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"Christie signs 9 bills into law, including measure to improve fire safety at New Jersey colleges,"  
NewJerseyNewsroom.com, 1-27-11.

LAW/KR

[Second Reprint]

**ASSEMBLY, No. 407**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblywoman CAROLINE CASAGRANDE**

**District 12 (Mercer and Monmouth)**

**Assemblywoman CARIDAD RODRIGUEZ**

**District 33 (Hudson)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Co-Sponsored by:**

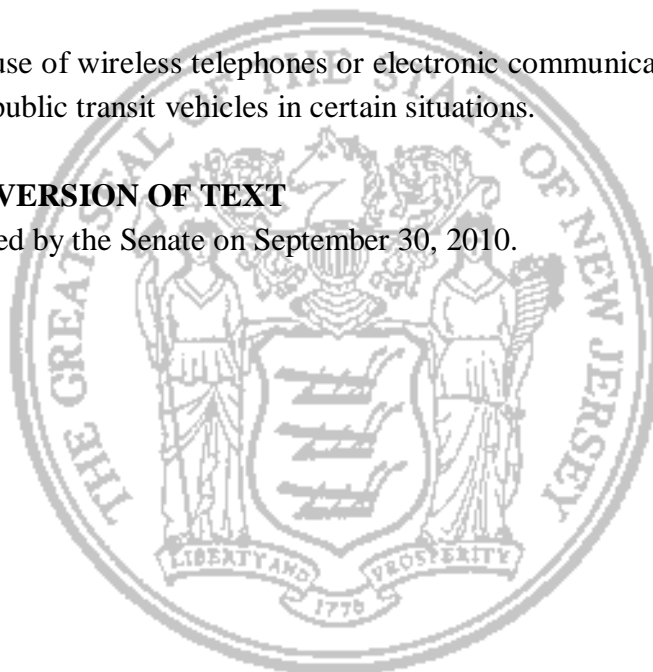
**Assemblywoman Quijano, Assemblymen Conners, Rudder,  
Assemblywoman Addiego, Senators Sacco, Stack and Girgenti**

**SYNOPSIS**

Prohibits use of wireless telephones or electronic communication devices by operators of public transit vehicles in certain situations.

**CURRENT VERSION OF TEXT**

As amended by the Senate on September 30, 2010.



**(Sponsorship Updated As Of: 10/19/2010)**

1 AN ACT <sup>2</sup>~~prohibiting~~ concerning<sup>2</sup> the use of wireless telephones  
2 and electronic communication devices by operators of public  
3 transportation service and supplementing P.L.1979, c.150  
4 (C.27:25-1 et seq.).

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

8  
9 1. a. The use of a wireless telephone or electronic  
10 communication device by an operator of a moving vehicle involved  
11 in the provision of public transportation service, as defined under  
12 section 3 of P.L.1979, c.150 (C.27:25-3), and including light rail  
13 service or any other operations for the purpose of carrying  
14 passengers in this State or between points in this State and points in  
15 other states, provided by the New Jersey Transit Corporation, any  
16 public or private entity under contract to the corporation, or any  
17 private entity operating under the authority of a certificate of public  
18 convenience and necessity issued under Title 48 of the Revised  
19 Statutes, is unlawful.

20 “Use” of a wireless telephone or electronic communication  
21 device shall include, but not be limited to, talking or listening to  
22 another person on the telephone, text messaging, or sending an  
23 electronic message via the wireless telephone or electronic  
24 communication device. <sup>1</sup>“Use” shall not include listening to or  
25 making an announcement on a public <sup>2</sup>~~announcement~~ address<sup>2</sup>  
26 system.<sup>1</sup>

27 b. The operator of a moving vehicle involved in the provision  
28 of public transportation service may use a wireless telephone or  
29 electronic communication device under the following  
30 circumstances:

- 31 (1) in the event of an emergency; <sup>1</sup>~~or~~<sup>1</sup>  
32 (2) when radio communication failure occurs <sup>1</sup>; or  
33 (3) when the wireless telephone or electronic communication  
34 device is used hands-free<sup>1</sup> <sup>2</sup>while operating paratransit service and  
35 radio communication is not available<sup>2</sup>.

36 c. A violation of this section is a disorderly persons offense.

37  
38 2. This act shall take effect immediately.

**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 September 13, 2010.

<sup>2</sup>Senate floor amendments adopted September 30, 2010.

# ASSEMBLY, No. 407

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblywoman CAROLINE CASAGRANDE**

**District 12 (Mercer and Monmouth)**

**Assemblywoman CARIDAD RODRIGUEZ**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Quijano**

**SYNOPSIS**

Prohibits use of wireless telephones or electronic communication devices by operators of public transit vehicles while vehicles are moving.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/19/2010)**

1 AN ACT prohibiting the use of wireless telephones and electronic  
2 communication devices by operators of public transportation  
3 service and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).  
4

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

7  
8 1. a. The use of a wireless telephone or electronic  
9 communication device by an operator of a moving vehicle involved  
10 in the provision of public transportation service, as defined under  
11 section 3 of P.L.1979, c.150 (C.27:25-3), and including light rail  
12 service or any other operations for the purpose of carrying  
13 passengers in this State or between points in this State and points in  
14 other states, provided by the New Jersey Transit Corporation, any  
15 public or private entity under contract to the corporation, or any  
16 private entity operating under the authority of a certificate of public  
17 convenience and necessity issued under Title 48 of the Revised  
18 Statutes, is unlawful.

19 "Use" of a wireless telephone or electronic communication  
20 device shall include, but not be limited to, talking or listening to  
21 another person on the telephone, text messaging, or sending an  
22 electronic message via the wireless telephone or electronic  
23 communication device.

24 b. The operator of a moving vehicle involved in the provision of  
25 public transportation service may use a wireless telephone or  
26 electronic communication device under the following  
27 circumstances:

- 28 (1) in the event of an emergency; or  
29 (2) when radio communication failure occurs.

30 c. A violation of this section is a disorderly persons offense.  
31

32 2. This act shall take effect immediately.  
33  
34

35 STATEMENT

36  
37 This bill would prohibit the use of a wireless telephone or  
38 electronic communication device by an operator of a moving  
39 vehicle involved in the provision of public transportation service.  
40 Such service may be provided by New Jersey Transit, any public or  
41 private entity under contract to New Jersey Transit, or any private  
42 entity operating under the authority of a certificate of public  
43 convenience and necessity. "Use" of a wireless telephone or  
44 electronic communication device shall include, but not be limited  
45 to, talking or listening to another person on the telephone, text  
46 messaging, or sending an electronic message a via the wireless  
47 telephone or electronic communication device.

**A407 DIEGNAN, CASAGRANDE**

3

1       An operator of a moving vehicle involved in the provision of  
2 public transportation service may use a wireless telephone or  
3 electronic communication device in the event of an emergency or  
4 when radio communication failure occurs.

5       A violation of this bill is considered a disorderly persons offense,  
6 which is punishable by a fine not exceeding \$1,000, imprisonment  
7 for up to 6 months, or both.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 407**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 18, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 407.

As reported, this bill would prohibit the use of a wireless telephone or electronic communication device by an operator of a moving vehicle involved in the provision of public transportation service. Such service may be provided by New Jersey Transit, any public or private entity under contract to New Jersey Transit, or any private entity operating under the authority of a certificate of public convenience and necessity. "Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

An operator of a moving vehicle involved in the provision of public transportation service may use a wireless telephone or electronic communication device in the event of an emergency or when radio communication failure occurs.

A violation of this bill is considered a disorderly persons offense, which is punishable by a fine not exceeding \$1,000, imprisonment for up to 6 months, or both.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 407**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 13, 2010

The Senate Transportation Committee reports favorably Assembly Bill No. 407 with committee amendments.

As reported, this amended bill would prohibit the use of a wireless telephone or electronic communication device by an operator of a moving vehicle involved in the provision of public transportation service. Such service may be provided by New Jersey Transit, any public or private entity under contract to New Jersey Transit, or any private entity operating under the authority of a certificate of public convenience and necessity. "Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device, but shall not include listening to or making an announcement on a public announcement system.

An operator of a moving vehicle involved in the provision of public transportation service may use a wireless telephone or electronic communication device in the event of an emergency; when radio communication failure occurs; or when the wireless telephone or electronic communication device is used hands-free.

A violation of this bill is considered a disorderly persons offense, which is punishable by a fine not exceeding \$1,000, imprisonment for up to 6 months, or both.

As reported, Assembly Bill No. 407, as amended by the committee, is identical to Senate Bill No. 732, which was amended and released by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amended the bill to incorporate (1) the exclusion of public announcements from the category of communications covered under the bill, and (2) the exemption of "hands-free" use of a communication device from coverage under the legislation.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 407**

with Senate Floor Amendments  
(Proposed by Senator SACCO)

ADOPTED: SEPTEMBER 30, 2010

These Senate amendments clarify that the exception allowing an operator of a moving vehicle involved in the provision of public transportation service to use a wireless telephone or electronic communication device when the wireless telephone or electronic communication device is used hands-free is limited to those situations when the public transportation employee is operating paratransit service and radio communication is not available.

The amendments also make clarifying changes to the title, synopsis, and body of the bill to reflect that the prohibition on the use of wireless telephone or electronic communication devices by operators of public transportation does not apply in every situation.

# SENATE, No. 732

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Senator Girgenti**

**SYNOPSIS**

Prohibits use of wireless telephones or electronic communication devices by operators of public transit vehicles while vehicles are moving.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 9/14/2010)**

S732 SACCO, STACK

2

1 AN ACT prohibiting the use of wireless telephones and electronic  
2 communication devices by operators of public transportation  
3 service and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. The use of a wireless telephone or electronic  
9 communication device by an operator of a moving vehicle involved  
10 in the provision of public transportation service, as defined under  
11 section 3 of P.L.1979, c.150 (C.27:25-3), and including light rail  
12 service or any other operations for the purpose of carrying  
13 passengers in this State or between points in this State and points in  
14 other states, provided by the New Jersey Transit Corporation, any  
15 public or private entity under contract to the corporation, or any  
16 private entity operating under the authority of a certificate of public  
17 convenience and necessity issued under Title 48 of the Revised  
18 Statutes, is unlawful.

19 "Use" of a wireless telephone or electronic communication  
20 device shall include, but not be limited to, talking or listening to  
21 another person on the telephone, text messaging, or sending an  
22 electronic message via the wireless telephone or electronic  
23 communication device.

24 b. The operator of a moving vehicle involved in the provision  
25 of public transportation service may use a wireless telephone or  
26 electronic communication device under the following  
27 circumstances:

- 28 (1) in the event of an emergency; or  
29 (2) when radio communication failure occurs.

30 c. A violation of this section is a disorderly persons offense.  
31

32 2. This act shall take effect immediately.  
33  
34

35 STATEMENT  
36

37 This bill would prohibit the use of a wireless telephone or  
38 electronic communication device by an operator of a moving  
39 vehicle involved in the provision of public transportation service.  
40 Such service may be provided by New Jersey Transit, any public or  
41 private entity under contract to New Jersey Transit, or any private  
42 entity operating under the authority of a certificate of public  
43 convenience and necessity. "Use" of a wireless telephone or  
44 electronic communication device shall include, but not be limited  
45 to, talking or listening to another person on the telephone, text  
46 messaging, or sending an electronic message a via the wireless  
47 telephone or electronic communication device.

**S732 SACCO, STACK**

3

1 An operator of a moving vehicle involved in the provision of  
2 public transportation service may use a wireless telephone or  
3 electronic communication device in the event of an emergency or  
4 when radio communication failure occurs.

5 A violation of this prohibition would be a disorderly persons  
6 offense, which is punishable by a fine not exceeding \$1,000,  
7 imprisonment for up to 6 months, or both.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 732**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 13, 2010

The Senate Transportation Committee reports favorably Senate Bill No. 732 with committee amendments.

As reported, this amended bill would prohibit the use of a wireless telephone or electronic communication device by an operator of a moving vehicle involved in the provision of public transportation service. Such service may be provided by New Jersey Transit, any public or private entity under contract to New Jersey Transit, or any private entity operating under the authority of a certificate of public convenience and necessity. "Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device, but shall not include listening to or making an announcement on a public announcement system.

An operator of a moving vehicle involved in the provision of public transportation service may use a wireless telephone or electronic communication device in the event of an emergency; when radio communication failure occurs; or when the wireless telephone or electronic communication device is used hands-free.

A violation of this prohibition would be a disorderly persons offense, which is punishable by a fine not exceeding \$1,000, imprisonment for up to 6 months, or both.

As released, Senate Bill No. 732, as amended by the committee, is identical to Assembly Bill No. 407 which was amended and released by the committee on this date.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported and amended, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to incorporate (1) the exclusion of public announcements from the category of communications covered under the bill, and (2) the exemption of "hands-free" use of a communication device from coverage under the legislation.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 732**

with Senate Floor Amendments  
(Proposed by Senator SACCO)

ADOPTED: SEPTEMBER 30, 2010

These Senate amendments clarify that the exception allowing an operator of a moving vehicle involved in the provision of public transportation service to use a wireless telephone or electronic communication device when the wireless telephone or electronic communication device is used hands-free is limited to those situations when the public transportation employee is operating paratransit service and radio communication is not available.

The amendments also make clarifying changes to the title, synopsis, and body of the bill to reflect that the prohibition on the use of wireless telephone or electronic communication devices by operators of public transportation does not apply in every situation.