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ISSUE DATE: **MARCH 21, 2016**  
**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**

**Adopted New Rules: N.J.A.C. 13:45I**

**Bill of Rights for Customers of Certain Autobuses**

Proposed: July 6, 2015, at 47 N.J.R. 1387(a) (see also 47 N.J.R. 2244(a)).

Adopted: January 11, 2016, by the New Jersey **Division of Consumer Affairs**, Steve C. Lee, Acting Director.

Filed: February 22, 2016, as R.2016 d.026, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 56:16-1 et seq.

Effective Date: March 21, 2016.

Expiration Date: March 21, 2023.

**Summary** of Public Comment and Agency Response:

The official comment period ended September 4, 2015. In order to ensure compliance with P.L. 2013, c. 259, the comment period was extended through September 8, 2015. **The New Jersey Division of Consumer Affairs (Division) received no comments.**

**Summary** of Agency-Initiated Change:

The Division, on its own initiative, is making a technical change on adoption to N.J.A.C. 13:45I-1.4(a), to harmonize the telephone number set forth in the rule for consumer complaints about privately owned autobuses with the telephone number that the Division has established and has been using for the report of these complaints.

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted new rules are not subject to any Federal standards or requirements.

**Full text** of the adopted new rules follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks\*[thus]\*):

CHAPTER 45I

BILL OF RIGHTS FOR CUSTOMERS OF CERTAIN AUTOBUSES

SUBCHAPTER 1. BILL OF RIGHTS FOR CUSTOMERS OF CERTAIN AUTOBUSES

### 13:45I-1.1 Purpose and scope

(a) The purpose of the rules in this subchapter is to establish, pursuant to N.J.S.A. 56:16-1 et seq., a bill of rights to protect the health, safety, and welfare of passengers of certain privately-owned autobuses operating over the public highways of the State for intrastate and interstate travel, and to establish a procedure for reporting and investigating passenger complaints.

(b) This subchapter shall apply to owners and operators of autobuses.

### 13:45I-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context indicates otherwise.

"Autobus" means a privately-owned autobus for hire operated over the public highways in this State for the transportation of not more than 40 passengers in intrastate or interstate business. For the purposes of this subchapter, the term "autobus" shall not include:

1. "Motorbus regular route service" as defined in N.J.S.A. 27:25-3;
2. Taxicabs, unless that service becomes or is held out to be regular service between stated termini;
3. Hotel shuttle buses used exclusively for the transportation of hotel patrons to or from common carrier stations, such as local railway stations and airports;
4. Autobuses operated to transport children and their adult chaperones to or from a school, school-connected activities, day camp, summer day camp, nursery school, child care center, pre-school center, or other similar places of education including "School Vehicle Type I" and "School Vehicle Type II" buses, as defined in N.J.S.A. 39:1-1;
5. Autobuses with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of one municipality or autobuses with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route, in either case, does not in whole or in part parallel upon the same street, the line of any street railway or traction railway, or any other autobus route;
6. Autocab, limousine, or livery services as defined in N.J.S.A. 48:16-13, unless the service becomes or is held out to be regular service between stated termini;
7. Vehicles used in "ridesharing" arrangements, as defined in N.J.S.A. 27:26-3;
8. Motor buses owned by or operated under a contract with NJ TRANSIT Corporation;
9. Charter bus operation, as defined in N.J.S.A. 48:4-1;
10. A vehicle designed to transport eight or more, but fewer than 16 persons, including the driver, used exclusively for the transportation of persons between an off-airport parking facility and an airport;

11. A special paratransit vehicle, as defined in N.J.S.A. 48:4-1; or

12. A vehicle that is owned or leased by a "boarding or nursing home" as defined by N.J.S.A. 26:2H-37, by an "assisted living facility" as defined by N.J.S.A. 26:2H-12.56, by an adult day health care facility or pediatric day health care facility licensed pursuant to N.J.S.A. 26:2H-1 et seq., or by any facility or other entity licensed or approved by the Department of Human Services or the Department of Health to render services to New Jersey residents, and which is used to transport eight or more, but fewer than 16 persons, including the driver, to and from recreational and social activities, shopping, and/or other health care providers, provided that no charge is assessed each time a patient, resident, or client utilizes the transportation service.

"Autobus passenger bill of rights" means the consumer protections and obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare established for the benefit of customers of autobuses under N.J.S.A. 56:16-4 and this subchapter.

"Division" means the **Division of Consumer Affairs**.

"For hire" means for direct or indirect hire, any service for which the driver of the vehicle is compensated, or which is included in the duties of the person who renders services for compensation, but shall not include transportation services that are provided to patients or residents of a "boarding or nursing home," as defined in N.J.S.A. 26:2H-37, an "assisted living facility," as defined in N.J.S.A. 26:2H-12.56, an adult day health care facility or pediatric day health care facility licensed pursuant to N.J.S.A. 26:2H-1 et seq., or to patients, residents, or clients of any facility or other entity that is licensed or approved by the Department of Human Services or the Department of Health to render services to New Jersey residents, unless a charge is assessed each time a patient, resident, or client utilizes the transportation services.

"Operator" means a person who is in actual physical control of an autobus.

"Owner" means:

1. A person who holds the legal title to an autobus; or
2. The conditional vendee, lessee, or mortgagor, provided that:
  - i. The autobus is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or
  - ii. The mortgagor of the autobus is entitled to possession.

### 13:45I-1.3 Autobus passenger bill of rights

(a) An owner of an autobus shall take the following actions to protect the health, safety, and welfare of its passengers:

1. Ensure that all operators are well-trained;
2. Provide clear and conspicuous notice of customer complaint contact information as set

forth in N.J.A.C. 13:45I-1.4; and

[page=496] 3. Respond to all complaints in a timely fashion and work to resolve any problems customers encounter regarding unsafe, poor, or inadequate service.

(b) An operator of an autobus shall take the following actions to protect the health, safety, and welfare of its passengers:

1. Ensure that the number of passengers transported does not exceed the number of passengers that the autobus can safely accommodate;
2. Ensure that the autobus is clean, well-maintained, and in good working condition at all times;
3. Refrain from operating an autobus while smoking, using a cellular telephone to communicate by voice or text or for web browsing (unless for the purpose of communicating with the autobus dispatcher on a hands-free device), or engaging in any other action that may endanger the health, safety, or welfare of his or her passengers; and
4. Comply with all State and Federal laws governing the safe operation of a motor vehicle.

13:45I-1.4 Notice of complaint telephone number

(a) The owner of an autobus shall display on the interior and exterior of the autobus, the customer complaint telephone number established by the Division for reporting violations of the autobus passenger bill of rights, using the following form of notice:

**FOR COMPLAINTS ABOUT THE CONDITION OR OPERATION OF THIS VEHICLE CALL THE N.J. DIVISION OF CONSUMER AFFAIRS AT \*[800-242-5846]\* \*(973) 504-6200\*.**

(b) The form of notice set forth in (a) above shall be displayed on the exterior back of the autobus in boldface type of at least one inch in height.

(c) The form of notice set forth in (a) above shall also be displayed on the front interior of the autobus on a sign not smaller than nine inches by 11 inches in boldface type of not less than 36 point font.

13:45I-1.5 Complaints; investigations

(a) The Division shall maintain a telephone number specified in N.J.A.C. 13:45I-1.4(a), where customers may communicate complaints regarding the service provided by owners and operators of autobuses.

(b) Upon receipt of a customer complaint, the director of the Division shall initiate, investigate, attempt to resolve, and if necessary, refer the complaint to the Attorney General for further action.

(c) If the Division requests the production of documents and records, and the documents and records requested by the Division are not produced within 30 days of the request, the Division may issue and serve subpoenas to compel the production of the documents and records. The Division may petition the Superior Court to enforce any such subpoena.

(d) Upon completion of its investigation, the Division shall:

1. Dismiss the complaint following a determination that no violation has occurred; or
  2. Determine that a violation has likely occurred and:
    - i. Attempt to resolve the matter by settlement, which may include a monetary settlement to cover, among other things, any costs incurred by the Division; or
    - ii. If a settlement cannot be reached under (d)2i above, take further action, including a referral to the Attorney General for further action.
- (e) Trade secrets and proprietary business information contained in documents or records pursuant to a written request or subpoena shall be confidential and shall not be deemed a "government record" under N.J.S.A. 47:1A-1 et seq. Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business materials, regardless of form or characteristics obtained by the Division through a subpoena shall be confidential. At the conclusion of an investigation, any matter determined by the Division, or by a Federal or State judicial or administrative body, to be a trade secret or proprietary confidential business information held by the Division pursuant to the investigation shall be considered confidential. The materials may be used in any administrative or judicial proceeding as long as the confidential or proprietary nature of the material is maintained.

#### 13:45I-1.6 Violations; penalties

- (a) A person who is determined to have violated the provisions of this subchapter shall be subject to a civil penalty of \$ 1,000 for the first violation, \$ 2,000 for the second violation, and \$ 5,000 for third and subsequent violations.
- (b) Each day during which a violation occurs shall constitute a separate offense.
- (c) Any penalty shall be collected in a civil action by a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq., and process shall be in the form of a summons or warrant issued upon the complaint of the Attorney General or any other person.