

17:28-1.5

LEGISLATIVE HISTORY CHECKLIST
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(Paratransit vehicles for
senior citizens)

NJSA: 17:28-1.5 et al

LAWS OF: 1992 CHAPTER: 192

BILL NO: A1764

SPONSOR(S) Vandervalk and others

DATE INTRODUCED: September 14, 1992

COMMITTEE: ASSEMBLY: Transportation & Communications
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: December 14, 1992
SENATE: December 14, 1992

DATE OF APPROVAL: December 21, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

FISCAL NOTE: No

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MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 1764

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1992

By Assemblywoman VANDERVALK Assemblymen DeCROCE,
and Geist

1 AN ACT concerning certain paratransit vehicles and amending
2 P.L.1991, c.154 and R.S.48:4-1.

3

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

6 1. Section 1 of P.L.1991, c.154 (C.17:28-1.5) is amended to
7 read as follows:

8 1. As used in this act:

9 "Commissioner" means the Commissioner of Insurance.

10 "Hospital expenses" means:

11 a. The cost of a semiprivate room, based on rates customarily
12 charged by the institution in which the recipient of benefits is
13 confined;

14 b. The cost of board, meals and dietary services;

15 c. The cost of other hospital services, such as operating room;
16 medicines, drugs, anesthetics; treatments with X-ray, radium and
17 other radioactive substances; laboratory tests, surgical dressings
18 and supplies; and other medical care and treatment rendered by
19 the hospital;

20 d. The cost of treatment by a physiotherapist;

21 e. The cost of medical supplies, such as prescribed drugs and
22 medicines; blood and blood plasma; artificial limbs and eyes;
23 surgical dressings, casts, splints, trusses, braces, crutches; rental
24 of wheelchair, hospital bed or iron lung; oxygen and rental of
25 equipment for its administration.

26 "Medical expenses" means expenses for medical treatment,
27 surgical treatment, dental treatment, professional nursing
28 services, hospital expenses, rehabilitation services, X-ray and
29 other diagnostic services, prosthetic devices, ambulance services,
30 medication and other reasonable and necessary expenses resulting
31 from the treatment prescribed by persons licensed to practice
32 medicine and surgery pursuant to R.S.45:9-1 et seq., dentistry
33 pursuant to R.S.45:6-1 et seq., psychology pursuant to P.L.1966,
34 c.282 (C.45:14B-1 et seq.) or chiropractic pursuant to P.L.1953,
35 c.233 (C.45:9-41.4 et seq.) or by persons similarly licensed in
36 other states and nations or any nonmedical remedial treatment
37 rendered in accordance with a recognized religious method of
38 healing.

39 "Motor bus" means an omnibus, as defined in R.S.39:1-1,
40 except that "motor bus" shall not include:

41 a. Vehicles engaged in the transportation of passengers for

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Assembly ATC committee amendments adopted December 3, 1992.

1 hire in the manner and form commonly called taxicab service
2 unless such service becomes or is held out to be regular service
3 between stated termini;

4 b. Hotel buses used exclusively for the transportation of hotel
5 patrons to or from local railroad or other common carrier
6 stations including local airports;

7 c. Buses operated for the transportation of enrolled children
8 and adults only when serving as chaperones to or from a school,
9 school connected activity, day camp, summer day camp, nursery
10 school, child care center, pre-school center or other similar
11 places of education, including "School Vehicle Type I" and
12 "School Vehicle Type II" as defined in R.S.39:1-1;

13 d. Any autobus with a carrying capacity of not more than 13
14 passengers operated under municipal consent upon a route
15 established wholly within the limits of a single municipality or
16 with a carrying capacity of not more than 20 passengers operated
17 under municipal consent upon a route established wholly within
18 the limits of not more than four contiguous municipalities within
19 any county of the fifth or sixth class, which route in either case
20 does not in whole or in part parallel upon the same street the line
21 of any street railway or traction railway or any other autobus
22 route;

23 e. Autocabs, limousines or livery services as defined in
24 R.S.48:16-13, unless such service becomes or is held out to be
25 regular service between stated termini;

26 f. Any vehicle used in a "ridesharing" arrangement, as defined
27 by the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413
28 (C.27:26-1 et al.); or

29 g. Any motor bus owned and operated by the New Jersey
30 Transit Corporation ¹[or any vehicle operated by a local
31 governmental entity or a private not-for-profit organization that
32 provides fixed route, nonregular route or demand responsive
33 service for persons who are at least 60 years of age or who have
34 disabilities or who are social service agency clients, regardless of
35 whether a fare is charged or donations are accepted]¹.

36 ¹h. Any special paratransit vehicle as defined in R.S.48:4-1.¹

37 "Noneconomic loss" means pain, suffering and inconvenience.

38 "Passenger" means any person occupying, entering into or
39 alighting from a motor bus, except employees of the owner or
40 operator of the motor bus while they are on duty.

41 (cf: P.L.1991, c.154, s.1)

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

43 48:4-1. The term "autobus" as used in this chapter means and
44 includes, except as hereinafter noted, any motor vehicle or
45 motorbus operated over public highways or public places in this
46 State for the transportation of passengers for hire in intrastate
47 business, whether used in regular route, casino, charter or special
48 bus operations, notwithstanding such motor vehicle or motorbus
49 may be used in interstate commerce ¹[but shall not include any
50 vehicle operated by a local governmental entity or a private
51 not-for-profit organization that provides fixed route, nonregular
52 route, or demand responsive service for persons who are at least
53 60 years of age or who have disabilities or who are social service
54 agency clients, regardless of whether a fare is charged or

1 donations are accepted]¹.

2 The term "ridesharing" as used in this chapter means the
3 transportation of persons in a motor vehicle, with a maximum
4 carrying capacity of not more than 15 passengers, including the
5 driver, where such transportation is incidental to the purpose of
6 the driver. The term shall include such ridesharing arrangements
7 known as carpools and vanpools.

8 Nothing contained herein shall be construed to include:

9 a. Vehicles engaged in the transportation of passengers for
10 hire in the manner and form commonly called taxicab service
11 unless such service becomes or is held out to be regular service
12 between stated termini;

13 b. Hotel buses used exclusively for the transportation of hotel
14 patrons to or from local railroad or other common carrier
15 stations including local airports;

16 c. Buses operated for the transportation of enrolled children
17 and adults only when serving as chaperones to or from a school,
18 school connected activity, day camp, summer day camp, nursery
19 school, child care center, pre-school center or other similar
20 places of education, including "School Vehicle Type I" and
21 "School Vehicle Type II" as defined in R.S.39:1-1;

22 d. Any autobus with a carrying capacity of not more than 13
23 passengers operated under municipal consent upon a route
24 established wholly within the limits of a single municipality or
25 with a carrying capacity of not more than 20 passengers operated
26 under municipal consent upon a route established wholly within
27 the limits of not more than four contiguous municipalities within
28 any county of the fifth or sixth class, which route in either case
29 does not in whole or in part parallel upon the same street the line
30 of any street railway or traction railway or any other autobus
31 route;

32 e. Autocabs, limousines or livery services as defined in
33 R.S.48:16-13, unless such service becomes or is held out to be
34 regular service between stated termini;

35 f. Any vehicle used in a "ridesharing" arrangement, as defined
36 by the "New Jersey Ridesharing Act of 1981" (P.L.1981, c.413).

37 ¹g. Any special paratransit vehicle as defined in this chapter.¹

38 The word "person" as used in this chapter means and includes
39 any individual, copartnership, association, corporation or joint
40 stock company, their lessees, trustees, or receivers appointed by
41 any court.

42 The word "street" as used in this chapter means and includes
43 any street, avenue, park, parkway, highway, road or other public
44 place.

45 ¹The term "special paratransit vehicle" as used in this chapter
46 means any motor vehicle which is used exclusively for the
47 transportation of persons who are at least 60 years of age or who
48 have disabilities or who are the clients of social service agencies,
49 provided, that the motor vehicle is used in a service provided by a
50 county either directly or by contract, or provided by a nonprofit
51 organization, and the service is included by a county as part of its
52 county plan required by section 6 of P.L.1983, c.578 (C.27:25-30),
53 regardless of whether a fare is charged or donations are
54 accepted.¹

1 The term "regular route bus operation" as used in this chapter
2 means and includes the operation of an autobus between fixed
3 termini, on a regular schedule and with provision for convenient
4 one-way transportation in either direction, and shall also include
5 all existing regular route operations to or from any casino
6 licensed under the "Casino Control Act," P.L.1977, c.110
7 (C.5:12-1 et seq.), unless that operation to or from casinos has
8 been determined by the Commissioner of Transportation to be
9 other than a regular route operation.

10 The term "regular route in the nature of special bus operation"
11 or "casino bus operation" as used in this chapter means and
12 includes the operation of an autobus to or from any casino
13 licensed under the "Casino Control Act," P.L.1977, c.110
14 (C.5:12-1 et seq.), unless that operation has been determined by
15 the Commissioner of Transportation to be a regular route bus
16 operation.

17 The term "charter bus operation" as used in this chapter means
18 and includes the operation of an autobus or autobuses, not on a
19 regular schedule, by the person owning or leasing such bus or
20 buses pursuant to a contract, agreement or arrangement to
21 furnish an autobus or autobuses and a driver or drivers thereof to
22 a person, group of persons or organization (corporate or
23 otherwise) for a trip designated by such person, group of persons
24 or organization for a fixed charge per trip, per autobus, per
25 period of time or per mile.

26 The term "special bus operation" as used in this chapter means
27 and includes the operation by the owner or lessee of an autobus or
28 autobuses for the purpose of carrying passengers for hire, not on
29 a regular schedule, each passenger paying a fixed charge for his
30 carriage, on a special trip arranged and designated by such owner
31 or lessee, which fixed charge may or may not include special
32 premiums.

33 The term "special premiums" as used in this chapter means the
34 provision of meals, gifts, lodging, entertainment, sightseeing
35 services or other similar inducements in connection with the
36 purchase or issuing of a ticket. No casino bonuses shall be
37 included in this definition.

38 (cf: P.L.1987, c.445, s.1)

39 3. This act shall take effect immediately.

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44 Provides that certain paratransit vehicles shall not be deemed
45 autobuses.

1 (C.5:12-1 et seq.), unless that operation has been determined by
2 the Commissioner of Transportation to be a regular route bus
3 operation.

4 The term "charter bus operation" as used in this chapter means
5 and includes the operation of an autobus or autobuses, not on a
6 regular schedule, by the person owning or leasing such bus or
7 buses pursuant to a contract, agreement or arrangement to
8 furnish an autobus or autobuses and a driver or drivers thereof to
9 a person, group of persons or organization (corporate or
10 otherwise) for a trip designated by such person, group of persons
11 or organization for a fixed charge per trip, per autobus, per
12 period of time or per mile.

13 The term "special bus operation" as used in this chapter means
14 and includes the operation by the owner or lessee of an autobus or
15 autobuses for the purpose of carrying passengers for hire, not on
16 a regular schedule, each passenger paying a fixed charge for his
17 carriage, on a special trip arranged and designated by such owner
18 or lessee, which fixed charge may or may not include special
19 premiums.

20 The term "special premiums" as used in this chapter means the
21 provision of meals, gifts, lodging, entertainment, sightseeing
22 services or other similar inducements in connection with the
23 purchase or issuing of a ticket. No casino bonuses shall be
24 included in this definition.

25 (cf: P.L.1987, c.445, s.1)

26 3. This act shall take effect immediately.

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STATEMENT

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31 This bill would amend current law to ensure that paratransit
32 vehicles operated by a local government entity or a private
33 not-for-profit entity would not be deemed an autobus and
34 therefore subject to Department of Transportation (DOT) autobus
35 regulations.

36 The DOT has notified county and non-profit paratransit
37 agencies that since donations are accepted by the agencies for
38 their services, they will be subject to the laws and regulations
39 concerning autobuses. If paratransit vehicles are deemed
40 autobuses, these vehicles would require separate DOT vehicle
41 inspections, omnibus license plates and retrofitting of equipment
42 not essential to the provision of paratransit service. In addition,
43 the vehicles would be subject to additional insurance
44 requirements from which New Jersey Transit buses are already
45 exempted.

46 The bill provides that vehicles operated by a local government
47 entity or a private not-for-profit entity and providing service to
48 the elderly, the disabled or to social service agency clients shall
49 not be deemed an autobus regardless of whether a fare is charged
50 or donations accepted. This provision applies both to the laws
51 providing for DOT regulation of autobuses (R.S.48-4-1 et seq.)
52 and those providing for minimum insurance coverage for
53 passengers of commercial motor buses (P.L.1991, c.154
54 (C.17:28-1.5 et seq.)).

1

2

3 Provides that certain paratransit vehicles shall not be deemed
4 autobuses.

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1764

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 1764 with committee amendments.

This bill, as amended by the committee, would amend current law to ensure that special paratransit vehicles would not be deemed autobuses and therefore subject to Department of Transportation (DOT) autobus regulations. A special paratransit vehicle is defined as any motor vehicle used exclusively for the transportation of persons who are at least 60 years of age or who have disabilities or are social service agency clients, provided, that the vehicle is used in a service provided either directly by a county or by contract or provided by a nonprofit organization, if the service is included as part of the county plan required under the "Senior Citizen and Disabled Resident Transportation Act," P.L.1983, c.57 (C.27:25-25 et seq.), regardless of whether a fare is charged or donations accepted.

The DOT has notified county and non-profit paratransit agencies that since donations are accepted by the agencies for their services, they will be subject to the laws and regulations concerning autobuses. If paratransit vehicles are deemed autobuses, these vehicles would require separate DOT vehicle inspections, omnibus license plates and retrofitting of equipment not essential to the provision of paratransit service. In addition, the vehicles would be subject to additional insurance requirements from which New Jersey Transit buses are already exempted.

The committee amended the bill to provide that special paratransit vehicles shall not be deemed autobuses. This provision applies both to the laws providing for DOT regulation of autobuses (R.S.48:4-1 et seq.) and those providing for minimum insurance coverage for passengers of commercial motor buses (P.L.1991, c.154 (C.17:28-1.5 et seq.)).

As released by the committee this bill is identical to Senate Bill No. 1131 (1R).