

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:5I-1

(Dumpsters-- along highways--
require permission to leave
unattended)

LAWS OF: 1987

CHAPTER: 403

Bill No: S605

Sponsor(s): Rassano

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety Defense and Corrections

Senate: Law, Public Safety and Defense

Amended during passage: Yes
according to Governor's recommendations

Amendments denoted by asterisks

Date of Passage:

Assembly:

March 9, 1987 Re-enacted 1-11-88

Senate:

July 21, 1986 Re-enacted 12-10-87

Date of Approval: January 14, 1988

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

Yes

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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103

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1-14-88

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SENATE, No. 605

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator BASSANO

AN ACT concerning certain waste and refuse containers and supplementing ****[article 5 of chapter 4 of Title 39]**** ****Title 27**** of the Revised Statutes.

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

1 1. ****a.**** No person shall park or leave unattended any waste or
2 refuse container, commonly known as a roll-off dumpster or roll-off
3 container, on or along any highway or public property, without the
4 written consent of the appropriate municipal, county, or State
5 authority having jurisdiction over the highway or public property.
6 Consent shall be valid and remain in effect for a period of not
7 more than ***[48 hours]*** ***30 days***, but may be renewed by the ap-
8 propriate official upon application therefor.

9 To warn the operators of vehicles of the presence of a traffic
10 hazard requiring the exercise of unusual care, any roll-off dumpster
11 or roll-off container parked on or along any highway shall be
12 equipped with and display ****[,** during the times when lighted lamps
13 are required, flashing lights. The lamps shall be of a type approved
14 by the Director of the Division of Motor Vehicles in the Department
15 of Law and Public Safety; those used to display warning to the
16 front shall be mounted at the same level and as widely spaced
17 laterally as practicable, and shall display simultaneously flashing
18 yellow or amber lights, or any shade of color between yellow and
19 amber. The lamps used to display warning to the rear shall be
20 mounted at the same level and as widely spaced laterally as prac-
21 ticable, and shall show simultaneously flashing yellow or amber

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendment adopted June 5, 1986.**

****—Senate amendments adopted in accordance with Governor's recommendations August 6, 1987.**

lights, or any shade of color between yellow and amber. These warning lights shall be visible from a distance of not less than 500 feet at any time when lighted lamps are required. The penalty for a violation of this section shall be imposed pursuant to R. S. 39:4-31]** **markers consisting of all yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway**.

**b. A person who is convicted of a violation of this section shall pay a fine of not more than \$100.00 for each violation. In default of the payment of a fine, imprisonment in the county jail for a period of not more than 90 days may be imposed.

The fine shall be paid over to the board or body charged with the maintenance of the road or highway upon which the violation occurs.**

2. This act shall take effect immediately.

MOTOR VEHICLES—OFFENSES

Prohibits leaving dumpsters unattended on highway without consent.

22 lights, or any shade of color between yellow and amber. These
23 warning lights shall be visible from a distance of not less than
24 500 feet at any time when lighted lamps are required. The penalty
25 for a violation of this section shall be imposed pursuant to R. S.
26 39:4-31.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to prohibit anyone from parking, or leaving unattended, a roll-off dumpster or roll-off container on or along any highway or public property without first securing the written consent of the appropriate municipal, county or State authority. With consent, parking is permitted for a period of up to 48 hours. Upon application, however, consent may be renewed.

To alert approaching drivers, the bill requires that a roll-off dumpster or roll-off container parked on or along a highway be equipped with and display, during the times when headlights are required, flashing lights.

The penalty for violating the act would be imposed pursuant to R. S. 39:4-31 which subjects a violator to a fine not exceeding \$100.00.

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ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO
SENATE, No. 605

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 605 OCR.

This bill prohibits a person from parking or leaving unattended a waste or refuse container (also known as a roll-off dumpster or roll-off container) on or along any highway or public property without first securing the written consent of the appropriate municipal, county or State authority. When consent has been obtained, a container may be parked for up to 30 days. Consent may be renewed.

In addition, a waste or refuse container parked on or along a highway must display flashing yellow or amber lights during the times when headlights on motor vehicles are required so that drivers along the highway are warned of its presence.

The penalty for a violation of the bill's provisions is to be imposed pursuant to R. S. 39:4-31, which subjects a violator to a fine of not more than \$100.00.

The intent of this bill is to ensure greater responsibility on the part of contractors and business persons in general when they place and leave their equipment in public areas.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 605
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 605 with amendments.

As amended, this bill prohibits a person from parking or leaving unattended a roll-off dumpster or roll-off container on or along any highway or public property without first securing the written consent of the appropriate municipal, county or State authority. When consent has been obtained, a dumpster can be parked for up to 30 days. Consent may be renewed. Prior to being amended by the committee, the bill permitted consent of the authority with jurisdiction over the highway or public property to remain valid for up to 48 hours.

The bill also requires that a roll-off dumpster or roll-off container parked on or along a highway be equipped with and display flashing yellow or amber lights during the times when headlights are required, so that approaching drivers are alerted of its presence.

The penalty for violating the bill's provisions will be imposed pursuant to R. S. 39:4-31, which subjects a violator to a fine not exceeding \$100.00.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 27, 1987

SENATE BILL NO. 605 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 605 (OCR) with my objections for reconsideration.

The purpose of this bill is to prohibit individuals from leaving any waste or refuse container parked or unattended on or along any highway or public property without having first obtained written consent from the appropriate municipal, county or State authority possessing jurisdiction over the highway or public property. The bill also requires that the waste containers, which are commonly known as roll-off dumpsters or roll-off containers, must be equipped with flashing warning lights when parked on or along any highway. These lights are to be displayed during the hours when headlights are required by law to alert approaching drivers of the dumpsters' presence. The bill further requires that the warning lights must be of a type approved by the Director of the Division of Motor Vehicles.

While I strongly support the concept of promoting safety on our State, county and municipal highways, I believe that technical amendments should be made to this bill in order to ensure its effectiveness. The bill currently requires that the warning devices to be placed on the dumpsters must be flashing lights of a type approved by the Director of the Division of Motor Vehicles. Since the Division of Motor Vehicles does not have jurisdiction over this area, I believe that the Department of Transportation should be the responsible agency to determine the type of warning device to be utilized. Furthermore, the experience of the Department of Transportation has shown that the flashing warning lights required under the bill are highly prone to theft and vandalism. This legislation, as it is now written, would create a severe safety problem if these dumpsters are placed on roadways and stripped of their warning devices. I, therefore, recommend that the bill be amended to require the utilization of yellow reflective diamond-shaped panels as a warning to motorists in place of the flashing lights.

In addition, I recommend that the legislation be amended to subject violators of its provisions to a fine not to exceed \$100 for each violation or,

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

in default of the payment, imprisonment in the county jail not to exceed 90 days. The bill should specify that the fines will be paid over to the board or body charged with the maintenance of the road or highway upon which the violation occurs.

Therefore, I herewith return Senate Bill No. 605 (OCR) and recommend that it be amended as follows:

Page 1, Title, Line 2:

Omit "article 5 of chapter 4 of
Title 39" and insert "Title 27"

Page 1, Section 1, Line 1:

After "1." insert "a."

Pages 1-2, Section 1, Line 12-26:

On line 12 omit ", during the times
when lighted lamps" omit lines 13-25 in
their entirety and "39:4-31" on line 26
and insert "markers consisting of all
yellow reflective diamond-shaped panels
having a minimum size of 18 inches by
18 inches. These panels shall be
mounted at the edge of the dumpster or
container at both ends nearest the path
of passing vehicles and facing the
direction of oncoming traffic. These
markers shall have a minimum mounting
height of three feet from the bottom of
the panels to the surface of the
roadway"

Page 2, After Section 1,
After Line 26:

Add new subsection b. as follows:

"b. A person who is convicted of a
violation of this section shall pay a
fine of not more than \$100.00 for each
violation. In default of the payment
of a fine, imprisonment in the county
jail for a period of not more than
90 days may be imposed.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

The fine shall be paid over to the
board or body charged with the main-
tenance of the road or highway upon
which the violation occurs."

Page 2, Section 2, Line 1:

Omit "2." Insert "3."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Michael R. Cole

Chief Counsel