

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:

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 All inconsistent legislation is to be repealed by another bill.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:

974.00
7764
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R. S. 39:3-85 was repealed by Laws 1950, Chapter 142, which created R.S. 39:3-84.3.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. 44- A-13. Introduced March 9, 1950 by Mr. McHorter.

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 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.

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

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

Hearing Held on Assembly 13 (1950):

974.90	<u>N. J. Legislature. Senate. Judiciary Committee.</u>
R628	Public hearing on A.13 (The Truck Bill) had 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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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.

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

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

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

1 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.

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

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

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

1 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.

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 fol-
2 lows:

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

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

15 [1,000 pounds or less \$10.00

16 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

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

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

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

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

91 This section shall not be construed to supersede or repeal the provi-
92 sions 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 follows:
2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, [except vehicles in operation on June tenth,
5 one thousand nine hundred and thirty-five, which, by reason of the substitu-
6 tion of pneumatic tires for other types of tires, exceed the above limit,] or
7 the extreme over-all length of which exceeds thirty-five feet either for a two-
8 axle four-wheeled vehicle or thirty-five feet for a three-axle six-wheeled ve-
9 hicle, or the height of which exceeds twelve and one-half feet, except that a
10 vehicle exceeding the above limitations may be operated when a special per-
11 mit so to operate is secured in advance from the [commissioner] director.

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

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

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

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

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

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

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

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

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

64 **[A person violating this section shall be subject to a fine not exceed-**
65 **ing one hundred dollars (\$100.00). In default of the payment thereof im-**
66 **prisonment in the county jail for a period not exceeding ten days shall be**
67 **imposed.]**

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

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

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

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

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

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

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

1 5. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

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

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 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.

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 fol-
2 lows:

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

9 When the gross weight of vehicle and load is:

10 55	1,000 pounds or less.....	\$10.00
56	1,001 to 2,000 lbs.	15.00
57	2,001 to 3,000 lbs.	20.00
58	3,001 to 4,000 lbs.	25.00
59	4,001 to 5,000 lbs.	30.00
60	5,001 to 6,000 lbs.	35.00
61	6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

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

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

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

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

92 Moneys realized from the increase of the fees for registrations shall

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

96 This section shall not be construed to supersede or repeal the provi-
97 sions 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 follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, or the extreme over-all length of which exceeds
5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve
7 and one-half feet, except that a vehicle exceeding the above limitations may
8 be operated when a special permit so to operate is secured in advance from
9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall
13 be such as the Board of Public Utility Commissioners prescribes.

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

23 Subject to the provisions of section 39:3-82 and the axle weight limita-
24 tions of this section, no commercial motor vehicle, tractor, trailer or
25 semitrailer shall be operated on any highway in this State having a com-
26 bined weight of vehicle and load of more than (a) thirty thousand pounds
27 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

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

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

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

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

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

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

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

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

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

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

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

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

1 6. Any person driving any vehicle, object or contrivance upon any high-
2 way or highway structure, whether temporary or permanent, shall be liable
3 for all damage which said highway or highway structure may sustain as a re-
4 sult of any such operation, driving or moving of such vehicle, object or con-
5 trivance.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

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

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

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

1 8. This act shall take effect May first, one thousand nine hundred and
2 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

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

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

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

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

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

91 This section shall not be construed to supersede or repeal the provi-
92 sions 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 follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer

3 shall be operated on any highway in this State the outside width of which is

4 more than ninety-six inches, or the extreme over-all length of which exceeds

5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet

6 for a three-axle six-wheeled vehicle, or the height of which exceeds twelve

7 and one-half feet, except that a vehicle exceeding the above limitations may

8 be operated when a special permit so to operate is secured in advance from

9 the director.

10-12 In the case of an omnibus the maximum over-all length dimension shall

13 be such as the Board of Public Utility Commissioners prescribes.

14 No commercial motor vehicle drawing or having attached thereto any

15 other such vehicle, nor any combination of vehicles, shall be operated on any

16 highway in the State, except a tractor and semitrailer combination not in

17 excess of a total over-all length of forty-five feet and a truck and trailer com-

18 bination not in excess of a total over-all length of fifty feet, and also except

19 a vehicle or a combination of vehicles transporting poles, pilings, structural

20 units or other articles incapable of dismemberment the total over-all length

21 of which shall not exceed seventy feet. All of the aforesaid dimensions shall

21½ be inclusive of the load.

22 Subject to the provisions of section 39:3-82 and the axle weight limita-

23 tions of this section, no commercial motor vehicle, tractor, trailer or

24 semitrailer shall be operated on any highway in this State having a com-

25 bined weight of vehicle and load of more than (a) thirty thousand pounds

26 in the case of a two-axle four-wheeled vehicle, (b) forty thousand pounds in

27 the case of a three-axle six-wheeled vehicle, (c) sixty thousand pounds in the

28 case of a tractor and semitrailer combination, and (d) sixty thousand pounds

29 in the case of a truck and trailer combination.

30 The gross weight imposed on the highway by the wheels of any one

31 axle of a vehicle shall not exceed twenty thousand pounds.

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

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

42-47 The axle weight limitations of this section shall apply to all vehicles not
48 registered in New Jersey previous to March first, one thousand nine hun-
49 dred and fifty; for those vehicles registered in New Jersey on or before
50 March first, one thousand nine hundred and fifty, these axle weight limi-
51 tations shall become effective on and after March thirty-first, one thousand
52 nine hundred and fifty-five. The combined weight of vehicle and load and
53 axle load limitations provided in this section shall not apply to vehicles
54 registered for use with "constructor" registration plates as provided in
55 section 39:3-20. Such vehicles shall be limited as to gross weight by the
56 allowable weight of vehicle and load as shown on the registration certificate.

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

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

1 4. Any police officer having reason to believe that the size or weight of a
2 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.

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

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

12 Whenever the driver is not the owner of such vehicle, object or contriv-
13 ance, but is so operating, driving or moving the same with the express or im-
14 plied permission of said owner, then the owner and the driver shall be jointly
15 and severally liable for any damage.

1 6. This act shall take effect May first, one thousand nine hundred and
2 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.

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 fol-
2 lows:

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

9 When the gross weight of vehicle and load is:

10 1,000 pounds or less.....	\$10.00
11 1,001 to 2,000 lbs.	15.00
12 2,001 to 3,000 lbs.	20.00
13 3,001 to 4,000 lbs.	25.00
14 4,001 to 5,000 lbs.	30.00
15 5,001 to 6,000 lbs.	35.00
16 6,001 to 8,000 lbs.	40.00

62	8,001 to 10,000 lbs.	50.00
63	10,001 to 13,000 lbs.	60.00
64	13,001 to 16,000 lbs.	75.00
65	16,001 to 19,000 lbs.	90.00
66	19,001 to 22,000 lbs.	110.00
67	22,001 to 25,000 lbs.	130.00
68	25,001 to 28,000 lbs.	150.00
69	28,001 to 32,000 lbs.	180.00
70	32,001 to 36,000 lbs.	210.00
71	36,001 to 40,000 lbs.	240.00

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

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

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

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

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

96 This section shall not be construed to supersede or repeal the provi-
97 sions 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 follows:

2 39:3-84. No commercial motor vehicle, tractor, trailer or semitrailer
3 shall be operated on any highway in this State the outside width of which is
4 more than ninety-six inches, or the extreme over-all length of which exceeds
5 thirty-five feet either for a two-axle four-wheeled vehicle or thirty-five feet
6 for a three-axle six-wheeled vehicle, or the height of which exceeds thirteen
7 and one-half feet, except that a vehicle exceeding the above limitations may
8 be operated when a special permit so to operate is secured in advance from
9 the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Such damage may be recovered in a civil action brought by the author-
7 ities in control of such highway or highway structure.

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

14 Whenever the driver is not the owner of such vehicle, object or contriv-
15 ance, but is so operating, driving or moving the same with the express or im-
16 plied permission of said owner, then the owner and the driver shall be jointly
17 and severally liable for any damage.

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

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

STA

As Act to

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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.

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

1 1. Section 5 of the act of which this act is amendatory is amended to read
2 as 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 authorized
5 to require the driver to stop and submit to a measurement or weighing of the
6 same by means of either portable or stationary scales and may require that
7 such vehicle be driven to the nearest public scales in the event such scales
8 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 require the driver to stop the vehicle in a suitable place and
12 remain standing until such portion of the load is removed as may be neces-
13 sary to reduce the size or gross weight of such vehicle to such limit as per-
14 mitted under this act, or permitted by the certificate of registration for the
15 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.

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

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

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

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

31A *Any person who prepares, presents to an officer or has in his possession*
31B *false dispatch papers, that is to say, dispatch papers which do not correspond*
31C *to the cargo carried, shall be subject to a fine not exceeding \$100.00.*

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

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

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

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

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

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

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

11 No commercial motor vehicle drawing or having attached thereto any
12 other such vehicle, nor any combination of vehicles, shall be operated on any
13 highway in this State, except a tractor and semitrailer combination not in
14 excess of a total over-all length, inclusive of load, of [45] 50 feet and a truck
15 and trailer combination not in excess of a total over-all length, inclusive of
16 load, of 50 feet, and also except a vehicle or a combination of vehicles trans-
17 porting poles, pilings, structural units or other articles incapable of dismem-
18 berment the total over-all length of which, inclusive of load, shall not exceed
19 70 feet, but the provisions of this paragraph shall not apply to a vehicle nor

20 to any combination of vehicles, operated by a public utility as defined in
21 R. S. 48:2-13 which vehicle or combination of vehicles is used by such public
22 utility in the construction, reconstruction, repair or maintenance of its prop-
23 erty or facilities.

24 Subject to the provisions of section 39:3-82 and the axle weight limita-
25 tions of this section, no commercial motor vehicle, tractor, trailer or semi-
26 trailer shall be operated on any highway in this State having a combined
27 weight of vehicle and load of more than (a) 30,000 pounds in the case
28 of a 2-axle 4-wheeled vehicle, (b) 40,000 pounds in the case of a 3-axle
29 6-wheeled vehicle, (c) 60,000 pounds in the case of a tractor and semitrailer
30 combination, and (d) 60,000 pounds in the case of a truck and trailer combi-
31 nation.

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

34 For the purpose of this Title the gross weight imposed on the highway
35 by the wheels of any 1 axle of a vehicle shall be deemed to mean the total
36 load transmitted to the road by all wheels whose centers are included between
37 2 parallel transverse vertical planes less than 40 inches apart, extending
38 across the full width of the vehicle.

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

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

1 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).

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6 same by means of either portable or stationary scales and may require that
7 such vehicle be driven to the nearest public scales in the event such scales
8 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 require the driver to stop the vehicle in a suitable place and
12 remain standing until such portion of the load is removed as may be neces-
13 sary to reduce the size or gross weight of such vehicle to such limit as per-

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

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19 *sions of this act when, upon examination by an officer or inspector, the*
20 *vehicle's dispatch papers show it is proceeding from its last preceding freight*
21 *pick-up point by a reasonably expeditious route to the nearest available*
22 *scales or to the first available scales in the general direction towards which*
23 *the vehicle has been dispatched, or is returning from such scales after weigh-*
24 *ing-in to the last preceding pick-up point.*

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