 public convenience and necessity as required pursuant to R.S.48:4-3  
48 and that owner or operator is ~~issued a summons concerning~~

1 convicted of<sup>1</sup> an equipment violation pursuant to any provision in  
2 chapter 3 of Title 39 of the Revised Statutes, or any regulation  
3 promulgated pursuant thereto, in addition to and independent of any  
4 fine or other penalty provided for under law, the court shall impose  
5 an additional fine of \$150 on that owner or operator. The State  
6 Treasurer shall annually deposit the monies collected from the fines  
7 imposed pursuant to this section to the “Omnibus Safety  
8 Enforcement Fund” established pursuant to section 4 of P.L. , c.  
9 (C. ) (pending before the Legislature as this bill). The fine  
10 described herein shall not be deemed a fine, penalty, or forfeiture  
11 pursuant to R.S.39:5-41.  
12

13 4. (New section) There is created in the Department of Treasury  
14 a separate, non-lapsing revolving fund to be known as the  
15 “Omnibus Safety Enforcement Fund.” This fund is to be the  
16 depository for monies collected from certain fines imposed pursuant  
17 to R.S.39:3-19.1, R.S.39:3-29, and section 3 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill). The money in the fund  
19 shall be administered by the State Treasurer and all interest on  
20 monies deposited in the fund shall be credited to the fund. Unless  
21 otherwise specifically provided by law, monies in the fund shall be  
22 utilized exclusively by the New Jersey Motor Vehicle Commission  
23 to administer and enforce the provisions of this act, or any rule or  
24 regulation adopted pursuant thereto. Beginning in the fiscal year  
25 next following the effective date of this act, the State Treasurer  
26 shall annually allocate the money pursuant to this section to the  
27 commission.  
28

29 5. (New section) There is created within the New Jersey Motor  
30 Vehicle Commission, a separate, non-lapsing account to be know as  
31 the “Omnibus Safety Enforcement Fund.” All moneys paid to the  
32 commission pursuant to section 4 of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill) shall be deposited in the fund.  
34 Unless otherwise specifically provided by law, monies in the fund  
35 shall be utilized exclusively by the commission to administer and  
36 enforce the provisions of this act, or any rule or regulation adopted  
37 pursuant thereto.  
38

39 6. This act shall take effect on the first day of the sixth month  
40 next following enactment but such anticipatory administrative  
41 action may be taken as necessary to effectuate the purposes of this  
42 act.  
43

44 \_\_\_\_\_  
45  
46 Concerns omnibuses; creates “Omnibus Safety Enforcement  
47 Fund.”

# ASSEMBLY, No. 1321

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman PETER J. BIONDI**

**District 16 (Morris and Somerset)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Upgrade penalties for unlawful transportation of passengers for hire in certain cases.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 6/2/2006)**

A1321 BIONDI, PRIETO

2

1 AN ACT concerning the unlawful transportation of passengers in  
2 certain cases and amending R.S.39:3-19.1.

3

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

6

7 1. R.S.39:3-19.1 is amended to read as follows:

8 39:3-19.1. Any person owning or operating a motor vehicle who  
9 shall use his motor vehicle for transportation of passengers for hire,  
10 without having an omnibus registration as provided for in section  
11 39:3-19 of this title, shall be [subject to a fine of not exceeding  
12 twenty-five dollars or to imprisonment for a period of not exceeding  
13 thirty days. Any offender who shall be convicted of a second or  
14 any subsequent offense of the same violation shall be fined one  
15 hundred dollars or be imprisoned for a period of not exceeding  
16 ninety days] fined \$1,000 and the violator's motor vehicle shall be  
17 impounded. For a second or subsequent offense, the violator shall  
18 be fined \$2,000 and the violator's motor vehicle shall be  
19 impounded.

20 A vehicle impounded pursuant to this section shall be removed to  
21 a storage space or garage and held until the fine for the violation of  
22 R.S.39:3-19 is paid by the registrant of the vehicle, along with the  
23 reasonable costs of removal and storage.

24 If the registrant fails to claim the motor vehicle by paying the  
25 fine for the violation of R.S.39:3-19 and the reasonable costs of  
26 removal and storage by midnight of the 30th day following  
27 impoundment, the municipality may sell the motor vehicle at public  
28 auction. The municipality shall give notice of the sale by certified  
29 mail to the registrant of the motor vehicle and to the holder of any  
30 security interest filed with the Chief Administrator of the New  
31 Jersey Motor Vehicle Commission, and by publication in a form to  
32 be prescribed by the chief administrator by one insertion, at least  
33 five days before the date of the sale, in one or more newspapers  
34 published in this State and circulating in the municipality in which  
35 the motor vehicle has been impounded.

36 At any time prior to the sale, the registrant or other person  
37 entitled to the motor vehicle may reclaim possession of it upon  
38 payment of the fine for the violation of R.S.39:3-19 and the  
39 reasonable costs of removal and storage of the motor vehicle;  
40 provided, however, if the other person entitled to the motor vehicle  
41 is a lessor or the holder of a lien on the motor vehicle, he may  
42 reclaim the motor vehicle without payment. In such cases, the  
43 violator shall be liable for all outstanding costs, fines and penalties,  
44 and the municipality shall have a lien against the property and  
45 income of that violator for the total amount of those outstanding

**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 costs, fines and penalties.

2 Any proceeds obtained from the sale of a motor vehicle at public  
3 auction pursuant to this section in excess of the amount owed to the  
4 municipality for the fine for the violation of R.S.39:3-19 and the  
5 reasonable costs of removal and storage of the motor vehicle shall  
6 be returned to the registrant of the vehicle.

7 (cf: R.S.39:3-19.1)

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill revises the penalties for transporting passengers for  
15 payment without an omnibus license.

16 Under current law, a person who uses his motor vehicle for the  
17 transportation of passengers for hire, but does not have an omnibus  
18 registration, is subject to a fine of not more than \$25 or  
19 imprisonment for not more than 30 days for a first offense. For a  
20 second or subsequent offense, a violator is subject to a fine of \$100  
21 or imprisonment for not more than 90 days. These penalties,  
22 established in the 1930's, are outdated and inappropriate.

23 This bill increases the monetary fines for violations. For a first  
24 offense, a violator would be fined \$1,000; for a second or  
25 subsequent offense, \$2,000.

26 While the option of imprisonment is eliminated as a penalty, the  
27 bill authorizes impoundment of the motor vehicle used in the  
28 violation.

29 Under the provisions of the bill, a violator's motor vehicle would  
30 be impounded and held until the offender paid the fine and the  
31 reasonable costs associated with the towing and storing of the  
32 vehicle. The bill provides that if the violator fails to pay the fines  
33 and reclaim the vehicle within 30 days, the municipality may sell  
34 the vehicle at auction. The amount obtained from the sale of the  
35 vehicle in excess of the amounts owed the municipality are to be  
36 returned to the vehicle's owner.

37 The bill has specific provisions to address the interests of lessors  
38 and lienholders. These entities are authorized to reclaim an  
39 impounded vehicle without having to pay any fines or fees. In such  
40 cases, the person responsible for the violation would be liable for  
41 all the outstanding fines and fees.



# ASSEMBLY, No. 2980

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 11, 2006

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**Assemblywoman LINDA STENDER**

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

**Co-Sponsored by:**

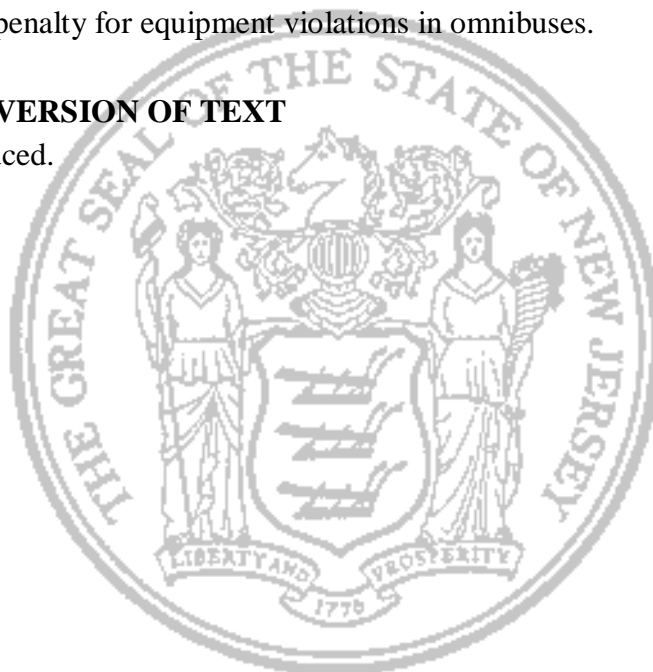
**Assemblymen Diegnan, Fisher, Gordon and Assemblywoman Voss**

**SYNOPSIS**

Increases penalty for equipment violations in omnibuses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/9/2006)**

1 AN ACT concerning penalties for safety violations in omnibuses and  
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. Whenever a summons is issued to the owner or operator of an  
8 omnibus as defined in R.S.39:1-1 for a violation of any provision in  
9 chapter 3 of Title 39 of the Revised Statutes or chapter 4 of Title 48  
10 of the Revised Statutes concerning equipment, or any regulation  
11 concerning equipment promulgated pursuant thereto, the fine shall  
12 be three times the amount of the fine otherwise specified for that  
13 violation by statute or regulation. Two-thirds of the total fines  
14 collected pursuant to this act shall be evenly divided between the  
15 commission and the municipality in which the summons was issued.  
16 All monies received by the commission under the provisions of this  
17 act shall be used exclusively to defray the costs directly associated  
18 with the implementation of this act. The remaining fine amounts  
19 shall be distributed in accordance with R.S.39:5-41. The provisions  
20 of this section shall not apply to an operator operating pursuant to a  
21 valid certificate of public convenience and necessity pursuant to  
22 R.S.48:4-3.

23

24 2. This act shall take effect immediately.

25

26

27 STATEMENT

28

29 This bill would triple the fine for any omnibus operating with an  
30 equipment violation and without a certificate of public convenience  
31 and necessity. This bill was prompted by a committee meeting of  
32 the Assembly Transportation Committee. The committee heard  
33 testimony about the egregious safety violations of vans who, for a  
34 fee, transport low income laborers to work. It is the sponsor's  
35 belief that this bill will encourage the owner or operator of an  
36 omnibus to ensure that the vehicle is compliant with the equipment  
37 requirements set forth in chapter 3 of Title 39 and chapter 4 of Title  
38 48 of the Revised Statutes.

39 Under the provisions of this bill, the increase in the fine would  
40 be evenly split between the Motor Vehicle Commission and the  
41 municipality in which the violation was discovered. Any money  
42 received by the commission is to be used exclusively to defray the  
43 costs directly associated with the bill's implementation.

# ASSEMBLY, No. 2981

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 15, 2006

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblywoman Voss**

**SYNOPSIS**

Raises fine for certain omnibus drivers who fail to produce required documents.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/9/2006)**

1 AN ACT concerning omnibus drivers and amending R.S.39:3-29.

2

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

5

6 1. R.S.39:3-29 is amended to read as follows:

7 39:3-29. The driver's license, the registration certificate of a  
8 motor vehicle and an insurance identification card shall be in the  
9 possession of the driver or operator at all times when he is in charge  
10 of a motor vehicle on the highways of this State.

11 The driver or operator shall exhibit his driver's license and an  
12 insurance identification card, and the holder of a registration  
13 certificate or the operator or driver of a motor vehicle for which a  
14 registration certificate has been issued, whether or not the holder,  
15 driver or operator is a resident of this State, shall also exhibit the  
16 registration certificate, when requested so to do by a police officer  
17 or judge, while in the performance of the duties of his office, and  
18 shall write his name in the presence of the officer, so that the officer  
19 may thereby determine the identity of the licensee and at the same  
20 time determine the correctness of the registration certificate, as it  
21 relates to the registration number and number plates of the motor  
22 vehicle for which it was issued; and the correctness of the evidence  
23 of a policy of insurance, as it relates to the coverage of the motor  
24 vehicle for which it was issued.

25 Any person violating this section shall be subject to a fine of  
26 \$150, of which \$25 shall be deposited in the Uninsured Motorist  
27 Prevention Fund established by section 2 of P.L.1983, c.141  
28 (C.39:6B-3), except that a driver or operator of an omnibus, as  
29 defined in R.S.39:1-1, who does not have a certificate of public  
30 convenience and necessity in force, as required pursuant to  
31 R.S.48:4-3, and violates this section shall be subject to a fine of  
32 \$300 which shall be dispersed as follows:

33 a. \$25 shall be deposited in the Uninsured Motorist Prevention  
34 Fund established by section 2 of P.L.1983, c.141 (C.39:6B-3);

35 b. half of the remaining amount shall be evenly divided between  
36 the commission and the municipality in which the summons was  
37 issued; and

38 c. the remaining amount shall be distributed in accordance with  
39 R.S.39:5-41.

40 If a person charged with a violation of this section can exhibit his  
41 driver's license, insurance identification card and registration  
42 certificate, which were valid on the day he was charged, to the  
43 judge of the municipal court before whom he is summoned to  
44 answer to the charge, such judge may dismiss the charge. However,

**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 the judge may impose court costs.  
2 (cf: P.L.2003, c.89, s.78)

3

4 2. This act shall take effect on the first day of the second month  
5 after enactment.

6

7

8

STATEMENT

9

10 This bill would raise the fine levied against omnibus drivers who  
11 operate illegally and do not produce their driver's license, insurance  
12 identification card, or registration certificate when requested to do  
13 so by a police officer or judge.

14 Under the current law, the penalty for drivers who fail to produce  
15 these required documents is a fine of \$150. This bill would raise  
16 that fine to \$300 if the person is the operator of an omnibus who  
17 does not have a certificate of public convenience and necessity in  
18 force, as required under Public Utilities law. In addition, the bill  
19 outlines how money collected as a result of the increased fines  
20 would be distributed among various entities, including the  
21 Uninsured Motorist Prevention Fund, the Motor Vehicle  
22 Commission, and the municipality in which the summons was  
23 issued.

24 As used in the bill, "omnibus" "includes all motor vehicles used  
25 for the transportation of passengers for hire, except commuter vans  
26 and vehicles used in ridesharing arrangements and school buses, if  
27 the same are not otherwise used in the transportation of passengers  
28 for hire.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1321, 2980, and 2981**

**STATE OF NEW JERSEY**

DATED: JUNE 15, 2006

The Assembly Transportation and Public Works Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 1321, 2980, and 2981.

As reported, this substitute bill would: increase certain fines for transporting passengers for hire without certain documentation; create additional fines for transporting passengers for hire without a required certificate of public convenience and necessity; and dedicate those additional fines to an Omnibus Safety Enforcement Fund created in the Department of Treasury to be used exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill.

Specifically, this substitute bill would create a separate, non-lapsing fund in the Department of the Treasury entitled the Omnibus Safety Enforcement Fund. The fund would be the depository for the monies collected from the imposition of an additional fine of \$150 on any driver, operator, or owner of an omnibus, who does not have a certificate of public convenience and necessity as required by law and is in violation of R.S.39:3-19.1, R.S.39:3-29, or any provision in chapter 3 of Title 39 of the Revised Statutes concerning an equipment violation. The money in the Omnibus Safety Enforcement Fund and all interest thereon are to be utilized exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this substitute bill. This additional fine is not deemed a fine, penalty or forfeiture pursuant to R.S.39:5-41.

This substitute bill increases the fines for transporting passengers for hire without an omnibus registration and permits the unregistered vehicle to be impounded while eliminating imprisonment as a penalty. This substitute bill would increase this fine for a first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The substitute bill would also increase the fine from \$150 to \$250 on a driver or operator of an omnibus that fails to exhibit a driver's license, a motor vehicle registration certificate, or an insurance identification card.

Finally, this substitute bill also establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing Omnibus Safety Enforcement Fund with all monies from the additional fines to be imposed pursuant to this bill to be deposited in this fund.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1321, 2980, and 2981**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 23, 2006

The Senate Transportation Committee reports favorably ACS for Assembly Bill Nos. 1321, 2980, and 2981 with committee amendments.

This amended bill would: increase certain fines for transporting passengers for hire without certain documentation; create additional fines for transporting passengers for hire without a required certificate of public convenience and necessity; and dedicate those additional fines to an Omnibus Safety Enforcement Fund created in the Department of Treasury to be used exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill.

Specifically, this bill would create a separate, non-lapsing fund in the Department of the Treasury entitled the Omnibus Safety Enforcement Fund. The fund would be the depository for the monies collected from the imposition of an additional fine of \$150 on any driver, operator, or owner of an omnibus, who does not have a certificate of public convenience and necessity as required by law and is in violation of R.S.39:3-19.1 (prohibiting transportation of passengers for hire without having an omnibus registration), R.S.39:3-29 (requiring the driver or operator of a motor vehicle to exhibit a driver's license, motor vehicle registration certificate, and insurance identification card when officially requested to do so), or any provision in chapter 3 of Title 39 of the Revised Statutes concerning an equipment violation. The money in the Omnibus Safety Enforcement Fund and all interest thereon are to be utilized exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill. This additional fine is not deemed a fine, penalty, or forfeiture pursuant to R.S.39:5-41.

This bill increases the fines for transporting passengers for hire without an omnibus registration and permits the unregistered vehicle to be impounded while eliminating imprisonment as a penalty. This bill would increase this fine for a first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500.



The bill would also increase the fine from \$150 to \$250 on a driver or operator of an omnibus who fails to exhibit a driver's license, a motor vehicle registration certificate, or an insurance identification card.

Finally, this bill also establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing Omnibus Safety Enforcement Fund with all monies from the additional fines to be imposed pursuant to this bill to be deposited in this fund.

The committee amended the bill to provide that a person must be convicted of a violation, not merely charged with or issued a summons, in order to receive an additional fine.

This bill is identical to SCS for Senate Bill Nos. 2059 and 2060, released by the committee on the same date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 1321, 2980, and 2981

# STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Budget and Appropriations Committee reports favorably Assembly Bill Nos. 1321, 2980, and 2981 (SCS) (1R).

This bill increases certain fines for transporting passengers for hire without omnibus registration documentation and creates additional fines for transporting passengers for hire without a required certificate of public convenience and necessity. The substitute dedicates the revenue from the additional fines set at \$150 per conviction, for transporting passengers for hire, or for violations of certain equipment statutes or regulations, while not having a required certificate of public convenience and necessity, to an "Omnibus Safety Enforcement Fund." The fund is created in the Department of Treasury and the moneys therein are to be used exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill and rules and regulations adopted thereunder. This additional fine is not deemed a fine, penalty or forfeiture subject to the regular statutory manner of the distribution of municipal court collected motor vehicle fines, but is dedicated entirely to the "Omnibus Safety Enforcement Fund."

The substitute also increases the municipal court collected fines for transporting passengers for hire without an omnibus registration and permits the unregistered vehicle to be impounded while eliminating imprisonment as a penalty. This substitute increases this fine for a first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The substitute also increases the fine from \$150 to \$250 on a driver or operator of an omnibus that fails to exhibit a driver's license, a motor vehicle registration certificate, or an insurance identification card.

Finally, this substitute also establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing "Omnibus Safety Enforcement Fund" to receive monies to be paid from the dedicated State Treasury fund.

This substitute is identical to the SCS for Senate Bill Nos. 2059 and 2060, also released by the committee on this date.

#### FISCAL IMPACT

In a Fiscal Estimate, the Office of Legislative Services (OLS) estimates that based upon recent annual conviction totals provided by a representative of the Administrative Office of the Courts, of 246 convictions for transporting passengers for hire without omnibus registration documentation, a new fine of \$150 per conviction would provide \$36,900 in annual revenue for the “Omnibus Safety Enforcement Fund.” The OLS is not able to determine how much additional revenue might be collected from the new \$150 fine for the fund from convictions for transporting passengers for hire while in violation of certain equipment statutes or regulations, and for transporting passengers for hire while not having a required certificate of public convenience and necessity.

The OLS also notes that fine revenue collected by municipal courts could increase under the fine increases: (1) for transporting passengers for hire without an omnibus registration, from \$25 to \$250 for a first offence; and from \$100 to \$500 for subsequent offenses; and (2) failure of a driver or operator of an omnibus to exhibit a driver’s license, a motor vehicle registration certificate, or an insurance identification card, from \$150 to \$250. Depending on the same level of annual convictions for these two offenses, and whether convictions are first or subsequent offenses, these fine increases could increase annual municipal court collected revenue in a range from \$55,450 to \$98,400.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 1321, 2980 and 2981**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JULY 14, 2006

**SUMMARY**

**Synopsis:** Concerns omnibuses; creates “Omnibus Safety Enforcement Fund.”

**Type of Impact:** Indeterminate Revenue Gain. Omnibus Safety Enforcement Fund

**Agencies Affected:** Motor Vehicle Commission; Administrative Office of the Courts; State Treasurer; Department of Law and Public Safety; Division of State Police.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2007</u></b>	<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
<b>State Cost</b>		Minimal	
<b>State Revenue</b>		Indeterminate Revenue Gain.	

- Increases existing fines and creates new fines for omnibus operators who fail to meet motor vehicle provisions and dedicates fines to an Omnibus Safety Enforcement Fund to administer and enforce the provisions of this bill.
- Increases existing fines for unregistered omnibus first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The bill also increases the fine from \$150 to \$250 on a driver or operator of an omnibus who fails to exhibit a driver’s license, a motor vehicle registration certificate, or an insurance identification card.
- Creates a new fine of \$150 for drivers or operators of an omnibus who do not have a certificate of public convenience.
- Establishes non-lapsing Omnibus Safety Enforcement Fund with all monies from the additional fines to be imposed pursuant to this bill to be deposited in this fund.

## **BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill Nos. 1321, 2980 and 2981 of 2006 increase fines for transporting passengers for hire without certain documentation; create additional fines for transporting passengers for hire without a required certificate of public convenience and necessity; and dedicate fines to an Omnibus Safety Enforcement Fund created in the Department of Treasury to be used to administer and enforce this bill.

This bill creates a separate, non-lapsing fund in the Department of the Treasury entitled the Omnibus Safety Enforcement Fund. The fund would be the depository for the monies collected from the imposition of an additional fine of \$150 on any driver, operator, or owner of an omnibus, who does not have a certificate of public convenience and necessity as required by law. The money in the Omnibus Safety Enforcement Fund and all interest thereon are to be utilized exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill.

The bill would increase the fine for a first offense having an unregistered omnibus from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The bill also increases the fine from \$150 to \$250 on a driver or operator of an omnibus that fails to exhibit a driver's license, a motor vehicle registration certificate, or an insurance identification card.

The bill establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing account to be known as the Omnibus Safety Enforcement Fund into which all monies from the additional fines to be imposed pursuant to this bill are to be deposited in this fund.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates this bill would indeterminately increase State revenues and revenues for the "Omnibus Safety Enforcement Fund."

According to a representative from the Administrative Office of the Courts, from May 2005 to May 2006 there were 246 convictions under N.J.S.A.39:3-19.1. Revenue could increase, depending on the whether the convictions were a combination of first offenses, from a current estimated level of \$6,150 to a proposed level of \$61,500. A second offense would rise from a current estimated level of \$24,600 to a proposed level of \$123,000. The addition of a \$150 penalty would also provide an estimated \$36,900 for the increase "Omnibus Safety Enforcement Fund."

The Office of Legislative Services notes that there would be an increase in revenue collected from the revised provision under R.S.39:3-29, which increases the penalty from \$150 to \$250 for drivers and operators of an omnibus.

The creation of the "Omnibus Safety Enforcement Fund" is for administration and enforcement of the provisions of the act by the Motor Vehicle Commission.

The bill does not provide for the expenditures by the Division of State Police in the Department of Law and Public Safety however it may be assumed that the division is currently providing uninsured motorist enforcement and would not need additional funding.

*Section: Law and Public Safety*

*Analyst: Kristen Brunner  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

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.

# SENATE, No. 2059

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 22, 2006

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Increases penalty for equipment violations in omnibuses.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning penalties for safety violations in omnibuses and  
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. Whenever a summons is issued to the owner or operator of  
8 an omnibus as defined in R.S.39:1-1 for a violation of any provision  
9 in chapter 3 of Title 39 of the Revised Statutes or chapter 4 of Title  
10 48 of the Revised Statutes concerning equipment, or any regulation  
11 concerning equipment promulgated pursuant thereto, the fine shall  
12 be three times the amount of the fine otherwise specified for that  
13 violation by statute or regulation. Two-thirds of the total fines  
14 collected pursuant to this act shall be evenly divided between the  
15 commission and the municipality in which the summons was issued.  
16 All monies received by the commission under the provisions of this  
17 act shall be used exclusively to defray the costs directly associated  
18 with the implementation of this act. The remaining fine amounts  
19 shall be distributed in accordance with R.S.39:5-41. The provisions  
20 of this section shall not apply to an operator operating pursuant to a  
21 valid certificate of public convenience and necessity pursuant to  
22 R.S.48:4-3.

23

24 2. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 This bill would triple the fine for any omnibus operating with an  
30 equipment violation and without a certificate of public convenience  
31 and necessity. This bill was prompted by a committee meeting of  
32 the Assembly Transportation Committee. The committee heard  
33 testimony about the egregious safety violations of vans who, for a  
34 fee, transport low income laborers to work. It is the sponsor's  
35 belief that this bill will encourage the owner or operator of an  
36 omnibus to ensure that the vehicle is compliant with the equipment  
37 requirements set forth in chapter 3 of Title 39 and chapter 4 of Title  
38 48 of the Revised Statutes.

39

40 Under the provisions of this bill, the increase in the fine would  
41 be evenly split between the Motor Vehicle Commission and the  
42 municipality in which the violation was discovered. Any money  
43 received by the commission is to be used exclusively to defray the  
44 costs directly associated with the bill's implementation.



# SENATE, No. 2060

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 22, 2006

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Raises fine for certain omnibus drivers who fail to produce required documents.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning omnibus drivers and amending R.S.39:3-29.

2

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

5

6 1. R.S.39:3-29 is amended to read as follows:

7 39:3-29. The driver's license, the registration certificate of a  
8 motor vehicle and an insurance identification card shall be in the  
9 possession of the driver or operator at all times when he is in charge  
10 of a motor vehicle on the highways of this State.

11 The driver or operator shall exhibit his driver's license and an  
12 insurance identification card, and the holder of a registration  
13 certificate or the operator or driver of a motor vehicle for which a  
14 registration certificate has been issued, whether or not the holder,  
15 driver or operator is a resident of this State, shall also exhibit the  
16 registration certificate, when requested so to do by a police officer  
17 or judge, while in the performance of the duties of his office, and  
18 shall write his name in the presence of the officer, so that the officer  
19 may thereby determine the identity of the licensee and at the same  
20 time determine the correctness of the registration certificate, as it  
21 relates to the registration number and number plates of the motor  
22 vehicle for which it was issued; and the correctness of the evidence  
23 of a policy of insurance, as it relates to the coverage of the motor  
24 vehicle for which it was issued.

25 Any person violating this section shall be subject to a fine of  
26 \$150, of which \$25 shall be deposited in the Uninsured Motorist  
27 Prevention Fund established by section 2 of P.L.1983, c.141  
28 (C.39:6B-3), except that a driver or operator of an omnibus, as  
29 defined in R.S.39:1-1, who does not have a certificate of public  
30 convenience and necessity in force, as required pursuant to  
31 R.S.48:4-3, and violates this section shall be subject to a fine of  
32 \$300 which shall be dispersed as follows:

33 a. \$25 shall be deposited in the Uninsured Motorist  
34 Prevention Fund established by section 2 of P.L.1983, c.141  
35 (C.39:6B-3);

36 b. half of the remaining amount shall be evenly divided  
37 between the commission and the municipality in which the  
38 summons was issued; and

39 c. the remaining amount shall be distributed in accordance with  
40 R.S.39:5-41.

41 If a person charged with a violation of this section can exhibit his  
42 driver's license, insurance identification card and registration  
43 certificate, which were valid on the day he was charged, to the  
44 judge of the municipal court before whom he is summoned to

**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 answer to the charge, such judge may dismiss the charge. However,  
2 the judge may impose court costs.

3 (cf: P.L.2003, c.89, s.78)

4

5 2. This act shall take effect on the first day of the second month  
6 after enactment.

7

8

9

STATEMENT

10

11 This bill would raise the fine levied against omnibus drivers who  
12 operate illegally and do not produce their driver's license, insurance  
13 identification card, or registration certificate when requested to do  
14 so by a police officer or judge.

15 Under the current law, the penalty for drivers who fail to produce  
16 these required documents is a fine of \$150. This bill would raise  
17 that fine to \$300 if the person is the operator of an omnibus who  
18 does not have a certificate of public convenience and necessity in  
19 force, as required under Public Utilities law. In addition, the bill  
20 outlines how money collected as a result of the increased fines  
21 would be distributed among various entities, including the  
22 Uninsured Motorist Prevention Fund, the Motor Vehicle  
23 Commission, and the municipality in which the summons was  
24 issued.

25 As used in the bill, "omnibus" "includes all motor vehicles used  
26 for the transportation of passengers for hire, except commuter vans  
27 and vehicles used in ridesharing arrangements and school buses, if  
28 the same are not otherwise used in the transportation of passengers  
29 for hire.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2059 and 2060**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 23, 2006

The Senate Transportation Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2059 and 2060.

This substitute bill would: increase certain fines for transporting passengers for hire without certain documentation; create additional fines for transporting passengers for hire without a required certificate of public convenience and necessity; and dedicate those additional fines to an Omnibus Safety Enforcement Fund created in the Department of Treasury to be used exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill.

Specifically, this substitute bill would create a separate, non-lapsing fund in the Department of the Treasury entitled the Omnibus Safety Enforcement Fund. The fund would be the depository for the monies collected from the imposition of an additional fine of \$150 on any driver, operator, or owner of an omnibus, who does not have a certificate of public convenience and necessity as required by law and is in violation of R.S.39:3-19.1 (prohibiting transportation of passengers for hire without having an omnibus registration), R.S.39:3-29 (requiring the driver or operator of a motor vehicle to exhibit a driver's license, motor vehicle registration certificate, and insurance identification card when officially requested to do so), or any provision in chapter 3 of Title 39 of the Revised Statutes concerning an equipment violation. The money in the Omnibus Safety Enforcement Fund and all interest thereon are to be utilized exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this substitute bill. This additional fine is not deemed a fine, penalty, or forfeiture pursuant to R.S.39:5-41.

This substitute bill increases the fines for transporting passengers for hire without an omnibus registration and permits the unregistered vehicle to be impounded while eliminating imprisonment as a penalty. This substitute bill would increase this fine for a first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The substitute bill would also increase the fine from \$150 to \$250 on a driver or operator of an omnibus who fails to exhibit

a driver's license, a motor vehicle registration certificate, or an insurance identification card.

Finally, this substitute bill also establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing Omnibus Safety Enforcement Fund with all monies from the additional fines to be imposed pursuant to this bill to be deposited in this fund.

This bill is identical to ACS for Assembly Bill Nos. 1321, 2980 and 2981, released and amended by the committee on the same date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2059 and 2060**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 27, 2006

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 2059 and 2060 (SCS).

This bill increases certain fines for transporting passengers for hire without omnibus registration documentation and creates additional fines for transporting passengers for hire without a required certificate of public convenience and necessity. The substitute dedicates the revenue from the additional fines set at \$150 per conviction, for transporting passengers for hire, or for violations of certain equipment statutes or regulations, while not having a required certificate of public convenience and necessity, to an "Omnibus Safety Enforcement Fund." The fund is created in the Department of Treasury and the moneys therein are to be used exclusively by the New Jersey Motor Vehicle Commission to administer and enforce the provisions of this bill and rules and regulations adopted thereunder. This additional fine is not deemed a fine, penalty or forfeiture subject to the regular statutory manner of the distribution of municipal court collected motor vehicle fines, but is dedicated entirely to the "Omnibus Safety Enforcement Fund."

The substitute also increases the municipal court collected fines for transporting passengers for hire without an omnibus registration and permits the unregistered vehicle to be impounded while eliminating imprisonment as a penalty. This substitute increases this fine for a first offense from \$25 to \$250; for a second or subsequent offense, the fine is increased from \$100 to \$500. The substitute also increases the fine from \$150 to \$250 on a driver or operator of an omnibus that fails to exhibit a driver's license, a motor vehicle registration certificate, or an insurance identification card.

Finally, this substitute also establishes within the New Jersey Motor Vehicle Commission a separate, non-lapsing "Omnibus Safety Enforcement Fund" to receive monies to be paid from the dedicated State Treasury fund.

This substitute is identical to ACS (1R) for Assembly Bill Nos. 1321, 2980 and 2981, also released by the committee on the this date.

FISCAL IMPACT

In a Fiscal Estimate for the identical Assembly Committee Substitute, the Office of Legislative Services (OLS) estimates that based upon recent annual conviction totals provided by a representative of the Administrative Office of the Courts, of 246 convictions for transporting passengers for hire without omnibus registration documentation, a new fine of \$150 per conviction would provide \$36,900 in annual revenue for the “Omnibus Safety Enforcement Fund.” The OLS is not able to determine how much additional revenue might be collected from the new \$150 fine for the fund from convictions for transporting passengers for hire while in violation of certain equipment statutes or regulations, and for transporting passengers for hire while not having a required certificate of public convenience and necessity.

The OLS also notes that fine revenue collected by municipal courts could increase under the fine increases: (1) for transporting passengers for hire without an omnibus registration, from \$25 to \$250 for a first offence; and from \$100 to \$500 for subsequent offenses; and (2) failure of a driver or operator of an omnibus to exhibit a driver’s license, a motor vehicle registration certificate, or an insurance identification card, from \$150 to \$250. Depending on the same level of annual convictions for these two offenses, and whether convictions are first or subsequent offenses, these fine increases could increase annual municipal court collected revenue in a range from \$55,450 to \$98,400.