

48:4.2.1c

**LEGISLATIVE HISTORY CHECKLIST**  
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("Bus Safety Compliance")

**NJSA:** 48:4-2.1c

**LAWS OF:** 1995 **CHAPTER:** 225

**BILL NO:** A2159

**SPONSOR(S):** Gaffney & others

**DATE INTRODUCED:** September 19, 1994

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

**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
Fourth reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** December 15, 1994

**SENATE:** June 26, 1995

**DATE OF APPROVAL:** August 15, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** Yes

974.90 New Jersey. Legislature. Assembly. Transportation and  
T764 Communication Committee.

1994 Public hearing held 4-20-94 on "adequacy & effectiveness of  
current bus inspection system." Atlantic City, 1994.

See newspaper clipping--attached:

"Governor signs legislation to toughen bus safety laws," 8-165-95, Atlantic City Press.

KBG:pp

[FOURTH REPRINT]  
ASSEMBLY, No. 2159  
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1994

By Assemblymen GAFFNEY, DeCROCE, Foley and Dalton

1 AN ACT concerning bus safety compliance penalties and  
2 supplementing chapter 4 of Title 48 of the Revised Statutes.

3

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

6 1. This act shall be known and may be cited as the "Bus Safety  
7 Compliance Act."

8 2. The Legislature finds that bus safety is of paramount  
9 importance to the residents of this State, to those travelling on  
10 the public highways or in public places within the State, and to  
11 the many tourists and travellers who visit this State's many  
12 diverse tourist and business destinations. The Legislature further  
13 finds that, to promote and assure the highest possible level of bus  
14 safety, it is necessary to establish statutory sanctions and  
15 penalties for bus safety out-of-service violations. The  
16 Legislature, therefore, determines that it is in the public interest  
17 to enact such sanctions and to provide for their enforcement  
18 through the Department of Transportation.

19 3. As used in this act:

20 "Bus" or "buses" means and includes all autobuses, of whatever  
21 size or configuration, under the jurisdiction of the Department of  
22 Transportation: all <sup>2</sup>[vehicles] autobuses<sup>2</sup> of NJ Transit and its  
23 contract carriers which are under the inspection jurisdiction of  
24 the department: all <sup>2</sup>[passenger vehicles] autobuses<sup>2</sup> of whatever  
25 size or configuration, that are subject to Federal Motor  
26 <sup>4</sup>[Vehicle] Carrier<sup>4</sup> Safety <sup>4</sup>[Standards] Regulations<sup>4</sup>, operated on  
27 public highways or in public places in this State; and all  
28 <sup>2</sup>[passenger vehicles] autobuses<sup>2</sup> operated on public highways or  
29 in public places in this State under the authority of the Interstate  
30 Commerce Commission, or its successor agency.

31 "Bus safety out-of-service violation" means any serious  
32 mechanical, electrical or vehicular condition that is determined  
33 to be so unsafe as to potentially cause an accident or breakdown,  
34 or would potentially contribute to loss of control of the vehicle  
35 by the driver.

36 "Category 1 violation" means any bus safety out-of-service  
37 violation that should have been detected during the daily pre-trip  
38 inspection or during periodic repair and maintenance procedures  
39 conducted by the driver or the operator.

40 "Category 2 violation" means any bus safety out-of-service  
41 violation that may have occurred after the daily pre-trip  
42 inspection and therefore might not have been detected by the

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> Assembly ATC committee amendments adopted October 6, 1994.

<sup>2</sup> Assembly floor amendments adopted December 5, 1994.

<sup>3</sup> Senate STR committee amendments adopted January 23, 1995.

<sup>4</sup> Senate floor amendments adopted March 2, 1995.

1 operator or driver during the daily pre-trip inspection or during  
2 periodic repair and maintenance procedures.

3 "Operator" means the person responsible for the day to day  
4 maintenance and operation of buses.

5 4. a. The Commissioner of Transportation shall establish by  
6 regulation, in accordance with the "Administrative Procedure  
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of bus  
8 safety out-of-service violations and applicable sanctions and  
9 penalties for buses operating with bus safety out-of-service  
10 violations. The regulations shall promote uniformity with  
11 national safety standards. The regulations shall establish  
12 penalties for category 1 and category 2 safety violations which  
13 shall be proportional with the severity of such violations as  
14 determined by the commissioner. The bus operator shall be  
15 responsible for all penalties.

16 b. The schedule of bus safety out-of-service violations shall  
17 establish and specify those violations which the commissioner  
18 determines to be category 1 violations, and shall further establish  
19 and specify the monetary civil penalty for category 1 violations.  
20 The monetary civil penalties established and specified by the  
21 commissioner in the schedule shall be proportional to the nature,  
22 severity and repetition of the violation. The minimum monetary  
23 civil penalty for a category 1 violation shall be \$300 and the  
24 maximum monetary civil penalty for a category 1 violation shall  
25 be \$5,000.

26 c. The schedule of bus safety out-of-service violations shall  
27 establish and specify those violations which the commissioner  
28 determines to be category 2 violations, and shall further establish  
29 and specify the monetary civil penalty for category 2 violations.  
30 The monetary civil penalties established and specified by the  
31 commissioner in the schedule shall be proportional to the nature,  
32 severity and repetition of the violation. The <sup>1</sup>[minimum  
33 monetary civil penalty for a category 2 violation shall be \$30 and  
34 the]<sup>1</sup> maximum monetary civil penalty for a category 2 violation  
35 shall be \$500.

36 5. In addition to any other penalties provided by law, when a  
37 bus is operated on public highways or in public places in this  
38 State, without satisfactory evidence of appropriate insurance as  
39 required by statute or regulation, that vehicle may be  
40 immediately placed out-of-service and held or impounded by law  
41 enforcement authorities or the department. The vehicle may be  
42 held or impounded until evidence of appropriate insurance for  
43 that vehicle is on file with the department or the bus owner or  
44 operator otherwise meets applicable statutes or regulations  
45 governing same.

46 6. In addition to any other penalties provided by law, when a  
47 bus is operated on public highways or in public places in this  
48 State, with a bus safety out-of-service violation, whether in  
49 interstate or intrastate commerce, whether registered or not in  
50 this or any other jurisdiction, that vehicle may be immediately  
51 placed out-of-service and held or impounded by law enforcement  
52 authorities or the department. The vehicle may be held or  
53 impounded until appropriate repairs are made on-site or until  
54 towed by the owner or operator to an appropriate repair facility,

1 maintenance garage or otherwise, so that repairs of all bus safety  
2 out-of-service violations can be made. The vehicle shall not be  
3 operated in this State until the defects are remediated and such  
4 remedial action is either certified or approved by the department.

5 7. <sup>2</sup>a.<sup>2</sup> The commissioner <sup>2</sup>or any duly authorized  
6 representative of the commissioner<sup>2</sup> is authorized to direct any  
7 bus operated in this State to immediately proceed to a designated  
8 facility for inspection. <sup>2</sup>[Any operator failing] If a driver fails<sup>2</sup>  
9 to immediately report as directed to the designated facility <sup>2</sup>,  
10 the operator<sup>2</sup> shall be subject to a penalty of \$1,000.

11 <sup>2</sup>b. At the time of inspection, the commissioner or any duly  
12 authorized representative of the commissioner is authorized to  
13 demand and examine the driver's operating credentials.<sup>2</sup>

14 <sup>3</sup>8. a. The bus driver shall have in his possession a copy of the  
15 most recent vehicle inspection report for the bus he is driving. If  
16 defects or deficiencies are noted on the report, the driver shall  
17 have signed the report to acknowledge that the driver has  
18 reviewed it and that there is a certification that the required  
19 repairs have been made. A driver failing to produce the most  
20 recent vehicle inspection report shall be subject to a maximum  
21 monetary civil penalty of \$100.

22 b. An operator shall annually <sup>4</sup>[send] provide<sup>4</sup> a notice to each  
23 driver employed by the operator containing a copy of the  
24 provisions of subsection a. of this section.

25 c. No operator shall compel, coerce or otherwise cause a  
26 driver to include false information on a vehicle inspection  
27 report. An operator violating the provisions of this subsection  
28 shall be subject to a maximum monetary civil penalty of <sup>4</sup>[\$100]  
29 \$5,000<sup>4,3</sup>

30 <sup>3</sup>[8.] 9.<sup>3</sup> Any penalty imposed pursuant to this act may be  
31 collected, with costs, in a summary proceeding pursuant to "the  
32 penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior  
33 Court or Municipal Court of the county or municipality,  
34 respectively, wherein the violation occurs, or wherein the  
35 operator resides or has a place of business or principal office in  
36 this State, shall have jurisdiction to enforce the provisions of  
37 "the penalty enforcement law," in connection with this act.  
38 <sup>1</sup>The Commissioner of Transportation or any duly authorized  
39 representative of the commissioner may issue a summons and  
40 complaint returnable in a municipal court or other court of  
41 competent jurisdiction for <sup>2</sup>[violations] a violation<sup>2</sup> of this act  
42 and any rule or regulation adopted pursuant thereto<sup>2</sup>, except that  
43 when conducting an inspection at the site of an owner or  
44 operator's business, the commissioner or the commissioner's  
45 representative shall not issue a summons and complaint for a  
46 violation of this act, but shall take any other enforcement action  
47 authorized by law for that violation<sup>2</sup> .<sup>1</sup> Municipal, county, and  
48 State prosecutors are authorized to assist the commissioner in  
49 the enforcement of this act. The commissioner may institute an  
50 action in the Superior Court for injunctive relief to prevent or  
51 restrain any violation of this act, or any order issued, or rule of  
52 regulation adopted, pursuant to this act.

53 <sup>3</sup>[9.] 10.<sup>3</sup> All <sup>2</sup>[State,]<sup>2</sup> county, municipal and other officers  
54 charged with the enforcement of State and municipal laws, are

1 authorized <sup>2</sup>[and charged]<sup>2</sup> to <sup>2</sup>[enforce, and]<sup>2</sup> assist the  
2 department <sup>2</sup>under the direction of the commissioner or any duly  
3 authorized representative of the commissioner<sup>2</sup> in the  
4 enforcement of the provisions of this act, any rules or regulations  
5 adopted pursuant thereto, and any administrative or judicial  
6 orders issued pursuant thereto.

7 <sup>3</sup>[10.] 11.<sup>3</sup> The commissioner is authorized to consult with and  
8 enter into agreements with federal, interstate, bi-State, and  
9 intrastate agencies and authorities as may be necessary to  
10 provide for the efficient and uniform implementation of this act.

11 <sup>3</sup>[11.] 12.<sup>3</sup> Monies received from penalties collected pursuant  
12 to this act shall be deposited in the General Fund.

13 <sup>3</sup>[12.] 13.<sup>3</sup> The implementation and enforcement of this act  
14 shall not be deemed as supplanting any other provisions of this  
15 Title and shall not preclude enforcement of other provisions of  
16 this Title.

17 <sup>3</sup>[13.] 14.<sup>3</sup> This act shall take effect immediately.

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21 "Bus Safety Compliance Act."

1 inspection. Any operator failing to immediately report as  
2 directed to the designated facility shall be subject to a penalty of  
3 \$1,000.

4 8. Any penalty imposed pursuant to this act may be collected,  
5 with costs, in a summary proceeding pursuant to "the penalty  
6 enforcement law," N.J.S.2A:58-1 et seq. The Superior Court or  
7 Municipal Court of the county or municipality, respectively,  
8 wherein the violation occurs, or wherein the operator resides or  
9 has a place of business or principal office in this State, shall have  
10 jurisdiction to enforce the provisions of "the penalty enforcement  
11 law," in connection with this act. Municipal, county, and State  
12 prosecutors are authorized to assist the commissioner in the  
13 enforcement of this act. The commissioner may institute an  
14 action in the Superior Court for injunctive relief to prevent or  
15 restrain any violation of this act, or any order issued, or rule of  
16 regulation adopted, pursuant to this act.

17 9. All State, county, municipal and other officers charged with  
18 the enforcement of State and municipal laws, are authorized and  
19 charged to enforce, and assist the department in the enforcement  
20 of the provisions of this act, any rules or regulations adopted  
21 pursuant thereto, and any administrative or judicial orders issued  
22 pursuant thereto.

23 10. The commissioner is authorized to consult with and enter  
24 into agreements with federal, interstate, bi-State, and intrastate  
25 agencies and authorities as may be necessary to provide for the  
26 efficient and uniform implementation of this act.

27 11. Monies received from penalties collected pursuant to this  
28 act shall be deposited in the General Fund.

29 12. The implementation and enforcement of this act shall not  
30 be deemed as supplanting any other provisions of this Title and  
31 shall not preclude enforcement of other provisions of this Title.

32 13. This act shall take effect immediately.

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#### STATEMENT

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37 This bill would establish statutory minimum and maximum  
38 penalties for bus safety out-of-service violations, and directs the  
39 Commissioner of Transportation to establish a schedule of bus  
40 safety out-of-service violations and applicable sanctions and  
41 penalties for buses operated in such unsafe condition.

42 The bill defines a bus safety out-of-service violation as any  
43 serious mechanical, electrical or vehicular condition that is  
44 determined to be so unsafe as to potentially cause an accident or  
45 breakdown, or would potentially contribute to loss of control of  
46 the vehicle by the driver. The bill further designates two  
47 categories of bus safety out-of-service violations. Category 1  
48 violations would be those bus safety out-of-service violations  
49 that should have been detected during the daily pre-trip  
50 inspection or during periodic repair and maintenance procedures  
51 conducted by the driver or the operator. The minimum penalty  
52 for a category 1 violation would be \$300 and the maximum  
53 penalty \$5,000. Category 2 violations would be those bus safety  
54 out-of-service violations that may have occurred after the

1 daily pre-trip inspection and therefore might not have been  
2 detected by the operator or driver during the daily pre-trip  
3 inspection or during periodic repair and maintenance procedures.  
4 The minimum penalty for a category 2 violation would be \$30  
5 with a maximum penalty for \$500.

6 The bill further provides authorization to remove a bus from  
7 operation if it does not carry appropriate insurance or if the bus  
8 has a bus safety out-of-service violation and to impound the bus  
9 until appropriate insurance is obtained or the serious condition  
10 remedied.

11 The bill also provides direct authorization to the commissioner  
12 to direct any bus operated in the State to immediately proceed to  
13 a designated facility for inspection. An operator who fails to  
14 comply with such a direction would be subject to a penalty of  
15 \$1,000.

16 All monies received from collection of penalties imposed under  
17 the bill would be deposited in the General Fund.

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22 "Bus Safety Compliance Act."

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2159

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1994

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 2159 with committee amendments.

This bill would establish statutory minimum and maximum penalties for bus safety out-of-service violations, and directs the Commissioner of Transportation to establish a schedule of bus safety out-of-service violations and applicable sanctions and penalties for buses operated in such unsafe condition.

As amended, the bill defines a bus safety out-of-service violation as any serious mechanical, electrical or vehicular condition that is determined to be so unsafe as to potentially cause an accident or breakdown, or THAT would potentially contribute to loss of control of the vehicle by the driver. The bill further designates two categories of bus safety out-of-service violations. Category 1 violations would be those bus safety out-of-service violations that should have been detected during the daily pre-trip inspection or during periodic repair and maintenance procedures conducted by the driver or the operator. The minimum penalty for a category 1 violation would be \$300 and the maximum penalty \$5,000. Category 2 violations would be those bus safety out-of-service violations that may have occurred after the daily pre-trip inspection and therefore might not have been detected by the operator or driver during the daily pre-trip inspection or during periodic repair and maintenance procedures. The maximum penalty for a category 2 violation would be \$500.

The bill further provides authorization to remove a bus from operation if it does not carry appropriate insurance or if the bus has a bus safety out-of-service violation, and to impound the bus until appropriate insurance is obtained or the condition is remedied.

The bill also provides direct authorization to the commissioner to direct any bus operated in the State to immediately proceed to a designated facility for inspection. An operator who fails to comply with such a direction would be subject to a penalty of \$1,000.

All monies received from collection of penalties imposed under the bill would be deposited in the General Fund.

The committee adopted amendments to authorize the Commissioner of Transportation or an authorized representative of the commissioner to issue a summons and complaint for violations of the act and any rule or regulation adopted thereto. The bill was further amended to remove the minimum penalty for category 2 violations.



SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 2159

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1995

The Senate Transportation Committee favorably reports Assembly Bill No. 2159 (2R) with committee amendments.

This amended bill establishes statutory minimum and maximum penalties for bus safety out-of-service violations, and directs the Commissioner of Transportation to establish a schedule of bus safety out-of-service violations and applicable sanctions and penalties for buses operated in such unsafe condition.

The amended bill defines a bus safety out-of-service violation as any serious mechanical, electrical or vehicular condition that is determined to be so unsafe as to potentially cause an accident or breakdown, or that would potentially contribute to loss of control of the vehicle by the driver. The bill further designates two categories of bus safety out-of-service violations. Category 1 violations would be those bus safety out-of-service violations that should have been detected during the daily pre-trip inspection or during periodic repair and maintenance procedures conducted by the driver or the operator. The minimum penalty for a category 1 violation would be \$300 and the maximum penalty \$5,000. Category 2 violations would be those bus safety out-of-service violations that may have occurred after the daily pre-trip inspection and therefore might not have been detected by the operator or driver during the daily pre-trip inspection or during periodic repair and maintenance procedures. The maximum penalty for a category 2 violation would be \$500.

The amended bill further provides authorization to remove a bus from operation if it does not carry appropriate insurance or if the bus has a bus safety out-of-service violation, and to impound the bus until appropriate insurance is obtained or the condition is remedied.

The amended bill also provides direct authorization to the commissioner or the commissioner's duly authorized representative to direct any bus operated in the State to immediately proceed to a designated facility for inspection. If a driver fails to comply with such a direction, the operator would be subject to a penalty of \$1,000. At the time of inspection, the commissioner or the commissioner's duly authorized representative is authorized to demand and examine the driver's operating credentials.

A bus driver is required to have in his possession a copy of the most recent vehicle inspection report for the bus he is driving. If defects or deficiencies are noted on the report, the driver shall have signed the report to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been made. A driver failing to produce the most recent vehicle

inspection report shall be subject to a maximum monetary civil penalty of \$100. Each operator is required to give a notice to each driver in his employment containing the provisions of the bill relating to the vehicle inspection report. An operator compelling, coercing or otherwise causing a driver to include false information in a vehicle inspection report shall be subject to a maximum monetary civil penalty of \$100.

A summons or complaint may be issued for violation of this act or rules and regulations adopted pursuant thereto, except when an inspection is conducted at the site of an owner or operator's business, when other enforcement action authorized by law shall be taken.

All monies received from collection of penalties imposed under the bill would be deposited in the General Fund.

The committee amended this bill to require bus drivers to have in their possession a copy of the latest vehicle inspection report, to provide penalties for failure to produce the report and to require operators to notify their drivers of the contents of this bill relating to the vehicle inspection report. The amendments provide penalties for operators who compel, coerce or otherwise cause a driver to include false information in a report.

This bill is identical to S-1468, as amended and released by the committee on the same date.

FISCAL NOTE TO  
[FIRST REPRINT]  
ASSEMBLY, No. 2159  
STATE OF NEW JERSEY

DATED: December 16, 1994

Assembly Bill No. 2159 (1R) of 1994 would establish statutory minimum and maximum penalties for bus safety out-of-service violations, and directs the Commissioner of Transportation to establish a schedule of bus safety out-of-service violations and applicable sanctions and penalties for buses operated in such unsafe condition.

The Department of Transportation (DOT) notes that it currently performs roadside bus inspections under a Federal Motor Carrier Safety Assistance Program. Further, as part of such inspection program, the DOT has promulgated regulations concerning the operation and inspection of buses in the State. Consequently, the requirement to establish a schedule of bus safety out-of-service violations and applicable sanctions should not necessitate either additional staff or represent a major, unfunded cost to the State. At present, nominal new costs anticipated by DOT include an annual expense of about \$1,000 to print summons books and possible expenses related to staff appearances at court proceedings related to contested out-of-service penalties that may have been assessed against bus operators.

Regarding the revenue to be received by the State's General Fund from monetary penalties assessed pursuant to bus safety out-of-service violations, the DOT was unable to provide an estimate of such revenue. DOT noted that it could not readily determine the number of Category 1 and Category 2 violations that may occur in the future. Since the intent of the legislation is to encourage bus operators to maintain their buses in a safer condition and, thus, avoid monetary penalties, the DOT does not consider prior statistics related to bus inspections to be an acceptable basis for projecting revenue to be received from penalties assessed pursuant to this bill.

The Office of Legislative Services concurs.

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