

39:5B-18 to 39:5B-24

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:5B-18 to 39:5B-24

(Radiation Protection Act—
enforcement of provisions on
transportation of materials)

LAWS OF: 1983

CHAPTER: 102

Bill No: A894

Sponsor(s): Baer, Mazur and Flynn

Date Introduced: Feb. 22, 1982

Committee: Assembly: Commerce and Industry

Senate: Energy and Environment

Amended during passage: /// No

Date of Passage: Assembly: May 13, 1982

Senate: Jan. 20, 1983

Date of Approval: March 14, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// ~~No~~ *Yes*

Following were printed:

Reports: /// No

Hearings: /// No

ASSEMBLY, No. 894

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblymen BAER, MAZUR and FLYNN

Referred to Committee on Commerce and Industry

AN ACT concerning the handling of radioactive materials in this State and supplementing P. L. 1950, c. 128 (C. 39:5B-1 et seq.).

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

1 1. As used in this act:

2 a. "Certificate of handling" means a written document issued
3 by the Department of Environmental Protection pursuant to the
4 terms of P. L. 1977, c. 233 (C. 26:2D-18 et seq.), approving the use
5 of certain specified New Jersey highways for the transport of
6 specified quantities of radioactive materials.

-7 b. "Certificate number" means the number associated with the
8 certificate of handling issued by the Department of Environmental
9 Protection.

1 2. For the transport of certain types and quantities of radio-
2 active material as specified by P. L. 1977, c. 233 (C. 26:2D-18
3 et seq.), the driver or operator of the motor vehicle shall produce
4 the certificate of handling or certificate number when requested to
5 do so by any State Police officer or any representative of the State
6 Department of Environmental Protection, while in the perform-
7 ance of his office, and shall also produce any other documents in
8 such manner as may be required by law so that the officer or repre-
9 sentative may thereby determine the identity of the certificate
10 holder.

1 3. Where a radioactive material shipment has been certified
2 pursuant to the provisions of P. L. 1977, c. 233 (C. 26:2D-18 et seq.),
3 and the rules and regulations promulgated pursuant thereto, and

4 it does not require placarding on the outside of the shipping vehicle
5 pursuant to federal law or regulations, the driver or operator of
6 the vehicle shall conspicuously post a placard in the cab to be
7 readily visible from outside the cab of the vehicle bearing the
8 the conventional radiation symbol and the words:

9 "CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE
10 MATERIAL".

11 Compliance with this section shall be deemed compliance with
12 section 11 of P. L. 1950, c. 128 (C. 39:5B-11).

1 4. In addition to any other conditions or liability imposed by
2 law, it shall be unlawful to ship or transport, or cause to be shipped
3 or transported, by motor vehicle over the highways of this State
3A those types and quantities of radioactive material for which a
4 certificate of handling is required pursuant to the terms of P. L.
5 1977, c. 233 (C. 26:2D-18 et seq.), unless the certificate of handling
6 or certification number is obtained from the State Department of
7 Environmental Protection and is in the possession of the driver or
8 operator of any motor vehicle used for the transport of the material
9 on the highways of this State.

1 5. Where a certificate of handling is required by law and has
2 been issued by the State Department of Environmental Protection,
3 it shall be unlawful to ship or transport, or cause to be shipped or
4 transported, by motor vehicle over the highways of this State the
5 radioactive material in any manner or condition that constitutes a
6 deviation from the conditions of the certificate of handling.

1 6. Any State Police officer or representative of the State Depart-
2 ment of Environmental Protection, while in the performance of
3 the duties of his office, is authorized to inspect any motor vehicle
4 to investigate any actual or suspected source of radiation for the
5 purpose of determining compliance with the provisions of, or the
6 need for, a certificate of handling.

1 7. The civil penalty for violation of this act for a first offense is
2 not more than \$250.00 and for each subsequent offense is not more
3 than \$500.00, which penalty shall be recovered in accordance with
4 "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

1 8. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide direct and efficient means by which the provisions of the "Radiation Protection Act," (P. L. 1958, c. 116) concerning the transportation of radioactive materials may be enforced.

P. L. 1977, c. 233, which supplements the "Radiation Protection Act," requires "certificates of handling" for the storage or transportation of any material which, by itself or with other such materials, exceeds certain levels of radioactivity.

This bill permits State Police officers to enforce the law in addition to Department of Environmental Protection personnel. It also establishes civil penalties for violation of this act of not more than \$250.00 for a first offense and not more than \$500.00 for each subsequent offense and places the enforcement powers in Title 39 (Motor Vehicles), to enable the State Police to use the existing procedures and forms that are already being utilized for other motor vehicle offenses.

Furthermore, the bill provides that in cases when a radioactive material shipment has been certified pursuant to the "Radiation Protection Act," and it does not require placarding on the outside of the shipping vehicle pursuant to federal law or regulations, the driver or operator of the vehicle shall conspicuously post a placard in the cab of the vehicle bearing the convention radiation symbol and the words:

"CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE MATERIAL."

ASSEMBLY, No. 894

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblymen BAER, MAZUR and FLYNN

Referred to Committee on Commerce and Industry

AN ACT concerning the handling of radioactive materials in this State and supplementing P. L. 1950, c. 128 (C. 39:5B-1 et seq.).

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

1 1. As used in this act:

2 a. "Certificate of handling" means a written document issued
3 by the Department of Environmental Protection pursuant to the
4 terms of P. L. 1977, c. 233 (C. 26:2D-18 et seq.), approving the use
5 of certain specified New Jersey highways for the transport of
6 specified quantities of radioactive materials.

7 b. "Certificate number" means the number associated with the
8 certificate of handling issued by the Department of Environmental
9 Protection.

1 2. For the transport of certain types and quantities of radio-
2 active material as specified by P. L. 1977, c. 233 (C. 26:2D-18
3 et seq.), the driver or operator of the motor vehicle shall produce
4 the certificate of handling or certificate number when requested to
5 do so by any State Police officer or any representative of the State
6 Department of Environmental Protection, while in the perform-
7 ance of his office, and shall also produce any other documents in
8 such manner as may be required by law so that the officer or repre-
9 sentative may thereby determine the identity of the certificate
10 holder.

1 3. Where a radioactive material shipment has been certified
2 pursuant to the provisions of P. L. 1977, c. 233 (C. 26:2D-18 et seq.),
3 and the rules and regulations promulgated pursuant thereto, and

4 it does not require placarding on the outside of the shipping vehicle
 5 pursuant to federal law or regulations, the driver or operator of
 6 the vehicle shall conspicuously post a placard in the cab to be
 7 readily visible from outside the cab of the vehicle bearing the
 8 the conventional radiation symbol and the words:

9 "CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE
 10 MATERIAL".

11 Compliance with this section shall be deemed compliance with
 12 section 11 of P. L. 1950, c. 128 (C. 39:5B-11).

1 4. In addition to any other conditions or liability imposed by
 2 law, it shall be unlawful to ship or transport, or cause to be shipped
 3 or transported, by motor vehicle over the highways of this State
 3A those types and quantities of radioactive material for which a
 4 certificate of handling is required pursuant to the terms of P. L.
 5 1977, c. 233 (C. 26:2D-18 et seq.), unless the certificate of handling
 6 or certification number is obtained from the State Department of
 7 Environmental Protection and is in the possession of the driver or
 8 operator of any motor vehicle used for the transport of the material
 9 on the highways of this State.

1 5. Where a certificate of handling is required by law and has
 2 been issued by the State Department of Environmental Protection,
 3 it shall be unlawful to ship or transport, or cause to be shipped or
 4 transported, by motor vehicle over the highways of this State the
 5 radioactive material in any manner or condition that constitutes a
 6 deviation from the conditions of the certificate of handling.

1 6. Any State Police officer or representative of the State Depart-
 2 ment of Environmental Protection, while in the performance of
 3 the duties of his office, is authorized to inspect any motor vehicle
 4 to investigate any actual or suspected source of radiation for the
 5 purpose of determining compliance with the provisions of, or the
 6 need for, a certificate of handling.

1 7. The civil penalty for violation of this act for a first offense is
 2 not more than \$250.00 and for each subsequent offense is not more
 3 than \$500.00, which penalty shall be recovered in accordance with
 4 "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

1 8. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to provide direct and efficient means by
 which the provisions of the "Radiation Protection Act," (P. L. 1958,
 c. 116) concerning the transportation of radioactive materials may
 be enforced.

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P. L. 1977, c. 233, which supplements the "Radiation Protection Act," requires "certificates of handling" for the storage or transportation of any material which, by itself or with other such materials, exceeds certain levels of radioactivity.

This bill permits State Police officers to enforce the law in addition to Department of Environmental Protection personnel. It also establishes civil penalties for violation of this act of not more than \$250.00 for a first offense and not more than \$500.00 for each subsequent offense and places the enforcement powers in Title 39 (Motor Vehicles), to enable the State Police to use the existing procedures and forms that are already being utilized for other motor vehicle offenses.

Furthermore, the bill provides that in cases when a radioactive material shipment has been certified pursuant to the "Radiation Protection Act," and it does not require placarding on the outside of the shipping vehicle pursuant to federal law or regulations, the driver or operator of the vehicle shall conspicuously post a placard in the cab of the vehicle bearing the convention radiation symbol and the words:

"CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE MATERIAL."

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 894

STATE OF NEW JERSEY

DATED: MARCH 15, 1982

The Assembly Commerce and Industry Committee favorably reports this bill to provide a more direct and efficient means of enforcing those provisions of the "Radiation Protection Act" that govern the transportation of radioactive materials. At the present time, State law requires a "certificate of handling" or a "certificate number" for the storage or transportation of any material which, by itself or with other such materials, exceeds levels of radioactivity specified in N. J. A. C. 7:28-12.3(a).

This bill also codifies a regulation of the Department of Environmental Protection which, in certain cases, requires the driver or operator of a shipping vehicle to conspicuously post a placard in the vehicle's cab—normally on the dashboard—bearing the conventional radiation symbol and a warning. Such posting would only be necessary where placarding on the outside is not required either because of the quantity of radioactive material or because of the shielding effect caused by the material's packaging.

The bill sets penalties for those violating the act's provisions (ranging up to \$250.00 for a first offense and up to \$500.00 for subsequent offenses) and permits State Police Officers to cite violators in addition to State Department of Environmental Protection personnel. Since the bill supplements Title 39 (Motor Vehicles), the State Police, in enforcing the law, will be able to utilize procedures and forms now used for other motor vehicle offenses. While there is apparently no official terminology at this time to distinguish between State Police troopers and other officers of the State Police such as motor vehicle inspectors, and State game and park police, it is the intent of the committee to limit State Police enforcement to State Police troopers alone.

New Federal Department of Transportation rules entitled "Radioactive Materials; Routing and Driver Training Requirements" (49 CFR parts 171, 173 and 177) which cover the routing of radioactive materials and which, among other things, preempt requirements established by states and local governments that they be notified before radioactive materials are shipped through their jurisdictions, are now under court challenge.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY. No. 894

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1982

Assembly Bill No. 894 permits the State Police, in addition to Department of Environmental Personnel, to enforce the provisions of the "Radiation Protection Act" (P. L. 1958, c. 116) pertaining to the transportation of radioactive materials.

The "Radiation Protection Act" as supplemented by P. L. 1977, c. 233, requires "certificates of handling" for the storage and transportation of material which exceeds certain levels of radioactivity. This bill, by supplementing Title 39 of the Revised Statutes (Motor Vehicles), would enable the State Police to use existing motor vehicle offense forms and procedures to provide that the drivers of vehicles carrying radioactive materials have valid "certificates of handling", that drivers present the certificate when requested to do so, and that vehicles transporting radioactive waste display proper placards.

This bill further provides that when a shipment of radioactive material has been certified pursuant to the "Radiation Protection Act," and federal law or regulations do not require placards on the outside of the vehicle, the driver or operator of the vehicle shall conspicuously post a placard in the cab of the vehicle bearing the standard radiation symbol and the words: "CAUTION: THIS VEHICLE CONTAINS RADIOACTIVE MATERIAL".

This bill also establishes civil penalties for violation of its provisions: \$250.00 for a first offense, and not more than \$500 for each subsequent offense.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:
MONDAY, MARCH 14, 1983

CONTACT: PAUL WOLCOTT

Governor Thomas H. Kean has signed the following bills:

A-564, sponsored by Assemblyman Joseph V. Doria, Jr., D-Hudson, which makes a simple assault on any school board member or employee an aggravated assault.

A-284, sponsored by Assemblyman S. M. Terry LaCorte, R-Passaic, which exempts from paying motor vehicle registration fees chartered local councils of the Boys Clubs of America, the Girls Clubs of America and the Police Athletic League.

A-1684, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which appropriates \$20 million from the Energy Conservation Bond Act of 1980.

A-1601, sponsored by Assemblywoman Angela D. Perun, D-Middlesex, which prohibits the exhibition of animals in shopping malls, with certain exceptions.

A-894, sponsored by Assemblyman Byron M. Baer, D-Bergen, which requires the driver of a vehicle carrying radioactive materials to produce a certificate of handling when requested to do so by the State Police or the Department of Environmental Protection.

A-590, sponsored by Assemblyman Alan J. Karcher, (D-Middlesex), which permits hold-harmless clauses in construction contracts except in cases where the damages are due to the sole negligence of the person receiving the promise.

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