

# ASSEMBLY, No. 2569

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 16, 2010

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**SYNOPSIS**

Concerns fair business practices at intermodal marine terminals.

**CURRENT VERSION OF TEXT**

As introduced.



1   **AN ACT** concerning fair business practices at intermodal marine  
2       terminals and supplementing Title 39 of the Revised Statutes.

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

6  
7       1. As used in this act:

8       “Closed” means that an intermodal marine terminal is not open  
9 to release or accept intermodal equipment.

10       “Equipment interchange rights” means the rights of an  
11 intermodal motor carrier or driver contained in the Uniform  
12 Intermodal Interchange and Facilities Access Agreement.

13       “Free time” means the time period before demurrage charges are  
14 to be applied.

15       “Intermodal equipment” means an intermodal freight container, a  
16 chassis or trailer designed to carry an intermodal freight container,  
17 or a combination of both.

18       “Intermodal marine terminal” means a marine terminal or facility  
19 located in New Jersey that engages in discharging or receiving  
20 intermodal equipment owned, operated, or controlled by an  
21 intermodal equipment provider.

22       “Per diem,” “detention,” or “demurrage” means a charge  
23 imposed by an equipment provider or marine terminal operator for  
24 late return or pickup of an empty or loaded intermodal container or  
25 chassis.

26       “Written or electronic notification” means any communication  
27 by postal letter, facsimile, electronic mail, or other electronic means  
28 of notification.

29  
30       2. An intermodal equipment provider or an intermodal marine  
31 terminal operator shall not subject an intermodal motor carrier to  
32 unilateral termination, suspension, or restriction of the motor  
33 carrier’s equipment interchange rights or to the imposition of per  
34 diem, detention, or demurrage charges because of the following  
35 circumstances:

36       a. the truck gate at the intermodal marine terminal is closed for  
37 any reason during posted working hours, on a weekend or holiday,  
38 during a period of labor disruption, or due to an act of God;

39       b. the motor carrier has been directed to return the intermodal  
40 equipment to a location different from the location at which the  
41 equipment was picked up by the motor carrier without 48 hours  
42 written or electronic notification;

43       c. a loaded intermodal container is not available for pickup  
44 when the motor carrier arrives at the intermodal marine terminal; or

45       d. the motor carrier is turned away because the intermodal  
46 marine terminal is too congested to accept the intermodal  
47 equipment.

d. nonpayment of parking tickets issued by the marine terminal, unless the tickets remain unpaid more than 60 days after the driver or motor carrier has received them.

c. willfully attempt to circumvent any provisions of this act.

5. A parking ticket shall not be issued to a driver or motor carrier for a parking violation if the driver's assigned parking place was occupied and the terminal administrator or personnel were unable to immediately provide a place for the driver to park, or if the driver was instructed by marine terminal personnel or security to park the equipment in a different place.

6. An intermodal motor carrier shall not be liable for any portion of demurrage when an intermodal container is not picked up during free time.

7. This act shall take effect immediately.

## STATEMENT

The bill prohibits an intermodal equipment provider or an intermodal marine terminal operator from subjecting an intermodal

1 motor carrier to unilateral termination, suspension, or restriction of  
2 the motor carrier's equipment interchange rights or to the  
3 imposition of per diem, detention, or demurrage charges because of  
4 certain circumstances.

5 The bill also prohibits an intermodal equipment provider from  
6 charging back, deducting, or offsetting per diem charges,  
7 maintenance and repair charges, or peak hour pricing charges from  
8 a motor carrier's freight bill; from failing to collect demurrage  
9 charges when due; and from willfully attempting to circumvent the  
10 provisions of the bill.

11 Finally, the bill prohibits the issuance of parking tickets to  
12 drivers in certain circumstances and provides that a motor carrier  
13 shall not be liable for any portion of demurrage when an intermodal  
14 container is not picked up during the time period before demurrage  
15 charges are to be applied.