

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:5B-30 et al (Hazardous materials--transportation)
LAWS OF: 1985 **CHAPTER:** 415
BILL NO: S2296
Sponsor(s): Lesniak
Date Introduced: October 18, 1984
Committee: Assembly: Agriculture and Environment
Senate: Transportation and Communications; Revenue, Finance and Appropriations
Amended during passage: Yes Substituted for A4160 (bill and Assembly committee statement--attached). Amendments during passage denoted by asterisks.
Date of Passage: Assembly: December 12, 1985
Senate: September 12, 1985
Date of Approval: January 13, 1986
Following statements are attached if available:
Sponsor statement: Yes Attached: Senate amendments, adopted 3-7-85 and 9-9-85 (with statement)
Committee statement: Assembly Yes
Senate Yes
Fiscal Note: No
Veto Message: No
Message on Signing: No
Following were printed:
Reports: No
Hearings: No

[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 2296**STATE OF NEW JERSEY**

INTRODUCED OCTOBER 18, 1984

By Senator LESNIAK

Referred to Committee on Transportation and Communications

AN ACT concerning the transportation of hazardous materials, amending and supplementing P. L. 1983, c. 401, repealing P. L. 1950, c. 128 and making an appropriation.

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

1 **[1. (New section) The Legislature finds that the enactment of
2 P. L. 1983, c. 401 (C. 39:5B-25 et seq.) was a necessary first step
3 to the safe and efficient transportation of hazardous materials in
4 the State, but that in order to further this goal the State must,
5 concomitant with the utilization of its own resources, secure federal
6 funding available for the implementation of the "Hazardous
7 Materials Transportation Act," Pub.L. 93-633 (49 U. S. C. § 1801
8 et seq.) by adopting regulations consistent with sections 401 to 404
9 of the "Surface Transportation Assistance Act of 1982," Pub.L.
10 97-424 (49 U. S. C. § 2301-2304) but which do not unduly restrict
11 the employment opportunities of the citizens of this State.]**

1 **[2.]** **1.** (New section) The transportation of hazardous
2 materials in this State shall be carried out in accordance with the
3 provisions of P. L. 1983, c. 401 (C. 39:5B-25 et seq.) and this amend-
4 atory and supplementary act, except that this section shall not be
5 construed to limit the application or enforcement of the system of
6 reporting the generation, transportation, storage and disposal of
7 hazardous wastes required to be reported to the Department of
8 Environmental Protection on the special waste manifest pursuant
9 to N. J. A. C. 7:26-7.1 et seq., or as otherwise provided by law.

1 **[3.]** **2.** (New section) a. The Superintendent of the
2 State Police may inspect such vehicles ***[*and]*** ***,*** rail-

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 amendments adopted December 13, 1984.

**—Senate committee amendments adopted February 14, 1985.

***—Senate amendments adopted March 7, 1985.

****—Senate amendments adopted September 9, 1985.

3 road cars*,* ***[containers,]*** and places of origin ***or destina-
 4 tion*** in the State of the hazardous materials being transported*,*
 5 as may be necessary to carry out the provisions of *P. L. 1983,
 6 c. 401 and* this amendatory and supplementary act. The superin-
 7 tendent may also break such *cargo* seals *on vehicles and railroad
 8 cars* as may be necessary to inspect *[containers of hazardous
 9 materials to ascertain that the containers have been properly
 10 labeled]* *vehicles and railroad cars transporting hazardous ma-
 11 terials to ascertain that ***[containers]*** ***packages as defined
 12 in 49 C.F.R. § 171.8*** have been properly ***[classed]*** ***class-
 12A ified***, described, packaged, marked, labeled, blocked and braced
 12B and are in proper condition for shipment*.

13 b. The powers exercised by the superintendent pursuant to this
 14 section may also be exercised by *[law enforcement]* *police*
 15 officers of the Port Authority of New York and New Jersey, and
 16 by personnel of the Department of Transportation duly authorized
 17 by the superintendent. *Appropriate personnel of the Department
 18 of Environmental Protection duly authorized by the superinten-
 19 dent may **[also exercise these powers in the course of their duties
 20 and may, in addition]** ***, ***[when working on the highways of
 21 this State in conjunction with and under the direction of State
 22 Police personnel]***** ***consistent with federal regulations***,
 23 inspect the contents of ***[containers]*** ***packages*** referred
 24 to in subsection a. of this section* ***at places of origin prior to
 25 acceptance by the transporter or at places of destination after ac-
 26 ceptance by the consignee***. **In addition, personnel of the De-
 27 partment of Environmental Protection so authorized may conduct
 28 ***[independent]*** ***, in conjunction with and under the direc-
 29 tion of State Police personnel,*** inspections ***and break cargo
 30 seals*** as described in subsection a. of this section when at
 31 ***[terminals, places of origin in the State from which hazardous
 32 materials are being transported and other such]*** off-highway
 33 facilities** ***, including, but not limited to, public truck stops,
 34 public rest areas, State weigh stations, and commercial motor ve-
 35 hicle inspection stations***.

36 ***c. The Commissioner of Transportation is authorized to
 37 adopt, in consultation with the Superintendent of the State Police
 38 and pursuant to the "Administrative Procedure Act," P. L. 1968,
 39 c. 410 (C. 52:14B-1 et seq.), rules and regulations governing in-
 40 spection and the breaking of cargo seals by those authorized to do
 41 so under this section. No person not given specific authority in
 42 this section to do so shall break cargo seals under this section or
 43 otherwise implement the provisions of this section.

1 3. (New section) The Superintendent of the State Police shall
 2 adopt, within six months of the effective date of this amendatory
 3 and supplementary act and pursuant to the "Administrative Pro-
 4 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and
 5 regulations concerning the qualifications of interstate motor carrier
 6 operators and vehicles, which shall substantially conform to the
 7 requirements established pursuant to sections 401 to 404 of the
 8 "Surface Transportation Assistance Act of 1982," Pub. L. 97-424
 9 (49 U. S. C. § 2301-2304).***

1 **[4. (New section) The Director of the Division of Motor Ve-
 2 hicles shall adopt, within six months of the effective date of this
 3 amendatory and supplementary act and pursuant to the "Adminis-
 4 trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.),
 5 rules and regulations concerning the qualifications of interstate
 6 motor carrier operators and vehicles, which shall substantially
 7 conform to the requirements established pursuant to sections 401
 8 to 404 of the "Surface Transportation Assistance Act of 1982,"
 9 Pub.L. 97-424 (49 U. S. C. § 2301-2304).]**

1 **[5.]** ***[**3.**]** **4.** Section 4 of P. L. 1983, c. 401
 2 (C. 39:5B-28) is amended to read as follows:

3 4. The department, in consultation with the Department of En-
 4 vironmental Protection, the Department of Labor, the Department
 5 of Commerce and Economic Development, the Divisions of Motor
 6 Vehicles and State Police of the Department of Law and Public
 7 Safety, and other appropriate State departments and agencies
 8 shall, within one year of the effective date of this act *and annually*
 9 *thereafter*, prepare and submit to the Governor and the Legislature
 10 a report detailing the incidence and means of the transportation
 11 of hazardous materials in this State, evaluating the protection
 12 afforded New Jersey citizens therefrom by all relevant federal and
 13 State statutes and regulations, and recommending executive or
 14 legislative actions necessary to insure the safe and proper trans-
 15 portation and hazardous ****[material]**** ****materials****.

1 **[6.]** ***[**4.**]** **5.** Section 5 of P. L. 1983, c. 401
 2 (C. 39:5B-29) is amended to read as follows:

3 5. a. Any person who violates the provisions of this act or any
 4 rule or regulation adopted pursuant thereto shall be subject to a
 5 penalty of not less than [\\$1,000.00] *[\$100.00]* *\$50.00* nor more
 6 than *[\$5,000.00]* ****[\$250.00]* ****\$5,000.00**** for the
 7 first offense nor less than [\$3,000.00] *[\$200.00]* *\$100.00* nor
 8 more than *[\$10,000.00]* ***[\$500.00]* ****\$10,000.00****
 9 for the second *offense nor less than ****[\$300.00]*****
 10 ****\$250.00**** nor more than ****[\$1,500.00]****

11 ****\$25,000.00**** for the third* or any subsequent offense.
 12 ****The Department of Transportation is authorized to adopt a
 13 schedule of penalties for any specific violation of P. L. 1983, c. 401
 14 (C. 39:5B-25 et al.) or any rule or regulation adopted pursuant
 15 thereto.**** A penalty imposed pursuant to this act [shall] may
 16 be collected in a civil action by a summary proceeding under "the
 17 penalty enforcement law" (N. J. S. 2A:58-1 et seq.), or in
 18 ***[any case]*** a summary proceeding*** before a court of
 19 competent jurisdiction wherein injunctive relief has been ***[re-
 19A requested]*** sought***. The State Police and *[law enforce-
 19B ment]* *police* officers of the Port Authority of New York and
 19C New Jersey may issue a summons ***[for appearance before]***
 19D ***and complaint returnable in*** a municipal court or other court
 19E of competent jurisdiction for violations of P. L. 1983, c. 401 (C.
 19F 39:5B-25 et seq.) and this amendatory and supplementary act *or
 19G any rule or regulation adopted pursuant thereto*. In addition to
 19H the jurisdiction conferred by "the penalty enforcement law," the
 19I Law ***[Division]*** and Chancery Divisions*** of the Su-
 19J perior Court ***[***and the various municipal courts***]****
 19K shall have jurisdiction of proceedings for the enforcement of the
 19L penalties provided in this act. ****The various municipal courts
 19M shall have jurisdiction of proceedings for the enforcement of penal-
 19N ties under \$5,000.00 provided in P. L. 1983, c. 401 (C. 39:5B-25
 19O et al.).****

20 b. Penalties imposed pursuant to this act shall in no way reduce
 21 or otherwise limit the liability of any person, pursuant to the laws
 22 of this State, for cleanup costs or other damages arising from a
 23 discharge of hazardous materials.

23A ***c. The Superintendent of the State Police, police officers of the
 23B Port Authority of New York and New Jersey and personnel of the
 23C Department of Transportation and of the Department of Environ-
 23D mental Protection duly authorized by the superintendent may, in
 23E addition to seeking a civil penalty, seek injunctive relief in the
 23F Chancery Division, General Equity Part of the Superior Court as
 23G to any person found to have violated any provision of P. L. 1983,
 23H c. 401 (C. 39:58-25 et seq.) or this amendatory and supplementary
 23I act or any rule or regulation adopted pursuant to either.****

24 **[*c. This section shall not apply to section 4 of P. L. . . . , c. . . .
 25 (C.) (now pending before the Legislature as Senate
 26 Bill No. 2296 of 1984).]**

27 **[d.]** ***[*c.]*** ***d.*** With respect to violations deal-
 28 ing with motor vehicle equipment and inspection, the provisions and
 29 penalties of article 3 of chapter 3 and of chapter 8 respectively of

30 *Title 39 of the Revised Statutes and rules and regulations adopted*
 31 *thereunder shall apply rather than the provisions of P. L. 1983,*
 32 *c. 401 (C. 39:5B-25 et seq.), this amendatory and supplementary*
 33 *act and rules and regulations adopted pursuant thereto.**

1 **[7.]** ***[**5.**]** ***6.** P. L. 1950, c. 128 (C. 39:5B-1
 2 et seq.) is repealed.

1 **[8.]** ***[**6.**]** ***7.** There is appropriated to the
 2 Department of Law and Public Safety from the General Fund the
 3 sum of \$1,000,000.00 to carry out the purposes of this amendatory
 4 and supplementary act and to otherwise enforce the provisions of
 5 P. L. 1983, c. 401 (C. 39:5B-25 et seq.). The Commissioner of ***[the**
 6 **Department of]*** Transportation may request of the Attorney
 7 General such sums as may be necessary to carry out the responsi-
 8 bilities of the Department of Transportation under P. L. 1983,
 9 c. 401. The Attorney General may transfer to the Department of
 10 Transportation such sums as he deems appropriate. ***[This sum**
 11 **shall be repaid to the General Fund from such monies as may be**
 12 **made available by the United States Department of Transportation**
 13 **as reimbursement for State expenditures for the purposes herein.]***

1 **[9.]** ***[**7.**]** ***8.** This act shall take effect im-
 2 mediately.

9 action by a summary proceeding under "the penalty enforcement
10 law" (N. J. S. 2A:58-1 et seq.), or in any case before a court of
11 competent jurisdiction wherein injunctive relief has been requested.
12 *The State Police and law enforcement officers of the Port Authority*
13 *of New York and New Jersey may issue a summons for appearance*
14 *before a municipal court or other court of competent jurisdiction*
15 *for violations of P. L. 1983, c. 401 (C. 39:5B-25 et seq.) and this*
16 *amendatory and supplementary act.* In addition to the jurisdiction
17 conferred by "the penalty enforcement law," *the Law Division of*
18 *the Superior Court shall have jurisdiction of proceedings for the*
19 *enforcement of the penalties provided in this act.*

20 b. Penalties imposed pursuant to this act shall in no way reduce
21 or otherwise limit the liability of any person, pursuant to the laws
22 of this State, for cleanup costs or other damages arising from a
23 discharge of hazardous materials.

1 7. P. L. 1950, c. 128 (C. 39:5B-1 et seq.) is repealed.

2 8. There is appropriated to the Department of Law and Public
3 Safety from the General Fund the sum of \$1,000,000.00 to carry
4 out the purposes of this amendatory and supplementary act and to
5 otherwise enforce the provisions of P. L. 1983, c. 401 (C. 39:5B-25
6 et seq.). The Commissioner of the Department of Transportation
7 may request of the Attorney General such sums as may be necessary
8 to carry out the responsibilities of the Department of Transporta-
9 tion under P. L. 1983, c. 401. The Attorney General may transfer
10 to the Department of Transportation such sums as he deems
11 appropriate. This sum shall be repaid to the General Fund from
12 such monies as may be made available by the United States Depart-
13 ment of Transportation as reimbursement for State expenditures
14 for the purposes herein.

1 9. This act shall take effect immediately.

STATEMENT

This bill provides that hazardous materials must be transported in accordance with P. L. 1983, c. 401 (C. 39:5B-25 et seq.); that motor carrier operators and their vehicles conform to the provisions of federal law regarding interstate transportation the "Surface Transportation Assistance Act of 1982," Pub.L. 97-424 (49 U. S. C. § 2301-2304); and that the State Police, law enforcement officers of the Port Authority of New York and New Jersey and duly authorized personnel of the New Jersey Department of Transportation may inspect vehicles, containers and points of origin to ascertain conformance with the law. The bill also provides for

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penalties for violations ranging from \$100.00 to \$5,000.00 for the first offense and from \$200.00 to \$10,000.00 for each subsequent offense. A violator may be issued a summons to appear in municipal court or other court of competent jurisdiction.

The bill also appropriates \$1,000,000.00 to the Department of Law and Public Safety to carry out the purposes of the bill. It is expected that most of this sum will be used by the State Police for enforcement purposes. These sums will be paid back to the General Fund from monies made available by the United States Department of Transportation.

Finally, the bill repeals P. L. 1950, c. 128 (C. 39:5B-1 et seq.) which presently provides for the regulation of the transportation of dangerous articles but which is outdated.

The purpose of this bill is to provide the opportunity for the State to receive federal funds to aid in the establishment of a nationally uniform system of regulating the transportation of hazardous materials, and other nonhazardous materials.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2296

[FOURTH OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1985

As released by the Assembly Agriculture and Environment Committee, this bill amends and supplements P. L. 1983, c. 401 (C. 39:5B-25 et al.) which provided for the regulation of hazardous materials transportation.

The bill would authorize the Superintendent of State Police, police officers of the Port Authority of New York and New Jersey, personnel of the Department of Transportation and personnel of the Department of Environmental Protection to inspect the contents of vehicles transporting hazardous materials. The Commissioner of Transportation would adopt regulations governing these inspections. The bill also increases the ranges within which penalties would be assessed, authorizes the Department of Transportation to adopt a schedule of penalties for specific violations, and limits the jurisdiction of municipal courts to proceedings for the enforcement of penalties under \$5,000.00.

Finally, the bill appropriates \$1,000,000.00 to carry out the purposes of the bill.

The committee reported the bill favorably.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 2296

[OFFICIAL COPY REPRINT]

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1985

This bill, as amended by the committee, concerns regulation of the transportation of hazardous materials in the State.

The bill provides for the inspection by the Superintendent of State Police, the police officers of the Port Authority of New York and New Jersey and personnel of DOT of such vehicles and railroad cars, containers and places of origin of hazardous materials being transported, as may be necessary to carry out the provisions of this and related laws. In addition, appropriate personnel of the Department of Environmental Protection, duly authorized by the Superintendent of the State Police and working under the direction of the State Police, may exercise these powers and may inspect the contents of the containers when shipments are in transit.

P. L. 1983, c. 401 (C. 39:5B-29) is amended to provide for a reduction in fines, which are currently at a maximum of \$10,000.00, as reflected in the following schedule: not less than \$50.00 nor more than \$250.00 for the first offense, not less than \$100.00 nor more than \$500.00 for the second offense, not less than \$300.00 nor more than \$1,500.00 for the third or subsequent offenses. However, motor vehicle equipment and inspection violations would be dealt with under other provisions of Title 39 of the Revised Statutes.

FISCAL IMPACT:

The bill appropriates \$1,000,000.00 to the Department of Law and Public Safety for enforcement. The Attorney General is authorized to transfer funds to the Department of Transportation for purposes of carrying out DOT's responsibilities under P. L. 1983, c. 401.

COMMITTEE AMENDMENTS:

With the concurrence of the sponsor, the committee amended section 3b. to clarify the enforcement powers of the Department of Environ-

mental Protection (DEP). The amendment makes it clear that DEP's authority to conduct on-highway inspections is limited to situations where DEP is working in conjunction with and under the direction of the State Police. However, DEP may conduct independent inspections at terminals, shipping origins and off-highway facilities.

The committee also deleted references in the bill to the promulgation and adoption of regulations consistent with sections 401 to 404 of the "Surface Transportation Assistance Act of 1982." This was done at the sponsor's request.

to

Amend:

Page	Sec.	Line	
3	4	27	Omit "c." insert "d."
4	5	1	Omit "5." insert "6."
4	6	1	Omit "6." insert "7."
4	7	1	Omit "7." insert "8."

Statement

These amendments specify the conditions under which the Department of Environmental Protection may inspect certain packages containing hazardous materials. Authorized personnel of the department may, consistent with federal regulations, inspect the contents of packages at places of origin prior to acceptance by the transporter or at places of destination after acceptance by the the consignee. The authorized personnel of the department may also conduct ordinary inspections of packages and break cargo seals as described in subsection a. of section 2 of the present bill at off-highway facilities in conjunction with and under the direction of State Police personnel. Other amendments clarify the penalty provisions of the bill.

ADOPTED

SEP 9 1985

9/9/85, mam

Senate Amendments

Proposed by Senator Lesniak 9/9/85
to

Senate Bill No. 2296 ~~0ER~~ ^{3RD CLR}

Sponsored by Senator Lesniak

Amend:

Page	Sec.	Line	
3	5	6	Omit "\$250.00" insert "\$5,000.00"
3	5	7A	Omit "\$500.00" insert "\$10,000.00" Omit "\$300.00" insert "\$250.00"
3	5	7B	Omit "\$1,500.00" insert "\$25,000.00" After "offense." insert "The Department of Transportation is authorized to adopt a schedule of penalties for any specific violation of ^{P.L. 198} this c. 401 (C. 39:5B-25 et. al.) act or any rule or regulation adopted pursuant thereto."
4	5	19A- 19B	Omit "and the various municipal courts"
4	5	19C	After "act." insert "The various municipal courts shall have jurisdiction of proceedings for the enforcement of penalties under ^{P.L. 1983, c. 401 (C. 39:5B-25 et. al.)} \$5,000.00 provided in this act. "

STATEMENT

This amendment increases the range of penalties which may be imposed for violations of P.L. 1983, c. 401 which provided for the regulation of hazardous materials. The amendment also restricts the jurisdiction of municipal courts to proceedings involving penalties of \$5,000.00 or less and authorizes the Department of Transportation to adopt a penalty schedule for specific violations of the act.

ASSEMBLY, No. 4160

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1985

By Assemblywoman KALIK, Assemblymen FOY, PANKOK,
Assemblywoman WALKER, Assemblymen FLYNN, S. ADU-
BATO, PATERO and Assemblywoman FORD

AN ACT concerning the transportation of hazardous materials,
amending and supplementing P. L. 1983, c. 401, repealing P. L.
1950, c. 128 and making an appropriation.

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

1 1. (New section) The transportation of hazardous materials in
2 this State shall be carried out in accordance with the provisions of
3 P. L. 1983, c. 401 (C. 39:5B-25 et seq.) and this amendatory and
4 supplementary act, except that this section shall not be construed
5 to limit the application or enforcement of the system of reporting
6 the generation, transportation, storage and disposal of hazardous
7 wastes required to be reported to the Department of Environ-
8 mental Protection on the special waste manifest pursuant to N. J.
9 A. C. 7:26-7.1 et seq., or as otherwise provided by law.

1 2. (New section) a. The Superintendent of the State Police may
2 inspect such vehicles, railroad cars, and places of origin or des-
3 tination in the State of the hazardous materials being transported,
4 as may be necessary to carry out the provisions of P. L. 1983, c.
5 401 and this amendatory and supplementary act. The superin-
6 tendent may also break such cargo seals on vehicles and railroad
7 cars as may be necessary to inspect vehicles and railroad cars
8 transporting hazardous materials to ascertain that packages as
9 defined in 49 C. F. R. § 171.8 have been properly classified,
10 described, packaged, marked, labeled, blocked and braced and are
11 in proper condition for shipment.

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.

12 b. The powers exercised by the superintendent pursuant to this
 13 section may also be exercised by police officers of the Port Author-
 14 ity of New York and New Jersey, and by personnel of the De-
 15 partment of Transportation duly authorized by the superintendent.
 16 Appropriate personnel of the Department of Environmental Pro-
 17 tection duly authorized by the superintendent may, consistent
 18 with federal regulations, inspect the contents of packages referred
 19 to in subsection a. of this section at places of origin prior to
 20 acceptance by the transporter or at places of destination after ac-
 21 ceptance by the consignee. In addition, personnel of the Depart-
 22 ment of Environmental Protection so authorized may conduct, in
 23 conjunction with and under the direction of State Police personnel,
 24 inspections and break cargo seals as described in subsection a. of
 25 this section when at off-highway facilities, including, but not
 26 limited to, public truck stops, public rest areas, State weigh
 27 stations, and commercial motor vehicle inspection stations.

28 c. The Commissioner of Transportation is authorized to adopt,
 29 in consultation with the Superintendent of the State Police and
 30 pursuant to the "Administrative Procedure Act," P. L. 1968,
 31 c. 410 (C. 52:14B-1 et seq.), rules and regulations governing in-
 31A spection and the breaking of cargo seals by those authorized to do
 32 so under this section. No person not given specific authority in
 33 this section to do so shall break cargo seals under this section or
 34 otherwise implement the provisions of this section.

1 3. (New section) The Superintendent of the State Police shall
 2 adopt, within six months of the effective date of this amendatory
 3 and supplementary act and pursuant to the "Administrative Pro-
 4 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and
 5 regulations concerning the qualifications of interstate motor carrier
 6 operators and vehicles, which shall substantially conform to the
 7 requirements established pursuant to sections 401 and 404 of the
 8 "Surface Transportation Assistance Act of 1982," Pub. L. 97-424
 9 (49 U. S. C. § 2301-2304).

1 4. Section 4 of P. L. 1983, c. 401 (C. 39:5B-28) is amended to
 2 read as follows:

3 4. The department, in consultation with the Department of En-
 4 vironmental Protection, the Department of Labor, the Department
 5 of Commerce and Economic Development, the Divisions of Motor
 6 Vehicles and State Police of the Department of Law and Public
 7 Safety, and other appropriate State departments and agencies
 8 shall, within one year of the effective date of this act *and annually*
 9 *thereafter*, prepare and submit to the Governor and the Legisla-
 10 ture a report detailing the incidence and means of the transporta-

11 tion of hazardous materials in this State, evaluating the protection
 12 afforded New Jersey citizens therefrom by all relevant federal and
 13 State statutes and regulations, and recommending executive or
 14 legislative actions necessary to insure the safe and proper trans-
 15 portation of hazardous **[material]** materials.

1 5. Section 5 of P. L. 1983, c. 401 (C. 39:5B-29) is recommended
 2 to read as follows:

3 5. a. Any person who violates the provisions of this act or any
 4 rule or regulation adopted pursuant thereto shall be subject to a
 5 penalty of not less than **[\$1,000.00]** ~~\$50.00~~ nor more than \$5,000.00
 6 for the first offense nor less than **[\$3,000.00]** ~~\$100.00~~ nor more
 7 \$10,000.00 for the second offense nor less than ~~\$250.00~~ nor more
 8 than ~~\$25,000.00~~ for the third or any subsequent offense. *The De-*
 9 *partment of Transportation is authorized to adopt a schedule of*
 10 *penalties for any specific violation of P. L. 1983, c. 401 (C.*
 11 *39:5B-25 et al.) or any rule or regulation adopted pursuant thereto.*
 12 A penalty imposed pursuant to this act **[shall]** *may* be collected
 13 in a civil action by a summary proceeding under "the penalty en-
 14 forcement law" (N. J. S. 2A:58-1 et seq.), or in **[any case]**
 15 *a summary proceeding* before a court of competent jurisdiction
 16 wherein injunctive relief has been **[requested]** *sought. The State*
 17 *Police and police officers of the Port Authority of New York and*
 18 *New Jersey may issue a summons and complaint returnable in a*
 19 *municipal court or other court of competent jurisdiction for viola-*
 20 *tions of P. L. 1983, c. 401 (C. 39:5B-25 et seq.) and this amendatory*
 21 *and supplementary act or any rule or regulation adopted pursuant*
 22 *thereto. In addition to the jurisdiction conferred by "the penalty*
 23 *enforcement law," the Law and Chancery Division of the Su-*
 24 *perior Court shall have jurisdiction of proceedings for the en-*
 25 *forcement of the penalties provided in this act. The various*
 26 *municipal courts shall have jurisdiction of proceedings for the*
 27 *enforcement of penalties under \$5,000.00 provided in P. L. 1983,*
 28 *c. 401 (C. 39:5B-25 et al.)*

29 b. Penalties imposed pursuant to this act shall in no way reduce
 30 or otherwise limit the liability of any person, pursuant to the laws
 31 of this State, for cleanup costs or other damages arising from a
 32 discharge of hazardous materials.

33 c. *The Superintendent of the State Police, police officers of the*
 34 *Port Authority of New York and New Jersey and personnel of the*
 35 *Department of Transportation and of the Department of Environ-*
 36 *mental Protection duly authorized by the superintendent may, in*
 37 *addition to seeking a civil penalty, seek injunctive relief in the*
 38 *Chancery Division, General Equity Part of the Superior Court as*

39 to any person found to have violated any provision of P. L. 1983,
 40 c. 401 (C. 39:5B-25 et seq.) of this amendatory and supplementary
 41 act or any rule or regulation adopted pursuant to either.

42 d. With respect to violations dealing with motor vehicle equip-
 43 ment and inspections, the provisions and penalties of article 3 of
 44 chapter 3 and of chapter 8 respectively of Title 39 of the Revised
 45 Statutes and rules and regulations adopted thereunder shall apply
 46 rather than the provisions of P. L. 1983, c. 401 (39:5B-25 et seq.)
 47 this amendatory and supplementary act and rules and regula-
 48 tions adopted pursuant thereto.

1 6. P. L. 1950, c. 128 (C. 39:5B-1 et seq.) is repealed.

2 7. There is appropriated to the Department of Law and Public
 3 Safety from the General Fund the sum of \$1,000,000.00 to carry
 4 out the purposes of this amendatory and supplementary act and
 5 to otherwise enforce the provisions of P. L. 1983, c. 401 (C.
 6 39:5B-25 et seq). The Commissioner of Transportation may re-
 7 quest of the Attorney General such sums as may be necessary to
 8 carry out the responsibilities of the Department of Transporta-
 9 tion under P. L. 1983, c. 401. The Attorney General may transfer
 10 to the Department of Transportation such sums as he deems
 11 appropriate.

1 8. This act shall take effect immediately.

STATEMENT

The bill amends and supplements P. L. 1983, c. 401 (C. 39:5B-25 et al.) which provided for the regulation of hazardous materials transportation.

The bill would authorize the Superintendent of State Police, police officers of the Port Authority of New York and New Jersey, personnel of the Department of Transportation and personnel of the Department of Environmental Protection to inspect the contents of vehicles transporting hazardous materials. The Commissioner of Transportation would adopt regulations governing these inspections. The bill also increases the ranges within which penalties would be assessed, authorizes the Department of Transportation to adopt a schedule of penalties for specific violations, and limits the jurisdiction of municipal courts to proceedings for the enforcement of penalties under \$5,000.00.

Finally, the bill appropriates \$1,000,000.00 to carry out the purposes of the bill.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4160

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1985

As released by the Assembly Agriculture and Environment Committee, this bill amends and supplements P. L. 1983, c. 401 (C. 39:5B-25 et al.) which provided for the regulation of hazardous materials transportation.

The bill would authorize the Superintendent of State Police, police officers of the Port Authority of New York and New Jersey, personnel of the Department of Transportation and personnel of the Department of Environmental Protection to inspect the contents of vehicles transporting hazardous materials. The Commissioner of Transportation would adopt regulations governing these inspections. The bill also increases the ranges within which penalties would be assessed, authorizes the Department of Transportation to adopt a schedule of penalties for specific violations, and limits the jurisdiction of municipal courts to proceedings for the enforcement of penalties under \$5,000.00.

Finally, the bill appropriates \$1,000,000.00 to carry out the purposes of the bill.

The committee reported the bill favorably.