39:3-84.3

May 1, 1962

LEGISLATIVE HISTORY OF R. S. 39:3-84.3

(Violations of Weights and Measurements of Vehicles; first paragraph)

This provision was originally:

R. S. 39:3-85 (Tests); which had the following history:

[redacted] sec. 21 - A-433. Introduced February 22, 1921 by Mr. Pattersall. This bill had statement:

> This bill embodies the recommendations of the Motor Traffic Commission created by Joint Resolution No. 2 of the 1920 Legislature. The changes sought to be effected will be found in the Commission's report. All inconsistent legislation is to be repealed by another bill.

Report referred to is:

974.90 T764 1921

N. J. Commission ... Motor Vehicle and Traffic Act. 1921. See especially pages 9 and 15.

The section concerning weighing of trucks reads as follows:

> (7) All motor vehicle inspectors shall be authorized to make such tests as in their judgment may be necessary for the purpose of determining the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor drawn vehicles operated on the highways of this State, and shall have power to cause the said vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

This section was not amended during passage of bill. Nor was it changed by later acts (Laws 1923, Chapter 63; Laws 1930, Chapter 207; Laws 1931, Chapter 171).

Therefore, 39:3-85 remained unchanged from 1921 to 1950. We have located two attempts to amend the section: A-125 of 1946 and A-402 of 1948. (copies attached)

R. S. 39:3-85 was repealed by Laws 1950, Chapter 142, which created R.S. 39:3-84.3.

R. S. 39:3-84.3

Laws 1950, Chapter 142, sec. 84- A-13. Introduced March 9, 1950 by Mr. Mehorter.

The first section of 39:3-84.3 in the bill as introduced, read as follows:

> 4. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful

> is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

The bill had the following statement:

> The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.
>
> The bill also provides axle wight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.
>
> The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.
>
> Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

The bill was amended in the Assembly and in the Senate. The first paragrpph was amended to read:

> Any State Police officer or motor vehicle inspector having reason to believe ...

Hearing Held on Assembly 13 (1950):

974.90 N. J. Legislature. Senate. Judiciary Committee.
R628 Public hearing on A.13 (The Truck Bill) held March 29, 1950.
1950d 141 leaves.

See especially: Testimony of A. W. Heckman, representing Dairy Transport Association. He discusses this section at p. 37-38.

The Senate Committee amendments noted above (April 5) appear to result from Mr. Heckman's objections.

Testimony of Attorney General Parsons, on history of this legislation, at p. 41-43.

Laws 1951, 1st Spec. Sess., Chapter 356, p. 1472, sec. 1 - A-6. Introduced by Mr. Cavinato

The bill had no statement. It did not amend the first paragraph.

Laws 1955, Chapter 86, p. 258, sec. 1 - A-169. Introduced by Mr. Gant.

June 1 - Senate Committee amendment
June 21 - Chapter 86

The bill had no statement. The first paragraph was not amended.

Laws 1956, Chapter 165, p. 657, sec. 1 - S.36. Introduced by Senators Murray & Farley.

June 28 - Conditional veto. Passed as suggested by Governor.
December 3 - Chapter 165.

The bill had the following statement:

> The purpose of this bill is to make the lessee, bailee or rentee of the vehicle responsible for violations in view of the fact that they have the actual use and control of the vehicle once they have hired same. As the law now stands when a violation takes place they are not responsible whereas they should be since they are the primary violators.

The first paragraph was not amended by this bill.

Laws 1957, Chapter 161, p. 575, sec. 1 - A-471. Introduced by Mr. Kraus.

June 3 - Committee Substitute
July 19 - Chapter 161

The bill had no statement. The first paragraph of the section was not amended.

RS/jmg

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ASSEMBLY, No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3–85 of the Revised Statutes.

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

1. Section 39:3–85 of the Revised Statutes is amended to read as follows:

39:3–85. Motor vehicle inspectors and all police officers may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this power.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3–85 of the Revised Statutes.

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

1. Section 39:3–85 of the Revised Statutes is amended to read as follows:

39:3–85. Motor vehicle inspectors and all police officers may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

2. This act shall take effect immediately.

ASSEMBLY No. 125

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1946

By Mr. Cavinato

Referred to Committee on Judiciary

AN ACT concerning the testing of motor vehicles and the loading thereof, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors and all police officers may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

2. This act shall take effect immediately.

STATEMENT

The object of this bill is to give police officers the right to cause motor vehicles to be weighed in cases where they have reason to suspect overloading. At present only motor vehicle inspectors have this right.

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ASSEMBLY No. 402

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1948

By Mr. Pike

Referred to Committee on Highways

AN ACT concerning motor vehicles, and amending section 39:3-85 of the Revised Statutes.

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

1. Section 39:3-85 of the Revised Statutes is amended to read as follows:

39:3-85. Motor vehicle inspectors may make such tests as in their judgment are necessary to determine the gross weight, size of tires, speed in miles per hour of all commercial motor vehicles and motor-drawn vehicles operated on the highways of this State, and may cause the vehicles to be weighed, and for that purpose may order the removal of the vehicle from the highway to the nearest weighing scale.

County traffic police acting under the provisions of article one of chapter twenty-two of Title 40 of the Revised Statutes may cause any commercial motor vehicle or motor-drawn vehicle operated on any county bridge or its approaches to be weighed and for that purpose may order the removal of said vehicle from said bridge or its approaches to a weighing scale not more than one mile distant therefrom.

2. This act shall take effect immediately.

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ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation; and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3–20 of the Revised Statutes is amended to read as follows:

39:3–20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the [commissioner] director a fee based on the gross weight of the vehicle and load [, when loaded to its carrying capacity. When the gross weight of the vehicle and load exceeds the gross weight allowed by law for the particular size of tires set forth in the application for registration, the gross weight of the vehicle and load shall be determined according to law upon the size of tires given in the application]. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and [carrying capacity] load is:

[1,000 pounds or less	$10.00
1,001 to 2,000 pounds	12.00

17	2,001 to 3,000 pounds	15.00
18	3,001 to 4,000 pounds	20.00
19	4,001 to 5,000 pounds	24.00
20	5,001 to 6,000 pounds	27.00
21	6,001 to 7,000 pounds	30.00
22	7,001 to 8,000 pounds	33.00
23	8,001 to 9,000 pounds	36.00
24	9,001 to 10,000 pounds	39.00
25	10,001 to 11,000 pounds	43.00
26	11,001 to 12,000 pounds	47.00
27	12,001 to 13,000 pounds	51.00
28	13,001 to 14,000 pounds	55.00
29	14,001 to 15,000 pounds	59.00
30	15,001 to 16,000 pounds	68.00
31	16,001 to 17,000 pounds	72.00
32	17,001 to 18,000 pounds	76.00
33	18,001 to 19,000 pounds	80.00
34	19,001 to 20,000 pounds	84.00
35	20,001 to 21,000 pounds	93.00
36	21,001 to 22,000 pounds	97.00
37	22,001 to 23,000 pounds	101.00
38	23,001 to 24,000 pounds	105.00
39	24,001 to 25,000 pounds	109.00
40	25,001 to 26,000 pounds	118.00
41	26,001 to 27,000 pounds	122.00
42	27,001 to 28,000 pounds	126.00
43	28,001 to 29,000 pounds	130.00
44	29,001 to 30,000 pounds	134.00
45	30,001 to 31,000 pounds	145.00
46	31,001 to 32,000 pounds	151.00
47	32,001 to 33,000 pounds	157.00

33,001 to 34,000 pounds	163.00
34,001 to 35,000 pounds	169.00
35,001 to 36,000 pounds	180.00
36,001 to 37,000 pounds	186.00
37,001 to 38,000 pounds	192.00
38,001 to 39,000 pounds	198.00
39,001 to 40,000 pounds	204.00]
1,000 pounds or less	$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00
8,001 to 10,000 lbs.	50.00
10,001 to 13,000 lbs.	60.00
13,001 to 16,000 lbs.	75.00
16,001 to 19,000 lbs.	90.00
19,001 to 22,000 lbs.	110.00
22,001 to 25,000 lbs.	130.00
25,001 to 28,000 lbs.	150.00
28,001 to 32,000 lbs.	180.00
32,001 to 36,000 lbs.	210.00
36,001 to 40,000 lbs.	240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in

construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of fifteen dollars ($15.00) per thousand pounds of gross weight of vehicle and load.

It shall be unlawful for any vehicle registered and using "constructor" plates to exceed thirty miles per hour and to be operated at a greater distance than thirty miles from the point established as a headquarters for the particular construction operation.

It shall be unlawful for any vehicle having gross weight of load and vehicle in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3–84 or 39:4–75 of this Title.

2. Section 39:3–84 of the Revised Statutes is amended to read as follows:

39:3–84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than ninety-six inches, [except vehicles in operation on June tenth, one thousand nine hundred and thirty-five, which, by reason of the substitution of pneumatic tires for other types of tires, exceed the above limit,] or the extreme over-all length of which exceeds thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled vehicle, or the height of which exceeds twelve and one-half feet, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the [commissioner] director.

In the case of an omnibus the maximum over-all length dimension shall be such as the Board of Public Utility Commissioners prescribes.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in the State, except a tractor and semitrailer combination not in excess of a total over-all length of forty-five feet and a truck and trailer combination not in excess of a total over-all length of fifty feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which shall not exceed seventy feet. All of the aforesaid dimensions shall be inclusive of the load.

Subject to the provisions of section 39:3-82 and the axle weight limitations of this section, [. N] no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) thirty thousand pounds in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the case of a tractor and semitrailer combination, and (d) sixty thousand pounds in the case of a truck and trailer combination.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than forty inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced forty inches, but less than ninety-six inches apart, extending across the full width of the vehicle, shall not exceed twenty-eight thousand pounds.

[The limitations as to combined weights and lengths of vehicle and load as applied to vehicles in operation on June tenth, one thousand nine hundred and thirty-five, or manufactured or constructed prior to January first, one thousand nine hundred and thirty-six, shall not be effective until January first, one thousand nine hundred and forty-one.]

The axle weight limitations of this section shall apply to all vehicles not registered in New Jersey previous to March first, one thousand nine hundred and fifty; for those vehicles registered in New Jersey on or before March first, one thousand nine hundred and fifty, these axle weight limitations shall become effective on and after March thirty-first, one thousand nine hundred and fifty-five. The combined weight of vehicle and load and axle load limitations provided in this section shall not apply to vehicles registered for use with "constructor" registration plates as provided in section 39:3–20. Such vehicles shall be limited as to gross weight by the allowable weight of vehicle and load as shown on the registration certificate.

Every commercial motor vehicle or motor-drawn vehicle used on the public highways carrying loads extending beyond the outside dimensions of the vehicle shall have displayed at the outside extremity of the load a red flag by day, which shall not be less than eighteen inches square, and a red light by night, and they shall be so hung as to present a full view to the drivers of approaching vehicles. This red light shall be in addition to the red light provided for in section 39:3–61 of this Title.

[A person violating this section shall be subject to a fine not exceeding one hundred dollars ($100.00). In default of the payment thereof imprisonment in the county jail for a period not exceeding ten days shall be imposed.]

[Nothing contained in either section 39:3–20 or section 39:4–73 of this Title shall be construed to supersede or repeal the provisions of this section.]

3. Sections 39:3-83, 39:3-85 and 39:4-73 of the Revised Statutes are hereby repealed.

4. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars ($100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for the first offense, and for any subsequent offense, not less than seven hundred fifty dollars ($750.00) nor more than one thousand dollars ($1,000.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

5. Any person driving any vehicle, object or contrivance upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the size and weight limitations authorized in this Title or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided herein.

Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then the owner and the driver shall be jointly and severally liable for any damage.

6. This act shall take effect May first, one thousand nine hundred and fifty.

STATEMENT

The purpose of this bill is to decrease the number of weight classifications for commercial vehicles, and increase the basic registration fees for such vehicles.

The bill also provides axle weight limitations for commercial vehicles in order to provide better distribution of weight load and less damaging effects to the highways of the State of New Jersey.

The bill provides a method of procedure for removing excess weight at the risk of the truck owner. Responsibility is placed on the driver and owner of a vehicle for damage done to any highway or highway structure.

Penalties are provided for violation of the statute, as well as methods of enforcing its provisions.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3–20 of the Revised Statutes is amended to read as follows:

39:3–20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the director a fee based on the gross weight of the vehicle and load. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and load is:

1,000 pounds or less	$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00

8,001 to 10,000 lbs.	.....	50.00
10,001 to 13,000 lbs.	.....	60.00
13,001 to 16,000 lbs.	.....	75.00
16,001 to 19,000 lbs.	.....	90.00
19,001 to 22,000 lbs.	.....	110.00
22,001 to 25,000 lbs.	.....	130.00
25,001 to 28,000 lbs.	.....	150.00
28,001 to 32,000 lbs.	.....	180.00
32,001 to 36,000 lbs.	.....	210.00
36,001 to 40,000 lbs.	.....	240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of fifteen dollars ($15.00) per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" plates must comply with the speed limitations in Title 39 of the Revised Statutes and in no event shall they exceed thirty miles per hour, and such vehicles may not be operated a greater distance than thirty miles from the point established as a base quarters for the particular construction operation.

It shall be unlawful for any vehicle having gross weight of load on vehicle in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

Moneys realized from the increase of the fees for registrations in

pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3-84 or 39:4-75 of this Title.

2. Section 39:3-84 of the Revised Statutes is amended to read as follows:

39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than ninety-six inches, or the extreme over-all length of which exceeds thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled vehicle, or the height of which exceeds twelve and one-half feet, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director.

In the case of an omnibus the maximum over-all length dimension shall be such as the Board of Public Utility Commissioners prescribes.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in the State, except a tractor and semitrailer combination not in excess of a total over-all length of forty-five feet and a truck and trailer combination not in excess of a total over-all length of fifty feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which shall not exceed seventy feet. All of the aforesaid dimensions shall be inclusive of the load.

Subject to the provisions of section 39:3-82 and the axle weight limitations of this section, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) thirty thousand pounds in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

case of a tractor and semitrailer combination, and (d) sixty thousand pounds in the case of a truck and trailer combination.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than forty inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced forty inches, but less than ninety-six inches apart, extending across the full width of the vehicle, shall not exceed twenty-eight thousand pounds.

Every commercial motor vehicle or motor-drawn vehicle used on the public highways carrying loads extending beyond the outside dimensions of the vehicle shall have displayed at the outside extremity of the load a red flag by day, which shall not be less than eighteen inches square, and a red light by night, and they shall be so hung as to present a full view to the drivers of approaching vehicles. This red light shall be in addition to the red light provided for in section 39:3-61 of this Title.

3. The axle weight limitations of section 39:3-84 of the Revised Statutes shall apply to all vehicles not registered in New Jersey previous to March first, one thousand nine hundred and fifty; for those vehicles registered in New Jersey on or before March first, one thousand nine hundred and fifty these axle weight limitations shall become effective on and after March thirty-first, one thousand nine hundred and fifty-five. The combined weight of vehicle and load and axle load limitations provided in section 39:3-84 of the Revised Statutes shall not apply to vehicles registered for use with "constructor" registration plates as provided in section 39:3-20 of the Revised Statutes. Such vehicles shall be limited as to gross weight by the allowable weight of vehicle and load as shown on the registration certificate.

4. Sections 39:3–83, 39:3–85 and 39:4–73 of the Revised Statutes are hereby repealed.

5. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars ($100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for the first offense, and for any subsequent offense, not less than seven hundred fifty dollars ($750.00) nor more than one thousand dollars ($1,000.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

6. Any person driving any vehicle, object or contrivance upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the size and weight limitations authorized in this Title or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided herein.

Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then the owner and the driver shall be jointly and severally liable for any damage.

7. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

8. This act shall take effect May first, one thousand nine hundred and fifty.

[OFFICIAL COPY REPRINT]

SENATE AMENDMENTS TO

ASSEMBLY, No. 13

(Second Official Copy Reprint)

STATE OF NEW JERSEY

ADOPTED MAY 10, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 4, section 3, line 3, after "fifty" and before ";" insert "which have not been registered therein prior to that date".

Amend page 4, section 3, line 4, after "New Jersey" insert "or contracted for purchase by New Jersey residents".

Amend page 5, section 5, line 1, after "Any" insert "State"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "$250.00", insert "$200.00".

Amend page 5, section 5, line 27, after "not less" insert "than five hundred dollars ($500.00) nor more".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "thousand dollars ($1,000.00)".

Amend page 6, section 6, line 1, after "contrivance" insert "referred to in section 39:3-84 of the Revised Statutes, in excess of the gross weight limits set forth therein".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3–20 of the Revised Statutes is amended to read as follows:

39:3–20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the director a fee based on the gross weight of the vehicle and load. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and load is:

1,000 pounds or less	$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00

8,001 to 10,000 lbs.		50.00
10,001 to 13,000 lbs.		60.00
13,001 to 16,000 lbs.		75.00
16,001 to 19,000 lbs.		90.00
19,001 to 22,000 lbs.		110.00
22,001 to 25,000 lbs.		130.00
25,001 to 28,000 lbs.		150.00
28,001 to 32,000 lbs.		180.00
32,001 to 36,000 lbs.		210.00
36,001 to 40,000 lbs.		240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of fifteeen dollars ($15.00) per thousand pounds of gross weight of vehicle and load.

It shall be unlawful for any vehicle registered and using "constructor" plates to exceed thirty miles per hour and to be operated at a greater distance than thirty miles from the point established as a headquarters for the particular construction operation.

It shall be unlawful for any vehicle having gross weight of load and vehicle in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3-84 or 39:4-75 of this Title.

2. Section 39:3–84 of the Revised Statutes is amended to read as follows:

39:3–84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than ninety-six inches, or the extreme over-all length of which exceeds thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled vehicle, or the height of which exceeds twelve and one-half feet, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director.

In the case of an omnibus the maximum over-all length dimension shall be such as the Board of Public Utility Commissioners prescribes.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in the State, except a tractor and semitrailer combination not in excess of a total over-all length of forty-five feet and a truck and trailer combination not in excess of a total over-all length of fifty feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which shall not exceed seventy feet. All of the aforesaid dimensions shall be inclusive of the load.

Subject to the provisions of section 39:3–82 and the axle weight limitations of this section, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) thirty thousand pounds in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the case of a tractor and semitrailer combination, and (d) sixty thousand pounds in the case of a truck and trailer combination.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than forty inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced forty inches, but less than ninety-six inches apart, extending across the full width of the vehicle, shall not exceed twenty-eight thousand pounds.

The axle weight limitations of this section shall apply to all vehicles not registered in New Jersey previous to March first, one thousand nine hundred and fifty; for those vehicles registered in New Jersey on or before March first, one thousand nine hundred and fifty, these axle weight limitations shall become effective on and after March thirty-first, one thousand nine hundred and fifty-five. The combined weight of vehicle and load and axle load limitations provided in this section shall not apply to vehicles registered for use with "constructor" registration plates as provided in section 39:3–20. Such vehicles shall be limited as to gross weight by the allowable weight of vehicle and load as shown on the registration certificate.

Every commercial motor vehicle or motor-drawn vehicle used on the public highways carrying loads extending beyond the outside dimensions of the vehicle shall have displayed at the outside extremity of the load a red flag by day, which shall not be less than eighteen inches square, and a red light by night, and they shall be so hung as to present a full view to the drivers of approaching vehicles. This red light shall be in addition to the red light provided for in section 39:3–61 of this Title.

3. Sections 39:3–83, 39:3–85 and 39:4–73 of the Revised Statutes are hereby repealed.

4. Any police officer having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and

submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars ($100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) for the first offense, and for any subsequent offense, not less than seven hundred fifty dollars ($750.00) nor more than one thousand dollars ($1,000.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

5. Any person driving any vehicle, object or contrivance upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the size and weight limitations authorized in this Title or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided herein.

Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then the owner and the driver shall be jointly and severally liable for any damage.

6. This act shall take effect May first, one thousand nine hundred and fifty.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. MEHORTER

Referred to Committee on Judiciary

AN ACT relating to motor vehicles and traffic regulation, and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes.

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

1. Section 39:3–20 of the Revised Statutes is amended to read as follows:

39:3–20. An applicant for registration for automobile commercial vehicles, trailers, semitrailers, and tractors shall pay to the director a fee based on the gross weight of the vehicle and load. The plates to be used for commercial motor vehicles shall display the word "commercial," and the numerals shall be prefixed by the letter "X." Trailer plates shall have the letter "T." The fee shall be paid in accordance with the following table:

When the gross weight of vehicle and load is:

1,000 pounds or less	$10.00
1,001 to 2,000 lbs.	15.00
2,001 to 3,000 lbs.	20.00
3,001 to 4,000 lbs.	25.00
4,001 to 5,000 lbs.	30.00
5,001 to 6,000 lbs.	35.00
6,001 to 8,000 lbs.	40.00

8,001 to 10,000 lbs.	.....	50.00
10,001 to 13,000 lbs.	.....	60.00
13,001 to 16,000 lbs.	.....	75.00
16,001 to 19,000 lbs.	.....	90.00
19,001 to 22,000 lbs.	.....	110.00
22,001 to 25,000 lbs.	.....	130.00
25,001 to 28,000 lbs.	.....	150.00
28,001 to 32,000 lbs.	.....	180.00
32,001 to 36,000 lbs.	.....	210.00
36,001 to 40,000 lbs.	.....	240.00

In addition to the registrations authorized to be issued pursuant to the provisions of this section, the director shall issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked "constructor" and shall be placed upon the vehicle or vehicles registered under this section.

The applicant for "constructor" registration plates authorized herein shall pay therefor on each vehicle at the rate of fifteeen dollars ($15.00) per thousand pounds of gross weight of vehicle and load.

Vehicles registered and using "constructor" plates must comply with the speed limitations in Title 39 of the Revised Statutes and in no event may they exceed thirty miles per hour, and such vehicles may not be operated at a greater distance than thirty miles from the point established as a headquarters for the particular construction operation.

It shall be unlawful for any vehicle having gross weight of load and vehicle in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

Moneys realized from the increase of the fees for registrations issued pursuant to the provisions of this act shall be paid into the State treasury and credited to the General State Fund and available for general State purposes.

This section shall not be construed to supersede or repeal the provisions of either sections 39:3–84 or 39:4–75 of this Title.

2. Section 39:3–84 of the Revised Statutes is amended to read as follows:

39:3–84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than ninety-six inches, or the extreme over-all length of which exceeds thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled vehicle, or the height of which exceeds thirteen and one-half feet, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director.

In the case of an omnibus the maximum over-all length dimension shall be such as the Board of Public Utility Commissioners prescribes.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in the State, except a tractor and semitrailer combination not in excess of a total over-all length of forty-five feet and a truck and trailer combination not in excess of a total over-all length of fifty feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which shall not exceed seventy feet. All of the aforesaid dimensions shall be inclusive of the load.

Subject to the provisions of section 39:3–82 and the axle weight limitations of this section, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) thirty thousand pounds in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

case of a tractor and semitrailer combination, and (d) sixty thousand pounds in the case of a truck and trailer combination.

The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty-two thousand four hundred pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any one axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes less than forty inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between two parallel transverse vertical planes spaced forty inches, but less than ninety-six inches apart, extending across the full width of the vehicle, shall not exceed thirty-two thousand pounds.

Every commercial motor vehicle or motor-drawn vehicle used on the public highways carrying loads extending beyond the outside dimensions of the vehicle shall have displayed at the outside extremity of the load a red flag by day, which shall not be less than eighteen inches square, and a red light by night, and they shall be so hung as to present a full view to the drivers of approaching vehicles. This red light shall be in addition to the red light provided for in section 39:3–61 of this Title.

3. The axle weight limitations of section 39:3–84 of the Revised Statutes shall apply to all vehicles registered in New Jersey subsequent to March first, one thousand nine hundred and fifty, which have not been registered therein prior to that date; for those vehicles registered in New Jersey or contracted for purchase by New Jersey residents on or before March first, one thousand nine hundred and fifty, these axle weight limitations shall become effective on and after March thirty-first, one thousand nine hundred and fifty-five. The combined weight of vehicle and load and axle load limitations provided in section 39:3–84 of the Revised Statutes shall not apply to vehicles registered for use with "constructor" registration plates

as provided in section 39:3–20 of the Revised Statutes. Such vehicles shall be limited as to gross weight by the allowable weight of vehicle and load as shown on the registration certificate.

4. Sections 39:3–83, 39:3–85 and 39:4–73 of the Revised Statutes are hereby repealed.

5. Any State Police officer or motor vehicle inspector having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

Whenever an officer or inspector upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than five per centum (5%).

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding one hundred dollars ($100.00).

The owner of any commercial motor vehicle, tractor, trailer or semi-trailer, whose vehicle shall be found on a highway in violation of this act or which shall have a gross weight of vehicle and load in excess of the gross weight provided on the certificate of registration for the vehicle shall be fined not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) for the first offense, and for any subsequent

offense, not less than five hundred dollars ($500.00) nor more than seven hundred fifty dollars ($750.00); and the registration of the vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

6. Any person driving any vehicle, object or contrivance referred to in section 39:3-84 of the Revised Statutes, in excess of the gross weight limits set forth therein upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which said highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the size and weight limitations authorized in this Title or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided herein if damage is caused to highways or bridges posted for less weight limits than those set forth in this act.

Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then the owner and the driver shall be jointly and severally liable for any damage.

7. If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

8. This act shall take effect January first, one thousand nine hundred and fifty-one.

SENATE AMENDMENTS TO

ASSEMBLY, No. 13

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 5, section 5, line 1, after "Any" insert "State Police"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "$250.00", insert "$200.00".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "one thousand dollars ($1,000.00)".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

SENATE AMENDMENTS TO

ASSEMBLY, No. 13

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1950

Amend page 3, section 2, line 6, omit "twelve", insert "thirteen".

Amend page 4, section 2, line 31, omit "twenty thousand pounds", insert "twenty-two thousand four hundred pounds".

Amend page 4, section 2, line 40, omit "twenty-eight thousand", insert "thirty-two thousand".

Amend page 4, section 3, line 2, after "vehicles" omit "not"; after "New Jersey" omit "previous", insert "subsequent".

Amend page 5, section 5, line 1, after "Any" insert "State Police"; after "officer" insert "or motor vehicle inspector".

Amend page 5, section 5, line 6, after "officer" insert "or inspector".

Amend page 5, section 5, line 25, omit "fifty".

Amend page 5, section 5, line 25, omit "$250.00", insert "$200.00".

Amend page 5, section 5, line 27, omit "nor more than one".

Amend page 5, section 5, line 28, omit "one thousand dollars ($1,000.00)".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

Amend page 6, section 6, line 11, after "herein" and before the "." insert "if damage is caused to highways or bridges posted for less weight limits than those set forth in this act".

Amend page 6, section 8, line 1, omit "May", insert "January".

Amend page 6, section 8, line 2, omit "fifty", insert "fifty-one".

CHAPTER 61 LAWS OF N. J. 1957

APPROVED 7-19-57

COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 471

STATE OF NEW JERSEY

ADOPTED MAY 27, 1957

AN ACT concerning motor vehicles and traffic regulation, and amending "An act relating to motor vehicles and traffic regulation, and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes," approved May 25, 1950 (P. L. 1950, c. 142) and section 39:3–84 of the Revised Statutes.

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

5. Any State Police officer or motor vehicle inspector having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within 2 miles.

Whenever an officer or inspector upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as permitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

by the owner or operator of such vehicle at the risk of such owner or operator.

No vehicle shall be deemed to be in violation of the overweight provisions of this act when, upon examination by an officer or inspector, the vehicle's dispatch papers show it is proceeding from its last preceding freight pick-up point within the State of New Jersey by a reasonably expeditious route to the nearest available scales or to the first available scales in the general direction towards which the vehicle has been dispatched, or is returning from such scales after weighing-in to the last preceding pick-up point.

When an officer or inspector determines that a vehicle is in violation of the axle weight limitations of this act but is within the legal gross maximum weight, the driver shall be permitted before proceeding to redistribute the weight of the vehicle's contents so that no axle is overweight, in which event there is no violation.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than 5%.

Any person who prepares, presents to an officer or has in his possession false dispatch papers, that is to say, dispatch papers which do not correspond to the cargo carried, shall be subject to a fine not exceeding $100.00.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding $100.00.

The owner, lessee and bailee of any commercial motor vehicle, tractor, trailer or semitrailer found on a highway in violation of this act shall be fined not less than $200.00 nor more than $500.00 for the first offense, and for any subsequent offense, not less than $500.00 nor more than $750.00; except that any such owner, lessee and bailee of any such vehicle found on a highway with a gross weight of vehicle and load in excess of that provided for on the certificate of registration for the vehicle, or in excess of the axle weight or gross weight limitations imposed by this act for vehicle and load,

shall be fined an amount equal to $0.02 per pound for each pound of excess weight if the excess weight does not exceed 10,000 pounds, and $0.03 per pound for each pound of excess weight if the excess weight exceeds 10,000 pounds, but in no event less than $50.00.

The vehicle involved, but not its contents, may be detained until the person charged with the violation submits to the jurisdiction of the court and posts a bond sufficient in amount to insure payment of the maximum fine which may be imposed in the event of a conviction, or, if there is a conviction, pays the fine which is imposed or posts a proper bond required for an appeal from such conviction. If the owner is found to be responsible for the violation then, in addition to the penalties herein contained, the registration of the motor vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

2. Section 39:3–84 of the Revised Statutes is amended to read as follows:

39:3–84. No commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State the outside width of which is more than 96 inches, or the extreme over-all length of which exceeds 35 feet either for a 2-axle 4-wheeled vehicle or 35 feet for a 3-axle 6-wheeled vehicle, or the height of which exceeds 13½ feet, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director.

In the case of an omnibus the maximum over-all length dimension shall be such as the Board of Public Utility Commissioners prescribe.

No commercial motor vehicle drawing or having attached thereto any other such vehicle, nor any combination of vehicles, shall be operated on any highway in this State, except a tractor and semitrailer combination not in excess of a total over-all length, inclusive of load, of **[**45**]** *50* feet and a truck and trailer combination not in excess of a total over-all length, inclusive of load, of 50 feet, and also except a vehicle or a combination of vehicles transporting poles, pilings, structural units or other articles incapable of dismemberment the total over-all length of which, inclusive of load, shall not exceed 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor

to any combination of vehicles, operated by a public utility as defined in R. S. 48:2–13 which vehicle or combination of vehicles is used by such public utility in the contruction, reconstruction, repair or maintenance of its property or facilities.

Subject to the provisions of section 39:3–82 and the axle weight limitations of this section, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State having a combined weight of vehicle and load of more than (a) 30,000 pounds in the case of a 2-axle 4-wheeled vehicle, (b) 40,000 pounds in the case of a 3-axle 6-wheeled vehicle, (c) 60,000 pounds in the case of a tractor and semitrailer combination, and (d) 60,000 pounds in the case of a truck and trailer combination.

The gross weight imposed on the highway by the wheels of any 1 axle of a vehicle shall not exceed 22,400 pounds.

For the purpose of this Title the gross weight imposed on the highway by the wheels of any 1 axle of a vehicle shall be deemed to mean the total load transmitted to the road by all wheels whose centers are included between 2 parallel transverse vertical planes less than 40 inches apart, extending across the full width of the vehicle.

The combined gross weight imposed on the highway by all wheels of all axles whose centers are on or between 2 parallel transverse vertical planes spaced 40 inches, but less than 96 inches apart, extending across the full width of the vehicle, shall not exceed 32,000 pounds.

Every commercial motor vehicle or motor-drawn vehicle used on the public highways carrying loads extending beyond the outside dimensions of the vehicle shall have displayed at the outside extremity of the load a red flag by day, which shall not be less than 18 inches square, and a red light by night, and they shall be so hung as to present a full view to the drivers of approaching vehicles. This red light shall be in addition to the red light provided for in section 39:3–61 of this Title.

3. This act shall take effect immediately.

ASSEMBLY, No. 471

STATE OF NEW JERSEY

INTRODUCED APRIL 22, 1957

By Assemblyman KRAUS

Referred to Committee on Highways, Transportation and Public Utilities

AN ACT to amend "An act relating to motor vehicles and traffic regulation, and amending sections 39:3–20 and 39:3–84, and repealing sections 39:3–83, 39:3–85 and 39:4–73, and supplementing Title 39 of the Revised Statutes," approved May 25, 1950 (P. L. 1950, c. 142).

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

1. Section 5 of the act of which this act is amendatory is amended to read as follows:

5. Any State Police officer or motor vehicle inspector having reason to believe that the size or weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within 2 miles.

Whenever an officer or inspector upon measuring or weighing a vehicle and load, as above provided, determines that the size or weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the size or gross weight of such vehicle to such limit as per-

mitted under this act, or permitted by the certificate of registration for the vehicle, whichever may be lower. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

No vehicle shall be deemed to be in violation of the overweight provisions of this act when, upon examination by an officer or inspector, the vehicle's dispatch papers show it is proceeding from its last preceding freight pick-up point by a reasonably expeditious route to the nearest available scales or to the first available scales in the general direction towards which the vehicle has been dispatched, or is returning from such scales after weighing-in to the last preceding pick-up point.

When an officer or inspector determines that a vehicle is in violation of the axle weight limitations of this act but is within the legal gross maximum weight, the driver shall be permitted before proceeding to redistribute the weight of the vehicle's contents so that no axle is overweight, in which event there is no violation.

No arrest shall be made in cases where weight limitations provided in this section are not exceeded by more than 5%.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by an officer upon a measurement or weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be subject to a fine not exceeding $100.00.

The owner, lessee and bailee of any commercial motor vehicle, tractor, trailer or semitrailer found on a highway in violation of this act shall be fined not less than $200.00 nor more than $500.00 for the first offense, and for any subsequent offense, not less than $500.00 nor more than $750.00; except that any such owner, lessee and bailee of any such vehicle found on a highway with a gross weight of vehicle and load in excess of that provided for on the certificate of registration for the vehicle, or in excess of the axle weight or gross weight limitations imposed by this act for vehicle and load,

shall be fined an amount equal to $0.02 per pound for each pound of excess weight if the excess weight does not exceed 10,000 pounds, and $0.03 per pound for each pound of excess weight if the excess weight exceeds 10,000 pounds, but in no event less than $50.00.

The vehicle involved, but not its contents, may be detained until the person charged with the violation submits to the jurisdiction of the court and posts a bond sufficient in amount to insure payment of the maximum fine which may be imposed in the event of a conviction or, if there is a conviction, pays the fine which is imposed or posts a proper bond required for an appeal from such conviction. If the owner is found to be responsible for the violation then, in addition to the penalties herein contained, the registration of the motor vehicle involved may be revoked by the Director of the Division of Motor Vehicles.

2. This act shall take effect immediately.