

32:4-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 32:4-6

Laws of 1975 Chapter 348

Bill No. S 1398

Sponsor(s) Merlino

Date Introduced September 30, 1974

Committee: Assembly State Gov't. & Federal & Interstate Relations

Senate State Gov't. & Federal & Interstate Relations

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly Jan. 8, 1976
Senate Nov. 21, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate No

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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SENATE, No. 1398

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 30, 1974

By Senator MERLINO

Referred to Committee on State Government and Federal
and Interstate Relations

AN ACT to amend "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen; make rules and regulations for the prevention of disorder, the preservation of safety, and the conservation of traffic on such bridges and in such tunnels and approaches thereto as the commission does or may hereafter operate; to prevent the evasion of the payment of tolls; providing a penalty for the violation of any such rules or regulations or for the evasion or the attempt to evade the payment of tolls, and repealing chapter 4 of Title 32 of the Revised Statutes," approved May 9, 1957 (P. L. 1957, c. 35).

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

1 1. Section 1 of P. L. 1957, c. 35 (C. 32:4-6) is amended to read as
2 follows:

3 1. The Delaware River Port Authority, a body corporate and
4 politic, functioning under the legislation enacted by the Common-
5 wealth of Pennsylvania and the State of New Jersey, and the
6 express consent of the Congress of the United States, and its
7 wholly-owned subsidiary corporation through which it is effectu-
8 ating its authorized purposes, shall have the power, and authority
9 to appoint such number of policemen as may be found necessary to
10 keep in safety and preserve order upon such bridges and tunnels
11 and approaches thereto, and upon the rapid transit systems, ferries,
12 facilities and other property as the Delaware River Port Authority

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

13 or such subsidiary corporations does or may hereafter own, lease or
14 operate; to administer to such policemen an oath or affirmation
15 faithfully to perform the duties of their respective positions or
16 offices; and to provide for the payment of such policemen from the
17 tolls, fares, charges and other revenue of the Delaware River Port
18 Authority or such subsidiary corporations. The policemen so
19 appointed shall have the power and authority to make arrests for
20 any crimes, misdemeanors, and the offenses committed under the
21 laws of the State of New Jersey or the Commonwealth of Pennsyl-
22 vania upon said bridges or within said tunnels or approaches
23 thereto, on the rapid transit systems, ferries, facilities or other
24 property, for disorder or breach of the peace, or for violations of
25 any lawful regulation which may be or may heretofore have been
26 adopted by the Delaware River Port Authority or such subsidiary
27 corporations. Such policemen shall be further authorized and
28 empowered to **[make arrests]** **make arrests or* issue summonses*
29 for evasion or attempts to evade the payment of tolls, fares or other
30 charges which may be fixed or may have been fixed for the use of
31 such bridge, tunnel, rapid transit system, or ferry, facility or other
32 property. To pass over any part of said bridges or through said
33 tunnels and approaches thereto in any vehicle for which tolls shall
34 be collectible, or for any person or vehicle to use the rapid transit
35 systems or ferries or other facilities or property without passing
36 through the toll gates or paying such toll, fares or charges shall
37 constitute such evasion and shall subject the person so evading or
38 attempting to evade such payment to **[arrest]** **arrest or* receipt*
39 *of a summons as aforesaid. Any such summons shall direct such*
40 *person to appear before any proper judicial officer as defined in this*
41 *section at such time as the summons shall direct. Upon the return*
42 *of such summons or upon the apprehension or arrest of any person*
43 *or persons for any of the other foregoing reasons, the offender may*
44 *be taken before any proper judicial officer of the Commonwealth*
45 *of Pennsylvania or of the State of New Jersey without respect to*
46 *the portion of the bridge, tunnel, ferry facility, rapid transit*
47 *system, facilities or other property upon or within which such*
48 *offense may have been committed or attempted or such offender*
49 *arrested, and thereupon such judicial officer shall have the power*
50 *and authority to punish such offender as hereinafter provided. The*
51 *Delaware River Port Authority and its wholly-owned subsidiary*
52 *corporations through which it is effectuating its authorized pur-*
53 *poses shall have the power to adopt such rules and regulations as*
54 *they may respectively deem expedient for the proper government*

55 of said bridges, tunnels, approaches thereto, rapid transit systems,
56 ferries, facilities or other property and for the preservation of good
57 order, safe traffic, and proper conduct thereon or therein. For any
58 violation of any of the foregoing provisions of this act or of any
59 rule or regulation adopted by the Delaware River Port Authority,
60 or its said subsidiary corporations, or for any evasion or attempt
61 to evade payment of tolls, fares or charges the offender or offenders
62 shall be subject to a fine or penalty of not less than \$10.00 or more
63 than \$25.00, together with costs, to be adjudged by the proper
64 judicial officer of the city and county of Philadelphia or other
65 proper judicial officer of the Commonwealth of Pennsylvania or of
66 the State of New Jersey before whom such offender or offenders
67 may be brought, and on default of payment of such fine or penalty,
68 then to imprisonment of not less than 10 days or more than 30 days
69 in the place of incarceration decreed by said magistrate or other
70 judicial officer; and upon conviction of any subsequent offense, shall
71 be subject to a fine or penalty of not less than \$25.00 or more than
72 \$50.00, together with costs, or to imprisonment of not less than 30
73 days or more than 60 days or both at the discretion of the said
74 magistrate or other judicial officer.

1 2. This act shall take effect upon the enactment into law by the
2 Commonwealth of Pennsylvania of legislation having a substan-
3 tially similar effect as this act, but if the Commonwealth of Penn-
4 sylvania shall have already enacted such legislation, this act shall
5 take effect immediately.

55 approaches thereto, rapid transit systems, ferries, facilities or
56 other property and for the preservation of good order, safe traffic,
57 and proper conduct thereon or therein. For any violation of any
58 of the foregoing provisions of this act or of any rule or regulation
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STATEMENT

Present law empowers the Delaware River Port Authority police to arrest persons who are suspected of evading tolls on authority projects. Not only is such action overly harsh, but it is also wasteful of police manpower. This bill authorizes the authority police to issue summonses in such cases, just as tickets are issued for traffic violations. There is no reason to arrest and detain a citizen simply for alleged toll evasion.

ASSEMBLY STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1398

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 17, 1975

This bill, as amended, specifically authorizes the Delaware River Port Authority Police to issue a summons or make an arrest in the case of a person suspected of evading a toll. Specific statutory authorization now exists only for the police to make an arrest; the bill before amendment, would have authorized only the issuing of a summons.