

39:3-84

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-84 (Vehicle width limitation--
exempt certain vehicles used for
recycling)

LAWS OF: 1989 **CHAPTER:** 47

BILL NO: A2436

SPONSOR(S): Shinn and Karcher

Date Introduced: February 18, 1988

Committee: **Assembly:** Solid Waste Management
Senate: Law, Public Safety and Defense

Amended during passage: Yes Amedments during passage denoted
by asterisks.

Date of Passage: **Assembly:** June 2, 1988
Senate: January 30, 1988

Date of Approval: March 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

RDV

[FIRST REPRINT]
ASSEMBLY, No. 2436

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 18, 1988

By Assemblymen SHINN and KARCHER

1 AN ACT concerning the operation of recycling vehicles, and
amending R.S. 39:3-84.

3

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

1. R.S. 39:3-84 is amended to read as follows:

7 a. The following constitute the maximum dimensional limits
for width, height and length for any vehicle or combination of
9 vehicles, including load or contents or any part or portion
thereof, found or operated on any public road, street or highway
11 or any public or quasi-public property in this State. Violations
shall be enforced pursuant to subsection i. of section 5 of
13 P.L. 1950, c. 142 (C. 39:3-84.3).

The dimensional limitations set forth in this subsection are
15 exclusive of safety and energy conservation devices necessary for
safe and efficient operation of a vehicle or combination of
17 vehicles, including load or contents, except that no device
excluded herein shall have by its design or use the capability to
19 carry, transport or otherwise be utilized for cargo.

Any rules and regulations authorized to be promulgated
21 pursuant to this subsection shall be consistent with any rules and
regulations promulgated by the Secretary of Transportation of
23 the United States of America, and shall be in accordance with the
provisions of the "Administrative Procedure Act," P.L. 1968,
25 c. 410 (C. 52:14B-1 et seq.). In addition to the other
requirements of this subsection and notwithstanding any other
27 provision of this Title, no vehicle or combination of vehicles,
including load or contents or any part or portion thereof, except
29 as otherwise provided by this subsection shall be operated in this
State, unless by special permit authorized by subsection d. of this
31 section with a dimension, the allowance of which would disqualify

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly ASW committee amendments adopted May 9, 1988.

1 the State of New Jersey or any department, agency or
governmental subdivision thereof for the purpose of receiving
3 federal highway funds.

As used herein and pursuant to R.S. 39:1-1, the term "vehicle"
5 includes, but is not limited to, commercial motor vehicles,
trucks, truck tractors, tractors, road tractors, or omnibuses. As
7 used herein and pursuant to R.S. 39:1-1, the term "combination
of vehicles" includes, but is not limited to, vehicles as heretofore
9 designated, when those vehicles are the drawing or power unit of
a combination of vehicles and motor-drawn vehicles, such as, but
11 not limited to, trailers, semi-trailers, or other vehicles. As used
herein, the term "recycling vehicle" means a commercial motor
13 vehicle used for the collection or transportation of recyclable
material; or any truck, trailer or other vehicle approved by the
15 New Jersey Office of Recycling for use by persons engaging in
the business of recycling or otherwise providing recycling
17 services in this State ¹; and "recyclable material" means those
materials which would otherwise become solid waste, and which
19 may be collected, separated or processed and returned to the
economic mainstream in the form of raw materials or products¹.

21 (1) The maximum outside width of any vehicle or combination
of vehicles, including load or contents of any part or portion
23 thereof, except as otherwise provided by this subsection, shall be
no more than 102 inches; except that the Commissioner of
25 Transportation, after consultation with the Director of the
Division of Motor Vehicles and the Superintendent of State
27 Police, may promulgate rules and regulations for those public
roads, streets or highways or public or quasi-public property in
29 this State, where it is determined that the interests of public
safety and welfare require the maximum outside width be no
31 more than 96 inches.

(2) The maximum height of any vehicle or combination of
33 vehicles, including load or contents of any part or portion
thereof, except as otherwise provided by this subsection, shall not
35 exceed 13 feet, six inches.

(3) The maximum overall length of any vehicle, as set forth in
37 this subsection, including load or contents or any part or portion
thereof, except as otherwise provided by this subsection, shall not
39 exceed 35 feet, except that the overall length of a vehicle,

1 including load or contents or any part or portion thereof,
2 otherwise subject to the provisions of this paragraph shall not
3 exceed 50 feet when transporting poles, pilings, structural units
4 or other articles which cannot be dismembered, dismantled or
5 divided. When a vehicle, subject to this paragraph, is the drawing
6 or power unit of a combination of vehicles, as set forth in this
7 subsection, the overall length of the combination of vehicles,
8 including load or contents or any part or portion thereof, shall not
9 exceed 62 feet. The provisions of this paragraph shall not apply
10 to omnibuses or to vehicles which are not designed, built or
11 otherwise capable of carrying cargo or loads.

(4) The maximum overall length of a motor-drawn vehicle, as
12 set forth in this subsection, including load or contents or any part
13 or portion thereof, except as otherwise provided by this
14 subsection, shall not exceed 48 feet when operated as part of a
15 combination of vehicles consisting of one motor-drawn vehicle
16 and a drawing or power unit vehicle not designed, built or
17 otherwise capable of carrying cargo or loads, except that the
18 overall length of a motor-drawn vehicle otherwise subject to the
19 provisions of this paragraph shall not exceed 63 feet when
20 transporting poles, pilings, structural units or other articles that
21 cannot be dismembered, dismantled or divided. The provisions of
22 this paragraph shall not apply to any vehicle or combination of
23 vehicles designed, built and utilized solely to transport other
24 motor vehicles.

(5) No combination of vehicles, including load or contents,
25 consisting of more than two motor-drawn vehicles, as set forth in
26 this subsection, and any other vehicle, shall be found or operated
27 on any public road, street or highway or any public or
28 quasi-public property in this State.

(6) The maximum overall length of a motor-drawn vehicle, as
29 set forth in this section, including load or contents or any part or
30 portion thereof, except as otherwise provided by this subsection,
31 when operated as part of a combination of vehicles consisting of
32 two motor-drawn vehicles and a drawing or power unit vehicle
33 which is not designed, built or otherwise capable of carrying
34 cargo or loads, shall not exceed 28 feet for each motor-drawn
35 vehicle in the combination of vehicles. The provision of this
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1 paragraph shall not apply to any vehicle or combination of
vehicles designed, built and utilized solely to transport other
3 motor vehicles. The Commissioner of Transportation, after
consultation with the Director of the Division of Motor Vehicles
5 and the Superintendent of State Police, shall promulgate rules
and regulations specifying those portions or parts of the National
7 System of Interstate and Defense Highways, Federal-aid Primary
System Highways and public roads, streets, highways, toll roads,
9 freeways or parkways in this State where combinations of
vehicles as described in this paragraph may lawfully operate.

11 (7) The maximum length and outside width of an omnibus found
or operated in this State shall be established by rules and
13 regulations promulgated by the Commissioner of Transportation,
after consultation with the Director of the Division of Motor
15 Vehicles and the Superintendent of State Police. Unless otherwise
specified in the aforesaid rules and regulations, the maximum
17 outside width shall be 102 inches; any other dimension established
for width in the aforesaid rules and regulations shall be based
19 upon a determination that operation of an omnibus with a width
of less than 102 inches, but no less than 96 inches is required in
21 the interest of public safety on those public roads, streets,
highways, toll roads, freeways, parkways or the National System
23 of Interstate and Defense Highways in this State specified in the
aforesaid rules and regulations, or that operation of an omnibus
25 with a width greater than 102 inches is not unsafe on those public
roads, streets, highways, toll roads, freeways, parkways or the
27 National System of Interstate and Defense Highways in this State
specified in the aforesaid rules and regulations.

29 (8) The maximum width and length of farm tractors and
traction equipment and farm machinery and implements shall be
31 established by rules and regulations promulgated by the Director
of the Division of Motor Vehicles. The operation of the aforesaid
33 vehicles shall be subject to the provisions of R.S. 39:3-24 and
they shall not be operated on any highway which is part of the
35 National System of Interstate and Defense Highways or on any
highway which has been designated a freeway or parkway as
37 provided by law.

(9) The maximum outside width of the cargo or load of a
39 vehicle or combination of vehicles, including farm trucks, loaded

1 with hay or straw shall not exceed 105 1/2 inches, but the
2 maximum outside width of the vehicle or combination of vehicles,
3 including farm trucks, shall otherwise comply with the provisions
4 of paragraph (1) of this subsection. The Commissioner of
5 Transportation, after consultation with the Director of the
6 Division of Motor Vehicles and the Superintendent of State
7 Police, may promulgate rules and regulations establishing a
8 maximum outside width of 102 inches for the aforesaid cargo or
9 load when operating on those highways where a greater width is
prohibited by operation of law.

11 (10) Notwithstanding the provisions of paragraphs (4) and (6) of
12 this subsection pertaining to length, the Director of the Division
13 of Motor Vehicles may adopt rules and regulations specifying
14 maximum length dimensions for any vehicle or combination of
15 vehicles designed, built and utilized solely to transport other
motor vehicles.

17 (11) The provisions of this subsection pertaining to length shall
18 not apply to a vehicle or combination of vehicles or special
19 mobile equipment operated by a public utility, as defined in
20 R.S. 48:2-13, when that vehicle or combination of vehicles or
21 special mobile equipment is used by the public utility in the
22 construction, reconstruction, repair or maintenance of its
23 property or facilities.

24 (12) The provisions of this subsection pertaining to ¹[length]
25 width¹ shall not apply to a recycling vehicle when that vehicle is
26 used for the collection ¹[or transportation]¹ of recyclable
27 material ¹[by persons engaging in the business of recycling or
28 otherwise providing recycling services in this State pursuant to
29 P.L. 1987, c. 102 (C. 13:1E-99.11 et al.)] on a street or highway
30 other than a highway which is designated part of the National
31 System of Interstate and Defense Highways in this State or as a
32 freeway or parkway as provided by law¹. The maximum outside
33 width of any recycling vehicle ¹so used¹, including load or
34 contents of any part or portion thereof, shall be no more than
35 ¹[113 inches] 96 inches, except that the width may be up to 105
36 inches whenever that vehicle is operating at 15 miles per hour or
37 less, and access steps are deployed and recyclable materials are
38 actually being collected¹.

39 b. No vehicle or combination of vehicles, including load or
contents, found or operated on any public road, street or highway

1 or any public or quasi-public property in this State shall exceed
the weight limitations set forth in this Title. Violations shall be
3 enforced pursuant to subsection j. of section 5 of P.L. 1950,
c. 142 (C. 39:3-84.3).

5 Where enforcement of a weight limit provision of this Title
requires a measurement of length between axle centers, the
7 distance between axle centers shall be measured to the nearest
whole foot or whole inch, whichever is applicable, and when the
9 measurement includes a fractional part of a foot equaling six
inches or more or a fractional part of an inch equaling one-half
11 inch or more, the next larger whole foot or whole inch, whichever
is applicable, shall be utilized. The term "tandem axle" as used
13 in this act is defined as a combination of consecutive axles,
consisting of only two axles, where the distance between axle
15 centers is 40 inches or more but no more than 96 inches.

In addition to the other requirements of this section and
17 notwithstanding any other provision of this Title, no vehicle or
combination of vehicles, including load or contents, shall be
19 operated in this State, unless by special permit authorized by this
Title, with a gross weight, single or multiple axle weight, or gross
21 weight of two or more consecutive axles, the allowance of which
would disqualify the State of New Jersey or any department,
23 agency or governmental subdivision thereof for the purpose of
receiving federal highway funds.

25 (1) The gross weight imposed on the highway or other surface
by the wheels of any one axle of a vehicle or combination of
27 vehicles, including load or contents, shall not exceed 22,400
pounds.

29 For the purpose of this Title the combined gross weight
imposed on the highway or other surface by all the wheels of any
31 one axle of a vehicle or combination of vehicles, including load or
contents, shall be deemed to mean the total gross weight of all
33 wheels whose axle centers are spaced less than 40 inches apart.

(2) The gross weight imposed on the highway or other surface
35 by all the wheels of all consecutive axles of a vehicle or
combination of vehicles, including load or contents, shall not
37 exceed 34,000 pounds where the distance between consecutive
axle centers is 40 inches or more, but no more than 96 inches
39 apart.

1 (3) The combined gross weight imposed on the highway or
3 other surface by all the wheels of consecutive axles of a vehicle
5 or combination of vehicles, including load or contents, shall not
7 exceed 22,400 pounds for each single axle where the distance
9 between consecutive axle centers is more than 96 inches; except
11 that on any highway in this State which is part of, or designated
13 as part of, the National Interstate System, as provided at
15 23 U.S.C. § 103(e), this single axle limitation shall not apply and
17 in those instances the provisions of this Title as set forth at
19 R.S. 39:3-84 b. (5) shall apply.

21 (4) The maximum total gross weight imposed on the highway or
23 other surface by a vehicle or combination of vehicles, including
25 load or contents, shall not exceed 80,000 pounds.

27 (5) On any highway in this State which is part of, or designated
29 as part of, the National Interstate System, as provided at
31 23 U.S.C. § 103(e), the total gross weight, in pounds, imposed on
33 the highway or other surface by any group of two or more
35 consecutive axles of a vehicle or combination of vehicles,
37 including load or contents, shall not exceed that listed in the
following TABLE OF MAXIMUM GROSS WEIGHTS, for the
respective distance, in feet, between the axle centers of the first
and last axles of the group of two or more consecutive axles
under consideration; except that in addition to the weights
specified in that Table, two consecutive sets of tandem axles may
carry a gross weight of 34,000 pounds each if the overall distance
between the first and last axles of the consecutive sets of tandem
axles is thirty-six feet or more. The gross weight of each set of
tandem axles shall not exceed 34,000 pounds and the combined
gross weight of the two consecutive sets of tandem axles shall
not exceed 68,000 pounds.

In all cases the combined gross weight for a vehicle or
combination of vehicles, including load or contents, or the
maximum gross weight for any axle or combination of axles of
the vehicle or combination of vehicles, including load or contents,
shall not exceed that which is permitted pursuant to this
paragraph or R.S. 39:3-84 b. (2); R.S. 39:3-84 b. (3); or
R.S. 39:3-84 b. (4) of this act, whichever is the lesser allowable
gross weight.

1		TABLE OF MAXIMUM GROSS WEIGHTS					
3	Distance in feet						
5	between axle						
7	centers of first						
9	and last axles						
	of any group						
	of two or more						
	consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
11	3	22400	22400	22400	22400	22400	22400
	4	34000	34000	34000	34000	34000	34000
13	5	34000	34000	34000	34000	34000	34000
	6	34000	34000	34000	34000	34000	34000
15	7	34000	34000	34000	34000	34000	34000
	8	34000	34000	34000	34000	34000	34000
17	9	39000	42500	42500	42500	42500	42500
	10	40000	43500	43500	43500	43500	43500
19	11	41000	44000	44000	44000	44000	44000
	12	42000	45000	50000	50000	50000	50000
21	13	43000	45500	50500	50500	50500	50500
	14	44000	46500	51500	51500	51500	51500
23	15	44800	47000	52000	52000	52000	52000
	16	44800	48000	52500	58000	58000	58000
25	17	44800	48500	53500	58500	58500	58500
	18	44800	49500	54000	59000	59000	59000
27	19	44800	50000	54500	60000	60000	60000
	20	44800	51000	55500	60500	66000	66000
29	21	44800	51500	56000	61000	66500	66500
	22	44800	52500	56500	61500	67000	67000
31	23	44800	53000	57500	62500	68000	68000
	24	44800	54000	58000	63000	68500	74000
33	25	44800	54500	58500	63500	69000	74500
	26	44800	55500	59500	64000	69500	75000
35	27	44800	56000	60000	65000	70000	75500
	28	44800	57000	60500	65500	71000	76500
37	29	44800	57500	61500	66000	71500	77000
	30	44800	58500	62000	66500	72000	77500
39	31	44800	59000	62500	67500	72500	78000
	32	44800	60000	63500	68000	73000	78500
41	33	44800	60500	64000	68500	74000	79000
	34	44800	61500	64500	69000	74500	80000
43	35	44800	62000	65500	70000	75000	80000
	36	44800	63000	66000	70500	75500	80000

1 TABLE OF MAXIMUM GROSS WEIGHTS (Continued)

3	5	7						
Distance in feet between axle centers of first and last axles of any group of two or more consecutive axles			2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
11	37		44800	63500	66500	71000	76000	80000
	38		44800	64500	67500	71500	77000	80000
13	39		44800	65000	68000	72500	77500	80000
	40		44800	66000	68500	73000	78000	80000
15	41		44800	66500	69500	73500	78500	80000
	42		44800	67200	70000	74000	79000	80000
17	43		44800	67200	70500	75000	80000	80000
	44		44800	67200	71500	75500	80000	80000
19	45		44800	67200	72000	76000	80000	80000
	46		44800	67200	72500	76500	80000	80000
21	47		44800	67200	73500	77500	80000	80000
	48		44800	67200	74000	78000	80000	80000
23	49		44800	67200	74500	78500	80000	80000
	50		44800	67200	75500	79000	80000	80000
25	51		44800	67200	76000	80000	80000	80000
	52		44800	67200	76500	80000	80000	80000
27	53		44800	67200	77500	80000	80000	80000
	54		44800	67200	78000	80000	80000	80000
29	55		44800	67200	78500	80000	80000	80000
	56		44800	67200	79500	80000	80000	80000
31	57		44800	67200	80000	80000	80000	80000
	58		44800	67200	80000	80000	80000	80000
33	59		44800	67200	80000	80000	80000	80000
	60		44800	67200	80000	80000	80000	80000
35	61		44800	67200	80000	80000	80000	80000
	62		44800	67200	80000	80000	80000	80000
37	63		44800	67200	80000	80000	80000	80000
	64		44800	67200	80000	80000	80000	80000
39	65		44800	67200	80000	80000	80000	80000
	66		44800	67200	80000	80000	80000	80000
41	67		44800	67200	80000	80000	80000	80000
	68		44800	67200	80000	80000	80000	80000
43	69		44800	67200	80000	80000	80000	80000
	70		44800	67200	80000	80000	80000	80000

1 c. The dimensional and weight restrictions set forth herein
shall not apply to a combination of vehicles which includes a
3 disabled vehicle or a combination of vehicles being removed from
a highway in this State, provided that such oversize or overweight
5 vehicle combination may not travel on the public highways more
than five miles from the point where such disablement occurred.
7 If the disablement occurred on a limited access highway, the
distance to the nearest exit of such highway shall be added to the
9 five-mile limitation.

d. The Director of the Division of Motor Vehicles may
11 promulgate rules and regulations, including the establishment of
fees, for the issuance, at his discretion and if good cause appears,
13 of a special written permit authorizing the applicant:

(1) To operate or move a vehicle or combination of vehicles or
15 special mobile equipment, transporting one piece loads that
cannot be dismembered, dismantled or divided in order to comply
17 with the weight limitations set forth in this act. The special
written permit issued by the director shall be in the possession of
19 the driver or operator of the vehicle or combination of vehicles
or special mobile equipment for which said permit was issued; and

21 (2) To operate or move a vehicle or combination of vehicles or
specialized mobile equipment, transporting a load or cargo that
23 cannot be dismembered, dismantled or divided in order to comply
with the dimensional limitations set forth in this act. The special
25 written permit shall be in the possession of the driver or operator
of the vehicle or combination of vehicles or special mobile
27 equipment for which the permit was issued; and

(3) Under emergency conditions, to operate or move a type of
29 vehicle or combination of vehicles or special mobile equipment of
a size or weight, including load or contents, which exceeds the
31 maximum size or weight limitations specified in this act.

(cf: P.L. 1983, c. 349, s. 2)

33 2. This act shall take effect immediately.

35

MOTOR VEHICLES

37

Solid Waste

39 Establishes an exception to the vehicle width limitations set forth
in Title 39 for the operation of recycling vehicles.

1 the driver or operator of the vehicle or combination of vehicles
or special mobile equipment for which said permit was issued; and

3 (2) To operate or move a vehicle or combination of vehicles or
specialized mobile equipment, transporting a load or cargo that
5 cannot be dismembered, dismantled or divided in order to comply
with the dimensional limitations set forth in this act. The special
7 written permit shall be in the possession of the driver or operator
of the vehicle or combination of vehicles or special mobile
9 equipment for which the permit was issued; and

(3) Under emergency conditions, to operate or move a type of
11 vehicle or combination of vehicles or special mobile equipment of
a size or weight, including load or contents, which exceeds the
13 maximum size or weight limitations specified in this act.

(cf: P.L.1983, c. 349, s.2)

15 2. This act shall take effect immediately.

17

STATEMENT

19

This bill would establish an exception to the dimensional
21 limitations and weight restrictions set forth in Title 39 of the
Revised Statutes for the operation of vehicles on any public road,
23 street or highway in this State. Under current law, no commercial
vehicle in excess of 102 inches in width, including load or
25 contents, may operate on public highways, excluding safety
equipment. However, on roads where the interests of public
27 safety and welfare require a lesser width, the maximum outside
width may not exceed 96 inches.

29 In order to promote recycling, under section 42 of the recently
enacted "New Jersey Statewide Mandatory Source Separation and
31 Recycling Act" (C.54:10A-5.3), a taxpayer who purchases
recycling equipment, including new vehicles used for the
33 collection or transportation of recyclable material, is entitled to
a tax credit equal to 50% of the cost of the vehicles. These
35 so-called multimaterial trucks, which are typically 96 inches
wide, are equipped with side steps that increase the width of the
37 vehicle by another 16-17 inches when deployed on both sides. The
side steps are necessary for loading access and are

1 routinely left down during collection periods and folded up when
the vehicle is operated on primary roads. Thus, public and private
3 recyclers utilizing these 113-inch wide vehicles would be
operating a vehicle in violation of the law.

5 This bill would provide that the maximum outside width of any
recycling vehicle, including load or contents of any part or
7 portion thereof, shall be no more than 113 inches.

9

MOTOR VEHICLES

11

Solid Waste

13 Establishes an exception to the vehicle width limitations set forth
in Title 39 for the operation of recycling vehicles.

ASSEMBLY SOLID WASTE MANAGEMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2436

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 1988

The Assembly Solid Waste Management Committee favorably reports A2436 with Assembly committee amendments.

As amended, A2436 (1R) would establish an exception to the dimensional limitations and weight restrictions set forth in Title 39 of the Revised Statutes for the operation of vehicles on any public road, street or highway in this State. Under current law, no commercial vehicle in excess of 102 inches in width, including load or contents, may operate on public highways, excluding safety equipment. However, on local roads where the interests of public safety and welfare require a lesser width, the maximum outside width may not exceed 96 inches.

In order to promote recycling, under section 42 of the recently enacted "New Jersey Statewide Mandatory Source Separation and Recycling Act" (C. 54:10A-5.3), a taxpayer who purchases recycling equipment, including new vehicles used for the collection or transportation of recyclable material, is entitled to a tax credit equal to 50% of the cost of the vehicles. These so-called multimaterial trucks, which are typically 96 inches wide, are equipped with side steps that increase the width of the vehicle by another 16-17 inches when deployed on both sides. The side steps are necessary for loading access and are routinely left down during collection periods and folded up when the vehicle is operated on primary roads. Thus, public and private recyclers utilizing these 113-inch wide vehicles would be operating a vehicle in violation of the law.

As introduced, this bill would provide that the maximum outside width of any recycling vehicle, including load or contents of any part or portion thereof, shall be no more than 113 inches.

The committee amendments would provide that the maximum outside width of any recycling vehicle, including load or contents of any part or portion thereof, shall be no more than 96 inches, except that the width may be up to 105 inches whenever a recycling vehicle is operating at 15 miles per hour or less during collection periods, and the vehicles' access steps are deployed and recyclable materials are actually being collected.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2436

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1988

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 2436 (1R).

Assembly Bill No. 2436 (1R) creates an exception to the width limitations set forth in Title 39 of the Revised Statutes for the operation of vehicles on any public road, street or highway in this State. Under current law, no commercial vehicle in excess of 102 inches in width, including load or contents, may operate on public highways. On local roads where the interests of public safety and welfare require a lesser width, the maximum outside width may not exceed 96 inches.

In order to promote recycling, under section 42 of the recently enacted "New Jersey Statewide Mandatory Source Separation and Recycling Act", P.L.1987, c.102 (C.54:10A-5.3), a taxpayer who purchases recycling equipment, including new vehicles used for the collection or transportation of recyclable material, is entitled to a tax credit equal to 50% of the cost of the vehicles. These so-called multimaterial trucks, which are typically 96 inches wide, are equipped with side steps that increase the width of the vehicle by another 16-17 inches when deployed on both sides. The side steps are necessary for loading access and are routinely left down during collection periods and folded up when the vehicle is operated on primary roads. Thus, public and private recyclers utilizing these 113-inch wide vehicles would be operating a vehicle in violation of the law.

The bill provides that the maximum outside width of any recycling vehicle, including load or contents, shall be no more than 96 inches, except that the width may be up to 105 inches whenever a recycling vehicle is operating at 15 miles per hour or less during collection periods and the vehicle's access steps are deployed and recyclable materials are actually being collected.