

27:12B-18.2 to 27:12B-18.6

LEGISLATIVE HISTORY CHECKLIST  
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(Toll Road authorities--electronic)

NJSA: 27:12B-18.2 to 27:12B-18.6

LAWS OF: 1997 CHAPTER: 59

BILL NO: S801

SPONSOR(S): Haines

DATE INTRODUCED: February 15, 1997

COMMITTEE: ASSEMBLY: ---

SENATE: Budget; Transportation

AMENDED DURING PASSAGE: Yes Senate Committee substitute (2R) enacted

DATE OF PASSAGE: ASSEMBLY: March 24, 1997

SENATE: March 10, 1997

DATE OF APPROVAL: April 2, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement with floor amendments, adopted 11-7-96

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes 10-28-96 & 3-3-97 # 2-22-96

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"Whitman clears way for electronic tolls," 4-3-97, Star Ledger.

KBP:pp

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[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 801

STATE OF NEW JERSEY

ADOPTED OCTOBER 28, 1996

Sponsored by Senator HAINES

1 AN ACT concerning toll collection enforcement and supplementing  
2 Title 27 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 sections 1 through 5 of P.L. , c. (C. )(now  
8 pending before the Legislature as this bill):

9 "Authority" means the New Jersey Highway Authority established  
10 by section 4 of P.L.1952, c.16 (C.27:12B-4).

11 "Lessee" means any person, corporation, firm, partnership, agency,  
12 association or organization that rents, leases or contracts for the use  
13 of a vehicle and has exclusive use of the vehicle for any period of time.

14 "Lessor" means any person, corporation, firm, partnership, agency,  
15 association or organization engaged in the business of renting or  
16 leasing vehicles to any lessee under a rental agreement, lease or other  
17 contract that provides the lessee with the exclusive use of the vehicle  
18 for any period of time.

19 "Operator" means the term "operator" as defined in R.S.39:1-1.

20 "Owner" means the term "owner" as defined in R.S.39:1-1.

21 "Toll collection monitoring system" means a vehicle sensor, placed  
22 in a location to work in conjunction with a toll collection facility, that  
23 produces one or more photographs, one or more microphotographics,  
24 a videotape or other recorded images, or a written record, of a  
25 vehicle at the time the vehicle is used or operated in a violation of the  
26 toll collection monitoring system regulations. The term shall also  
27 include any other technology that identifies a vehicle by photographic,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 floor amendments adopted November 7, 1996.

<sup>2</sup> Senate STR committee amendments adopted March 3, 1997.

1 electronic or other method.

2 "Toll collection monitoring system regulations" means the  
3 regulations authorized and adopted pursuant to section 2 of P.L. ,  
4 c. (C. )(now pending before the Legislature as this bill)  
5 that prohibit a vehicle from making use of any project except upon the  
6 payment of such tolls as may from time to time be prescribed by the  
7 authority and that further makes it a violation subject to a civil penalty  
8 for any person to refuse to pay, to evade, or to attempt to evade the  
9 payment of such tolls, if the violation is recorded by a toll collection  
10 monitoring system as defined in this section <sup>2</sup>[and in any regulation  
11 adopted by the authority pursuant to section 2 of P.L. , c. (C. )  
12 (now pending before the Legislature as this bill)]<sup>2</sup>.

13 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.  
14

15 2. a. The authority may, in accordance with the "Administrative  
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
17 collection monitoring system regulations. <sup>2</sup>The regulations shall  
18 include a procedure for processing toll violations and for the treatment  
19 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
20 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
21 violation. The penalty shall be enforced pursuant to "the penalty  
22 enforcement law," N.J.S.2A:58-1 et seq.

23 b. Except as provided in subsection b. of section 3 of P.L. ,  
24 c. (C. )(now pending before the Legislature as this bill), an  
25 owner of a vehicle shall be jointly and severally liable for the failure of  
26 an operator of the vehicle to comply with the toll collection  
27 monitoring system regulations. The owner of a vehicle shall be liable  
28 if such vehicle was used or operated by the operator with the express  
29 or implied permission of the owner when the violation of the toll  
30 collection monitoring system regulations was committed, and the  
31 evidence of the violation is obtained by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
32 collection monitoring system <sup>2</sup>[or any other method of identification  
33 of vehicles]<sup>2</sup>. An owner of a vehicle shall not be liable if the operator  
34 of the vehicle has been identified and charged with a violation of  
35 section 18 of P.L.1952, c.16 (C.27:12B-18) for the same incident.

36 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
37 or under contract to, the authority shall be so designed that it does not  
38 produce one or more photographs, microphotographs, a videotape or  
39 other recorded image or images of the face of the operator or any  
40 passenger in a motor vehicle.<sup>2</sup>  
41

42 3. a. If a violation of the toll collection monitoring system  
43 regulations is committed as evidenced by <sup>2</sup>[visual observation,]<sup>2</sup> a  
44 toll collection monitoring system <sup>2</sup>[or any other method of  
45 identification of vehicles]<sup>2</sup>, the <sup>2</sup>[authority or the]<sup>2</sup> agent of the

1 authority may send <sup>1</sup>**[a notice]** an advisory and payment request<sup>1</sup>  
2 <sup>2</sup>within 30 days of the date of the violation<sup>2</sup> to the owner of the  
3 vehicle by regular mail at the address of record for that owner with the  
4 Division of Motor Vehicles in the Department of Transportation or  
5 with any other motor vehicle licensing authority of another  
6 jurisdiction, providing the owner with the opportunity to resolve the  
7 matter prior to the issuance of a summons and complaint that charges  
8 a violation of the toll collection monitoring system regulations. The  
9 <sup>1</sup>**[notice]** advisory and payment request<sup>1</sup> shall contain sufficient  
10 information to inform the owner of the nature, date, time and location  
11 of the alleged violation. The <sup>2</sup>**[authority]** agent<sup>2</sup> may require as part  
12 of the <sup>1</sup>**[notice]** advisory and payment request<sup>1</sup> that the owner pay to  
13 the <sup>2</sup>**[authority or its]**<sup>2</sup> agent the proper toll and a reasonable  
14 administrative fee that shall not exceed \$25 <sup>2</sup>per violation<sup>2</sup>. If the  
15 owner fails to pay <sup>1</sup>**[to]** the<sup>1</sup> required toll and fee <sup>2</sup>within 60 days of  
16 the date the advisory and payment request was sent<sup>2</sup>, the owner shall  
17 be subject to liability <sup>1</sup>on the<sup>2</sup> <sup>2</sup>**[31st]** 61st<sup>2</sup> day following the date  
18 <sup>2</sup>**[of the violation]**<sup>1</sup> the advisory and payment request was sent<sup>2</sup> for  
19 the violation of the toll collection monitoring system regulations by the  
20 vehicle operator.

21 b. An owner of a vehicle who is a lessor of the vehicle used in  
22 violation of the toll collection monitoring system regulations of the  
23 authority shall not be liable for the violation of the regulations if the  
24 lessor submits to the authority, in a timely manner, a copy of the rental  
25 agreement, lease or other contract document covering that vehicle on  
26 the date of the violation, with the name and address of the lessee  
27 clearly legible to the authority and to the court having jurisdiction over  
28 the violation. If the lessor fails to provide the information in a timely  
29 manner, the lessor shall be held liable for the violation of the  
30 regulations. If the lessor provides the required information to the  
31 authority, the lessee of the vehicle on the date of the violation shall be  
32 deemed to be the owner of the vehicle for the purposes of sections 1  
33 through 5 of P.L. , c. (C. )(now pending before the  
34 Legislature as this bill) and the toll collection monitoring system  
35 regulations and shall be subject to liability for the violation of the  
36 regulations.

37 c. A certified report of an employee or agent of the authority  
38 reporting a violation of the toll collection monitoring system  
39 regulations and any information obtained from a toll collection  
40 monitoring system <sup>2</sup>**[or other method of identification of vehicles]**<sup>2</sup>  
41 shall be available for the exclusive use of the authority and any law  
42 enforcement official for the purposes of discharging their duties  
43 pursuant to sections 1 through 5 of P.L. , c. (C. )(now  
44 pending before the Legislature as this bill) and the toll collection  
45 monitoring system regulations. Any such report or information shall

1 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
2 seq.) or the common law concerning access to public records. The  
3 certified reports and information shall not be discoverable <sup>1</sup>as a public  
4 record<sup>1</sup> by any person, entity or governmental agency, nor shall they  
5 be <sup>1</sup>[admissible] offered<sup>1</sup> in evidence in any civil, criminal or  
6 administrative proceeding, not directly related to a violation of the toll  
7 collection monitoring system regulations. <sup>2</sup>However, in the event that,  
8 notwithstanding the provisions of subsection c. of section 2 of this act,  
9 a recorded image of the face of the operator or any passenger in a  
10 motor vehicle is produced by the toll collection monitoring system,  
11 that image shall not be used by the authority for any purpose nor shall  
12 the image or any record or copy thereof be transmitted or  
13 communicated to any person, governmental, non-governmental or  
14 judicial or administrative entity.<sup>2</sup>

15 d. A complaint and summons charging a violation of the toll  
16 collection monitoring system regulations shall be on a form prescribed  
17 by the Administrative <sup>1</sup>[Office] Director<sup>1</sup> of the Courts <sup>1</sup>pursuant to  
18 the Rules Governing the Courts of the State of New Jersey<sup>1</sup>. The  
19 authority may authorize <sup>2</sup>by regulation<sup>2</sup> an employee or agent <sup>1</sup>to be  
20 a complaining witness<sup>1</sup> to make, sign, and <sup>1</sup>[issue] initiate<sup>1</sup> complaints  
21 and <sup>1</sup>to issue<sup>1</sup> summonses in the name of the authority <sup>1</sup>on behalf of  
22 the State of New Jersey, pursuant to the Rules Governing the Courts  
23 of the State of New Jersey<sup>1</sup>. The complaints and summonses may be  
24 made on information based upon evidence obtained <sup>2</sup>[by visual  
25 observation,]<sup>2</sup> <sup>1</sup>by<sup>1</sup> a toll collection monitoring system <sup>2</sup>[or <sup>1</sup>by<sup>1</sup> any  
26 other method of identification of vehicles]<sup>2</sup>, the toll collection  
27 monitoring system record and the records of the Division of Motor  
28 Vehicles in the Department of Transportation or of any other state,  
29 province, or motor vehicle licensing authority.

30 Service may be made by <sup>1</sup>[regular or certified mail or by other]<sup>1</sup>  
31 means provided by the Rules Governing the Courts of the State of  
32 New Jersey <sup>1</sup>[and the service shall have the same effect as if the  
33 complaint and summons were served personally]<sup>1</sup>.

34 <sup>1</sup>[The original complaint and summons and the] <sup>2</sup>[The<sup>1</sup>] Except  
35 as provided in subsection c. of this section, the<sup>2</sup> recorded images  
36 produced by a toll collection monitoring system <sup>2</sup>[or other method  
37 used for identification of vehicles]<sup>2</sup> shall be considered an official  
38 record kept in the ordinary course of business and shall be admissible  
39 in a proceeding for a violation of any toll collection monitoring system  
40 regulations.

41 e. The municipal court of the municipality wherein a toll  
42 collection monitoring system record was made <sup>1</sup>[, or wherein the  
43 defendant may reside according to the records of the Division of  
44 Motor Vehicles in the Department of Transportation or of any other  
45 state, province or motor vehicle licensing authority,]<sup>1</sup> shall have

1 jurisdiction to hear violations of the toll collection monitoring system  
2 regulations. Violations shall be enforced and penalties collected  
3 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
4 proceeding and a judgment arising therefrom shall be pursued and  
5 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
6 and the Rules Governing the Courts of the State of New Jersey.

7 In addition to the civil penalty that may be assessed by a court  
8 <sup>1</sup>having jurisdiction<sup>1</sup> for a violation of the toll collection monitoring  
9 system regulations, a court <sup>1</sup>**【having jurisdiction over the violation】**<sup>1</sup>  
10 <sup>2</sup>**【may】 shall**<sup>2</sup> require the <sup>2</sup>**【owner】 defendant**<sup>2</sup> to pay the proper toll  
11 and <sup>2</sup>may require the defendant<sup>2</sup> to pay a reasonable administrative fee  
12 that shall not exceed \$25 <sup>2</sup>per violation<sup>2</sup> if the authority has  
13 previously sent an advisory and payment request to the defendant<sup>1</sup>.

14 <sup>1</sup>**【Payment of any penalty or assessment imposed by a court shall be**  
15 **made to the court or judicial officer having jurisdiction over the**  
16 **proceeding and shall be remitted to the authority within 60 days**  
17 **following the payment.】** Following collection and distribution of the  
18 fees set forth in section 11 of P.L.1953, c.22 (C. 22A:3-4), any  
19 <sup>2</sup>**【penalties.】** <sup>2</sup> tolls and administrative fees imposed and collected by  
20 the court for a violation of the toll collection monitoring system  
21 regulations shall be promptly remitted to the authority by the court.<sup>1</sup>

22 <sup>2</sup>The civil penalty shall be distributed pursuant to the "penalty  
23 enforcement law," N.J.S. 2A:58-1 et seq.<sup>2</sup>

24  
25 4. Nothing in sections 1 through 5 of P.L. , c. (C. )  
26 (now pending before the Legislature as this bill) shall be construed as  
27 limiting the power of the authority as provided in P.L.1952, c.16  
28 (C.27:12B-1 et seq.) to proceed against an operator of a vehicle for a  
29 violation of the authority's toll collection regulations, or as prohibiting  
30 or limiting the enforcement of a violation of the motor vehicle and  
31 traffic laws as set forth in Title 39 of the Revised Statutes <sup>2</sup>except that  
32 an operator of a vehicle charged with a violation of section 18 of  
33 P.L.1952, c.16 (C.27:12B-18) shall not be liable for the civil penalty  
34 provided in subsection a. of section 2 of this act for the same  
35 incident<sup>2</sup>.

36  
37 5. Nothing in sections 1 through 5 of P.L. , c. (C. )  
38 (now pending before the Legislature as this bill) shall be construed as  
39 extending or diminishing the power of the authority to establish and  
40 assess tolls on projects of the authority.

41  
42 6. As used in sections 6 through 10 of P.L. , c. (C. )  
43 (now pending before the Legislature as this bill):

44 "Authority" means the New Jersey Turnpike Authority established  
45 by section 3 of P.L.1948, c.454 (C.27:23-3).

46 "Lessee" means any person, corporation, firm, partnership, agency,

1 association or organization that rents, leases or contracts for the use  
2 of a vehicle and has exclusive use of the vehicle for any period of time.

3 "Lessor" means any person, corporation, firm, partnership, agency,  
4 association or organization engaged in the business of renting or  
5 leasing vehicles to any lessee under a rental agreement, lease or other  
6 contract that provides the lessee with the exclusive use of the vehicle  
7 for any period of time.

8 "Operator" means the term "operator" as defined in R.S.39:1-1.

9 "Owner" means the term "owner" as defined in R.S.39:1-1.

10 "Toll collection monitoring system" means a vehicle sensor, placed  
11 in a location to work in conjunction with a toll collection facility, that  
12 produces one or more photographs, one or more microphotographics,  
13 a videotape or other recorded images, or a written record, of a  
14 vehicle at the time the vehicle is used or operated in a violation of the  
15 toll collection monitoring system regulations. The term shall also  
16 include any other technology that identifies a vehicle by photographic,  
17 electronic or other method.

18 "Toll collection monitoring system regulations" means the  
19 regulations authorized and adopted pursuant to section 7 of P.L. ,  
20 c. (C. )(now pending before the Legislature as this bill)  
21 that prohibit a vehicle from making use of any project except upon the  
22 payment of such tolls as may from time to time be prescribed by the  
23 authority and that further makes it a violation subject to a civil penalty  
24 for any person to refuse to pay, to evade, or to attempt to evade the  
25 payment of such tolls, if the violation is recorded by a toll collection  
26 monitoring system as defined in this section <sup>2</sup>[and in any regulation  
27 adopted by the authority pursuant to section 7 of P.L. , c. (C. )  
28 (now pending before the Legislature as this bill)]<sup>2</sup>.

29 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

30

31 7. a. The authority may, in accordance with the "Administrative  
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
33 collection monitoring system regulations. <sup>2</sup>The regulations shall  
34 include a procedure for processing toll violations and for the treatment  
35 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
36 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
37 violation. The penalty shall be enforced pursuant to the "penalty  
38 enforcement law," N.J.S.2A:58-1 et seq.

39 b. Except as provided in subsection b. of section 8 of P.L. ,  
40 c. (C. )(now pending before the Legislature as this bill), an  
41 owner of a vehicle shall be jointly and severally liable for the failure of  
42 an operator of the vehicle to comply with the toll collection  
43 monitoring system regulations. The owner of a vehicle shall be liable  
44 if such vehicle was used or operated by the operator with the express  
45 or implied permission of the owner when the violation of the toll  
46 collection monitoring system regulations was committed, and the

1 evidence of the violation is obtained by <sup>2</sup>~~visual observation,~~<sup>2</sup> a toll  
2 collection monitoring system <sup>2</sup>~~or any other method of identification~~<sup>2</sup>  
3 ~~of vehicles used to commit violations~~<sup>2</sup>. An owner of a vehicle shall  
4 not be liable if the operator of the vehicle has been identified and  
5 charged with a violation of section <sup>2</sup>~~1 of P.L.1951, c.264 (C.27:23-~~  
6 ~~25)~~ 10 of P.L.1951, c.264 (C.27:23-34)<sup>2</sup> for the same incident.

7 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
8 or under contract to, the authority shall be so designed that it does not  
9 produce one or more photographs, microphotographs, a videotape or  
10 other recorded image or images of the face of the operator or any  
11 passenger in a motor vehicle.<sup>2</sup>

12  
13 8. a. If a violation of the toll collection monitoring system  
14 regulations is committed as evidenced by <sup>2</sup>~~visual observation,~~<sup>2</sup> a  
15 toll collection monitoring system <sup>2</sup>~~or any other method of~~<sup>2</sup>  
16 ~~identification of vehicles~~<sup>2</sup>, the <sup>2</sup>~~authority or the~~<sup>2</sup> agent of the  
17 authority may send <sup>1</sup>~~a notice~~ an advisory and payment request<sup>1</sup>  
18 within 30 days of the date of the violation<sup>2</sup> to the owner of the  
19 vehicle by regular mail at the address of record for that owner with the  
20 Division of Motor Vehicles in the Department of Transportation or  
21 with any other motor vehicle licensing authority of another  
22 jurisdiction, providing the owner with the opportunity to resolve the  
23 matter prior to the issuance of a summons and complaint that charges  
24 a violation of the toll collection monitoring system regulations. The  
25 <sup>1</sup>~~notice~~ advisory and payment request<sup>1</sup> shall contain sufficient  
26 information to inform the owner of the nature, date, time and location  
27 of the alleged violation. The <sup>2</sup>~~authority~~ agent<sup>2</sup> may require as part  
28 of the <sup>1</sup>~~notice~~ advisory and payment request<sup>1</sup> that the owner pay to  
29 the <sup>2</sup>~~authority or its~~<sup>2</sup> agent the proper toll and a reasonable  
30 administrative fee that shall not exceed \$25 per violation<sup>2</sup>. If the  
31 owner fails to pay <sup>1</sup>~~to~~ the<sup>1</sup> required toll and fee within 60 days of  
32 the date the advisory and payment request was sent<sup>2</sup>, the owner shall  
33 be subject to liability <sup>1</sup>~~on the~~ [31st] 61st<sup>2</sup> day following the date  
34 [of the violation]<sup>1</sup> the advisory and payment request was sent<sup>2</sup> for  
35 the violation of the toll <sup>1</sup>~~collections~~ collection<sup>1</sup> monitoring system  
36 regulations by the vehicle operator.

37 b. An owner of a vehicle who is a lessor of the vehicle used in  
38 violation of the toll collection monitoring system regulations of the  
39 authority shall not be liable for the violation of the regulations if the  
40 lessor submits to the authority, in a timely manner, a copy of the rental  
41 agreement, lease or other contract document covering that vehicle on  
42 the date of the violation, with the name and address of the lessee  
43 clearly legible to the authority and to the court having jurisdiction over  
44 the violation. If the lessor fails to provide the information in a timely  
45 manner, the lessor shall be held liable for the violation of the



1 regulations. If the lessor provides the required information to the  
2 authority, the lessee of the vehicle on the date of the violation shall be  
3 deemed to be the owner of the vehicle for the purposes of sections 6  
4 through 10 of P.L. , c. (C. )(now pending before the  
5 Legislature as this bill) and the toll collection monitoring system  
6 regulations and shall be subject to liability for the violation of the  
7 regulations.

8 c. A certified report of an employee or agent of the authority  
9 reporting a violation of the toll collection monitoring system  
10 regulations and any information obtained from a toll collection  
11 monitoring system <sup>2</sup>[or other method of identification of vehicles]<sup>2</sup>  
12 shall be available for the exclusive use of the authority and any law  
13 enforcement official for the purposes of discharging their duties  
14 pursuant to sections 6 through 10 of P.L. , c. (C. )  
15 (now pending before the Legislature as this bill) and the toll  
16 collection monitoring system regulations. Any such report or  
17 information shall not be deemed a public record under P.L.1963, c.73  
18 (C.47:1A-1 et seq.) or the common law concerning access to public  
19 records. The certified reports and information shall not be  
20 discoverable <sup>1</sup>as a public record<sup>1</sup> by any person, entity or  
21 governmental agency, nor shall they be <sup>1</sup>[admissible] offered<sup>1</sup> in  
22 evidence in any civil, criminal or administrative proceeding, not  
23 directly related to a violation of the toll collection monitoring system  
24 regulations. <sup>2</sup>However, in the event that, notwithstanding the  
25 provisions of subsection c. of section 7 of this act, a recorded image  
26 of the face of the operator or any passenger in a motor vehicle is  
27 produced by the toll collection monitoring system, that image shall not  
28 be used by the authority for any purpose nor shall the image or any  
29 record or copy thereof be transmitted or communicated to any person,  
30 governmental, non-governmental, or judicial or administrative entity.<sup>2</sup>

31 d. A complaint and summons charging a violation of the toll  
32 collection monitoring system regulations shall be on a form prescribed  
33 by the Administrative <sup>1</sup>[Office] Director<sup>1</sup> of the Courts <sup>1</sup>pursuant to  
34 the Rules Governing the Courts of the State of New Jersey<sup>1</sup>. The  
35 authority may authorize <sup>2</sup>by regulation<sup>2</sup> an employee or agent <sup>1</sup>to be  
36 a complaining witness<sup>1</sup> to make, sign, and <sup>1</sup>[issue] initiate<sup>1</sup> complaints  
37 and <sup>1</sup>to issue<sup>1</sup> summonses in the name of the authority <sup>1</sup>on behalf of  
38 the State of New Jersey, pursuant to the Rules Governing the Courts  
39 of the State of New Jersey<sup>1</sup>. The complaints and summonses may be  
40 made on information based upon evidence obtained <sup>2</sup>[by visual  
41 observation,]<sup>2</sup> <sup>1</sup>by<sup>1</sup> a toll collection monitoring system <sup>2</sup>[or <sup>1</sup>by<sup>1</sup> any  
42 other method of identification of vehicles]<sup>2</sup>, the toll collection  
43 monitoring system record and the records of the Division of Motor  
44 Vehicles in the Department of Transportation or of any other state,  
45 province, or motor vehicle licensing authority.

46 Service may be made by <sup>1</sup>[regular or certified mail or by other]<sup>1</sup>

1 means provided by the Rules Governing the Courts of the State of  
 2 New Jersey <sup>1</sup> [and the service shall have the same effect as if the  
 3 complaint and summons were served personally] <sup>1</sup>.

4 <sup>1</sup> [The original complaint and summons and the] <sup>2</sup> [The <sup>1</sup>] Except  
 5 as provided in subsection c. of this section, the <sup>2</sup> recorded images  
 6 produced by a toll collection monitoring system <sup>2</sup> [or other method  
 7 used for identification of vehicles] <sup>2</sup> shall be considered an official  
 8 record kept in the ordinary course of business and shall be admissible  
 9 in a proceeding for a violation of any toll collection monitoring system  
 10 regulations.

11 e. The municipal court of the municipality wherein a toll  
 12 collection monitoring system record was made <sup>1</sup> [ , or wherein the  
 13 defendant may reside according to the records of the Division of  
 14 Motor Vehicles in the Department of Transportation or of any other  
 15 state, province or motor vehicle licensing authority, ] <sup>1</sup> shall have  
 16 jurisdiction to hear violations of the toll collection monitoring system  
 17 regulations. Violations shall be enforced and penalties collected  
 18 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
 19 proceeding and a judgment arising therefrom shall be pursued and  
 20 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
 21 and the Rules Governing the Courts of the State of New Jersey.

22 In addition to the civil penalty that may be assessed by a court  
 23 <sup>1</sup> having jurisdiction <sup>1</sup> for a violation of the toll collection monitoring  
 24 system regulations, a court <sup>1</sup> [having jurisdiction over the violation] <sup>1</sup>  
 25 <sup>2</sup> [may] shall <sup>2</sup> require the <sup>2</sup> [owner] defendant <sup>2</sup> to pay the proper toll  
 26 and <sup>2</sup> may require the defendant <sup>2</sup> to pay a reasonable administrative fee  
 27 that shall not exceed \$25 <sup>2</sup> per violation <sup>2</sup> <sup>1</sup> if the authority has  
 28 previously sent an advisory and payment request to the defendant <sup>1</sup>.  
 29 <sup>1</sup> [Payment of any penalty or assessment imposed by a court shall be  
 30 made to the court or judicial officer having jurisdiction over the  
 31 proceeding and shall be remitted to the authority within 60 days  
 32 following the payment. ] Following collection and distribution of the  
 33 fees set forth in section 11 of P.L.1953, c.22 (C.22A:3-4), any  
 34 <sup>2</sup> [penalties,] <sup>2</sup> tolls and administrative fees imposed and collected by  
 35 the court for a violation of the toll collection monitoring system  
 36 regulations shall be promptly remitted to the authority by the court. <sup>1</sup>  
 37 <sup>2</sup> The civil penalty shall be distributed pursuant to the penalty  
 38 enforcement law, "N.J.S.2A:58-1 et seq. <sup>2</sup>

39  
 40 9. Nothing in sections 6 through 10 of P.L. , c. (C. )  
 41 (now pending before the Legislature as this bill) shall be construed as  
 42 limiting the power of the authority as provided in P.L.1951, c.264  
 43 (C.27:23-25 et seq.) to proceed against an operator of a vehicle for a  
 44 violation of the authority's toll collection regulations, or as prohibiting  
 45 or limiting the enforcement of a violation of the motor vehicle and

1 traffic laws as set forth in Title 39 of the Revised Statutes <sup>2</sup>except that  
2 an operator of a vehicle charged with a violation of section 10 of P.L.  
3 1951, c.264 (C.27:23-34) shall not be liable for the civil penalty  
4 provided in subsection a. of section 7 of this act for the same  
5 incident<sup>2</sup>.

6  
7 10. Nothing in sections 6 through 10 of P.L. , c. (C. )  
8 (now pending before the Legislature as this bill) shall be construed as  
9 extending or diminishing the power of the authority to establish and  
10 assess tolls on turnpike projects of the authority.

11  
12 11. As used in sections 11 through 15 of P.L. , c. (C. )  
13 (now pending before the Legislature as this bill):

14 "Authority" means the South Jersey Transportation Authority  
15 established by section 4 of P.L.1991, c.252 (C.27:25A-4).

16 "Lessee" means any person, corporation, firm, partnership, agency,  
17 association or organization that rents, leases or contracts for the use  
18 of a vehicle and has exclusive use of the vehicle for any period of time.

19 "Lessor" means any person, corporation, firm, partnership, agency,  
20 association or organization engaged in the business of renting or  
21 leasing vehicles to any lessee under a rental agreement, lease or other  
22 contract that provides the lessee with the exclusive use of the vehicle  
23 for any period of time.

24 "Operator" means the term "operator" as defined in R.S.39:1-1.

25 "Owner" means the term "owner" as defined in R.S.39:1-1.

26 "Toll collection monitoring system" means a vehicle sensor, placed  
27 in a location to work in conjunction with a toll collection facility, that  
28 produces one or more photographs, one or more microphotographics,  
29 a videotape or other recorded images, or a written record, of a  
30 vehicle at the time the vehicle is used or operated in a violation of the  
31 toll collection monitoring system regulations. The term shall also  
32 include any other technology that identifies a vehicle by photographic,  
33 electronic or other method.

34 "Toll collection monitoring system regulations" means the  
35 regulations authorized and adopted pursuant to section 12 of P.L. ,  
36 c. (C. )(now pending before the Legislature as this bill)  
37 that prohibit a vehicle from making use of any project except upon the  
38 payment of such tolls as may from time to time be prescribed by the  
39 authority and that further makes it a violation subject to a civil penalty  
40 for any person to refuse to pay, to evade, or to attempt to evade the  
41 payment of such tolls, if the violation is recorded by a toll collection  
42 monitoring system as defined in this section <sup>2</sup>**【and in any regulation**  
43 **adopted by the authority pursuant to section 12 of P.L. ,**  
44 **c. (C. ) (now pending before the Legislature as this bill)】**<sup>2</sup>.

45 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

1 12. a. The authority may, in accordance with the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
3 collection monitoring system regulations. <sup>2</sup>The regulations shall  
4 include a procedure for processing toll violations and for the treatment  
5 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
6 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
7 violation. The penalty shall be enforced pursuant to "the penalty  
8 enforcement law," N.J.S.2A:58-1 et seq.

9 b. Except as provided in subsection b. of section 13 of P.L. ,  
10 c. (C. ) (now pending before the Legislature as this bill), an  
11 owner of a vehicle shall be jointly and severally liable for the failure of  
12 an operator of the vehicle to comply with the toll collection  
13 monitoring system regulations <sup>2</sup>[to comply with the regulations]<sup>2</sup>.  
14 The owner of a vehicle shall be liable if such vehicle was used or  
15 operated by the operator with the express or implied permission of the  
16 owner when the violation of the toll collection monitoring system  
17 regulations was committed, and the evidence of the violation is  
18 obtained by <sup>2</sup>[visual observation,]<sup>2</sup> a toll collection monitoring system  
19 <sup>2</sup>[or any other method of identification of vehicles]<sup>2</sup>. An owner of a  
20 vehicle shall not be liable if the operator of the vehicle has been  
21 identified and charged with a violation of section 21 of P.L.1991,  
22 c.252 (C.27:25A-21) for the same incident.

23 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
24 or under contract to, the authority shall be so designed that it does not  
25 produce one or more photographs, microphotographs, a videotape or  
26 other recorded image or images of the face of the operator or any  
27 passenger in a motor vehicle.<sup>2</sup>

28  
29 13. a. If a violation of the toll collection monitoring system  
30 regulations is committed as evidenced by <sup>2</sup>[visual observation,]<sup>2</sup> a  
31 toll collection monitoring system <sup>2</sup>[or any other method of  
32 identification of vehicles]<sup>2</sup>, the <sup>2</sup>[authority or the]<sup>2</sup> agent of the  
33 authority may send <sup>1</sup>[a notice] an advisory and payment request<sup>1</sup>  
34 <sup>2</sup>within 30 days of the date of the violation<sup>2</sup> to the owner of the  
35 vehicle by regular mail at the address of record for that owner with the  
36 Division of Motor Vehicles in the Department of Transportation or  
37 with any other motor vehicle licensing authority of another  
38 jurisdiction, providing the owner with the opportunity to resolve the  
39 matter prior to the issuance of a summons and complaint that charges  
40 a violation of the toll collection monitoring system regulations. The  
41 <sup>1</sup>[notice] advisory and payment request<sup>1</sup> shall contain sufficient  
42 information to inform the owner of the nature, date, time and location  
43 of the alleged violation. The <sup>2</sup>[authority] agent<sup>2</sup> may require as part  
44 of the <sup>1</sup>[notice] advisory and payment request<sup>1</sup> that the owner pay to  
45 the <sup>2</sup>[authority or its]<sup>2</sup> agent the proper toll and a reasonable

1 administrative fee that shall not exceed \$25 <sup>2</sup>per violation<sup>2</sup>. If the  
2 owner fails to pay <sup>1</sup>[to] the<sup>1</sup> required toll and fee <sup>2</sup>within 60 days of  
3 the date the advisory and payment request was sent<sup>2</sup>, the owner shall  
4 be subject to liability <sup>1</sup>on the <sup>2</sup>[31st] 61st<sup>2</sup> day following the date  
5 <sup>2</sup>[of the violation<sup>1</sup>] the advisory and payment request was sent<sup>2</sup> for  
6 the violation of the toll collection monitoring system regulations by the  
7 vehicle <sup>1</sup>[operated] operator<sup>1</sup>.

8 b. An owner of a vehicle who is a lessor of the vehicle used in  
9 violation of the toll collection monitoring system regulations of the  
10 authority shall not be liable for the violation of the regulations if the  
11 lessor submits to the authority, in a timely manner, a copy of the rental  
12 agreement, lease or other contract document covering that vehicle on  
13 the date of the violation, with the name and address of the lessee  
14 clearly legible to the authority and to the court having jurisdiction over  
15 the violation. If the lessor fails to provide the information in a timely  
16 manner, the lessor shall be held liable for the violation of the  
17 regulations. If the lessor provides the required information to the  
18 authority, the lessee of the vehicle on the date of the violation shall be  
19 deemed to be the owner of the vehicle for the purposes of sections 11  
20 through 15 of P.L. , c. (C. )(now pending before the  
21 Legislature as this bill) and the toll collection monitoring system  
22 regulations and shall be subject to liability for the violation of the  
23 regulations.

24 c. A certified report of an employee or agent of the authority  
25 reporting a violation of the toll collection monitoring system  
26 regulations and any information obtained from a toll collection  
27 monitoring system <sup>2</sup>[or other method of identification of vehicles]<sup>2</sup>  
28 shall be available for the exclusive use of the authority and any law  
29 enforcement official for the purposes of discharging their duties  
30 pursuant to sections 11 through 15 of P.L. , c. (C. )  
31 (now pending before the Legislature as this bill) and the toll  
32 collection monitoring system regulations. Any such report or  
33 information shall not be deemed a public record under P.L.1963, c.73  
34 (C.47:1A-1 et seq.) or the common law concerning access to public  
35 records. The certified reports and information shall not be  
36 discoverable <sup>1</sup>as a public record<sup>1</sup> by any person, entity or  
37 governmental agency, nor shall they be <sup>1</sup>[admissible] offered<sup>1</sup> in  
38 evidence in any civil, criminal or administrative proceeding, not  
39 directly related to a violation of the toll collection monitoring system  
40 regulations. <sup>2</sup>However, in the event that, notwithstanding the  
41 provisions of subsection c. of section 12 of this act, a recorded image  
42 of the face of the operator or any passenger in a motor vehicle is  
43 produced by the toll collection monitoring system, that image shall not  
44 be used by the authority for any purpose nor shall the image or any  
45 record or copy thereof be transmitted or communicated to any person,  
46 governmental, non-governmental or judicial or administrative entity.<sup>2</sup>

1 d. A complaint and summons charging a violation of the toll  
2 collection monitoring system regulations shall be on a form prescribed  
3 by the Administrative <sup>1</sup>**[Office] Director**<sup>1</sup> of the Courts <sup>1</sup>**pursuant to**  
4 **the Rules Governing the Courts of the State of New Jersey**<sup>1</sup>. The  
5 authority may authorize <sup>2</sup>**by regulation**<sup>2</sup> an employee or agent <sup>1</sup>**to be**  
6 **a complaining witness**<sup>1</sup> to make, sign, and <sup>1</sup>**[issue] initiate**<sup>1</sup> complaints  
7 and <sup>1</sup>**to issue**<sup>1</sup> summonses in the name of the authority <sup>1</sup>**on behalf of**  
8 **the State of New Jersey, pursuant to the Rules Governing the Courts**  
9 **of the State of New Jersey**<sup>1</sup>. The complaints and summonses may be  
10 made on information based upon evidence obtained <sup>2</sup>**[by visual**  
11 **observation,]**<sup>2</sup> <sup>1</sup>**by**<sup>1</sup> a toll collection monitoring system <sup>2</sup>**[or** <sup>1</sup>**by**<sup>1</sup> any  
12 other method of identification of vehicles]<sup>2</sup>, the toll collection  
13 monitoring system record and the records of the Division of Motor  
14 Vehicles in the Department of Transportation or of any other state,  
15 province, or motor vehicle licensing authority.

16 Service may be made by <sup>1</sup>**[regular or certified mail or by other]**<sup>1</sup>  
17 means provided by the Rules Governing the Courts of the State of  
18 New Jersey <sup>1</sup>**[and the service shall have the same effect as if the**  
19 **complaint and summons were served personally]**<sup>1</sup>.

20 <sup>1</sup>**[The original complaint and summons and the]** <sup>2</sup>**[The**<sup>1</sup>**] Except**  
21 **as provided in subsection c. of this section, the**<sup>2</sup> recorded images  
22 produced by a toll collection monitoring system <sup>2</sup>**[or other method**  
23 **used for identification of vehicles]**<sup>2</sup> shall be considered an official  
24 record kept in the ordinary course of business and shall be admissible  
25 in a proceeding for a violation of any toll collection monitoring system  
26 regulations.

27 e. The municipal court of the municipality wherein a toll  
28 collection monitoring system record was made <sup>1</sup>**[, or wherein the**  
29 **defendant may reside according to the records of the Division of**  
30 **Motor Vehicles in the Department of Transportation or of any other**  
31 **state, province or motor vehicle licensing authority,]**<sup>1</sup> shall have  
32 jurisdiction to hear violations of the toll collection monitoring system  
33 regulations. Violations shall be enforced and penalties collected  
34 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
35 proceeding and a judgment arising therefrom shall be pursued and  
36 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
37 and the Rules Governing the Courts of the State of New Jersey.

38 In addition to the civil penalty that may be assessed by a court  
39 <sup>1</sup>**having jurisdiction**<sup>1</sup> for a violation of the toll collection monitoring  
40 system regulations, a court <sup>1</sup>**[having jurisdiction over the violation]**<sup>1</sup>  
41 <sup>2</sup>**[may] shall**<sup>2</sup> require the <sup>2</sup>**[owner] defendant**<sup>2</sup> to pay the proper toll  
42 and <sup>2</sup>**may require the defendant**<sup>2</sup> to pay a reasonable administrative fee  
43 that shall not exceed \$25 <sup>2</sup>**per violation**<sup>2</sup> <sup>1</sup>**if the authority has**  
44 **previously sent an advisory and payment request to the defendant**<sup>1</sup>.  
45 <sup>1</sup>**[Payment of any penalty or assessment imposed by a court shall be**

1 made to the court or judicial officer having jurisdiction over the  
2 proceeding and shall be remitted to the authority within 60 days  
3 following the payment. ] Following collection and distribution of the  
4 fees set forth in section 11 of P.L.1953, c.22 (C.22A:3-4), any  
5 <sup>2</sup>[penalties,]<sup>2</sup> tolls and administrative fees imposed and collected by  
6 the court for a violation of the toll collection monitoring system  
7 regulations shall be promptly remitted to the authority by the court.<sup>1</sup>  
8 <sup>2</sup>The civil penalty shall be distributed pursuant to the "penalty  
9 enforcement law," N.J.S.2A:58-1 et seq.<sup>2</sup>

10

11 14. Nothing in sections 11 though 15 of P.L. , c. (C. )  
12 (now pending before the Legislature as this bill) shall be construed as  
13 limiting the power of the authority as provided in P.L.1991, c.252  
14 (C.27:25A-1 et seq.) to proceed against an operator of a vehicle for  
15 a violation of the authority's toll collection regulations, or as  
16 prohibiting or limiting the enforcement of a violation of the motor  
17 vehicle and traffic laws as set forth in Title 39 of the Revised Statutes  
18 <sup>2</sup>except that an operator of a vehicle charged with a violation of  
19 section 21 of P.L.1991, c.252 (C.27:25A-21) shall not be liable for the  
20 civil penalty provided in subsection a. of section 12 of this act for the  
21 same incident<sup>2</sup>.

22

23 15. Nothing in sections 11 through 15 of P.L. , c. (C. )  
24 (now pending before the Legislature as this bill) shall be construed as  
25 extending or diminishing the power of the authority to establish and  
26 assess tolls on expressway projects of the authority.

27

28 16. This act shall take effect immediately.

29

30

31

32

33 Clarifies law concerning electronic collection of tolls by State toll road  
34 authorities.

SENATE, No. 801

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator HAINES

1 AN ACT concerning toll collection enforcement and supplementing  
2 Title 27 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 sections 2 through 5 of this act:

8 "Authority" means the New Jersey Highway Authority established  
9 by section 4 of P.L.1952, c.16 (C.27:12B-4).

10 "Lessee" means any person, corporation, firm, partnership, agency  
11 or organization that rents, leases or contracts for the use of one or  
12 more vehicles and has exclusive use thereof for any period of time.

13 "Lessor" means any person, corporation, firm, partnership, agency,  
14 association or organization engaged in the business of renting or  
15 leasing vehicles to any lessee under a rental agreement, lease or other  
16 agreement which provides that the lessee has exclusive use of the  
17 vehicle for any period of time.

18 "Operator" means the term "operator" as defined in R.S. 39:1-1.

19 "Owner" means the term "owner" as defined in R.S. 39:1-1.

20 "Photo-monitoring system" means a vehicle sensor installed to work  
21 in conjunction with a toll collection facility which automatically  
22 produces one or more photographs, one or more microphotographics,  
23 a videotape or other recorded images of each vehicle at the time the  
24 vehicle is used in violation of the toll collection provisions of the  
25 authority.

26 "Toll collection regulations" means the provisions of section 18 of  
27 P.L.1952, c.16 (C.27:12B-18) and specifically that paragraph thereof  
28 which provides that no vehicle shall be permitted to make use of any  
29 project except upon the payment of such tolls as may from time to  
30 time be prescribed by the authority and which further makes it  
31 unlawful for any person to refuse to pay, or to evade, or to attempt to  
32 evade the payment of such tolls, and any regulation adopted by the  
33 authority under the provisions of section 18 of P.L.1952, c.16  
34 (C.27:12B-18) regarding the payment of tolls.

35 "Vehicle" means the term "vehicle" as defined in R.S. 39:1-1.

36

37 2. Notwithstanding any other provision of law and in accordance



1 with the provisions of section 3 of this act, an owner of a vehicle may  
2 be held liable for failure of an operator thereof to comply with the toll  
3 collection regulations of the authority. The owner of a vehicle shall be  
4 liable pursuant to this section if such vehicle was used or operated  
5 with the permission of the owner, express or implied, in violation of  
6 the toll collection regulations of the authority, and such violation is  
7 evidenced by information obtained from a photo-monitoring system;  
8 provided, however, that no owner of a vehicle shall be liable where the  
9 operator of such vehicle has been convicted of a violation of these toll  
10 collection regulations for the same incident.

11

12 3. a. The liability set forth in section 2 of this act shall be imposed  
13 upon an owner for a violation by an operator of the toll collection  
14 regulations of the authority in the same manner as a violation of  
15 paragraph (a) of section 18 of P.L.1952, c.16 (C.27:12B-18) and any  
16 regulation adopted by the authority under the provisions of that  
17 section regarding the payment of tolls and the punishment for such  
18 violation shall be as set forth in paragraph (l) of section 18 of  
19 P.L.1952, c.16 (C.27:12B-18(l)).

20 b. An owner who is a lessor of a vehicle operated in violation of  
21 the toll collection regulations of the authority shall not be liable for the  
22 violation of the toll collection regulations if the lessor submits a copy  
23 of the rental, lease or other contract document covering that vehicle  
24 on the date of the violation, with the name and address of the lessee  
25 clearly legible to the authority and to the court or other entity having  
26 jurisdiction over the violation in a timely manner. Failure to provide  
27 such information in a timely manner shall render the lessor liable for  
28 the penalty prescribed by this section. Where the lessor complies with  
29 the provisions of this subsection, the lessee of such vehicle on the date  
30 of the violation shall be deemed the owner of the vehicle for the  
31 purposes of this section and shall be subject to liability for the  
32 violation of the toll collection regulations of the authority.

33 c. A certified report of an employee or agent of the authority  
34 reporting a violation of the toll collection regulations and any  
35 information obtained from a photo-monitoring system shall be deemed  
36 records kept in the ordinary course of business of the authority and  
37 shall, when relevant, be made available for inspection and admission  
38 into evidence in a proceeding concerning a violation of the toll  
39 collection regulations, but shall not be deemed public records for the  
40 purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of  
41 access to public records.

42

43 4. Nothing in this act shall be construed as limiting the power of  
44 the authority to proceed against an owner or operator of a vehicle for  
45 violation of its toll collection regulations as provided in P.L.1952, c.16  
46 (C.27:12B-1 et seq.).

1       5. Nothing in this act shall be construed as extending or  
2 diminishing the authority of the authority to establish and assess tolls  
3 on projects of the authority.

4  
5       6. As used in sections 7 through 10 of this act:

6       "Authority" means the New Jersey Turnpike Authority established  
7 by section 3 of P.L.1948, c.454 (C.27:23-3).

8       "Lessee" means any person, corporation, firm, partnership, agency  
9 or organization that rents, leases or contracts for the use of one or  
10 more vehicles and has exclusive use thereof for any period of time.

11       "Lessor" means any person, corporation, firm, partnership, agency,  
12 association or organization engaged in the business of renting or  
13 leasing vehicles to any lessee under a rental agreement, lease or other  
14 agreement which provides that the lessee has exclusive use of the  
15 vehicle for any period of time.

16       "Operator" means the term "operator" as defined in R.S. 39:1-1.

17       "Owner" means the term "owner" as defined in R.S. 39:1-1.

18       "Photo-monitoring system" means a vehicle sensor installed to work  
19 in conjunction with a toll collection facility which automatically  
20 produces one or more photographs, one or more microphotographics,  
21 a videotape or other recorded images of each vehicle at the time the  
22 vehicle is used in violation of the toll collection provisions of the  
23 authority.

24       "Toll collection regulations" means the provisions of section 1 of  
25 P.L.1951, c.264 (C.27:23-25) which provides that no vehicle shall be  
26 permitted to make use of any turnpike project or part thereof except  
27 upon the payment of such tolls, if any, as may from time to time be  
28 prescribed by the authority and which further makes it unlawful for any  
29 person to refuse to pay, or to evade, or to attempt to evade the  
30 payment of such tolls, and any regulation adopted by the authority  
31 under the provisions of P.L.1951, c.264 (C.27:23-25 et seq.)  
32 regarding the payment of tolls.

33       "Vehicle" means the term "vehicle" as defined in R.S. 39:1-1.

34  
35       7. Notwithstanding any other provision of law and in accordance  
36 with the provisions of section 8 of this act, an owner of a vehicle may  
37 be held liable for failure of an operator thereof to comply with the toll  
38 collection regulations of the authority. The owner of a vehicle shall be  
39 liable pursuant to this section if such vehicle was used or operated  
40 with the permission of the owner, express or implied, in violation of  
41 the toll collection regulations of the authority, and such violation is  
42 evidenced by information obtained from a photo-monitoring system;  
43 provided, however, that no owner of a vehicle shall be liable where the  
44 operator of such vehicle has been convicted of a violation of these toll  
45 collection regulations for the same incident.

1       8. a. The liability set forth in section 7 of this act shall be imposed  
2 upon an owner for a violation by an operator of the toll collection  
3 regulations of the authority in the same manner as a violation of  
4 section 1 of P.L.1951, c.264 (C.27:23-25) and any regulation adopted  
5 by the authority under the provisions of P.L.1951, c.264 (C.27:23-25  
6 et seq.) regarding the payment of tolls and the punishment for such  
7 violation shall be as set forth in section 10 of P.L.1951, c.264  
8 (C.27:23-34).

9       b. An owner who is a lessor of a vehicle operated in violation of  
10 the toll collection regulations of the authority shall not be liable for the  
11 violation of the toll collection regulations if the lessor submits a copy  
12 of the rental, lease or other contract document covering that vehicle  
13 on the date of the violation, with the name and address of the lessee  
14 clearly legible to the authority and to the court or other entity having  
15 jurisdiction over the violation in a timely manner. Failure to provide  
16 such information in a timely manner shall render the lessor liable for  
17 the penalty prescribed by this section. Where the lessor complies with  
18 the provisions of this subsection, the lessee of such vehicle on the date  
19 of the violation shall be deemed the owner of the vehicle for the  
20 purposes of this section and shall be subject to liability for the  
21 violation of the toll collection regulations of the authority.

22       c. A certified report of an employee or agent of the authority  
23 reporting a violation of the toll collection regulations and any  
24 information obtained from a photo-monitoring system shall be deemed  
25 records kept in the ordinary course of business of the authority and  
26 shall, when relevant, be made available for inspection and admission  
27 into evidence in a proceeding concerning a violation of the toll  
28 collection regulations, but shall not be deemed public records for the  
29 purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of  
30 access to public records.

31  
32       9. Nothing in this act shall be construed as limiting the power of  
33 the authority to proceed against an owner or operator of a vehicle for  
34 violation of its toll collection regulations as provided in P.L.1951,  
35 c.264 (C.27:23-25 et seq.).

36  
37       10. Nothing in this act shall be construed as extending or  
38 diminishing the authority of the authority to establish and assess tolls  
39 on projects of the authority.

40  
41       11. As used in sections 12 through 15 of this act:

42       "Authority" means the South Jersey Transportation Authority  
43 established by section 4 of P.L.1991, c.252 (C.27:25A-4).

44       "Lessee" means any person, corporation, firm, partnership, agency  
45 or organization that rents, leases or contracts for the use of one or  
46 more vehicles and has exclusive use thereof for any period of time.

1 "Lessor" means any person, corporation, firm, partnership, agency,  
2 association or organization engaged in the business of renting or  
3 leasing vehicles to any lessee under a rental agreement, lease or other  
4 agreement which provides that the lessee has exclusive use of the  
5 vehicle for any period of time.

6 "Operator" means the term "operator" as defined in R.S. 39:1-1.

7 "Owner" means the term "owner" as defined in R.S. 39:1-1.

8 "Photo-monitoring system" means a vehicle sensor installed to work  
9 in conjunction with a toll collection facility which automatically  
10 produces one or more photographs, one or more microphotographics,  
11 a videotape or other recorded images of each vehicle at the time the  
12 vehicle is used in violation of the toll collection provisions of the  
13 authority.

14 "Toll collection regulations" means the provisions of section 21 of  
15 P.L.1991, c.252 (C.27:25A-21) and specifically that subsection thereof  
16 which provides that no vehicle shall be permitted to make use of any  
17 expressway project except upon the payment of such tolls as may from  
18 time to time be prescribed by the authority and which further makes it  
19 unlawful for any person to refuse to pay, or to evade, or to attempt to  
20 evade the payment of such tolls, and any regulation adopted by the  
21 authority under the provisions of section 21 of P.L.1991, c.252  
22 (C.27:25A-21) regarding the payment of tolls.

23 "Vehicle" means the term "vehicle" as defined in R.S. 39:1-1.  
24

25 12. Notwithstanding any other provision of law and in accordance  
26 with the provisions of section 13 of this act, an owner of a vehicle may  
27 be held liable for failure of an operator thereof to comply with the toll  
28 collection regulations of the authority. The owner of a vehicle shall be  
29 liable pursuant to this section if such vehicle was used or operated  
30 with the permission of the owner, express or implied, in violation of  
31 the toll collection regulations of the authority, and such violation is  
32 evidenced by information obtained from a photo-monitoring system;  
33 provided, however, that no owner of a vehicle shall be liable where the  
34 operator of such vehicle has been convicted of a violation of these toll  
35 collection regulations for the same incident.  
36

37 13. a. The liability set forth in section 12 of this act shall be  
38 imposed upon an owner for a violation by an operator of the toll  
39 collection regulations of the authority in the same manner as a  
40 violation of subsection a. of section 21 of P.L.1991, c.252 (C.27:25A-  
41 21a.) any regulation adopted by the authority under the provisions of  
42 that section regarding the payment of tolls and the punishment for such  
43 violation shall be as set forth in subsection l. of section 21 of  
44 P.L.1991, c.252 (C.27:25A-21(1)).

45 b. An owner who is a lessor of a vehicle operated in violation of  
46 the toll collection regulations of the authority shall not be liable for the

1 violation of the toll collection regulations if the lessor submits a copy  
2 of the rental, lease or other contract document covering that vehicle  
3 on the date of the violation, with the name and address of the lessee  
4 clearly legible to the authority and to the court or other entity having  
5 jurisdiction over the violation in a timely manner. Failure to provide  
6 such information in a timely manner shall render the lessor liable for  
7 the penalty prescribed by this section. Where the lessor complies with  
8 the provisions of this subsection, the lessee of such vehicle on the date  
9 of the violation shall be deemed the owner of the vehicle for the  
10 purposes of this section and shall be subject to liability for the  
11 violation of the toll collection regulations of the authority.

12 c. A certified report of an employee or agent of the authority  
13 reporting a violation of the toll collection regulations and any  
14 information obtained from a photo-monitoring system shall be deemed  
15 records kept in the ordinary course of business of the authority and  
16 shall, when relevant, be made available for inspection and admission  
17 into evidence in a proceeding concerning a violation of the toll  
18 collection regulations, but shall not be deemed public records for the  
19 purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of  
20 access to public records.

21

22 14. Nothing in this act shall be construed as limiting the power of  
23 the authority to proceed against an owner or operator of a vehicle for  
24 violation of its toll collection regulations as provided in P.L.1991,  
25 c.252 (C.27:25A-1 et seq.).

26

27 15. Nothing in this act shall be construed as extending or  
28 diminishing the authority of the authority to establish and assess tolls  
29 on projects of the authority.

30

31 16. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 The electronic collection of tolls on highways and bridges is in the  
37 process of being implemented in the State of New Jersey and New  
38 York by the inauguration of the "E-Z-pass system." This system  
39 permits a driver to pass through existing toll barriers without stopping  
40 for the purpose of manually depositing currency, coins or tokens. This  
41 system will permit tolls to be paid automatically by means of  
42 automated electronic identification of a vehicle at a toll booth and the  
43 debiting of a vehicle account. This allows tolls to be paid  
44 automatically while vehicles are in motion, thereby improving traffic  
45 flow and reducing delays and queing.

46

This bill, which is modeled on S-428 of 1996 concerning the Port

1 of New York and New Jersey, clarifies existing laws of the State's  
2 three toll road authorities - the New Jersey Highway Authority, the  
3 New Jersey Turnpike Authority and the South Jersey Transportation  
4 Authority - with regard to the liability of the owners of motor vehicles  
5 for toll collection violations and the status and use of photo-  
6 monitoring evidence in order to permit the toll road authorities to  
7 expediently implement electronic toll collection technology.

8

9

10

11

12 Clarifies law concerning electronic collection of tolls by State toll road  
13 authorities.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 801**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1996

The Senate Transportation Committee favorably reports Senate Bill No. 801 with committee amendments.

The electronic collection of tolls on highways and bridges is in the process of being implemented in the State of New Jersey and New York by the inauguration of the "E-Z-pass system." This system permits a driver to pass through existing toll barriers without stopping for the purpose of manually depositing currency, coins or tokens. This system will permit tolls to be paid automatically by means of automated electronic identification of a vehicle at a toll booth and the debiting of a vehicle account. This allows tolls to be paid automatically while vehicles are in motion, thereby improving traffic flow and reducing delays and queing.

This amended bill, which is modeled in part on S-428 of 1996 concerning the Port Authority of New York and New Jersey, clarifies existing laws of the State's three toll road authorities - the New Jersey Highway Authority, the New Jersey Turnpike Authority and the South Jersey Transportation Authority - with regard to the liability of the owners of motor vehicles for toll collection violations and the status and use of photo-monitoring and other evidence in order to permit the toll road authorities to expediently implement electronic toll collection technology.

The committee approved amendments to clarify that the toll road authority may use state of the art technology, including but not limited to, automatic vehicle identification technology, to aid in the collection of tolls and enforcement of toll violations. This will enable the authorities to alter the system as improved technology becomes available without requiring future legislative changes. The amendments also permit the authorities to continue the use of visual observation and other generally accepted enforcement techniques to detect violations of the toll collection regulations and provide for the issuance of a notice to the owner by mail and a mechanism to allow an owner to pay the toll (plus a reasonable administrative fee) before the authorities' standard penalty collection procedures are utilized.

In addition, the amendments provide that the photo-monitoring

system records are for the exclusive use of the authorities in the discharge of their duties under the act in order to protect the privacy of these records and to prevent unwarranted requests for inspection. Finally, the amendments add a provision that nothing in this act shall be construed as prohibiting a law enforcement officer from issuing a citation for a violation of the motor vehicle and traffic laws as set forth in Title 39.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 801**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 28, 1996

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 801.

The substitute authorizes the State's three toll road authorities - the New Jersey Highway Authority, the New Jersey Turnpike Authority and the South Jersey Transportation Authority - to promulgate regulations for the collection of tolls and the enforcement of toll payments on highways upon which the authorities have implemented electronic toll collection technology. The electronic collection of tolls on highways and bridges is in the process of being implemented in this State and New York by the inauguration of the "E-Z-pass system." This system permits a driver to pass through existing toll barriers without stopping for the purpose of manually depositing currency, coins or tokens. This system will permit tolls to be paid automatically by means of automated electronic identification of a vehicle at a toll booth and the debiting of a vehicle account. This allows tolls to be paid automatically while vehicles are in motion, thereby improving traffic flow and reducing delays and lines.

This bill recognizes that a toll road authority may use state of the art technology to aid enforcement of toll collections. In addition, the bill permits the authorities to continue the use of visual observation and other method of vehicle identification to detect toll violators.

The bill makes the owner of a vehicle used in the violation jointly and severally liable with the operator for failure to pay a toll, with certain exceptions. The person liable will be subject to a civil penalty of not less than \$50 but not more than \$200. The bill provides for the issuance of a written notice to the owner of a vehicle used in a violation requiring the payment of the tolls, and an administrative fee not to exceed \$25, prior to the issuance of a summons and complaint for failure to pay. The bill provides procedures to be followed for the issuance of a complaint and summon and for judicial enforcement for the payment of tolls, penalties and administrative fees.

Finally, the bill provides that the toll collection monitoring system records will not be public records and will be available only for the exclusive use of the authority or law enforcement officials for the purposes of toll collections.

FISCAL IMPACT

This bill has not been certified as requiring a fiscal note since it will not have an impact on State expenditures or revenues.

The bill affects the toll collection efforts of the New Jersey Highway Authority, New Jersey Turnpike Authority and the South Jersey Transportation Authority.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 801**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 3, 1997

The Senate Transportation Committee favorably reports Senate Committee Substitute for Senate Bill No. 801 (1R) with committee amendments.

This amended bill authorizes the State's three toll road authorities - the New Jersey Highway Authority, the New Jersey Turnpike Authority and the South Jersey Transportation Authority - to adopt toll collection monitoring system regulations. The electronic collection of tolls on highways and bridges is in the process of being implemented in this State and New York by the inauguration of the "E-Z-pass system." This system permits a driver to pass through existing toll barriers without stopping for the purpose of manually depositing currency, coins or tokens. This system will permit tolls to be paid automatically by means of automated electronic identification of a vehicle at a toll booth and the debiting of a vehicle account. This allows tolls to be paid automatically while vehicles are in motion, thereby improving traffic flow and reducing delays and lines.

The toll collection monitoring system regulations which the authorities are authorized to adopt make it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of tolls, if the violation is recorded by a toll collection monitoring system. A toll collection monitoring system is defined as a vehicle sensor, placed in a location to work in conjunction with a toll facility, that produces one or more photographs, one or more microphotographs, a videotape or other recorded images, or a written record, of a vehicle at the time the vehicle is used or operated in a violation of the toll collection monitoring system regulations. The term also includes any other technology that identifies a vehicle by photographic, electronic or other method. A toll collection monitoring system acquired or operated by, or under contract to, the authorities shall be so designed that it does not produce one or more photographs,

microphotographs, a videotape or other recorded image or images of the face of the operator or any passenger in a motor vehicle.

The regulations, which are to provide for a civil penalty of not less than \$50 nor more than \$200 per violation, are to include a procedure for processing toll violations and for the treatment of inadvertent violations. With certain exceptions, an owner of a vehicle shall be jointly and severally liable for the failure of an operator of a vehicle to comply with the toll collection monitoring system regulations.

If a violation of the toll collection monitoring system regulations is committed as evidenced by a toll collection monitoring system, the agent of the authorities may send an advisory and payment request within 30 days of the date of violation to the owner of the vehicle. If the owner fails to pay the required toll and administrative fee not to exceed \$25 per violation within 60 days of the date the request was sent, the owner shall be subject to liability on the 61st day. A certified report of an employee or agent of the authority reporting a violation of the toll collection monitoring system regulations and information obtained from a toll collection monitoring system shall not be discoverable as a public record by any person, entity or government agency nor shall they be offered in evidence in any civil, criminal or administrative proceeding, not directly related to a violation of the toll collection monitoring system regulations. If, however, a recorded image of the face of the operator or passenger is produced by the toll collection monitoring system, the image shall not be used by the authority for any purpose nor shall the image or any record or copy thereof be transmitted or communicated to any person, governmental, non-governmental or judicial or administrative entity.

In addition to the civil penalty that may be assessed by a court for violation of the toll collection monitoring system regulations, the court shall require the defendant to pay the proper toll and may require the defendant to pay a reasonable administrative fee not to exceed \$25 per violation. The tolls and administrative fees shall be remitted to the authority by the court. The civil penalty is to be distributed pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

The existing provisions of law concerning the authorities' toll collection regulations would continue to apply; however, an operator of a vehicle charged with the violation of these regulations shall not be liable for the civil penalty provided in this bill for the same incident.

The committee amended this bill to provide that a violation of the toll collection monitoring system regulations is to be evidenced by the toll collection monitoring system not by visual identification or other method of identification of vehicles, and that the monitoring system shall be so designed that it does not produce a recorded image of the face of the operator or any passenger of a motor vehicle. The committee also adopted amendments dealing with the time for payment of the administrative fee, the date on which the violation is subject to liability, and the prohibition on the use of the recorded image of the face of an operator or passenger of a motor vehicle, the discretion of

the court to impose the administrative fee, and the distribution of the toll, fees and fines by the court. Finally, the amendments provide that an operator may not be charged with a violation of both the current toll collection regulations and the toll collection monitoring system regulations provided for in the bill for the same incident.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 801**

with Senate Floor Amendments  
(Proposed By Senator HAINES)

ADOPTED: NOVEMBER 7, 1996

These amendments make technical changes to the bill suggested by the Administrative Office of the Courts to facilitate enforcement action by the toll road authorities and the courts, dealing with notice, the date of liability, the person authorized to issue summons and complaints, secondary jurisdiction of the municipal courts, and the collection of the toll, fee, penalty and court costs. In addition the amendments change the confidentiality requirements of the bill to the effect that the certified reports and information concerning a toll violation shall not be discoverable as a public record nor shall they be offered in evidence in any civil, criminal or administrative proceeding, not directly related to a violation of the toll collection monitoring system regulations.