

[OFFICIAL COPY REPRINT]

SENATE, No. 292

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1952

By Mr. LITTELL

Referred to Committee on Public Safety

AN ACT relating to motor vehicles and traffic regulation, and amending sections  
39:4-26 and 39:4-27 of the Revised Statutes.

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

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

3 39:4-26. A person may move along or across a public road or highway,  
4 road building machinery, vehicles, traction engines, rollers, structural units  
5 incapable of dismemberment or other apparatus or machinery of unusual  
6 size or weight, on trailers or semitrailers, after registering the trailers or  
7 semitrailers, with the director of motor vehicles and paying him a registra-  
7A tion fee of one hundred fifty dollars (\$150.00) and obtaining a permit there-  
8 for from the director for the State highways traversed by them, or from the  
9 county supervisor or supervisors of roads of the county or counties for the  
10 county roads traversed by them or from the duly authorized official or offi-  
11 cials of the municipality or municipalities for the municipal roads traversed  
12 by them, subject to the provisions of this article.

13-16 The director, board of chosen freeholders and a municipality,  
17 may by regulation in the case of the director and by resolution  
18 in the case of the board of freeholders or municipality, adopt gen-  
19 eral rules and regulations with respect to the issuance and use of permits

20 and may impose reasonable fees therefor provided that no permit shall be  
21 issued unless the said director, county supervisor or authorized municipal  
22 official is reasonably satisfied as to the financial responsibility of the appli-  
23 cant for permit to meet any claims for damages which may arise and reason-  
24 able evidence of such financial responsibility is filed with the said director,  
25 supervisor or municipal official.

1     2. Section 39:4-27 of the Revised Statutes is amended to read as fol-  
2 lows:

3     39:4-27. In the transportation of any such road building machinery, ve-  
4 hicle, traction engine, roller, structural unit incapable of dismemberment or  
5 other apparatus or machinery in accordance with the provisions of  
6 section 39:4-26 of this Title, such trailer or semitrailer shall be  
7 so loaded and operated as not to cause damage to the surface  
8 of any public road, street, highway, bridge or railroad crossing.  
9 When operated the gross weight of the combination of vehicle and load  
10 shall be limited to eight hundred pounds for each inch of width of the tires  
11 on all wheels.

12     Every permittee shall be responsible in money damages to the munic-  
13 ipality, county, State Highway Commissioner or railroad company maintain-  
14 ing a highway, bridge or railroad crossing by reason of the failure of the  
15 permittee to comply with the statutes or posted regulations governing the  
16 use of the said highway, bridge or crossing or the rules and regulations gov-  
17 erning the movement authorized under said permit.

1     3. This act shall take effect immediately.

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1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
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1 1. Section 39:4-26 of the Revised Statutes is amended to read as fol-  
2 lows:

3 39:4-26. A person may move along or across a public road or highway,  
4 road building machinery, vehicles, traction engines, rollers, structural units  
5 incapable of dismemberment or other apparatus or machinery of [the kind,  
6 size or weight hereinafter described] unusual size or weight, on trailers or  
7 semitrailers, after registering the trailers or semitrailers, with the director  
8 of motor vehicles and paying him a registration fee of one hundred fifty  
9 dollars (\$150.00) and obtaining a permit therefor from the director for the  
10 State highways traversed by them, or from the county supervisor or super-  
11 visors of roads of the county or counties for the county roads traversed by  
12 them or from the duly authorized official or officials of the municipality or  
13 municipalities for the municipal roads traversed by them, subject to the pro-  
13A visions of this article.

14 [A board of chosen freeholders may, by resolution, adopt general rules  
15 and regulations with respect to the issuance of the permits and may im-

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

1       2. Section 39:4-27 of the Revised Statutes is amended to read as fol-  
 2 lows:

3       39:4-27. In the transportation of any such road building machinery, ve-  
 4 hicle, traction engine, roller, structural unit incapable of dismemberment or  
 5 other apparatus or machinery [on a trailer or semitrailer registered] in ac-  
 6 cordance with the provisions of section 39:4-26 of this Title, such trailer or  
 7 semitrailer shall be so loaded and operated as not to cause damage to the  
 8 surface of any public road, street, [or] highway, bridge or railroad cross-  
 9 ing. When operated the gross weight of the combination of vehicle and load  
 10 shall be limited to eight hundred pounds for each inch of width of the tires  
 11 on all wheels.

12       Every permittee shall be responsible in money damages to the munic-  
 13 ipality, county, State Highway Commissioner or railroad company maintain-  
 14 ing a highway, bridge or railroad crossing by reason of the failure of the  
 15 permittee to comply with the statutes or posted regulations governing the  
 16 use of the said highway, bridge or crossing or the rules and regulations gov-  
 17 erning the movement authorized under said permit.

1       3. This act shall take effect immediately.

## STATEMENT

Article 5 of chapter 4 of Title 39 relates to the movement of machinery, vehicles or apparatus of unusual size or weight under special permit issued therefor. The existing law, however, is vague and indefinite as to who is the issuing authority for movements on State highways or municipal roads. It merely specifies county supervisors; and many of them consider that their authority under the law is limited to the issuance of permits for county roads alone. The proposed amendment clearly specifies the issuing authority for a State highway to be a director of motor vehicles, the county supervisor for a county road, and an authorized municipal official for a municipal road.

The proposed amendment also limits a permitted movement to 800 pounds per inch of width of tire. It also establishes a civil liability for permittees for road damage resulting from a violation of statute or rules and regulations.

The proposed amendment is necessary in the public interest. For example, the movement of steel structural units of unusual size or weight for the construction of highway bridges for the State Highway Department is seriously obstructed because of the lack of authority in anyone to authorize movement.