

CHAPTER 5

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

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

C.27:25-5.18 Use of wireless telephone, electronic communication devices by operator of public transportation service prohibited; exceptions.

1. a. 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, as defined under section 3 of P.L.1979, c.150 (C.27:25-3), and including light rail service or any other operations for the purpose of carrying passengers in this State or between points in this State and points in other states, provided by the New Jersey Transit Corporation, any public or private entity under contract to the corporation, or any private entity operating under the authority of a certificate of public convenience and necessity issued under Title 48 of the Revised Statutes, is unlawful.

“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. “Use” shall not include listening to or making an announcement on a public address system.

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

- (1) in the event of an emergency;
- (2) when radio communication failure occurs; or
- (3) when the wireless telephone or electronic communication device is used hands-free while operating paratransit service and radio communication is not available.

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

2. This act shall take effect immediately.

Approved January 25, 2011.