

12/9/63

SENATE, No. 64

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senators BOWKLEY and GROSSI

Referred to Committee on Public Safety, Defense and Veterans Affairs

AN ACT concerning motor vehicles and traffic regulation, and amending section 39:3-20 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
16	8,001 to 10,000 lbs. ....	50 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.

17	10,001 to 13,000 lbs. ....	60 00
18	13,001 to 16,000 lbs. ....	75 00
19	<del>16,001 to 19,000 lbs. ....</del>	<del>90 00</del>
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	40,001 to 44,000 lbs. ....	270 00

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

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

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

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

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

64 In the event that a tractor, trailer or semitrailer registered under this  
65 act is found on a highway in combination with a tractor, trailer or semi-  
66 trailer duly registered in any other State or Federal district, the unit of the  
67 combination registered under this act shall have a gross weight registration  
68 equal at least to  $\frac{1}{2}$  of the combined gross weight of both vehicles and load.  
69 If it does not, [the owner, lessee and bailee shall be fined an amount equal to  
70 \$0.02 for each pound by which  $\frac{1}{2}$  of said combined gross weight exceeds the  
71 gross weight registration of the unit registered under this act, if the excess  
72 is not greater than 10,000 pounds, and \$0.03 for each pound of the excess if  
73 it is greater than 10,000 pounds, but in no event less than \$50.00.] *the opera-*  
74 *tion of said unit on the highways of this State shall be unlawful.*

75 Nothing in this section shall be deemed to alter or affect the application  
76 of the 5% allowance as to statutory and registered weight limitations set forth  
77 in section 5 of chapter 142, laws of 1950. Said allowance shall be applicable  
78 as heretofore to all registered weight limitations provided in this section. In

79 the case of a tractor, trailer or semitrailer registered under this act in com-  
80 bination with a tractor, trailer or semitrailer duly registered in any other  
81 State or Federal district, known as a mixed combination, the 5% allowance  
82 shall be applied by adding to the registered weight of the unit registered  
83 under this act 5% of said registered weight. If the resulting sum is equal  
84 at least to  $\frac{1}{2}$  of the combined gross weight of the mixed combination, then  
85 the mixed combination shall be in compliance with the registration require-  
86 ments of this section.

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

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

1 2. 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 require  
7 that such vehicle be driven to the nearest public scales in the event such  
8 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 require the driver to stop the vehicle in a suitable place  
12 and remain standing until such portion of the load is removed as may be  
13 necessary to reduce the size or gross weight of such vehicle to such limit  
14 as permitted under this act, or permitted by the certificate of registration  
15 for the vehicle, whichever may be lower. All material so unloaded shall be  
16 cared for by the owner or operator of such vehicle at the risk of such owner  
17 or 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 ve-  
20 hicle's dispatch papers show it is proceeding from its last preceding freight  
21 pickup 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  
23 general direction towards which the vehicle has been dispatched, or is re-  
24 turning from such scales after weighing-in to the last preceding pickup  
25 point.

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

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

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

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

41 The owner, lessee and bailee of any commercial motor vehicle, tractor,  
42 trailer or semitrailer found on a highway in violation of the dimensional re-  
43 strictions of R. S. 39:3-84 shall be fined not less than \$200.00 nor more than  
44 \$500.00. The owner, lessee and bailee of any commercial motor vehicle, trac-  
45 tor, trailer or semitrailer found on a highway with a gross weight of ve-  
46 hicle and load *in excess of the weight limitation permitted by the certificate*  
47 *of registration for the vehicle* or in excess of the gross weight limitations  
48 imposed by this Title for vehicle and load or an axle weight in excess of the

49 axle weight limitations imposed by this Title, shall be fined an amount equal  
50 to \$0.02 per pound for each pound of excess weight if the excess does not  
51 exceed 10,000 pounds, and \$0.03 per pound for each pound of excess weight  
52 if the excess weight exceeds 10,000 pounds, but in no event less than \$50.00.  
53 *Whenever it is found that there is a weight in excess of any 2 or more of*  
54 *said weight limitations, the fine shall be levied only for the violation involv-*  
55 *ing the greater or greatest excess weight.*

1     3. This act shall take effect immediately.

CHAPTER 166 LAWS OF N. J. 1963

APPROVED 12/16/63

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 9, 1963

SENATE BILL NO. 64

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 64, with my objections, for reconsideration.

This bill would amend R. S. 39:3-20 and N. J. S. A. 39:3-84.3 so as to make it clear that the fine to be paid by the owner, lessee and bailee of any commercial motor vehicle, tractor, trailer or semitrailer, for carrying a load in excess of the gross weight limitation for vehicle and load permitted by the certificate of registration for the vehicle or any other gross weight limitation for vehicle and load imposed by Title 39 or the axle weight limitation as set forth by law in Title 39, would be levied for a violation of only one weight limitation where it is found that the defendant has violated two or more of the aforesaid limitations. For example, if a truck is found to exceed the axle weight limitation and, therefore, also exceeds the gross weight limitation for vehicle and load, the violator would pay only the fine for the greater weight violation.

The criterion for determining the amount of the fine remains unchanged by the bill, except with respect to weight violations of a tractor, trailer or semitrailer registered in New Jersey when operated in combination with a tractor, trailer or semitrailer registered in another state or federal district, which would at present be covered by specific language appearing in R. S. 39:3-20. It is this exception which renders the bill defective.

The deletion of the penalty language of R. S. 39:3-20, with no further provision for treatment of weight violations by this type combination of vehicles, results in there being applicable to such violations only the general penalty provisions of R. S. 39:3-86. Because of this, the maximum penalty applicable, regardless of the extent of the violation, would be a fine of \$50.00 or imprisonment for 15 days or both, instead of the penalty criteria presently

CHAPTER 166 LAWS OF N. J. 1963

APPROVED 12/16/63

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Senate Bill No. 64

- 2 -

found in the statute, to wit: a fine of \$0.02 per pound for each pound of excess weight if the excess does not exceed 10,000 pounds, and \$0.03 per pound for each pound of excess weight if the excess weight exceeds 10,000 pounds, but in no event less than \$50.00.

The latter penalty criteria would still apply to all other weight limitation violations. I believe the penalties for weight violation should be consistent. Carriers, operating vehicles in combinations such as above described, who violate the weight limitations of our law should not be granted unequal treatment tantamount to special privilege.

Accordingly I herewith return Senate Bill No. 64 for reconsideration and recommend that it be amended as follows:

On page 6, section 2, line 52, after the period insert a new sentence as follows:

"The owner, lessee and bailee of a tractor, trailer or semitrailer registered under this act and found on a highway in combination with a tractor, trailer or semitrailer duly registered in any other state or federal district and in violation of the weight limitations of R. S. 39:3-20 shall be fined an amount equal to \$0.02 for each pound by which 1/2 of the combined gross weight of both vehicles and load shall exceed 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."

Respectfully,

RICHARD J. HUGHES

GOVERNOR

[SEAL]

Attest:

LAWRENCE BILDER

Acting Secretary to the Governor

SENATE AMENDMENT TO

**SENATE, No. 64**

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**STATE OF NEW JERSEY**

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ADOPTED DECEMBER 9, 1963

Amend page 6, section 2, line 52, after the period insert a new sentence as follows:

“The owner, lessee and bailee of a tractor, trailer or semitrailer registered under this act and found on a highway in combination with a tractor, trailer or semitrailer duly registered in any other State or Federal district and in violation of the weight limitations of R. S. 39:3-20 shall be fined an amount equal to \$0.02 for each pound by which  $\frac{1}{2}$  of the combined gross weight of both vehicles and load shall exceed 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.”.

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[OFFICIAL COPY REPRINT]

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2 *Jersey:*

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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  
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31 70,000 pounds, upon application therefor and proof to the satisfaction of  
32 the director that the applicant is actually engaged in construction work or  
33 in the business of supplying material, transporting material, or using such  
34 registered vehicle for construction work. The license plate so issued shall  
35 be marked "constructor" and shall be placed upon the vehicle or vehicles  
36 registered under this section. In no event shall a vehicle or combination  
37 of vehicles, operating as a unit, registered under this section and using "con-  
38 structor" registration plates exceed a maximum gross weight, inclusive of  
39 load, of 70,000 pounds.

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45 as a headquarters for the particular construction operation and such  
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47 tions of Title 39 of the Revised Statutes. Such vehicles when carrying a

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

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

64 In the event that a tractor, trailer or semitrailer registered under this  
65 act is found on a highway in combination with a tractor, trailer or semi-  
66 trailer duly registered in any other State or Federal district, the unit of the  
67 combination registered under this act shall have a gross weight registration  
68 equal at least to  $\frac{1}{2}$  of the combined gross weight of both vehicles and load.  
69 If it does not, [the owner, lessee and bailee shall be fined an amount equal to  
70 \$0.02 for each pound by which  $\frac{1}{2}$  of said combined gross weight exceeds the  
71 gross weight registration of the unit registered under this act, if the excess  
72 is not greater than 10,000 pounds, and \$0.03 for each pound of the excess if  
73 it is greater than 10,000 pounds, but in no event less than \$50.00.] *the opera-*  
74 *tion of said unit on the highways of this State shall be unlawful.*

75 Nothing in this section shall be deemed to alter or affect the application  
76 of the 5% allowance as to statutory and registered weight limitations set forth  
77 in section 5 of chapter 142, laws of 1950. Said allowance shall be applicable  
78 as heretofore to all registered weight limitations provided in this section. In

79 the case of a tractor, trailer or semitrailer registered under this act in com-  
80 bination with a tractor, trailer or semitrailer duly registered in any other  
81 State or Federal district, known as a mixed combination, the 5% allowance  
82 shall be applied by adding to the registered weight of the unit registered  
83 under this act 5% of said registered weight. If the resulting sum is equal  
84 at least to  $\frac{1}{2}$  of the combined gross weight of the mixed combination, then  
85 the mixed combination shall be in compliance with the registration require-  
86 ments of this section.

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

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

1       2. 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 require  
7 that such vehicle be driven to the nearest public scales in the event such  
8 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 require the driver to stop the vehicle in a suitable place  
12 and remain standing until such portion of the load is removed as may be  
13 necessary to reduce the size or gross weight of such vehicle to such limit  
14 as permitted under this act, or permitted by the certificate of registration  
15 for the vehicle, whichever may be lower. All material so unloaded shall be  
16 cared for by the owner or operator of such vehicle at the risk of such owner  
17 or 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 ve-  
20 hicle's dispatch papers show it is proceeding from its last preceding freight  
21 pickup 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  
23 general direction towards which the vehicle has been dispatched, or is re-  
24 turning from such scales after weighing-in to the last preceding pickup  
25 point.

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

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

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

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

41 The owner, lessee and bailee of any commercial motor vehicle, tractor,  
42 trailer or semitrailer found on a highway in violation of the dimensional re-  
43 strictions of R. S. 39:3-84 shall be fined not less than \$200.00 nor more than  
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45 tor, trailer or semitrailer found on a highway with a gross weight of ve-  
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47 *of registration for the vehicle* or in excess of the gross weight limitations  
48 imposed by this Title for vehicle and load or an axle weight in excess of the

49 axle weight limitations imposed by this Title, shall be fined an amount equal  
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51 exceed 10,000 pounds, and \$0.03 per pound for each pound of excess weight  
52 if the excess weight exceeds 10,000 pounds, but in no event less than \$50.00.

53 *The owner, lessee and bailee of a tractor, trailer or semitrailer registered*  
54 *under this act and found on a highway in combination with a tractor, trailer*  
55 *or semitrailer duly registered in any other State or Federal district and in*  
56 *violation of the weight limitations of R. S. 39:3-20 shall be fined an amount*  
57 *equal to \$0.02 for each pound by which 1/2 of the combined gross weight of*  
58 *both vehicles and load shall exceed the gross weight registration of the unit*  
59 *registered under this act, if the excess is not greater than 10,000 pounds, and*  
60 *\$0.03 for each pound of the excess if it is greater than 10,000 pounds, but in no*  
61 *event less than \$50.00. Whenever it is found that there is a weight in excess*  
62 *of any 2 or more of said weight limitations, the fine shall be levied only for the*  
63 *violation involving the greater or greatest excess weight.*

1 3. This act shall take effect immediately.