

# 48:4-2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2011      **CHAPTER:** 162

**NJSA:** 48:4-2 (Prohibits MVC from inspecting buses on casino-owned property and designated casino parking, pick-up, or drop-off locations, except under exigent circumstances)

**BILL NO:** A2845 (Substituted for S3149)

**SPONSOR(S)** Burzichelli and others

**DATE INTRODUCED:** June 10, 2010

**COMMITTEE:**      **ASSEMBLY:** Regulatory Oversight and Gaming

**SENATE:** State Government, Wagering, Tourism & Historic Preservation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** December 15, 2011

**SENATE:** December 15, 2011

**DATE OF APPROVAL:** January 5, 2012

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (Second reprint enacted)

##### A2845

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill)      Yes

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

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

##### S3149

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill)      Yes

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

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

P.L.2011, CHAPTER 162, *approved January 5, 2012*  
Assembly, No. 2845 (*Second Reprint*)

1 AN ACT concerning bus inspections and amending P.L.1995, c.225.

2

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

5

6 1. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to  
7 read as follows:

8 3. As used in this act:

9 "Bus" or "buses" means and includes all autobuses, of whatever  
10 size or configuration, under the jurisdiction of the commission; all  
11 autobuses of NJ Transit and its contract carriers which are under the  
12 inspection jurisdiction of the commission; all autobuses of whatever  
13 size or configuration, that are subject to Federal Motor Carrier  
14 Safety Regulations, operated on public highways or in public places  
15 in this State; and all autobuses operated on public highways or in  
16 public places in this State under the authority of the Interstate  
17 Commerce Commission, or its successor agency.

18 "Bus safety out-of-service violation" means any serious  
19 mechanical, electrical or vehicular condition that is determined to  
20 be so unsafe as to potentially cause an accident or breakdown, or  
21 would potentially contribute to loss of control of the vehicle by the  
22 driver.

23 "Casino" means a licensed casino or gambling house located in  
24 Atlantic City at which casino gambling is conducted pursuant to the  
25 provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

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

30 "Category 2 violation" means any bus safety out-of-service  
31 violation that may have occurred after the daily pre-trip inspection  
32 and therefore might not have been detected by the operator or driver  
33 during the daily pre-trip inspection or during periodic repair and  
34 maintenance procedures.

35 "Operator" means the person responsible for the day to day  
36 maintenance and operation of buses.

37 (cf: P.L.2003, c.13, s.94)

38

39 2. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to  
40 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>Assembly ARG committee amendments adopted December 9, 2010.

<sup>2</sup>Senate SSG committee amendments adopted December 1, 2011.

1       7. a. The commission or any duly authorized representative of  
 2 the commission is authorized to direct any bus operated in this State  
 3 to immediately proceed to a designated facility for inspection. If a  
 4 driver fails to immediately report as directed to the designated  
 5 facility, the operator shall be subject to a penalty of \$1,000.

6       b. At the time of inspection, the commission or any duly  
 7 authorized representative of the commission is authorized to  
 8 demand and examine the driver's operating credentials.

9       c. <sup>2</sup>~~【No】~~ Except for an inspection undertaken in exigent  
 10 circumstances, an<sup>2</sup> inspection authorized pursuant to P.L.1995,  
 11 c.225 (C.48:4-2.1c et seq.) shall <sup>2</sup>not<sup>2</sup> be conducted on property  
 12 owned or controlled by a casino, or on property, whether public or  
 13 private, that is a designated parking, drop-off, or pick-up location  
 14 for casino patrons <sup>2</sup>other than a bus parking facility; provided,  
 15 however, that nothing in this subsection shall limit the authority of  
 16 the commission, or any duly authorized representative thereof, to  
 17 demand and examine the bus driver's operating credentials at any  
 18 such location<sup>2</sup> . <sup>1</sup>All inspections authorized pursuant to P.L.1995,  
 19 c.225 shall be conducted at a location, designated for inspection by  
 20 the commission, that shall not be on any property owned or  
 21 controlled by a casino. Nothing in this subsection shall limit or  
 22 prevent the commission or any duly authorized representative of the  
 23 commission from directing any bus located on casino property to  
 24 proceed to a designated location for inspection.<sup>1</sup> <sup>2</sup>No inspection  
 25 and no check of a bus driver's operating credentials conducted  
 26 pursuant to this section shall occur while passengers are either on  
 27 the bus or disembarking therefrom. As used in this subsection,  
 28 "exigent circumstances" means circumstances in which a  
 29 commission representative determines that operation of the bus may  
 30 place the public safety at risk, including but not limited to, a bus  
 31 safety out-of-service violation or the inoperability of the bus.<sup>2</sup>

32 (cf: P.L.2003, c.13, s.96)

33  
 34       3. This act shall take effect immediately.  
 35  
 36  
 37  
 38

39       Prohibits MVC from inspecting buses on casino-owned property  
 40 and designated casino parking, pick-up, or drop-off locations,  
 41 except under exigent circumstances.

[Corrected Copy]

**ASSEMBLY, No. 2845**

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

INTRODUCED JUNE 10, 2010

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

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

**Assemblyman MATTHEW W. MILAM**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblywoman CELESTE M. RILEY**

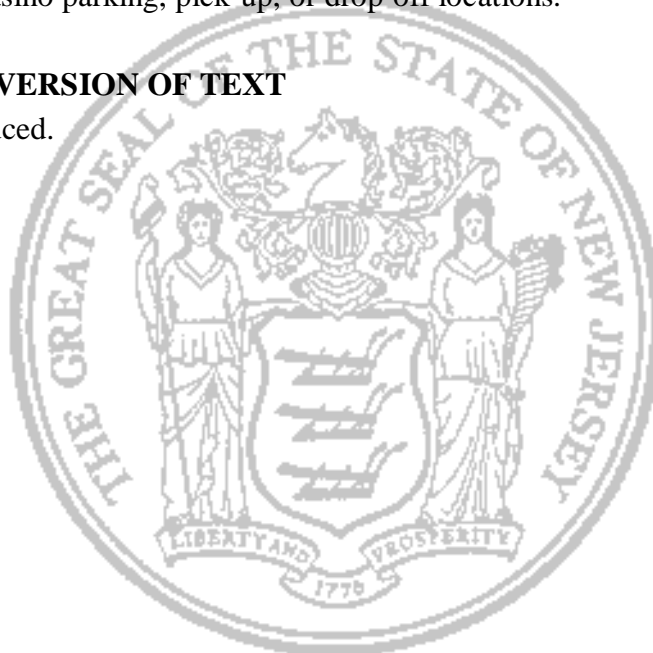
**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Prohibits MVC from inspecting buses on casino-owned property and designated casino parking, pick-up, or drop-off locations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2010)**

1 AN ACT concerning bus inspections and amending P.L.1995, c.225.

2

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

5

6 1. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to  
7 read as follows:

8 3. As used in this act:

9 "Bus" or "buses" means and includes all autobuses, of whatever  
10 size or configuration, under the jurisdiction of the commission; all  
11 autobuses of NJ Transit and its contract carriers which are under the  
12 inspection jurisdiction of the commission; all autobuses of whatever  
13 size or configuration, that are subject to Federal Motor Carrier  
14 Safety Regulations, operated on public highways or in public places  
15 in this State; and all autobuses operated on public highways or in  
16 public places in this State under the authority of the Interstate  
17 Commerce Commission, or its successor agency.

18 "Bus safety out-of-service violation" means any serious  
19 mechanical, electrical or vehicular condition that is determined to  
20 be so unsafe as to potentially cause an accident or breakdown, or  
21 would potentially contribute to loss of control of the vehicle by the  
22 driver.

23 "Casino" means a licensed casino or gambling house located in  
24 Atlantic City at which casino gambling is conducted pursuant to the  
25 provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

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

30 "Category 2 violation" means any bus safety out-of-service  
31 violation that may have occurred after the daily pre-trip inspection  
32 and therefore might not have been detected by the operator or driver  
33 during the daily pre-trip inspection or during periodic repair and  
34 maintenance procedures.

35 "Operator" means the person responsible for the day to day  
36 maintenance and operation of buses.

37 (cf: P.L.2003, c.13, s.94)

38

39 2. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to  
40 read as follows:

41 7. a. The commission or any duly authorized representative of  
42 the commission is authorized to direct any bus operated in this State  
43 to immediately proceed to a designated facility for inspection. If a  
44 driver fails to immediately report as directed to the designated

**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 facility, the operator shall be subject to a penalty of \$1,000.

2 b. At the time of inspection, the commission or any duly  
3 authorized representative of the commission is authorized to  
4 demand and examine the driver's operating credentials.

5 c. No inspection authorized pursuant to P.L.1995, c.225  
6 (C.48:4-2.1c et seq.) shall be conducted on property owned or  
7 controlled by a casino, or on property, whether public or private,  
8 that is a designated parking, drop-off, or pick-up location for casino  
9 patrons.  
10 (cf: P.L.2003, c.13, s.96)

11

12 3. This act shall take effect immediately.

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14

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#### STATEMENT

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17 This bill amends the "Bus Safety Compliance Act" (the "act") to  
18 provide that inspections of buses, conducted by the Motor Vehicle  
19 Commission pursuant to the act, shall not be conducted on property  
20 that is owned or controlled by a casino licensed in New Jersey, or  
21 on property, whether public or private, that is a designated parking,  
22 drop-off, or pick-up location for casino patrons.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 2845**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2010

The Assembly Regulatory Oversight and Gaming Committee reports favorably and with committee amendments Assembly, No. 2845.

This bill amends the “Bus Safety Compliance Act” to provide that inspections of buses, conducted by the New Jersey Motor Vehicle Commission, shall not be conducted on property that is owned or controlled by a casino licensed in New Jersey, or on property, whether public or private, which is a designated parking, drop-off, or pick-up location for casino patrons.

The bill, as amended by the committee, also provides that all inspections shall be conducted at a location, designated for inspection by the commission, that shall not be on any property owned or controlled by a casino. In addition, nothing in this bill would limit or prevent the commission, or any duly authorized representative of the commission, from directing any bus located on casino property to proceed to a designated location for inspection.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- 1) clarify that all inspections conducted by the commission are to be conducted at a location, designated for inspection by the commission, that shall not be on any property owned or controlled by a casino; and
- 2) provide that nothing in the bill shall limit or prevent the commission or any duly authorized representative of the commission from directing any bus located on casino property to proceed to a designated location for inspection.



SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2845**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 1, 2011

The Senate State Government Committee reports favorably and with committee amendments, Assembly, No. 2845 (1R).

This bill amends the “Bus Safety Compliance Act” to provide that except in the event of an inspection undertaken in exigent circumstances, inspections of buses, conducted by the New Jersey Motor Vehicle Commission, cannot be conducted on property that is owned or controlled by a casino licensed in New Jersey, or on property, whether public or private, that is a designated parking, drop-off, or pick-up location for casino patrons. Nothing in the bill would, however, limit the authority of the commission, or any duly authorized representative thereof, to demand and examine the bus driver’s operating credentials at any such location.

Under the bill as amended, the term “exigent circumstances” means circumstances in which a commission representative determines that operation of the bus may place the public safety at risk, including but not limited to, a bus safety out-of-service violation or the inoperability of the bus.

The bill also provides that all inspections must be conducted at a location, designated for inspection by the commission, that cannot be on any property owned or controlled by a casino. In addition, nothing in the bill would limit or prevent the commission, or any duly authorized representative of the commission, from directing any bus located on casino property to proceed to a designated location for inspection. Under the bill as amended, no inspection and no check of a bus driver’s operating credentials conducted pursuant to the bill could occur while passengers are either on the bus or disembarking therefrom.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

1) in the event of an inspection undertaken in exigent circumstances, there would be an exemption from the provision that an

inspection cannot be conducted on casino property or on property designated as a parking, drop-off or pick-up location for casino patrons;

2) nothing would limit the authority of the commission, or any duly authorized representative thereof, to demand and examine the bus driver's operating credentials at any location;

3) no inspection and no check of a bus driver's operating credentials conducted pursuant to the bill could occur while passengers are either on the bus or disembarking therefrom.

As defined in the amendment, the term "exigent circumstances" means circumstances in which a commission representative determines that operation of the bus may place the public safety at risk, including but not limited to, a bus safety out-of-service violation or the inoperability of the bus.

# SENATE, No. 3149

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 8, 2011

**Sponsored by:**  
**Senator JIM WHELAN**  
**District 2 (Atlantic)**

### **SYNOPSIS**

Prohibits MVC from inspecting buses on casino-owned property and designated casino parking, pick-up, or drop-off locations, except under exigent circumstances.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning bus inspections and amending P.L.1995, c.225.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State  
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6 1. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to  
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12 inspection jurisdiction of the commission; all autobuses of whatever  
13 size or configuration, that are subject to Federal Motor Carrier  
14 Safety Regulations, operated on public highways or in public places  
15 in this State; and all autobuses operated on public highways or in  
16 public places in this State under the authority of the Interstate  
17 Commerce Commission, or its successor agency.

18 "Bus safety out-of-service violation" means any serious  
19 mechanical, electrical or vehicular condition that is determined to  
20 be so unsafe as to potentially cause an accident or breakdown, or  
21 would potentially contribute to loss of control of the vehicle by the  
22 driver.

23 "Casino" means a licensed casino or gambling house located in  
24 Atlantic City at which casino gambling is conducted pursuant to the  
25 provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

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

30 "Category 2 violation" means any bus safety out-of-service  
31 violation that may have occurred after the daily pre-trip inspection  
32 and therefore might not have been detected by the operator or driver  
33 during the daily pre-trip inspection or during periodic repair and  
34 maintenance procedures.

35 "Operator" means the person responsible for the day to day  
36 maintenance and operation of buses.

37 (cf: P.L.2003, c.13, s.94)

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39 2. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to  
40 read as follows:

41 7. a. The commission or any duly authorized representative of  
42 the commission is authorized to direct any bus operated in this State  
43 to immediately proceed to a designated facility for inspection. If a  
44 driver fails to immediately report as directed to the designated  
45 facility, the operator shall be subject to a penalty of \$1,000.

**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 b. At the time of inspection, the commission or any duly  
2 authorized representative of the commission is authorized to  
3 demand and examine the driver's operating credentials.

4 c. Except for an inspection undertaken in exigent circumstances,  
5 an inspection authorized pursuant to P.L.1995, c.225 (C.48:4-2.1c  
6 et seq.) shall not be conducted on property owned or controlled by a  
7 casino, or on property, whether public or private, that is a  
8 designated parking, drop-off, or pick-up location for casino patrons  
9 other than a bus parking facility; provided, however, that nothing in  
10 this subsection shall limit the authority of the commission, or any  
11 duly authorized representative thereof, to demand and examine the  
12 bus driver's operating credentials at any such location. All  
13 inspections authorized pursuant to P.L.1995, c.225 shall be  
14 conducted at a location, designated for inspection by the  
15 commission, that shall not be on any property owned or controlled  
16 by a casino. Nothing in this subsection shall limit or prevent the  
17 commission or any duly authorized representative of the  
18 commission from directing any bus located on casino property to  
19 proceed to a designated location for inspection. No inspection and  
20 no check of a bus driver's operating credentials conducted pursuant  
21 to this section shall occur while passengers are either on the bus or  
22 disembarking therefrom. As used in this subsection, "exigent  
23 circumstances" means circumstances in which a commission  
24 representative determines that operation of the bus may place the  
25 public safety at risk, including but not limited to, a bus safety out-  
26 of-service violation or the inoperability of the bus.

27 (cf: P.L.2003, c.13, s.96)

28  
29 3. This act shall take effect immediately.

30  
31  
32 STATEMENT

33  
34 This bill amends the "Bus Safety Compliance Act" to provide  
35 that except in the event of an inspection undertaken in exigent  
36 circumstances, inspections of buses, conducted by the New Jersey  
37 Motor Vehicle Commission, cannot be conducted on property that  
38 is owned or controlled by a casino licensed in New Jersey, or on  
39 property, whether public or private, that is a designated parking,  
40 drop-off, or pick-up location for casino patrons. Nothing in the bill  
41 would, however, limit the authority of the commission, or any duly  
42 authorized representative thereof, to demand and examine the bus  
43 driver's operating credentials at any such location.

44 Under the bill, the term "exigent circumstances" means  
45 circumstances in which a commission representative determines  
46 that operation of the bus may place the public safety at risk,  
47 including but not limited to, a bus safety out-of-service violation or  
48 the inoperability of the bus.

**S3149 WHELAN**

4

1       The bill also provides that all inspections must be conducted at a  
2 location, designated for inspection by the commission, that cannot  
3 be on any property owned or controlled by a casino. In addition,  
4 nothing in the bill would limit or prevent the commission, or any  
5 duly authorized representative of the commission, from directing  
6 any bus located on casino property to proceed to a designated  
7 location for inspection. Under the bill, no inspection and no check  
8 of a bus driver's operating credentials conducted pursuant to the bill  
9 could occur while passengers are either on the bus or disembarking  
10 therefrom.