



Bill and Sponsors Statement identical to A2677

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A2677

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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KBP

**ASSEMBLY, No. 2677**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED JUNE 29, 2000

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Concerns penalties for certain improperly weighed vehicles.

**CURRENT VERSION OF TEXT**

As introduced.



A2677 THOMPSON

2

1 AN ACT concerning penalties for certain improperly weighed vehicles  
2 and amending R.S.51:1-2, R.S.51:1-74 and R.S.51:1-80.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.51:1-2 is amended to read as follows:

8 51:1-2. As used in this chapter:

9 a. "Commodity" means any article of food, drink, trade or  
10 commerce, or any service or amusement, goods, wares, merchandise,  
11 or fuel measured by any weighing and measuring or counting system,  
12 but shall not include any article of food, drink, trade, commerce,  
13 goods, wares, merchandise, or fuel which is not sold or intended for  
14 sale to an entity distinct from the seller;

15 b. "Commodity in package form" means a commodity put up or  
16 packaged in any manner in advance of sale in units suitable for either  
17 wholesale or retail sale. An individual item or lot of any commodity  
18 not in package form as defined in this section, but on which there is  
19 marked a selling price based on an established price per unit of weight  
20 or of measure, shall be construed to be a commodity in package form.  
21 Where the term "package" is used in chapter 1 of Title 51 of the  
22 Revised Statutes, it shall be construed to mean "commodity in package  
23 form" as herein defined. For the purpose of this definition, single unit  
24 produce items wrapped in clear film shall not be construed as  
25 commodities in package form;

26 c. "Food" or "foods" means articles used for food or drink for man  
27 or animals, chewing gum and articles used as ingredients of the  
28 foregoing;

29 d. "Physical property" means mass, weight, length, volume,  
30 pressure, electricity, electromagnetic forces, radiation,  
31 thermodynamics, coefficients of expansion, gravitational forces or any  
32 other measurable attribute or quantity, including count;

33 e. "Weight and measure" or "weights and measures" means a  
34 device, apparatus, or instrument designed or used to weigh, measure,  
35 count or time any physical property or determine value, and any  
36 auxiliary apparatus and accessories that indicate quantity or value, or  
37 records representative thereof;

38 f. "Weights and measures official" or "weights and measures  
39 officer" means, at the State level, the State superintendent, deputy  
40 State superintendent, assistant State superintendent, State supervisor,  
41 State metrologist, and State weights and measures officers of all  
42 grades; and at the county and municipal levels, means the  
43 superintendent, deputy superintendent, assistant superintendents of all

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

**Matter underlined thus is new matter.**

1 grades, and weights and measures officers of all grades.

2 g. "Gross weight" means the weight of a vehicle in a loaded state;

3 h. "Net weight" means the gross weight of a vehicle minus the tare  
4 weight of the vehicle; and

5 i. "Tare weight" means the weight of a vehicle in an unloaded state.

6 (cf: P.L.1986, c.167, s.1)

7

8 2. R.S.51:1-74 is amended to read as follows:

9 51:1-74. All public weighmasters and certified weighers shall be  
10 appointed by the State Superintendent of Weights and Measures for  
11 the term of three years. The State superintendent shall issue a  
12 certificate of such appointment and shall keep a record thereof. Upon  
13 appointment or any renewal thereof a fee of \$150 shall be paid to the  
14 State superintendent and by him paid to the State Treasurer for deposit  
15 into the "Weights and Measures Fund" created pursuant to section 8  
16 of P.L.1994, c.60 (C.51:1-54.4).

17 The State superintendent may, on request of a State officer,  
18 commission, board, institution or agency of the State Government and  
19 without payment of any fee, designate and appoint an officer or  
20 employee of any such officer, commission, board, institution or agency  
21 as weighmaster and issue to him a weighmaster's certificate.

22 It shall be the duty of all weighmasters appointed pursuant to this  
23 section to ascertain the gross, tare and net weights of vehicles hauling  
24 commodities weighed by them and for which a certificate of weight is  
25 to be issued pursuant to R.S.51:1-73 et seq.

26 (cf: P.L.1994, c.60, s.10)

27

28 3. R.S.51:1-80 is amended to read as follows:

29 51:1-80. [Any] a. Subject to subsections b., c. and d. of this  
30 section, any person[,] who shall request a weighmaster to weigh any  
31 product, commodity, or article falsely or incorrectly, or who shall  
32 request a false or incorrect certificate of weight and measure, or any  
33 person who shall issue a certificate of weight and measure who is not  
34 a weighmaster as defined in [section] R.S. 51:1-73 [of this Title]  
35 shall, upon conviction thereof, pay a fine of not less than [\$500.00 ]  
36 \$500 nor more than [\$1,000.00] \$1,000.

37 Any weighmaster who shall issue a false certificate of weight or  
38 measurement, or who shall delegate his authority to any person not  
39 certified as a weighmaster, or who shall pre seal a certificate of weight  
40 or measure with his official seal before performing the work of  
41 weighing or measuring or who shall conduct his office as weighmaster  
42 in any manner at variance with this chapter shall, upon conviction  
43 thereof, pay a fine of not less than [\$500.00 ] \$500 nor more than  
44 [\$1,000.00] \$1,000 and, in addition, shall forfeit his weighmaster's  
45 certificate. The certificate shall then be turned over to the State  
46 superintendent.

1       b. Notwithstanding any other provision of law to the contrary,  
2 whenever a weights and measures official has cause to believe that a  
3 person has certified or is certifying to the net weight of a commodity  
4 on a weight certificate when the vehicle bearing the commodity has left  
5 the premises where the certified scales are located between the time of  
6 measuring the tare weight of the vehicle and the time of measuring the  
7 gross weight of the vehicle, the weights and measures official shall  
8 promptly conduct an inspection or investigation of the activity. If,  
9 upon the inspection or investigation, the weights and measures official  
10 discovers that a violation of subsection a. of this section has occurred  
11 or is occurring, the weights and measures official shall order the  
12 responsible party to cease and desist the violation and shall order any  
13 other appropriate action necessary to enable compliance with  
14 applicable statutes, rules or regulations. The order shall be in the form  
15 of a Proposed Notice of Violation and shall be transmitted to the  
16 violation by personal delivery or certified mail, and shall include  
17 references to: all statutes, rules, regulations or orders that are the  
18 subject of the order; a concise statement of the facts alleged to  
19 constitute the violation; and the amount of the fine to be imposed if  
20 the violation is not corrected within a specified amount of time.

21       c. A person responsible for a violation of this section shall cease  
22 and desist the activity and take any necessary action to correct the  
23 violation and comply with the Proposed Notice of Violation within the  
24 time specified in the Proposed Notice of Violation. A weights and  
25 measures official shall not impose a fine or penalty on a person who  
26 complies with a Proposed Notice of Violation within the specified  
27 time, except a weights and measures official shall impose appropriate  
28 finest or penalties if the violation is a second violation. A weights and  
29 measures official shall impose appropriate fines and penalties on a  
30 person who fails to comply with a Proposed Notice of Violation within  
31 the specified time.

32       d. It shall be an affirmative defense to liability for a violation of this  
33 section that the violation is the result of an equipment malfunction or  
34 took place during the performance of necessary equipment  
35 maintenance. A person shall be entitled to raise this affirmative  
36 defense only if the person complies or has complied with the  
37 following:

38       (1) The person notified a weights and measures official of the  
39 equipment malfunction or maintenance no later than 5:00 p.m. of the  
40 second full calendar day following the malfunction or maintenance;  
41 and

42       (2) Within 30 days of the malfunction or maintenance, the person  
43 submits written documentation concerning the circumstances of the  
44 malfunction or maintenance, and demonstrating, as applicable, that:

45       (a) The failure to comply with this section was caused by the  
46 equipment malfunction or took place during the performance of the

1 necessary equipment maintenance;

2 (b) The facility was otherwise being operated in compliance with  
3 this section at the time of violation;

4 (c) The person has taken all reasonable steps to minimize the  
5 duration of the equipment malfunction or maintenance; and

6 (d) The malfunction or maintenance and resulting violation is not  
7 part of a recurring pattern.

8 (cf: P.L.1969, c.251, s.15)

9

10 4. This act shall take effect on the 60th day following enactment.

11

12

13

STATEMENT

14

15 This bill amends current law to exclude items or fuel that a  
16 company sells to itself, rather than to the public, from existing  
17 requirements for weighing procedures by excluding these items or fuel  
18 from the definition of "commodity." Additionally, the bill makes an  
19 appointed weighmaster responsible for ascertaining relevant weights  
20 of a vehicle carrying commodities, including: the "tare weight" of a  
21 vehicle, defined as "the weight of a vehicle in an unloaded state"; the  
22 "gross weight" of a vehicle, defined as "the weight of a vehicle in a  
23 loaded state"; and the "net weight" of a vehicle, defined as "the gross  
24 weight of a vehicle minus the tare weight of the vehicle." Finally, the  
25 bill requires that the Office of Weights and Measures in the Division  
26 of Consumer Affairs issue a notice of a weighing violation to the  
27 violator prior to assessing the first penalty for the violation.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2677**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED DECEMBER 7, 2000

**Sponsored by:**  
**Assemblyman SAMUEL D. THOMPSON**  
**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Revises procedures for weighing vehicles transporting construction materials.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Transportation Committee.





1 AN ACT concerning weights and measures, amending R.S.51:1-2, and  
2 supplementing article 3 of chapter 1 of Title 51 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.51:1-2 is amended to read as follows:  
9 51:1-2. As used in this chapter:

10 a. "Commodity" means any article of food, drink, trade or  
11 commerce, or any service or amusement, goods, wares, merchandise,  
12 or fuel measured by any weighing and measuring or counting system,  
13 but shall not include any article of food, drink, trade, commerce,  
14 goods, wares, merchandise, or fuel which is not sold or intended for  
15 sale to an entity distinct from the seller;

16 b. "Commodity in package form" means a commodity put up or  
17 packaged in any manner in advance of sale in units suitable for either  
18 wholesale or retail sale. An individual item or lot of any commodity  
19 not in package form as defined in this section, but on which there is  
20 marked a selling price based on an established price per unit of weight  
21 or of measure, shall be construed to be a commodity in package form.  
22 Where the term "package" is used in chapter 1 of Title 51 of the  
23 Revised Statutes, it shall be construed to mean "commodity in package  
24 form" as herein defined. For the purpose of this definition, single unit  
25 produce items wrapped in clear film shall not be construed as  
26 commodities in package form;

27 c. "Food" or "foods" means articles used for food or drink for man  
28 or animals, chewing gum and articles used as ingredients of the  
29 foregoing;

30 d. "Physical property" means mass, weight, length, volume,  
31 pressure, electricity, electromagnetic forces, radiation,  
32 thermodynamics, coefficients of expansion, gravitational forces or any  
33 other measurable attribute or quantity, including count;

34 e. "Weight and measure" or "weights and measures" means a  
35 device, apparatus, or instrument designed or used to weigh, measure,  
36 count or time any physical property or determine value, and any  
37 auxiliary apparatus and accessories that indicate quantity or value, or  
38 records representative thereof;

39 f. "Weights and measures official" or "weights and measures  
40 officer" means, at the State level, the State superintendent, deputy  
41 State superintendent, assistant State superintendent, State supervisor,  
42 State metrologist, and State weights and measures officers of all  
43 grades; and at the county and municipal levels, means the

**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.**

1 superintendent, deputy superintendent, assistant superintendents of all  
2 grades, and weights and measures officers of all grades.

3 g. "Gross weight" means the weight of a vehicle in a loaded state;

4 h. "Net weight" means the gross weight of a vehicle minus the tare  
5 weight of the vehicle; and

6 i. "Tare weight" means the weight of a vehicle in an unloaded  
7 state.

8 (cf: P.L.1986, c.167, s.1)

9

10 2. (New section) Notwithstanding any other provision of law to  
11 the contrary, a weighmaster appointed pursuant to R.S.51:1-74 shall  
12 certify the tare weight of a vehicle used for the transportation of  
13 construction materials when requested to do so by the operator of that  
14 vehicle. The weight of a commodity transported by such a vehicle  
15 shall be determined by subtracting the certified tare weight of the  
16 vehicle from the gross weight of the vehicle. It shall be sufficient and  
17 not a violation of this Title for the tare weight of the vehicle to be  
18 certified no more than seven days immediately prior to the date the  
19 gross weight of the vehicle is determined. In the event that the tare  
20 weight of the vehicle has not been certified during the seven-day  
21 period provided for in this section, it shall be sufficient and not a  
22 violation of this Title for the tare weight to be certified by a  
23 weighmaster other than during the immediately preceding seven-day  
24 period, provided that the certification shall occur not more than one  
25 year prior to the date the gross weight is determined and further  
26 provided that, if there should be a subsequent examination and  
27 weighing, the subsequent tare weight of the vehicle is no greater than  
28 105 per cent or less than 95 per cent of the tare weight certified during  
29 the one year period. As used in this section, "construction materials"  
30 means naturally occurring aggregates, including but not limited to top  
31 soil, crushed stone, gravel, sand, clay and clean fill.

32

33 3. This act shall take effect immediately.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2677**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2000

The Assembly Transportation Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 2677.

The substitute bill establishes a separate provision of law for the weighing of vehicles used in the transportation of construction materials which includes naturally occurring aggregates, such as top soil, crushed stone, gravel, sand, clay and clean fill. Under current enforcement practices these vehicles are required to be weighed prior to receiving each load of construction materials to establish the unloaded tare weight and after receiving the construction materials to establish the gross loaded weight. Since it appears that the tare weight of these vehicles varies relatively little over time and the per pound cost of the commodity being transported is so small, the repeated establishment of the tare weight serves no useful purpose. The substitute bill therefore provides that the certification of the tare weight during the week immediately preceding the weighing to determine gross weight would be sufficient. In the event that the vehicle's tare or unloaded weight has not been certified during that week, there shall be no violation of law if a certification was established during a preceding week and if, upon examination and subsequent weighing, the subsequently established tare weight was within a five per cent tolerance of the previously established weight. The previously established weight, however, is required to be certified one year prior to the weighing.

The substitute bill also changes the current law to exclude items or fuel that a company sells to itself, rather than to the public, from existing requirements for weighing procedures by excluding these items or fuel from the definition of "commodity."

This substitute bill would reduce unnecessary costs to the construction industry and at the same time provide for safeguards against improper or incorrect weighing.

The Assembly Transportation Committee Substitute for Assembly Bill No. 2677 is identical to Senate Transportation Committee Substitute for Senate Bill No. 1323 which was reported favorably by the Senate Transportation Committee on November 13, 2000.

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2677**

with Assembly Floor Amendments  
(Proposed By Assemblyman THOMPSON)

ADOPTED: MARCH 8, 2001

These amendments exempt from the definition of commodity, construction materials not sold or intended for sale to an entity distinct from the seller. A vehicle carrying construction materials would be required only to have the gross weight of the vehicle measured.

The amendments also require that upon certificates issued pursuant to the act the wording "stored tare" must appear. The amendments also make clear that stored tare certificates shall not supersede any weighing of a vehicle on certified scales that will produce a weight of record.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2677**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED DECEMBER 7, 2000

**Sponsored by:**

**Assemblyman SAMUEL D. THOMPSON**  
**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Senator Bennett**

**SYNOPSIS**

Revises procedures for weighing vehicles transporting construction materials.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on March 8, 2001.



**(Sponsorship Updated As Of: 3/30/2001)**

1 AN ACT concerning weights and measures, amending R.S.51:1-2, and  
2 supplementing article 3 of chapter 1 of Title 51 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.51:1-2 is amended to read as follows:  
9 51:1-2. As used in this chapter:

10 a. "Commodity" means any article of food, drink, trade or  
11 commerce, or any service or amusement, goods, wares, merchandise,  
12 or fuel measured by any weighing and measuring or counting system,  
13 but shall not include any article of food, drink, trade, commerce,  
14 goods, wares, merchandise, or fuel which is not sold or intended for  
15 sale to an entity distinct from the seller;

16 b. "Commodity in package form" means a commodity put up or  
17 packaged in any manner in advance of sale in units suitable for either  
18 wholesale or retail sale. An individual item or lot of any commodity  
19 not in package form as defined in this section, but on which there is  
20 marked a selling price based on an established price per unit of weight  
21 or of measure, shall be construed to be a commodity in package form.  
22 Where the term "package" is used in chapter 1 of Title 51 of the  
23 Revised Statutes, it shall be construed to mean "commodity in package  
24 form" as herein defined. For the purpose of this definition, single unit  
25 produce items wrapped in clear film shall not be construed as  
26 commodities in package form;

27 c. "Food" or "foods" means articles used for food or drink for man  
28 or animals, chewing gum and articles used as ingredients of the  
29 foregoing;

30 d. "Physical property" means mass, weight, length, volume,  
31 pressure, electricity, electromagnetic forces, radiation,  
32 thermodynamics, coefficients of expansion, gravitational forces or any  
33 other measurable attribute or quantity, including count;

34 e. "Weight and measure" or "weights and measures" means a  
35 device, apparatus, or instrument designed or used to weigh, measure,  
36 count or time any physical property or determine value, and any  
37 auxiliary apparatus and accessories that indicate quantity or value, or  
38 records representative thereof;

39 f. "Weights and measures official" or "weights and measures  
40 officer" means, at the State level, the State superintendent, deputy  
41 State superintendent, assistant State superintendent, State supervisor,  
42 State metrologist, and State weights and measures officers of all

**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:**

<sup>1</sup> Assembly floor amendments adopted March 8, 2001.

1 grades; and at the county and municipal levels, means the  
2 superintendent, deputy superintendent, assistant superintendents of all  
3 grades, and weights and measures officers of all grades.

4 g. "Gross weight" means the weight of a vehicle in a loaded state;

5 h. "Net weight" means the gross weight of a vehicle minus the tare  
6 weight of the vehicle; and

7 i. "Tare weight" means the weight of a vehicle in an unloaded  
8 state.

9 (cf: P.L.1986, c.167, s.1)

10  
11 2. (New section) Notwithstanding any other provision of law to  
12 the contrary, a <sup>1</sup>public<sup>1</sup> weighmaster appointed pursuant to R.S.51:1-  
13 74 shall certify the tare weight of a vehicle used for the transportation  
14 of construction materials when requested to do so by the operator of  
15 that vehicle. The weight of a commodity transported by such a vehicle  
16 shall be determined by subtracting the certified tare weight of the  
17 vehicle from the gross weight of the vehicle. It shall be sufficient and  
18 not a violation of this Title for the tare weight of the vehicle to be  
19 certified no more than seven days immediately prior to the date the  
20 gross weight of the vehicle is determined. In the event that the tare  
21 weight of the vehicle has not been certified during the seven-day  
22 period provided for in this section, it shall be sufficient and not a  
23 violation of this Title for the tare weight to be certified by a <sup>1</sup>public<sup>1</sup>  
24 weighmaster other than during the immediately preceding seven-day  
25 period, provided that the certification shall occur not more than one  
26 year prior to the date the gross weight is determined and further  
27 provided that, if there should be a subsequent examination and  
28 weighing, the subsequent tare weight of the vehicle is no greater than  
29 105 per cent or less than 95 per cent of the tare weight certified during  
30 the one year period. <sup>1</sup>A certificate issued by a public weighmaster  
31 pursuant to this section certifying the tare weight of a vehicle shall  
32 contain the wording "stored tare." Such a "stored tare" certificate  
33 shall not supersede a certificate setting forth the weight of a vehicle  
34 which results from a weighing on certified scales that produces a  
35 weight of record. Construction materials not sold or intended for sale  
36 to an entity distinct from the seller shall not be considered a  
37 commodity for purposes of this Title. It shall be sufficient and not a  
38 violation of this Title for vehicles carrying such construction materials  
39 to have only the gross weight of the vehicles certified.<sup>1</sup> As used in  
40 this section, "construction materials" means naturally occurring  
41 aggregates, including but not limited to top soil, crushed stone,  
42 gravel, sand, clay and clean fill.

43  
44 3. This act shall take effect immediately.

**SENATE, No. 1323**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 22, 2000

**Sponsored by:**  
**Senator JOHN O. BENNETT**  
**District 12 (Monmouth)**

**SYNOPSIS**

Concerns penalties for certain improperly weighed vehicles.

**CURRENT VERSION OF TEXT**

As introduced.





S1323 BENNETT

2

1 AN ACT concerning penalties for certain improperly weighed vehicles  
2 and amending R.S.51:1-2, R.S.51:1-74 and R.S.51:1-80.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.51:1-2 is amended to read as follows:

8 51:1-2. As used in this chapter:

9 a. "Commodity" means any article of food, drink, trade or  
10 commerce, or any service or amusement, goods, wares, merchandise,  
11 or fuel measured by any weighing and measuring or counting system,  
12 but shall not include any article of food, drink, trade, commerce,  
13 goods, wares, merchandise, or fuel which is not sold or intended for  
14 sale to an entity distinct from the seller;

15 b. "Commodity in package form" means a commodity put up or  
16 packaged in any manner in advance of sale in units suitable for either  
17 wholesale or retail sale. An individual item or lot of any commodity  
18 not in package form as defined in this section, but on which there is  
19 marked a selling price based on an established price per unit of weight  
20 or of measure, shall be construed to be a commodity in package form.  
21 Where the term "package" is used in chapter 1 of Title 51 of the  
22 Revised Statutes, it shall be construed to mean "commodity in package  
23 form" as herein defined. For the purpose of this definition, single unit  
24 produce items wrapped in clear film shall not be construed as  
25 commodities in package form;

26 c. "Food" or "foods" means articles used for food or drink for man  
27 or animals, chewing gum and articles used as ingredients of the  
28 foregoing;

29 d. "Physical property" means mass, weight, length, volume,  
30 pressure, electricity, electromagnetic forces, radiation,  
31 thermodynamics, coefficients of expansion, gravitational forces or any  
32 other measurable attribute or quantity, including count;

33 e. "Weight and measure" or "weights and measures" means a  
34 device, apparatus, or instrument designed or used to weigh, measure,  
35 count or time any physical property or determine value, and any  
36 auxiliary apparatus and accessories that indicate quantity or value, or  
37 records representative thereof;

38 f. "Weights and measures official" or "weights and measures  
39 officer" means, at the State level, the State superintendent, deputy  
40 State superintendent, assistant State superintendent, State supervisor,  
41 State metrologist, and State weights and measures officers of all  
42 grades; and at the county and municipal levels, means the  
43 superintendent, deputy superintendent, assistant superintendents of all

**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.**

S1323 BENNETT

1 grades, and weights and measures officers of all grades.

2 g. "Gross weight" means the weight of a vehicle in a loaded state;

3 h. "Net weight" means the gross weight of a vehicle minus the tare  
4 weight of the vehicle; and

5 i. "Tare weight" means the weight of a vehicle in an unloaded state.

6 (cf: P.L.1986, c.167, s.1)

7

8 2. R.S.51:1-74 is amended to read as follows:

9 51:1-74. All public weighmasters and certified weighers shall be  
10 appointed by the State Superintendent of Weights and Measures for  
11 the term of three years. The State superintendent shall issue a  
12 certificate of such appointment and shall keep a record thereof. Upon  
13 appointment or any renewal thereof a fee of \$150 shall be paid to the  
14 State superintendent and by him paid to the State Treasurer for deposit  
15 into the "Weights and Measures Fund" created pursuant to section 8  
16 of P.L.1994, c.60 (C.51:1-54.4).

17 The State superintendent may, on request of a State officer,  
18 commission, board, institution or agency of the State Government and  
19 without payment of any fee, designate and appoint an officer or  
20 employee of any such officer, commission, board, institution or agency  
21 as weighmaster and issue to him a weighmaster's certificate.

22 It shall be the duty of all weighmasters appointed pursuant to this  
23 section to ascertain the gross, tare and net weights of vehicles hauling  
24 commodities weighed by them and for which a certificate of weight is  
25 to be issued pursuant to R.S.51:1-73 et seq.

26 (cf: P.L.1994, c.60, s.10)

27

28 3. R.S.51:1-80 is amended to read as follows:

29 51:1-80. [Any] a. Subject to subsections b., c. and d. of this  
30 section, any person[.] who shall request a weighmaster to weigh any  
31 product, commodity, or article falsely or incorrectly, or who shall  
32 request a false or incorrect certificate of weight and measure, or any  
33 person who shall issue a certificate of weight and measure who is not  
34 a weighmaster as defined in [section] R.S. 51:1-73 [of this Title]  
35 shall, upon conviction thereof, pay a fine of not less than \$500.00 nor  
36 more than \$1,000.00.

37 Any weighmaster who shall issue a false certificate of weight or  
38 measurement, or who shall delegate his authority to any person not  
39 certified as a weighmaster, or who shall pre seal a certificate of weight  
40 or measure with his official seal before performing the work of  
41 weighing or measuring or who shall conduct his office as weighmaster  
42 in any manner at variance with this chapter shall, upon conviction  
43 thereof, pay a fine of not less than \$500.00 nor more than \$1,000.00  
44 and, in addition, shall forfeit his weighmaster's certificate. The  
45 certificate shall then be turned over to the State superintendent.

46 b. Notwithstanding any other provision of law to the contrary,

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1 whenever a weights and measures official has cause to believe that a  
2 person has certified or is certifying to the net weight of a commodity  
3 on a weight certificate when the vehicle bearing the commodity has left  
4 the premises where the certified scales are located between the time of  
5 measuring the tare weight of the vehicle and the time of measuring the  
6 gross weight of the vehicle, the weights and measures official shall  
7 promptly conduct an inspection or investigation of the activity. If,  
8 upon the inspection or investigation, the weights and measures official  
9 discovers that a violation of subsection a. of this section has occurred  
10 or is occurring, the weights and measures official shall order the  
11 responsible party to cease and desist the violation and shall order any  
12 other appropriate action necessary to enable compliance with  
13 applicable statutes, rules or regulations. The order shall be in the form  
14 of a Proposed Notice of Violation and shall be transmitted to the  
15 violation by personal delivery or certified mail, and shall include  
16 references to: all statutes, rules, regulations or orders that are the  
17 subject of the order; a concise statement of the facts alleged to  
18 constitute the violation; and the amount of the fine to be imposed if  
19 the violation is not corrected within a specified amount of time.

20 c. A person responsible for a violation of this section shall cease  
21 and desist the activity and take any necessary action to correct the  
22 violation and comply with the Proposed Notice of Violation within the  
23 time specified in the Proposed Notice of Violation. A weights and  
24 measures official shall not impose a fine or penalty on a person who  
25 complies with a Proposed Notice of Violation within the specified  
26 time, except a weights and measures official shall impose appropriate  
27 finer or penalties if the violation is a second violation. A weights and  
28 measures official shall impose appropriate fines and penalties on a  
29 person who fails to comply with a Proposed Notice of Violation within  
30 the specified time.

31 d. It shall be an affirmative defense to liability for a violation of this  
32 section that the violation is the result of an equipment malfunction or  
33 took place during the performance of necessary equipment  
34 maintenance. A person shall be entitled to raise this affirmative  
35 defense only if the person complies or has complied with the  
36 following:

37 (1) The person notified a weights and measures official of the  
38 equipment malfunction or maintenance no later than 5:00 p.m. of the  
39 second full calendar day following the malfunction or maintenance;

40 (2) Within 30 days of the malfunction or maintenance, the person  
41 submits written documentation concerning the circumstances of the  
42 malfunction or maintenance, and demonstrating, as applicable, that:

43 (a) The failure to comply with this section was caused by the  
44 equipment malfunction or took place during the performance of the  
45 necessary equipment maintenance;

46 (b) The facility was otherwise being operated in compliance with

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1 this section at the time of violation;

2 (c) The person has taken all reasonable steps to minimize the  
3 duration of the equipment malfunction or maintenance; and

4 (d) The malfunction or maintenance and resulting violation is not  
5 part of a recurring pattern.

6 (cf: P.L.1969, c.251, s.15)

7

8 4. This act shall take effect on the 60th day following enactment.

9

10

11

STATEMENT

12

13 This bill amends current law to exclude items or fuel that a  
14 company sells to itself, rather than to the public, from existing  
15 requirements for weighing procedures by excluding these items or fuel  
16 from the definition of "commodity." Additionally, the bill makes an  
17 appointed weighmaster responsible for ascertaining relevant weights  
18 of a vehicle carrying commodities, including: the "tare weight" of a  
19 vehicle, defined as "the weight of a vehicle in an unloaded state"; the  
20 "gross weight" of a vehicle, defined as "the weight of a vehicle in a  
21 loaded state"; and the "net weight" of a vehicle, defined as "the gross  
22 weight of a vehicle minus the tare weight of the vehicle." Finally, the  
23 bill requires that the Office of Weights and Measures in the Division  
24 of Consumer Affairs issue a notice of a weighing violation to the  
25 violator prior to assessing the first penalty for the violation.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1323**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED NOVEMBER 13, 2000

**Sponsored by:**  
**Senator JOHN O. BENNETT**  
**District 12 (Monmouth)**

**SYNOPSIS**

Revises procedures for weighing vehicles transporting construction materials.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Transportation Committee.



1 AN ACT concerning weights and measures, amending R.S.51:1-2, and  
2 supplementing article 3 of chapter 1 of Title 51 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.51:1-2 is amended to read as follows:  
9 51:1-2. As used in this chapter:

10 a. "Commodity" means any article of food, drink, trade or  
11 commerce, or any service or amusement, goods, wares, merchandise,  
12 or fuel measured by any weighing and measuring or counting system,  
13 but shall not include any article of food, drink, trade, commerce,  
14 goods, wares, merchandise, or fuel which is not sold or intended for  
15 sale to an entity distinct from the seller;

16 b. "Commodity in package form" means a commodity put up or  
17 packaged in any manner in advance of sale in units suitable for either  
18 wholesale or retail sale. An individual item or lot of any commodity  
19 not in package form as defined in this section, but on which there is  
20 marked a selling price based on an established price per unit of weight  
21 or of measure, shall be construed to be a commodity in package form.  
22 Where the term "package" is used in chapter 1 of Title 51 of the  
23 Revised Statutes, it shall be construed to mean "commodity in package  
24 form" as herein defined. For the purpose of this definition, single unit  
25 produce items wrapped in clear film shall not be construed as  
26 commodities in package form;

27 c. "Food" or "foods" means articles used for food or drink for man  
28 or animals, chewing gum and articles used as ingredients of the  
29 foregoing;

30 d. "Physical property" means mass, weight, length, volume,  
31 pressure, electricity, electromagnetic forces, radiation,  
32 thermodynamics, coefficients of expansion, gravitational forces or any  
33 other measurable attribute or quantity, including count;

34 e. "Weight and measure" or "weights and measures" means a  
35 device, apparatus, or instrument designed or used to weigh, measure,  
36 count or time any physical property or determine value, and any  
37 auxiliary apparatus and accessories that indicate quantity or value, or  
38 records representative thereof;

39 f. "Weights and measures official" or "weights and measures  
40 officer" means, at the State level, the State superintendent, deputy  
41 State superintendent, assistant State superintendent, State supervisor,  
42 State metrologist, and State weights and measures officers of all  
43 grades; and at the county and municipal levels, means the

**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.**

1 superintendent, deputy superintendent, assistant superintendents of all  
2 grades, and weights and measures officers of all grades.

3 g. "Gross weight" means the weight of a vehicle in a loaded state;

4 h. "Net weight" means the gross weight of a vehicle minus the tare  
5 weight of the vehicle; and

6 i. "Tare weight" means the weight of a vehicle in an unloaded  
7 state.

8 (cf: P.L.1986, c.167, s.1)

9

10 2. (New section) Notwithstanding any other provision of law to  
11 the contrary, a weighmaster appointed pursuant to R.S.51:1-74 shall  
12 certify the tare weight of a vehicle used for the transportation of  
13 construction materials when requested to do so by the operator of that  
14 vehicle. The weight of a commodity transported by such a vehicle  
15 shall be determined by subtracting the certified tare weight of the  
16 vehicle from the gross weight of the vehicle. It shall be sufficient and  
17 not a violation of this Title for the tare weight of the vehicle to be  
18 certified no more than seven days immediately prior to the date the  
19 gross weight of the vehicle is determined. In the event that the tare  
20 weight of the vehicle has not been certified during the seven-day  
21 period provided for in this section, it shall be sufficient and not a  
22 violation of this Title for the tare weight to be certified by a  
23 weighmaster other than during the immediately preceding seven-day  
24 period, provided that the certification shall occur not more than one  
25 year prior to the date the gross weight is determined and further  
26 provided that, if there should be a subsequent examination and  
27 weighing, the subsequent tare weight of the vehicle is no greater than  
28 105 per cent or less than 95 per cent of the tare weight certified during  
29 the one year period. As used in this section, "construction materials"  
30 means naturally occurring aggregates, including but not limited to top  
31 soil, crushed stone, gravel, sand, clay and clean fill.

32

33 3. This act shall take effect immediately.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1323**

with Senate Floor Amendments  
(Proposed By Senator BENNETT)

ADOPTED: FEBRUARY 15, 2001

These amendments exempt from the definition of commodity, construction materials not sold or intended for sale to an entity distinct from the seller. A vehicle carrying construction materials would be required only to have the gross weight of the vehicle measured.

The amendments also require that upon certificates issued pursuant to the act the wording "stored tare" must appear. The amendments also make clear that stored tare certificates shall not supersede any weighing of a vehicle on certified scales that will produce a weight of record.



[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1323**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED NOVEMBER 13, 2000

**Sponsored by:**  
**Senator JOHN O. BENNETT**  
**District 12 (Monmouth)**

**SYNOPSIS**

Revises procedures for weighing vehicles transporting construction materials.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 15, 2001.



1 AN ACT concerning weights and measures, amending R.S.51:1-2, and  
2 supplementing article 3 of chapter 1 of Title 51 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. R.S.51:1-2 is amended to read as follows:  
9 51:1-2. As used in this chapter:

10 a. "Commodity" means any article of food, drink, trade or  
11 commerce, or any service or amusement, goods, wares, merchandise,  
12 or fuel measured by any weighing and measuring or counting system,  
13 but shall not include any article of food, drink, trade, commerce,  
14 goods, wares, merchandise, or fuel which is not sold or intended for  
15 sale to an entity distinct from the seller;

16 b. "Commodity in package form" means a commodity put up or  
17 packaged in any manner in advance of sale in units suitable for either  
18 wholesale or retail sale. An individual item or lot of any commodity  
19 not in package form as defined in this section, but on which there is  
20 marked a selling price based on an established price per unit of weight  
21 or of measure, shall be construed to be a commodity in package form.  
22 Where the term "package" is used in chapter 1 of Title 51 of the  
23 Revised Statutes, it shall be construed to mean "commodity in package  
24 form" as herein defined. For the purpose of this definition, single unit  
25 produce items wrapped in clear film shall not be construed as  
26 commodities in package form;

27 c. "Food" or "foods" means articles used for food or drink for man  
28 or animals, chewing gum and articles used as ingredients of the  
29 foregoing;

30 d. "Physical property" means mass, weight, length, volume,  
31 pressure, electricity, electromagnetic forces, radiation,  
32 thermodynamics, coefficients of expansion, gravitational forces or any  
33 other measurable attribute or quantity, including count;

34 e. "Weight and measure" or "weights and measures" means a  
35 device, apparatus, or instrument designed or used to weigh, measure,  
36 count or time any physical property or determine value, and any  
37 auxiliary apparatus and accessories that indicate quantity or value, or  
38 records representative thereof;

39 f. "Weights and measures official" or "weights and measures  
40 officer" means, at the State level, the State superintendent, deputy  
41 State superintendent, assistant State superintendent, State supervisor,  
42 State metrologist, and State weights and measures officers of all

**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:**

**<sup>1</sup> Senate floor amendments adopted February 15, 2001.**

1 grades; and at the county and municipal levels, means the  
2 superintendent, deputy superintendent, assistant superintendents of all  
3 grades, and weights and measures officers of all grades.

4 g. "Gross weight" means the weight of a vehicle in a loaded state;

5 h. "Net weight" means the gross weight of a vehicle minus the tare  
6 weight of the vehicle; and

7 i. "Tare weight" means the weight of a vehicle in an unloaded  
8 state.

9 (cf: P.L.1986, c.167, s.1)

10  
11 2. (New section) Notwithstanding any other provision of law to  
12 the contrary, a <sup>1</sup>public<sup>1</sup> weighmaster appointed pursuant to R.S.51:1-  
13 74 shall certify the tare weight of a vehicle used for the transportation  
14 of construction materials when requested to do so by the operator of  
15 that vehicle. The weight of a commodity transported by such a vehicle  
16 shall be determined by subtracting the certified tare weight of the  
17 vehicle from the gross weight of the vehicle. It shall be sufficient and  
18 not a violation of this Title for the tare weight of the vehicle to be  
19 certified no more than seven days immediately prior to the date the  
20 gross weight of the vehicle is determined. In the event that the tare  
21 weight of the vehicle has not been certified during the seven-day  
22 period provided for in this section, it shall be sufficient and not a  
23 violation of this Title for the tare weight to be certified by a <sup>1</sup>public<sup>1</sup>  
24 weighmaster other than during the immediately preceding seven-day  
25 period, provided that the certification shall occur not more than one  
26 year prior to the date the gross weight is determined and further  
27 provided that, if there should be a subsequent examination and  
28 weighing, the subsequent tare weight of the vehicle is no greater than  
29 105 per cent or less than 95 per cent of the tare weight certified during  
30 the one year period. <sup>1</sup>A certificate issued by a public weighmaster  
31 pursuant to this section certifying the tare weight of a vehicle shall  
32 contain the wording "stored tare." Such a "stored tare" certificate  
33 shall not supersede a certificate setting forth the weight of a vehicle  
34 which results from a weighing on certified scales that produces a  
35 weight of record. Construction materials not sold or intended for sale  
36 to an entity distinct from the seller shall not be considered a  
37 commodity for purposes of this Title. It shall be sufficient and not a  
38 violation of this Title for vehicles carrying such construction materials  
39 to have only the gross weight of the vehicles certified.<sup>1</sup> As used in this  
40 section, "construction materials" means naturally occurring aggregates,  
41 including but not limited to top soil, crushed stone, gravel, sand, clay  
42 and clean fill.

43  
44 3. This act shall take effect immediately.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1323**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 13, 2000

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 1323.

The substitute bill establishes a separate provision of law for the weighing of vehicles used in the transportation of construction materials which includes naturally occurring aggregates, such as top soil, crushed stone, gravel, sand, clay and clean fill. Under current enforcement practices these vehicles are required to be weighed prior to receiving each load of construction materials to establish the unloaded tare weight and after receiving the construction materials to establish the gross loaded weight. Since it appears that the tare weight of these vehicles varies relatively little over time and the per pound cost of the commodity being transported is so small, the repeated establishment of the tare weight serves no useful purpose. The bill therefore provides that the certification of the tare weight during the week immediately preceding the weighing to determine gross weight would be sufficient. In the event that the vehicle's tare or unloaded weight has not been certified during that week, there shall be no violation of law if a certification was established during a preceding week and if, upon examination and subsequent weighing, the subsequently established tare weight was within a five per cent tolerance of the previously established weight. The previously established weight, however, is required to be certified one year prior to the weighing.

The bill also changes the current law to exclude items or fuel that a company sells to itself, rather than to the public, from existing requirements for weighing procedures by excluding these items or fuel from the definition of "commodity."

This bill would reduce unnecessary costs to the construction industry and at the same time provide for safeguards against improper or incorrect weighing.

P.L. 2001, CHAPTER 95, *approved May 10, 2001*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 2677

1 AN ACT concerning weights and measures, amending R.S.51:1-2, and  
2 supplementing article 3 of chapter 1 of Title 51 of the Revised  
3 Statutes.

4

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

7

8 1. R.S.51:1-2 is amended to read as follows:

9 51:1-2. As used in this chapter:

10 a. "Commodity" means any article of food, drink, trade or  
11 commerce, or any service or amusement, goods, wares, merchandise,  
12 or fuel measured by any weighing and measuring or counting system,  
13 but shall not include any article of food, drink, trade, commerce,  
14 goods, wares, merchandise, or fuel which is not sold or intended for  
15 sale to an entity distinct from the seller;

16 b. "Commodity in package form" means a commodity put up or  
17 packaged in any manner in advance of sale in units suitable for either  
18 wholesale or retail sale. An individual item or lot of any commodity  
19 not in package form as defined in this section, but on which there is  
20 marked a selling price based on an established price per unit of weight  
21 or of measure, shall be construed to be a commodity in package form.  
22 Where the term "package" is used in chapter 1 of Title 51 of the  
23 Revised Statutes, it shall be construed to mean "commodity in package  
24 form" as herein defined. For the purpose of this definition, single unit  
25 produce items wrapped in clear film shall not be construed as  
26 commodities in package form;

27 c. "Food" or "foods" means articles used for food or drink for man  
28 or animals, chewing gum and articles used as ingredients of the  
29 foregoing;

30 d. "Physical property" means mass, weight, length, volume,  
31 pressure, electricity, electromagnetic forces, radiation,  
32 thermodynamics, coefficients of expansion, gravitational forces or any  
33 other measurable attribute or quantity, including count;

34 e. "Weight and measure" or "weights and measures" means a  
35 device, apparatus, or instrument designed or used to weigh, measure,  
36 count or time any physical property or determine value, and any  
37 auxiliary apparatus and accessories that indicate quantity or value, or  
38 records representative thereof;

**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:**

<sup>1</sup> Assembly floor amendments adopted March 8, 2001.

1 f. "Weights and measures official" or "weights and measures  
2 officer" means, at the State level, the State superintendent, deputy  
3 State superintendent, assistant State superintendent, State supervisor,  
4 State metrologist, and State weights and measures officers of all  
5 grades; and at the county and municipal levels, means the  
6 superintendent, deputy superintendent, assistant superintendents of all  
7 grades, and weights and measures officers of all grades.

8 g. "Gross weight" means the weight of a vehicle in a loaded state;

9 h. "Net weight" means the gross weight of a vehicle minus the tare  
10 weight of the vehicle; and

11 i. "Tare weight" means the weight of a vehicle in an unloaded  
12 state.

13 (cf: P.L.1986, c.167, s.1)

14  
15 2. (New section) Notwithstanding any other provision of law to  
16 the contrary, a <sup>1</sup>public<sup>1</sup> weighmaster appointed pursuant to R.S.51:1-  
17 74 shall certify the tare weight of a vehicle used for the transportation  
18 of construction materials when requested to do so by the operator of  
19 that vehicle. The weight of a commodity transported by such a vehicle  
20 shall be determined by subtracting the certified tare weight of the  
21 vehicle from the gross weight of the vehicle. It shall be sufficient and  
22 not a violation of this Title for the tare weight of the vehicle to be  
23 certified no more than seven days immediately prior to the date the  
24 gross weight of the vehicle is determined. In the event that the tare  
25 weight of the vehicle has not been certified during the seven-day  
26 period provided for in this section, it shall be sufficient and not a  
27 violation of this Title for the tare weight to be certified by a <sup>1</sup>public<sup>1</sup>  
28 weighmaster other than during the immediately preceding seven-day  
29 period, provided that the certification shall occur not more than one  
30 year prior to the date the gross weight is determined and further  
31 provided that, if there should be a subsequent examination and  
32 weighing, the subsequent tare weight of the vehicle is no greater than  
33 105 per cent or less than 95 per cent of the tare weight certified during  
34 the one year period. <sup>1</sup>A certificate issued by a public weighmaster  
35 pursuant to this section certifying the tare weight of a vehicle shall  
36 contain the wording "stored tare." Such a "stored tare" certificate  
37 shall not supersede a certificate setting forth the weight of a vehicle  
38 which results from a weighing on certified scales that produces a  
39 weight of record. Construction materials not sold or intended for sale  
40 to an entity distinct from the seller shall not be considered a  
41 commodity for purposes of this Title. It shall be sufficient and not a  
42 violation of this Title for vehicles carrying such construction materials  
43 to have only the gross weight of the vehicles certified.<sup>1</sup> As used in  
44 this section, "construction materials" means naturally occurring  
45 aggregates, including but not limited to top soil, crushed stone,  
46 gravel, sand, clay and clean fill.

1        3. This act shall take effect immediately.

2

3

4

5

6        \_\_\_\_\_  
7        Revises procedures for weighing vehicles transporting construction  
         materials.

## CHAPTER 95

AN ACT concerning weights and measures, amending R.S.51:1-2, and supplementing article 3 of chapter 1 of Title 51 of the Revised Statutes.

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

1. R.S.51:1-2 is amended to read as follows:

Definitions.

51:1-2. As used in this chapter:

a. "Commodity" means any article of food, drink, trade or commerce, or any service or amusement, goods, wares, merchandise, or fuel measured by any weighing and measuring or counting system, but shall not include any article of food, drink, trade, commerce, goods, wares, merchandise, or fuel which is not sold or intended for sale to an entity distinct from the seller;

b. "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in chapter 1 of Title 51 of the Revised Statutes, it shall be construed to mean "commodity in package form" as herein defined. For the purpose of this definition, single unit produce items wrapped in clear film shall not be construed as commodities in package form;

c. "Food" or "foods" means articles used for food or drink for man or animals, chewing gum and articles used as ingredients of the foregoing;

d. "Physical property" means mass, weight, length, volume, pressure, electricity, electromagnetic forces, radiation, thermodynamics, coefficients of expansion, gravitational forces or any other measurable attribute or quantity, including count;

e. "Weight and measure" or "weights and measures" means a device, apparatus, or instrument designed or used to weigh, measure, count or time any physical property or determine value, and any auxiliary apparatus and accessories that indicate quantity or value, or records representative thereof;

f. "Weights and measures official" or "weights and measures officer" means, at the State level, the State superintendent, deputy State superintendent, assistant State superintendent, State supervisor, State metrologist, and State weights and measures officers of all grades; and at the county and municipal levels, means the superintendent, deputy superintendent, assistant superintendents of all grades, and weights and measures officers of all grades;

g. "Gross weight" means the weight of a vehicle in a loaded state;

h. "Net weight" means the gross weight of a vehicle minus the tare weight of the vehicle; and

i. "Tare weight" means the weight of a vehicle in an unloaded state.

C.51:1-77.1 Certification of tares weight by weighmaster.

2. Notwithstanding any other provision of law to the contrary, a public weighmaster appointed pursuant to R.S.51:1-74 shall certify the tare weight of a vehicle used for the transportation of construction materials when requested to do so by the operator of that vehicle. The weight of a commodity transported by such a vehicle shall be determined by subtracting the certified tare weight of the vehicle from the gross weight of the vehicle. It shall be sufficient and not a violation of this Title for the tare weight of the vehicle to be certified no more than seven days immediately prior to the date the gross weight of the vehicle is determined. In the event that the tare weight of the vehicle has not been certified during the seven-day period provided for in this section, it shall be sufficient and not a violation of this Title for the tare weight to be certified by a public weighmaster other than during the immediately preceding seven-day period, provided that the certification shall occur not more than one year prior to the date the gross weight is determined and further provided that, if there should be a subsequent examination and weighing, the subsequent tare weight of the vehicle is no greater than 105 per cent or less than 95 per cent of the tare weight certified during the one year period. A certificate issued by a public weighmaster pursuant to this section certifying the tare weight of a vehicle shall contain the wording "stored tare." Such a "stored tare" certificate shall not supersede a certificate



setting forth the weight of a vehicle which results from a weighing on certified scales that produces a weight of record. Construction materials not sold or intended for sale to an entity distinct from the seller shall not be considered a commodity for purposes of this Title. It shall be sufficient and not a violation of this Title for vehicles carrying such construction materials to have only the gross weight of the vehicles certified. As used in this section, "construction materials" means naturally occurring aggregates, including but not limited to top soil, crushed stone, gravel, sand, clay and clean fill.

3. This act shall take effect immediately.

Approved May 10, 2001.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Rae Hutton  
609-777-2600

RELEASE: May 9 , 2001

**DiFRANCESCO SIGNS LEGISLATION CUTTING COST FOR CONSTRUCTION COMPANIES**

Acting Governor Donald T. DiFrancesco signed legislation today that exempts vehicles carrying construction materials from certain regulatory procedures, action designed to cut costs and red tape for companies doing business in New Jersey.

"This bill revises the procedures for weighing vehicles used to transport construction materials such as sand, gravel, clay and clean fill. These vehicles are now exempt from the current requirement that they be weighed prior to receiving their load thus cutting their costs," the acting Governor told members of the Concrete and Aggregate Association today at their Awards Dinner.

Vehicles used in the transportation of construction materials currently must be weighed prior to receiving their load. After they receive their materials, the vehicles must be weighed again. Under A-2677, the pre-load weight may now be used if the vehicle is transporting aggregate construction materials in order to save the cost of the first weighing.

"This legislation is a big step forward for companies in the aggregates industry, and one more example of how we are incentives to keep and attract business to the garden state by cutting red tape," said DiFrancesco.

A-2276 was sponsored by Senator John Bennett (R-Monmouth) and Assemblyman Samuel Thompson (R-Middlesex/Monmouth).

The acting Governor also highlighted his commitment to regulatory reform for the transportation industry by streamlining the permit process, reducing paperwork and adjusting regulations.

"I also sponsored the renewal of the Transportation Trust Fund (TTF) which focuses on reducing congestion, restoring the TTF's fiscal integrity, and designing a 21st century transportation policy. I have supported the legislation builders need to make their jobs easier.

"In turn, your help in replacing New Jersey's bridges and improving New Jersey's roads will make it safer and easier for residents to get where they need to go. Most important, it will help them feel better about the place they call home," said the acting Governor.