

LEGISLATIVE HISTORY OF R.S. 39:3-84
(Dimensions and weight restrictions)

(Last paragraph)

We found no earlier bills introduced which would add this paragraph.

COPY NO. 2

This paragraph was added by:

L. 1961, Chapter 113, § 2 - S156

Introduced March 20 by Farley and Grossi.

No statement on bill (copy of p. 5 of original bill enclosed).

May 22 - Passed Senate.

May 31 - Passed Assembly amended (Assembly Committee amendment enclosed).

June 2 - Passed Senate as amended by Assembly.

November 2 - Returned by Governor with recommended Amendments (copy of Veto Message enclosed).

November 20 - Passed both houses with amendments received by Governor (Senate amendment of Nov. 20 enclosed).

November 29 - Approved.

Last paragraph has not been changed since this act.

We located no hearings, reports or clippings on this section.

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SENATE, No. 156

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1961

By Senators FARLEY and GROSSI

Referred to Committee on Public Safety, Defense and Veterans Affairs

AN Act concerning motor vehicles and traffic regulation, and amending sections 39:3-20, 39:3-84 and 39:4-26 of the Revised Statutes and section 5 of chapter 142 of the laws of 1950.

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

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

2 39:3-20. An applicant for registration for automobile commercial
3 vehicles, trailers, semitrailers, and tractors shall pay to the director a fee
4 based on the gross weight of the vehicle and load. The plates to be used
5 for commercial motor vehicles shall display the word "commercial," and
6 the numerals shall be prefixed by the letter "X." Trailer plates shall have
7 the letter "T." The fee shall be paid in accordance with the following table:

8 When the gross weight of vehicle and load is:

9	1,000 pounds or less	\$10 00
10	1,001 to 2,000 lbs.	15 00
11	2,001 to 3,000 lbs.	20 00
12	3,001 to 4,000 lbs.	25 00
13	4,001 to 5,000 lbs.	30 00
14	5,001 to 6,000 lbs.	35 00
15	6,001 to 8,000 lbs.	40 00

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

16	8,001 to 10,000 lbs.	50 00
17	10,001 to 13,000 lbs.	60 00
18	13,001 to 16,000 lbs.	75 00
19	16,001 to 19,000 lbs.	90 00
20	19,001 to 22,000 lbs.	110 00
21	22,001 to 25,000 lbs.	130 00
22	25,001 to 28,000 lbs.	150 00
23	28,001 to 32,000 lbs.	180 00
24	32,001 to 36,000 lbs.	210 00
25	36,001 to 40,000 lbs.	240 00

26 In addition to the registrations authorized to be issued pursuant to the
27 provisions of this section, the director shall issue registrations for auto-
28 mobile commercial vehicles, trailers, semitrailers, and tractors providing for
29 the gross weight of vehicle and load over 40,000 pounds but not exceeding
30 70,000 pounds, upon application therefor and proof to the satisfaction of
31 the director that the applicant is actually engaged in construction work or
32 in the business of supplying material, transporting material, or using such
33 registered vehicle for construction work. The license plate so issued shall
34 be marked "constructor" and shall be placed upon the vehicle or vehicles
35 registered under this section. In no event shall a vehicle or combination
36 of vehicles, operating as a unit, registered under this section and using "con-
37 structor" registration plates exceed a maximum gross weight, inclusive of
38 load, of 70,000 pounds.

39 The applicant for "constructor" registration plates authorized herein
40 shall pay therefor on each vehicle at the rate of \$15.00 per thousand pounds
41 of gross weight of vehicle and load.

42 Vehicles registered and using "constructor" registration plates may
43 not be operated at a distance greater than 30 miles from the point established
44 as a headquarters for the particular construction operation and such
45 vehicles, except as hereafter provided, must comply with the speed limita-
46 tions of Title 39 of the Revised Statutes. Such vehicles when carrying a

47 gross weight of vehicle and load less than 50% of the certificate of registra-
48 tion shall comply with applicable speed laws and shall not move along a
49 highway at a speed greater than 40 miles per hour. When carrying a gross
50 weight of vehicle and load in excess of 50% of the certificate of registra-
51 tion, such vehicles shall comply with applicable speed laws and shall not
52 move along a highway at a speed greater than 30 miles per hour.

53 It shall be unlawful for any vehicle *registered under this act* having
54 gross weight of load and vehicle in excess of the gross weight provided on
55 the registration certificate to be operated on the highways of this State. *The*
56 *owner, lessee, and bailee of any commercial motor vehicle, tractor, trailer or*
57 *semitrailer registered under this act and found on a highway with a gross*
58 *weight of vehicle and load in excess of that provided for on the certificate*
59 *of registration of the vehicle, shall be fined in an amount equal to \$0.02 per*
60 *pound for each pound of excess weight, if the excess weight does not exceed*
61 *10,000 pounds, and \$0.03 per pound for each pound of excess weight if the*
62 *excess weight exceeds 10,000 pounds, but in no event less than \$50.00.*

63 *In the event that a tractor, trailer or semitrailer registered under this*
64 *act is found on a highway in combination with a tractor, trailer or semi-*
65 *trailer duly registered in any other State or Federal district, the unit of the*
66 *combination registered under this act shall have a gross weight registration*
67 *equal at least to 1/2 of the combined gross weight of both vehicles and load.*

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

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

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

3 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer shall
4 be operated on any highway in this State the outside width of which is more
5 than 96 inches or the height of which exceeds 13½ feet, and no commercial

6 motor vehicle, tractor or trailer shall be operated on any highway in this State
7 the extreme over-all length of which exceeds 35 feet either for a 2-axle 4-
8 wheeled vehicle or 35 feet for a 3-axle 6-wheeled vehicle, except that a vehicle
9 exceeding the above limitations may be operated when a special permit so to
10 operate is secured in advance from the director.

11 In the case of an omnibus the maximum width and length dimensions shall
12 be such as the Board of Public Utility Commissioners prescribe, but no out-
13 side width in excess of 96 inches shall be prescribed with respect to 1 or
14 more highways specified or otherwise described except upon certifications,
15 (1) of the Division of Motor Vehicles in the Department of Law and Public
16 Safety that the proposed width is not unsafe for use on the highways in this
17 State and (2) of the State Highway Department that the proposed width, if
18 in excess of 96 inches, is not in conflict with the requirements of any agency
19 of the United States having jurisdiction over the National System of Inter-
20 state and Defense Highways authorized by law. No outside width so pre-
21 scribed shall be valid if the allowance or use of the same would disqualify
22 the State of New Jersey or any department, agency or governmental subdi-
23 vision thereof for the purpose of receiving Federal highway funds.

24 No commercial motor vehicle drawing or having attached thereto any
25 other such vehicle, nor any combination of vehicles, shall be operated on any
26 highway in this State, except a tractor and semitrailer combination not in
27 excess of a total over-all length, inclusive of load, of 50 feet and a truck
28 and trailer combination not in excess of a total over-all length, inclusive of
29 load, of 50 feet, and also except a vehicle or a combination of vehicles trans-
30 porting poles, pilings, structural units or other articles incapable of dismem-
31 berment the total over-all length of which, inclusive of load, shall not exceed
32 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor
33 to any combination of vehicles, operated by a public utility as defined in R. S.
34 48:2-13 which vehicle or combination of vehicles is used by such public
35 utility in the construction, reconstruction, repair or maintenance of its prop-
36 erty or facilities.

37 Subject to the provisions of section 39:3-82 and the axle weight limita-
38 tions of this section, no commercial motor vehicle, tractor, trailer or semi-
39 trailer shall be operated on any highway in this State having a combined
40 weight of vehicle and load of more than (a) 30,000 pounds in the case of a
41 2-axle 4-wheeled vehicle, (b) 40,000 pounds in the case of a 3-axle 6-wheeled
42 vehicle, (c) 60,000 pounds in the case of a tractor and semitrailer combina-
43 tion, and (d) 60,000 pounds in the case of a truck and trailer combination.
44 *A vehicle or combination of vehicles shall be considered as in compliance*
45 *with the above gross weight limitations if the axle weights do not exceed the*
46 *axle weight limitations of this section. In no event shall the weight or dimen-*
47 *sional limitations of this section be construed as permitting a gross or axle*
48 *weight or vehicle dimension in excess of the weight or dimensional limita-*
49 *tions imposed by Congress in the Federal-Aid Highway Act of 1956, as such*
50 *act may be amended from time to time.*

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

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

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

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

1 3. Section 5 of chapter 142 of the laws of 1950 is amended to read as
2 follows:

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

9 Whenever an officer or inspector upon measuring or weighing a vehicle
10 and load, as above provided, determines that the size or weight is unlawful,
11 such officer shall, *when the gross weight is 10% or more in excess of the legal*
12 *maximum*, require the driver to stop the vehicle in a suitable place and
13 remain standing until such portion of the load is removed as may be neces-
14 sary to reduce the size or gross weight of such vehicle to such limit as
15 permitted under this act, or permitted by the certificate of registration for
16 the vehicle, whichever may be lower. All material so unloaded shall be
17 cared for by the owner or operator of such vehicle at the risk of such
18 owner or operator.

19 No vehicle shall be deemed to be in violation of the overweight provi-
20 sions of this act when, upon examination by an officer or inspector, the
21 vehicle's dispatch papers show it is proceeding from its last preceding
22 freight pickup point within the State of New Jersey by a reasonably expe-
23 ditious route to the nearest available scales or to the first available scales
24 in the general direction towards which the vehicle has been dispatched, or
25 is returning from such scales after weighing-in to the last preceding pickup
26 point.

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

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

34 Any person who prepares, presents to an officer or has in his possession
35 false dispatch papers, that is to say, dispatch papers which do not cor-
36 respond to the cargo carried, shall be subject to a fine not exceeding \$100.00

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

42 The owner, lessee and bailee of any commercial motor vehicle, tractor,
43 trailer or semitrailer found on a highway in violation of [this act shall be
44 fined not less than \$200.00 nor more than \$500.00 for the first offense, and
45 for any subsequent offense, not less than \$500.00 nor more than \$750.00;
46 except that any such] *the dimensional restrictions of this act shall be fined*
47 *not less than \$50.00 nor more than \$100.00. The owner, lessee and bailee of*
48 *any [such] commercial motor vehicle, tractor, trailer or semitrailer found*
49 *on a highway with a gross weight of vehicle and load [in excess of that pro-*
50 *vided for on the certificate of registration for the vehicle, or] in excess of*
51 *the axle weight or gross weight limitations imposed by this act for vehicle*
52 *and load, shall be fined an amount equal to \$0.02 per pound for each pound of*
53 *excess weight if the excess does not exceed 10,000 pounds, and \$0.03 per*
54 *pound for each pound of excess weight if the excess weight exceeds 10,000*
55 *pounds, but in no event less than \$50.00.*

56 The vehicle involved, but not its contents, may be detained until the
57 person charged with the violation submits to the jurisdiction of the court
58 and posts a bond sufficient in amount to insure payment of the maximum
59 fine which may be imposed in the event of a conviction, or, if there is a
60 conviction, pays the fine which is imposed or posts a proper bond required
61 for an appeal from such conviction. If the owner is found to be responsible
62 for the violation then, in addition to the penalties herein contained, the

63 registration of the motor vehicle involved may be revoked by the Director
64 of the Division of Motor Vehicles.

1 4. Section 39:4-26 of the Revised Statutes is amended to read as fol-
2 lows:

3 39:4-26. A person may move along or across a public road or highway,
4 road building machinery, vehicles, traction engines, rollers, structural units
5 incapable of dismemberment or other apparatus or machinery of unusual
6 size or weight, on trailers or semitrailers, after registering the trailers or
7 semitrailers with the Director of Motor Vehicles and paying him a registra-
8 tion fee of \$150.00 and obtaining a permit therefor from the director for the
9 State highways traversed by them, or from the county supervisor or super-
10 visors of roads of the county or counties for the county roads traversed
11 by them or from the duly authorized official or officials of the municipality
12 or municipalities for the municipal roads traversed by them, subject to the
13 provisions of this article, provided, however, that the provision for registra-
14 tion and registration fee shall not apply to such vehicles duly registered in any
15 other State or Federal district which grants exemption [under any similar
16 statute] *from registration and registration fee* to vehicles properly registered
17 in New Jersey under provisions of this article, traversing the roads of
18 said other State or Federal district.

19 The director, board of chosen freeholders and a municipality, may by
20 regulation in the case of the director and by resolution in the case of the
21 board of freeholders or municipality, adopt general rules and regulations
22 with respect to the issuance and use of permits and may impose reasonable
23 fees therefor provided that no permit shall be issued unless the said director,
24 county supervisor or authorized municipal official is reasonably satisfied as
25 to the financial responsibility of the applicant for permit to meet any claims
26 for damages which may arise and reasonable evidence of such financial re-
27 sponsibility is filed with the said director, supervisor or municipal official.

1 5. This act shall take effect upon approval.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 156

STATE OF NEW JERSEY

ADOPTED MAY 31, 1961

Amend page 5, section 2, line 47, after "section", insert "or of section 3 of this act".

Amend page 5, section 2, line 49, after "1956", insert "(Title 23, U. S. Code, Section 127)".

Amend page 6, section 3, line 11, after "shall", omit comma "," and rest of line.

Amend page 6, section 3, line 12, omit "maximum,".

SENATE AMENDMENTS TO

SENATE, No. 156

STATE OF NEW JERSEY

ADOPTED NOVEMBER 20, 1961

Amend page 3, section 1, following line 67, insert the following: "If it does not, the owner, lessee and bailee shall be fined an amount equal to \$0.02 for each pound by which $\frac{1}{2}$ of said combined gross weight exceeds the gross weight registration of the unit registered under this act, if the excess is not greater than 10,000 pounds, and \$0.03 for each pound of the excess if it is greater than 10,000 pounds, but in no event less than \$50.00."

Amend page 4, section 2, following line 23, insert the following paragraph:

"In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of section 39:3-24 of this Title and any such vehicle shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law."

Amend page 5, section 2, delete lines 37 through 50A in their entirety.

Amend page 5, section 2, following line 61, insert two paragraphs as follows:

"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.

“In addition to the other requirements of this section and notwithstanding any other provision of this Title, no commercial motor vehicle, tractor, trailer or semitrailer shall be operated on any highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle dimension the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving Federal highway funds.”

Amend page 7, section 3, line 46, delete “this act” and insert in lieu thereof “R. S. 39:3-84”.

Amend page 7, section 3, line 47, delete “\$50.00 nor more than \$100.00” and insert in lieu thereof “\$200.00 nor more than \$500.00”.

Amend page 7, section 3, line 51, delete “axle weight or”.

Amend page 7, section 3, line 51, delete “act” and insert in lieu thereof “Title”.

Amend page 7, section 3, line 52, after “load” insert “or an axle weight in excess of the axle weight limitations imposed by this Title”.

Amend page 8, section 5, delete “upon approval” and insert in lieu thereof “on the tenth day following the day of its enactment”.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 20, 1961

SENATE BILL NO. 156

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 156, with my objections, for reconsideration.

This bill would make several changes in the law governing trucks on the highways.

The first has to do with the law which prohibits use of the highways by a truck at a weight in excess of its registered weight. As presently interpreted, this law applies to trucks registered in other states as well as to those registered in this State. This bill restricts its application to trucks registered in New Jersey. In the case of tractor and trailer or semi-trailer combinations where one unit is registered locally and the other is not, the bill requires that the New Jersey registered unit be registered for one-half of the total weight of the combination.

The purpose of the rule limiting trucks to their registered weight is to require truck owners to purchase registration sufficient for the weight they put on our highways. The application of the rule to foreign registry trucks bears no direct relation to this purpose. Moreover, the variation in registration requirements from state to state has resulted in considerable confusion and some inequity in the enforcement of this phase of the law. For these reasons, I will not disapprove the change proposed. In order to make it effective, however, it will be necessary to add a separate penalty clause in the form recommended hereafter.

The second amendment provides that gross weight limitations are not applicable to a vehicle which complies with the axle weight limitations of the law. This is a roundabout way of saying that, for practical purposes, gross weight restrictions are abrogated in favor of axle weight limitations. The amendment adds, however, that no vehicle may travel the highways with a gross weight, or for that matter an axle weight or a dimension, which is in excess of the maximum permitted under the Federal Aid Highway Act of 1956. The present federal maximum on gross weight is 73,280 pounds. This is an essential restriction, of course, if we are to continue to qualify for federal highway aid.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 156

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If the Legislature wishes to make this change I will not stand in the way. Axle weight limitations are the most important considerations. If these are properly enforced there is no particular need for intermediate gross weight limitations. The Legislature has made its determination on the over-all gross weight limitation by adopting the maximum fixed by Congress, and I am not prepared to say it is unreasonable.

I cannot accept the change, however, unless the form is altered to simplify the language and clarify the true intent. I recommend that the language set forth at the end of this message be substituted for the present language.

The third amendment would delete the provision now in R. S. 39:3-84 which requires that a red light or flag be displayed on any load which projects beyond the limits of the vehicle. The deletion was proposed, I am informed, in the belief that this language was an unnecessary duplication of R. S. 39:4-70. That is not so. The later section is narrower in scope. The deleted provision should be restored.

The fourth amendment would restrict the general penalty imposed under L. 1950, c. 142, § 5, to violations of dimensional restrictions, abolish the distinction between the first and subsequent offenders and establish a penalty of \$50.00 to \$100.00 for all offenses. The penalty now is \$200.00 to \$500.00 for first offenses.

I can accept the narrowing of the scope of this special penalty clause to dimensional violations. I think it is reasonable that other violations now covered by this penalty clause, such as failure to carry a red flag or red light, be handled under the general penalty provision. I can also accept abolition of the subsequent offender category. This is an inequitable rule when applied to owners of varying numbers of trucks, and enforcement is difficult at best. But I will not accept a reduction of the fine to the \$50.00 - \$100.00 range. I believe the \$200.00 - \$500.00 range should be retained for all dimensional violations. There will no doubt be cases where it will appear high, but we cannot hope for effective deterrence in this highly competitive field unless a stiff fine is a certainty.

The fifth amendment would make a technical change in R. S. 39:4-26 to facilitate interstate reciprocity in the movement of oversize loads under special permit. I have no objection to this change.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 156

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Finally, in setting forth the present text of R. S. 39:3-84 in attempted compliance with the constitutional requirement that a section amended be set forth at length, the bill fails to include a paragraph added to the section by L. 1961, c. 71, having to do with the dimensions of farm vehicles. To avoid any question whether that language remains in the law, I recommend that it be inserted here by amendment.

In all, then, I recommend the following:

On page 3, section 1, following line 67, insert the following: "If it does not, the owner, lessee and bailee shall be fined an amount equal to \$0.02 for each pound by which 1/2 of said combined gross weight exceeds the gross weight registration of the unit registered under this act, if the excess is not greater than 10,000 pounds, and \$0.03 for each pound of the excess if it is greater than 10,000 pounds, but in no event less than \$50.00."

On page 4, section 2, following line 23, insert the following paragraph:

"In the case of farm tractors and traction equipment and farm machinery and implements, the maximum width and length shall be such as the Director of the Division of Motor Vehicles shall prescribe by uniform rules and regulations but the operation of such vehicles shall be subject to the provisions of section 39:3-24 of this Title and any such vehicle shall not be operated on any highway which is part of the National System of Interstate and Defense Highways or on any highway which has been designated a freeway or parkway as provided by law."

On page 5, section 2, delete lines 37 through 50A in their entirety.

On page 5, section 2, following line 61, insert two paragraphs as follows:

"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.

"In addition to the other requirements of this section and notwithstanding any other provision of this title, no commercial motor vehicle, tractor, trailer or semi-trailer shall be operated on any highway in this State with a combined weight of vehicle and load, an axle weight or a vehicle dimension the allowance of which would disqualify the State of New Jersey or any department, agency or governmental subdivision thereof for the purpose of receiving federal highway funds."

On page 7, section 3, line 46, delete "this act" and insert in lieu thereof "R. S. 39:3-84".