

39:3-6

August 27, 1969

Legislative Notes on R.S. 39:3-6
(Motor Vehicles fees & tax - Reciprocal)

Copy 1

No similar bills were introduced, 1967 - 1969.

- L. 1969, Chapter 119 - S566
Introduced March 10, 1969 by Schiaffo and others.
No statement.
Bill was amended.

For materials see Copy 2

This act was one of the revenue measures enacted to finance the 1969 "urban aid package." (Spaps. 52, 75, 94, 108, 119 and 150 of 1969). It is mentioned in newspaper articles on this "package" to be found at:

- V.F. - - N.J. - - Urban affairs (1969)
- V.F. - - N.J. - - Municipal finance (1969)

The following periodical articles analyze this bill:

(copies enclosed)

- 974.905 N.J. Motor Truck Assoc. Bulletin. Vol. 6, No. 10, p. 143
M916 May 15, 1969. (Copy enclosed)
- 974.905 N.J. Motor Truck Assoc. Bulletin. Vol. 6, No. 13, p. 143
M916 July 1, 1969. (Copy enclosed)
- 974.905 N.J. Motor Truck Assoc. Bulletin. Vol. 6, No. 7, p. 143
M916 April 1, 1969. (Copy enclosed).

*974905 NJMTR Bulletin. Vol. 6, no. 19, p. 144
Oct. 1, 1969 (copy enclosed)*

JH/fb

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SENATE, No. 566

STATE OF NEW JERSEY

ADOPTED MAY 12, 1969

AN ACT concerning motor vehicles and reciprocal relations with other jurisdictions with respect to motor vehicle fees and taxation, and amending sections 39:3-6 and 39:3-15 and supplementing chapter 3 of Title 39, of the Revised Statutes.

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

1 1. Section 39:3-6 of the Revised Statutes is amended to read as
2 follows:

3 39:3-6. *Except as otherwise provided by reciprocity agreement*
4 *or arrangement entered into by the director or by a declaration*
5 *issued by him, [No] no motor vehicle[, omnibus] or motor-drawn*
6 *vehicle [belonging to any person not a resident of this State]*
7 *registered in another jurisdiction[, for which registration in this*
8 *State is required because the laws of the State, territory, Federal*
9 *district of the United States, or province of the Dominion of Canada*
10 *in which such nonresident resides require] which requires the pay-*
11 *ment of a registration fee or fees or taxes of any other nature from*
12 *[a resident of] an owner of a similar vehicle properly registered in*
13 *this State for the operation of [a similar motor vehicle, omnibus or*
14 *motor-drawn vehicle in such other State, territory, Federal district*
15 *or province, even though the resident of this State has complied*
16 *with the laws of this State with respect to the registration of such*
17 *motor vehicle, omnibus or motor-drawn vehicle, shall be registered*
18 *in this State,] such vehicle on the highways of such other State,*
19 *shall be operated on the highways of this State unless a [registra-*
20 *tion] fee is paid to the [commissioner] director, equal in amount to*
21 *[that] the fee or tax collected by the authorized official or body of*
22 *[the State, territory, Federal district or province of the nonresi-*
23 *dent] such other jurisdiction for the [registration] operation on its*
24 *highways of the motor vehicle[, omnibus] or motor-drawn vehicle*
25 *[belonging to a nonresident thereof] properly registered in this*
26 *State. In the event that the fee or tax collected by such other juris-*

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

27 *diction is imposed for the registration of the vehicle therein, then*
 28 **[In]** *in no case shall the fee paid to the director be less than the*
 29 *amount now or hereafter provided for by the laws of this State for*
 30 *the registration of a similar [motor vehicle, omnibus or motor-*
 31 *drawn] vehicle. The director shall from time to time promulgate*
 32 *such regulations as may be necessary for the effective enforcement*
 33 *of this section.*

1 2. Section 39:3-15 of the Revised Statutes is amended to read as
 2 follows:

1 39:3-15. **[Any passenger type motor vehicle, omnibus, motor**
 2 **vehicle used for the transportation of goods, wares or merchandise,**
 3 **motorcycle, or motor-drawn vehicle belonging to a nonresident,**
 4 **and]** *A nonresident owner of any motor vehicle or motor-drawn*
 5 *vehicle which has been registered in accordance with the laws re-*
 6 *specting the registration of motor vehicles of the [State, territory,*
 7 *Federal district of the United States or province of the Dominion*
 8 *of Canada, or foreign country,] jurisdiction in which the nonresi-*
 9 *dent resides, and which has conspicuously displayed thereon the*
 10 *registration number thereof, may, without complying with the pro-*
 11 *visions of this subtitle with respect to registration and equipment,*
 12 **[be operated] operate or permit the operation of such vehicle in**
 13 **this State [either] during such portion of the entire year as the free**
 14 **operation of a similar type of vehicle belonging to a resident of this**
 15 **State and registered in compliance with the laws of this State, and**
 16 **whose registration number is conspicuously displayed thereon, is**
 17 **permitted in the [State, territory, Federal district or province of**
 18 **the Dominion of Canada, or foreign country,] jurisdiction of the**
 19 **nonresident[, or]; provided that such vehicle is not:**

20 (a) *Used for the transportation of persons for hire, compensa-*
 21 *tion or profit, or.*

22 (b) *Regularly operated in carrying on business within this State.*

23 (c) *Designed, used or maintained primarily for the transporta-*
 24 *tion of property.*

25 *The foregoing shall not apply to a vehicle leased by an owner*
 26 *engaged in the business of leasing such vehicles.*

27 *Any vehicle properly registered in, and having conspicuously dis-*
 28 *played on it the registration number issued by, another jurisdiction*
 29 *may be operated on the highways of this State without complying*
 30 *with the provisions of this subtitle with respect to registration*
 31 *during such portion of the entire year as the director shall de-*
 32 *termine to be the normal period of seasonal employment in*
 33 *agricultural pursuits, provided a special permit is obtained from*
 34 *the director for such operation which may be issued to any applicant*

35 who satisfies the director that he is engaged in such employment,
36 and upon the payment of a fee of \$1.00.

37 *Except as otherwise provided by reciprocity agreement or ar-*
38 *angement entered into by the director or by a declaration issued*
39 *by him, the* **【The】** *privilege of* **【free】** *operation in this State*
40 *of motor vehicles or motor-drawn vehicles belonging to non-*
41 *residents extended by this act shall not permit the intrastate* **【free】**
42 *operation of any truck, road tractor, truck tractor or trailer and*
43 *semitrailer of the commercial type, except that a trailer or semi-*
44 *trailer duly registered in another* **【State or Federal district or**
45 *province of the Dominion of Canada or foreign country,】* *jurisdic-*
46 *tion is extended the privilege of* **【free】** *intrastate operation when*
47 *being drawn by a truck, road tractor, or truck tractor registered in*
48 *accordance with the provisions of Revised Statutes 39:3-20 and pro-*
49 *vided that the gross weight of the combination of vehicles, including*
50 *load, does not exceed the maximum weight allowed by the registra-*
51 *tion certificate of the drawing vehicle registered in this State. The*
52 *owner or driver of any vehicle used in intrastate operations not*
53 *permitted by this section shall be deemed to be in violation of*
54 *Revised Statutes 39:3-4 and subject to the penalties prescribed in*
55 *said section.*

1 3. As used in this act unless other meaning is clearly ap-
2 parent from the language or context, or unless inconsistent with the
3 manifest intention of the Legislature:

4 “Commercial vehicle” means any vehicle which is operated in
5 interstate commerce and used for the transportation of persons for
6 hire, compensation or profit, or designed or used primarily for the
7 transportation of property.

8 “Jurisdiction” means and includes a State, territory or posses-
9 sion of the United States, the District of Columbia, the Common-
10 wealth of Puerto Rico, a foreign country and a state or province of
11 a foreign country.

12 “Properly registered,” as applied to place of registration, means:

13 (a) The jurisdiction where the person registering the vehicle has
14 his legal residence, or

15 (b) In the case of a commercial vehicle, the jurisdiction in which
16 it is registered if the commercial enterprise in which such vehicle is
17 used has a place of business therein and, if the vehicle is most fre-
18 quently dispatched, garaged, serviced, maintained, operated or
19 otherwise controlled in or from such place of business and, the
20 vehicle has been assigned to such place of business, or

21 (c) In the case of a commercial vehicle, the jurisdiction where,
22 because of an agreement or arrangement between 2 or more

23 jurisdictions, or pursuant to a declaration, the vehicle has been
24 registered as required by said jurisdiction.

25 In case of doubt or dispute as to the proper place of registration
26 of a vehicle, the division shall make the final determination, but in
27 making such determination, the division may confer with depart-
28 ments of the other jurisdictions affected.

29 "Fleet" means 3 or more commercial vehicles.

30 The words "division," "motor vehicle," "person," "vehicle,"
31 and "owner" shall each have the meanings ascribed to them respec-
32 tively by Revised Statutes 39:1-1.

33 The director shall promulgate regulations, after public hearing,
34 establishing definitions of other words and terms as may be neces-
35 sary for the administration of this act.

1 4. The director shall have the authority to execute or make
2 arrangements, agreements or declarations to carry out the pro-
3 visions of this act.

4 The director may enter into an agreement or arrangement with
5 the duly authorized representatives of other jurisdictions, granting
6 to vehicles or to owners of vehicles which are properly registered
7 or licensed in such jurisdictions, and for which evidence of compli-
8 ance is supplied, benefits, privileges and exemptions from the pay-
9 ment, wholly or partially, of any taxes, fees, or other charges im-
10 posed upon such vehicles or owners with respect to the operation or
11 ownership of such vehicles under the laws of this State. Such an
12 agreement or arrangement shall provide that vehicles properly
13 registered or licensed in this State, when operated upon highways
14 of such other jurisdiction, shall receive exemptions, benefits and
15 privileges of a similar kind or to a similar degree as are extended to
16 vehicles properly registered or licensed in such jurisdiction when
17 operated in this State. Each such agreement or arrangement shall,
18 in the judgment of the director be in the best interest of this State
19 and the citizens thereof and shall be fair and equitable to this State
20 and the citizens thereof, and all of the same shall be determined on
21 the basis and recognition of the benefits which accrue to the economy
22 of this State from the uninterrupted flow of commerce.

1 5. An agreement or arrangement entered into, or a declaration
2 issued under the authority of this act may contain provisions
3 authorizing the registration or licensing in another jurisdiction
4 of vehicles located in or operated from a base in such other juris-
5 diction which vehicles otherwise would be required to be registered
6 or licensed in this State; and in such event the exemptions, benefits
7 and privileges extended by such agreement, arrangement or

8 declaration shall apply to such vehicles, when properly licensed or
9 registered in such base jurisdiction.

1 6. If any jurisdiction permits or requires the licensing of fleets
2 of vehicles in interstate or combined interstate and intrastate
3 commerce and payment of registration fees, license taxes or other
4 fixed fees thereon on an apportionment basis commensurate with
5 and determined by the miles traveled on and the use made of said
6 jurisdiction's highways, as compared with the miles traveled on and
7 the use made of other jurisdictions' highways or any other equi-
8 table basis of apportionment, and exempts vehicles registered in
9 other jurisdictions under such apportionment basis from the re-
10 quirements of full payment of its own registration, license or other
11 fixed fees, then the director may, by agreement, adopt such exemp-
12 tion with respect to vehicles of such fleets, whether owned by resi-
13 dents or nonresidents of this State and regardless of where based.
14 Such agreements, under such terms, conditions or restrictions as the
15 director deems proper, may provide that owners of vehicles oper-
16 ated in interstate or combined interstate and intrastate commerce in
17 this State shall be permitted to pay registration, license or other
18 fixed fees on an apportionment basis, commensurate with and de-
19 termined by the miles traveled on and the use made of the highways
20 of this State as compared with the use made of the highways of
21 other jurisdictions or any other equitable basis of apportionment.
22 The director may adopt and promulgate such rules and regulations
23 as he shall deem necessary to effectuate and administer the provi-
24 sions of this section, and the registration of fleet vehicles under this
25 section shall be subject to the rights, terms and conditions granted
26 by or contained in any applicable agreement, arrangement or decla-
27 ration made by the director.

1 7. In the absence of an agreement or arrangement with another
2 jurisdiction, the director may examine the laws and require-
3 ments of such jurisdiction and declare the extent and nature of
4 exemptions, benefits and privileges to be extended to vehicles prop-
5 erly registered or licensed in such other jurisdiction, or to the
6 owners of such vehicles, which shall, in the judgment of the director
7 be in the best interest of this State and the citizens thereof, and
8 which shall be fair and equitable to this State and the citizens
9 thereof, and all of the same shall be determined on the basis and rec-
10 ognition of the benefits which accrue to the economy of this State
11 from the uninterrupted flow of commerce.

1 8. An agreement or arrangement entered into, or a declaration
2 issued under the authority of this act, may contain provisions

3 under which a leased vehicle properly registered by the lessor
4 thereof may be entitled, subject to terms and conditions stated
5 therein, to the exemptions, benefits and privileges extended by such
6 agreement, arrangement or declaration.

1 9. After July 1, 1969 if no agreement, arrangement or declara-
2 tion is in effect with respect to another jurisdiction as authorized
3 by this act, any vehicle properly registered or licensed in such other
4 jurisdiction, and for which evidence of compliance is supplied, shall
5 receive, when operated in this State, the same exemptions, benefits
6 and privileges granted by such other jurisdiction to vehicles prop-
7 erly registered in this State. Reciprocity extended under this sec-
8 tion shall apply to commercial vehicles only when engaged exclu-
9 sively in interstate commerce, except as to a foreign registered
10 trailer or semitrailer in intrastate commerce when hauled by a
11 truck, road tractor, or truck tractor registered with the director in
12 conformity with Revised Statutes 39:3-20.

1 10. Nothing contained in this act relating to proportional regis-
2 tration of fleet vehicles shall be construed as requiring any vehicle
3 to be proportionally registered if it is otherwise registered in this
4 State for the operation in which it is engaged, including but not
5 by way of limitation, regular registration, temporary registration,
6 or trip permit or registration.

1 11. All agreements, arrangements or declarations, or amendments
2 thereto, shall be in writing and shall be filed in the office of the
3 director. A copy of each agreement, arrangement or declaration,
4 or amendment thereto, shall be filed by the director in the office of
5 the Secretary of State within 10 days after execution, or the effec-
6 tive date of the instrument whichever is later.

1 12. Agreements, arrangements or declarations made under the
2 authority of this act may include provisions authorizing the director
3 to suspend or cancel the exemptions, benefits, or privileges granted
4 thereunder to a person who violates any of the conditions or terms
5 of such agreements, arrangements or declarations or who violates
6 the laws of this State relating to motor vehicles, or regulations
7 lawfully promulgated thereunder.

1 13. This act shall take effect July 1, 1969.

SENATE, No. 566

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1969

By Senators SCHIAFFO, WALDOR, FORSYTHE, KAY, HIERING,
SCIRO, HAGEDORN, WOODCOCK, MARAZITI, ITALIANO,
WHITE, MILLER, WALLWORK, MATTURRI, DELTUFO,
GIULIANO and KNOWLTON

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and reciprocal relations with
other jurisdictions with respect to motor vehicle fees and taxa-
tion, and amending sections 39:3-6 and 39:3-15 and supplement-
ing chapter 3 of Title 39, of the Revised Statutes.

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

1 1. Section 39:3-6 of the Revised Statutes is amended to read as
2 follows:

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4 *or arrangement entered into by the director or by a declaration*
5 *issued by him, [No] no motor vehicle[, omnibus] or motor-drawn*
6 *vehicle [belonging to any person not a resident of this State]*
7 *registered in another jurisdiction[, for which registration in this*
8 *State is required because the laws of the State, territory, Federal*
9 *district of the United States, or province of the Dominion of Canada*
10 *in which such nonresident resides require] which requires the pay-*
11 *ment of a registration fee or fees or taxes of any other nature from*
12 *[a resident of] an owner of a similar vehicle properly registered in*
13 *this State for the operation of [a similar motor vehicle, omnibus or*
14 *motor-drawn vehicle in such other State, territory, Federal district*
15 *or province, even though the resident of this State has complied*
16 *with the laws of this State with respect to the registration of such*
17 *motor vehicle, omnibus or motor-drawn vehicle, shall be registered*
18 *in this State,] such vehicle on the highways of such other State,*
19 *shall be operated on the highways of this State unless a [registra-*
20 *tion] fee is paid to the [commissioner] director, equal in amount to*
21 *[that] the fee or tax collected by the authorized official or body of*

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

22 **[**the State, territory, Federal district or province of the nonresi-
 23 **dent]** *such other jurisdiction* for the **[**registration**]** *operation on its*
 24 *highways* of the motor vehicle**[, omnibus]** or motor-drawn vehicle
 25 **[**belonging to a nonresident thereof**]** *properly registered in this*
 26 *State. In the event that the fee or tax collected by such other juris-*
 27 *isdiction is imposed for the registration of the vehicle therein, then*
 28 **[**In**]** *in no case shall the fee paid to the director be less than the*
 29 *amount now or hereafter provided for by the laws of this State for*
 30 *the registration of a similar [motor vehicle, omnibus or motor-*
 31 *drawn] vehicle. The director shall from time to time promulgate*
 32 *such regulations as may be necessary for the effective enforcement*
 33 *of this section.*

1 2. Section 39:3-15 of the Revised Statutes is amended to read as
 2 follows:

1 39:3-15. **[**Any passenger type motor vehicle, omnibus, motor
 2 vehicle used for the transportation of goods, wares or merchandise,
 3 motorcycle, or motor-drawn vehicle belonging to a nonresident,
 4 and**]** *A nonresident owner of any motor vehicle, or motor-drawn*
 5 *vehicle which has been registered in accordance with the laws re-*
 6 *specting the registration of motor vehicles of the [State, territory,*
 7 *Federal district of the United States or province of the Dominion*
 8 *of Canada, or foreign country,]* *jurisdiction* in which the nonresi-
 9 *dent resides, and which has conspicuously displayed thereon the*
 10 *registration number thereof, may, without complying with the pro-*
 11 *visions of this subtitle with respect to registration and equipment,*
 12 **[**be operated**]** *operate or permit the operation of such vehicle in*
 13 *this State [either]* *during such portion of the entire year as the free*
 14 *operation of a similar type of vehicle belonging to a resident of this*
 15 *State and registered in compliance with the laws of this State, and*
 16 *whose registration number is conspicuously displayed thereon, is*
 17 *permitted in the [State, territory, Federal district or province of*
 18 *the Dominion of Canada, or foreign country,]* *jurisdiction* of the
 19 *nonresident[, or]; provided that such vehicle is not:*

20 (a) *Used for the transportation of persons for hire, compensa-*
 21 *tion or profit, or.*

22 (b) *Regularly operated in carrying on business within this State.*

23 (c) *Designed, used or maintained primarily for the transporta-*
 24 *tion of property.*

25 *The foregoing shall not apply to a vehicle leased by an owner*
 26 *engaged in the business of leasing such vehicles.*

27 *Any vehicle properly registered in, and having conspicuously dis-*
 28 *played on it the registration number issued by, another jurisdiction*
 29 *may be operated on the highways of this State without complying*

30 *with the provisions of this subtitle with respect to registration*
 31 *during such portion of the entire year as the director shall deter-*
 32 *mine to be the normal period of seasonal employment in agricultural*
 33 *pursuits, provided a special permit is obtained from the director for*
 34 *such operation which may be issued to any applicant who satisfies*
 35 *the director that he is engaged in such employment, and upon the*
 36 *payment of a fee of \$1.00.*

37 *Except as otherwise provided by reciprocity agreement or ar-*
 38 *rangement entered into by the director or by a declaration issued*
 39 *by him, the [The] privilege of [free] operation in this State of*
 40 *motor vehicles or motor-drawn vehicles belonging to nonresidents*
 41 *extended by this act shall not permit the intrastate [free] opera-*
 42 *tion of any truck, road tractor, truck tractor or trailer and semi-*
 43 *trailer of the commercial type, except that a trailer or semitrailer*
 44 *duly registered in another [State or Federal district or province of*
 45 *the Dominion of Canada or foreign country,] jurisdiction is ex-*
 46 *tended the privilege of [free] intrastate operation when being*
 47 *drawn by a truck, road tractor, or truck tractor registered in ac-*
 48 *cordance with the provisions of Revised Statutes 39:3-20 and pro-*
 49 *vided that the gross weight of the combination of vehicles, including*
 50 *load, does not exceed the maximum weight allowed by the registra-*
 51 *tion certificate of the drawing vehicle registered in this State. The*
 52 *owner or driver of any vehicle used in intrastate operations not*
 53 *permitted by this section shall be deemed to be in violation of*
 54 *Revised Statutes 39:3-4 and subject to the penalties prescribed in*
 55 *said section.*

1 3. As used in this act unless other meaning is clearly apparent
 2 from the language or context, or unless inconsistent with the mani-
 3 fest intention of the Legislature:

4 "Commercial vehicle" means any vehicle which is operated in
 5 interstate commerce and used for the transportation of persons for
 6 hire, compensation or profit, or designed or used primarily for the
 7 transportation of property.

8 "Jurisdiction" means and includes a State, territory or posses-
 9 sion of the United States, the District of Columbia, the Common-
 10 wealth of Puerto Rico, a foreign country and a state or province of
 11 a foreign country.

12 "Properly registered," as applied to place of registration, means:

13 (a) The jurisdiction where the person registering the vehicle has
 14 his legal residence, or

15 (b) In the case of a commercial vehicle, the jurisdiction in which
 16 it is registered if the commercial enterprise in which such vehicle is
 17 used has a place of business therein and, if the vehicle is most fre-

18 quently dispatched, garaged, serviced, maintained, operated or
19 otherwise controlled in or from such place of business and, the
20 vehicle has been assigned to such place of business, or

21 (c) In the case of a commercial vehicle, the jurisdiction where,
22 because of an agreement or arrangement between two or more
23 jurisdictions, or pursuant to a declaration, the vehicle has been
24 registered as required by said jurisdiction.

25 In case of doubt or dispute as to the proper place of registration
26 of a vehicle, the division shall make the final determination, but in
27 making such determination, the division may confer with depart-
28 ments of the other jurisdictions affected.

29 "Fleet" means 3 or more commercial vehicles.

30 The words "division," "motor vehicle," "person," "vehicle,"
31 and "owner" shall each have the meanings ascribed to them respec-
32 tively by Revised Statutes 39:1-1.

33 The director shall promulgate regulations, after public hearing,
34 establishing definitions of other words and terms as may be neces-
35 sary for the administration of this act.

1 4. The director shall have the authority to execute or make
2 arrangements, agreements or declarations to carry out the provi-
3 sions of this act.

4 The director may enter into an agreement or arrangement with
5 the duly authorized representatives of other jurisdictions, granting
6 to vehicles or to owners of vehicles which are properly registered
7 or licensed in such jurisdictions, and for which evidence of compli-
8 ance is supplied, benefits, privileges and exemptions from the pay-
9 ment, wholly or partially, of any taxes, fees, or other charges im-
10 posed upon such vehicles or owners with respect to the operation or
11 ownership of such vehicles under the laws of this State. Such an
12 agreement or arrangement shall provide that vehicles properly
13 registered or licensed in this State, when operated upon highways
14 of such other jurisdiction, shall receive exemptions, benefits and
15 privileges of a similar kind or to a similar degree as are extended to
16 vehicles properly registered or licensed in such jurisdiction when
17 operated in this State. Each such agreement or arrangement shall,
18 in the judgment of the director be in the best interest of this State
19 and the citizens thereof and shall be fair and equitable to this State
20 and the citizens thereof, and all of the same shall be determined on
21 the basis and recognition of the benefits which accrue to the economy
22 of this State from the uninterrupted flow of commerce.

1 5. An agreement or arrangement entered into, or a declaration
2 issued under the authority of this act may contain provisions au-
3 thorizing the registration or licensing in another jurisdiction of

4 vehicles located in or operated from a base in such other jurisdiction
5 which vehicles otherwise would be required to be registered or li-
6 censed in this State; and in such event the exemptions, benefits and
7 privileges extended by such agreement, arrangement or declaration
8 shall apply to such vehicles, when properly licensed or registered in
9 such base jurisdiction.

1 6. If any jurisdiction permits or requires the licensing of fleets of
2 vehicles in interstate or combined interstate and intrastate com-
3 merce and payment of registration fees, license taxes or other fixed
4 fees thereon on an apportionment basis commensurate with and
5 determined by the miles traveled on and the use made of said juris-
6 diction's highways, as compared with the miles traveled on and
7 the use made of other jurisdictions' highways or any other equi-
8 table basis of apportionment, and exempts vehicles registered in
9 other jurisdictions under such apportionment basis from the re-
10 quirements of full payment of its own registration, license or other
11 fixed fees, then the director may, by agreement, adopt such exemp-
12 tion with respect to vehicles of such fleets, whether owned by resi-
13 dents or nonresidents of this State and regardless of where based.
14 Such agreements, under such terms, conditions or restrictions as the
15 director deems proper, may provide that owners of vehicles oper-
16 ated in interstate or combined interstate and intrastate commerce in
17 this State shall be permitted to pay registration, license or other
18 fixed fees on an apportionment basis, commensurate with and de-
19 termined by the miles traveled on and the use made of the highways
20 of this State as compared with the use made of the highways of
21 other jurisdictions or any other equitable basis of apportionment.
22 The director may adopt and promulgate such rules and regulations
23 as he shall deem necessary to effectuate and administer the provi-
24 sions of this section, and the registration of fleet vehicles under this
25 section shall be subject to the rights, terms and conditions granted
26 by or contained in any applicable agreement, arrangement or decla-
27 ration made by the director.

1 7. In the absence of an agreement or arrangement with another
2 jurisdiction, the director may examine the laws and requirements
3 of such jurisdiction and declare the extent and nature of exemp-
4 tions, benefits and privileges to be extended to vehicles properly
5 registered or licensed in such other jurisdiction, or to the owners of
6 such vehicles, which shall, in the judgment of the director be in the
7 best interest of this State and the citizens thereof, and which shall
8 be fair and equitable to this State and the citizens thereof, and all
9 of the same shall be determined on the basis and recognition of the

10 benefits which accrue to the economy of this State from the uninter-
11 rupted flow of commerce.

1 8. An agreement or arrangement entered into, or a declaration
2 issued under the authority of this act, may contain provisions under
3 which a leased vehicle properly registered by the lessor thereof may
4 be entitled, subject to terms and conditions stated therein, to the
5 exemptions, benefits and privileges extended by such agreement,
6 arrangement or declaration.

1 9. After July 1, 1969 if no agreement, arrangement or declaration
2 is in effect with respect to another jurisdiction as authorized by this
3 section, any vehicle properly registered or licensed in such other
4 jurisdiction, and for which evidence of compliance is supplied, shall
5 receive, when operated in this State, the same exemptions, benefits
6 and privileges granted by such other jurisdiction to vehicles prop-
7 erly registered in this State. Reciprocity extended under this sec-
8 tion shall apply to commercial vehicles only when engaged exclu-
9 sively in interstate commerce.

1 10. Nothing contained in this act relating to proportional regis-
2 tration of fleet vehicles shall be construed as requiring any vehicle
3 to be proportionally registered if it is otherwise registered in this
4 State for the operation in which it is engaged, including but not by
5 way of limitation, regular registration, temporary registration, or
6 trip permit or registration.

1 11. All agreements, arrangements or declarations, or amend-
2 ments thereto, shall be in writing and shall be filed in the office of the
3 director. A copy of each agreement, arrangement or declaration, or
4 amendment thereto, shall be filed by the director in the office of the
5 Secretary of State within 10 days after execution, or the effective
6 date of the instrument whichever is later.

1 12. Agreements, arrangements or declarations made under the
2 authority of this act may include provisions authorizing the director
3 to suspend or cancel the exemptions, benefits, or privileges granted
4 thereunder to a person who violates any of the conditions or terms
5 of such agreements, arrangements or declarations or who violates
6 the laws of this State relating to motor vehicles, or regulations law-
7 fully promulgated thereunder.

1 13. This act shall take effect July 1, 1969.

SENATE AMENDMENTS TO
SENATE, No. 566

STATE OF NEW JERSEY

ADOPTED MAY 5, 1969

Amend page 1, title, line 3, omit "sections 39:3-6 and", insert "section".

Amend pages 1 and 2, section 1, lines 1-33, omit section 1 in its entirety.

Amend page 2, section 2, line 1, omit "2.", insert "1.", and renumber sections 3 through 13 accordingly.

Amend page 3, section 2, line 30, after "registration", insert "and equipment".

Amend page 3, section 2, lines 37, 38, omit lines 37 and 38 in their entirety.

Amend page 3, section 2, line 39, omit "by him, the", insert "The".

Amend page 6, section 9, line 1, omit "July 1, 1969", insert "the effective date of this act".

Amend page 6, section 9, line 9, after "commerce", insert "except as to a foreign registered trailer or semitrailer in intrastate commerce when hauled by a truck, road tractor or truck tractor registered with the director in conformity with Revised Statutes 39:3-20".

Amend page 6, section 13, line 1, omit "July 1, 1969", insert "immediately".

[OFFICIAL COPY REPRINT]

SENATE, No. 566

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1969

By Senators SCHIAFFO, WALDOR, FORSYTHE, KAY, HIERING,
SCIRO, HAGEDORN, WOODCOCK, MARAZITI, ITALIANO,
WHITE, MILLER, WALLWORK, MATTURRI, DELTUFO,
GIULIANO and KNOWLTON

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and reciprocal relations with
other jurisdictions with respect to motor vehicle fees and taxa-
tion, and amending ***[sections 39:3-6 and]*** **section** 39:3-15
and supplementing chapter 3 of Title 39, of the Revised Statutes.

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

1 ***[1. Section 39:3-6 of the Revised Statutes is amended to read as**
2 **follows:**

3 39:3-6. *Except as otherwise provided by reciprocity agreement*
4 *or arrangement entered into by the director or by a declaration*
5 *issued by him, **[No] no motor vehicle**, omnibus] or motor-drawn*
6 *vehicle **[belonging to any person not a resident of this State]***
7 *registered in another jurisdiction*, for which registration in this
8 State is required because the laws of the State, territory, Federal
9 district of the United States, or province of the Dominion of Canada
10 in which such nonresident resides require] *which requires the pay-*
11 *ment of a registration fee or fees or taxes of any other nature from*
12 ***[a resident of] an owner of a similar vehicle properly registered in***
13 *this State for the operation of **[a similar motor vehicle, omnibus or***
14 *motor-drawn vehicle in such other State, territory, Federal district*
5 *or province, even though the resident of this State has complied*
6 *with the laws of this State with respect to the registration of such*
7 *motor vehicle, omnibus or motor-drawn vehicle, shall be registered*
8 *in this State,] such vehicle on the highways of such other State,*
9 *shall be operated on the highways of this State unless a **[registra-***
10 *tion] fee is paid to the **[commissioner] director**, equal in amount to*
11 ***[that] the fee or tax** collected by the authorized official or body of*

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

22 **the State, territory, Federal district or province of the nonresi-**
 23 **dent** *such other jurisdiction for the* **registration** *operation on its*
 24 *highways of the motor vehicle* **omnibus** *or motor-drawn vehicle*
 25 **belonging to a nonresident thereof** *properly registered in this*
 26 *State. In the event that the fee or tax collected by such other juris-*
 27 *isdiction is imposed for the registration of the vehicle therein, then*
 28 **In** *in no case shall the fee paid to the director be less than the*
 29 *amount now or hereafter provided for by the laws of this State for*
 30 *the registration of a similar* **motor vehicle, omnibus or motor-**
 31 **drawn** *vehicle. The director shall from time to time promulgate*
 32 *such regulations as may be necessary for the effective enforcement*
 33 *of this section.**

1 **2.*** *1.* Section 39:3-15 of the Revised Statutes is amended
 2 to read as follows:

1 39:3-15. **Any passenger type motor vehicle, omnibus, motor**
 2 **vehicle used for the transportation of goods, wares or merchandise,**
 3 **motorcycle, or motor-drawn vehicle belonging to a nonresident,**
 4 **and** *A nonresident owner of any motor vehicle or motor-drawn*
 5 *vehicle which has been registered in accordance with the laws re-*
 6 *specting the registration of motor vehicles of the* **State, territory,**
 7 **Federal district of the United States or province of the Dominion**
 8 **of Canada, or foreign country,** *jurisdiction in which the nonresi-*
 9 *dent resides, and which has conspicuously displayed thereon the*
 10 *registration number thereof, may, without complying with the pro-*
 11 *visions of this subtitle with respect to registration and equipment,*
 12 **be operated** *operate or permit the operation of such vehicle in*
 13 *this State* **either** *during such portion of the entire year as the free*
 14 *operation of a similar type of vehicle belonging to a resident of this*
 15 *State and registered in compliance with the laws of this State, and*
 16 *whose registration number is conspicuously displayed thereon, is*
 17 *permitted in the* **State, territory, Federal district or province of**
 18 **the Dominion of Canada, or foreign country,** *jurisdiction of the*
 19 *nonresident* **, or** *;* *provided that such vehicle is not:*

20 (a) *Used for the transportation of persons for hire, compensa-*
 21 *tion or profit, or.*

22 (b) *Regularly operated in carrying on business within this State.*

23 (c) *Designed, used or maintained primarily for the transporta-*
 24 *tion of property.*

25 *The foregoing shall not apply to a vehicle leased by an owner*
 26 *engaged in the business of leasing such vehicles.*

27 *Any vehicle properly registered in, and having conspicuously dis-*
 28 *played on it the registration number issued by, another jurisdiction*
 29 *may be operated on the highways of this State without complying*

30 *with the provisions of this subtitle with respect to registration*
 31 **and equipment** during such portion of the entire year as the di-
 32 rector shall determine to be the normal period of seasonal employ-
 33 ment in agricultural pursuits, provided a special permit is obtained
 34 from the director for such operation which may be issued to any
 35 applicant who satisfies the director that he is engaged in such
 36 employment, and upon the payment of a fee of \$1.00.

37 *~~Except as otherwise provided by reciprocity agreement or ar-~~
 38 ~~angement entered into by the director or by a declaration issued~~
 39 ~~by him, the~~* ~~The~~ *The* privilege of ~~free~~ operation in this
 40 State of motor vehicles or motor-drawn vehicles belonging to non-
 41 residents extended by this act shall not permit the intrastate ~~free~~
 42 operation of any truck, road tractor, truck tractor or trailer and
 43 semitrailer of the commercial type, except that a trailer or semi-
 44 trailer duly registered in another ~~State or Federal district or~~
 45 ~~province of the Dominion of Canada or foreign country,~~ *jurisdic-*
 46 *tion* is extended the privilege of ~~free~~ intrastate operation when
 47 being drawn by a truck, road tractor, or truck tractor registered in
 48 accordance with the provisions of Revised Statutes 39:3-20 and pro-
 49 vided that the gross weight of the combination of vehicles, including
 50 load, does not exceed the maximum weight allowed by the registra-
 51 tion certificate of the drawing vehicle registered in this State. The
 52 owner or driver of any vehicle used in intrastate operations not
 53 permitted by this section shall be deemed to be in violation of
 54 Revised Statutes 39:3-4 and subject to the penalties prescribed in
 55 said section.

1 *~~3.~~* *2.* As used in this act unless other meaning is clearly ap-
 2 parent from the language or context, or unless inconsistent with the
 3 manifest intention of the Legislature:

4 "Commercial vehicle" means any vehicle which is operated in
 5 interstate commerce and used for the transportation of persons for
 6 hire, compensation or profit, or designed or used primarily for the
 7 transportation of property.

8 "Jurisdiction" means and includes a State, territory or posses-
 9 sion of the United States, the District of Columbia, the Common-
 10 wealth of Puerto Rico, a foreign country and a state or province of
 11 a foreign country.

12 "Properly registered," as applied to place of registration, means:

13 (a) The jurisdiction where the person registering the vehicle has
 14 his legal residence, or

15 (b) In the case of a commercial vehicle, the jurisdiction in which
 16 it is registered if the commercial enterprise in which such vehicle is
 17 used has a place of business therein and, if the vehicle is most fre-

18 quently dispatched, garaged, serviced, maintained, operated or
 19 otherwise controlled in or from such place of business and, the
 20 vehicle has been assigned to such place of business, or

21 (c) In the case of a commercial vehicle, the jurisdiction where,
 22 because of an agreement or arrangement between 2 or more
 23 jurisdictions, or pursuant to a declaration, the vehicle has been
 24 registered as required by said jurisdiction.

25 In case of doubt or dispute as to the proper place of registration
 26 of a vehicle, the division shall make the final determination, but in
 27 making such determination, the division may confer with depart-
 28 ments of the other jurisdictions affected.

29 "Fleet" means 3 or more commercial vehicles.

30 The words "division," "motor vehicle," "person," "vehicle,"
 31 and "owner" shall each have the meanings ascribed to them respec-
 32 tively by Revised Statutes 39:1-1.

33 The director shall promulgate regulations, after public hearing,
 34 establishing definitions of other words and terms as may be neces-
 35 sary for the administration of this act.

1 ***[4.]*** *3.* The director shall have the authority to execute or
 2 make arrangements, agreements or declarations to carry out the
 3 provisions of this act.

4 The director may enter into an agreement or arrangement with
 5 the duly authorized representatives of other jurisdictions, granting
 6 to vehicles or to owners of vehicles which are properly registered
 7 or licensed in such jurisdictions, and for which evidence of compli-
 8 ance is supplied, benefits, privileges and exemptions from the pay-
 9 ment, wholly or partially, of any taxes, fees, or other charges im-
 10 posed upon such vehicles or owners with respect to the operation or
 11 ownership of such vehicles under the laws of this State. Such an
 12 agreement or arrangement shall provide that vehicles properly
 13 registered or licensed in this State, when operated upon highways
 14 of such other jurisdiction, shall receive exemptions, benefits and
 15 privileges of a similar kind or to a similar degree as are extended to
 16 vehicles properly registered or licensed in such jurisdiction when
 17 operated in this State. Each such agreement or arrangement shall,
 18 in the judgment of the director be in the best interest of this State
 19 and the citizens thereof and shall be fair and equitable to this State
 20 and the citizens thereof, and all of the same shall be determined on
 21 the basis and recognition of the benefits which accrue to the economy
 22 of this State from the uninterrupted flow of commerce.

1 ***[5.]*** *4.* An agreement or arrangement entered into, or a
 2 declaration issued under the authority of this act may contain
 3 provisions authorizing the registration or licensing in another

4 jurisdiction of vehicles located in or operated from a base in such
5 other jurisdiction which vehicles otherwise would be required to be
6 registered or licensed in this State; and in such event the exemp-
7 tions, benefits and privileges extended by such agreement, arrange-
8 ment or declaration shall apply to such vehicles, when properly
9 licensed or registered in such base jurisdiction.

1 ***[6.]*** *5.* If any jurisdiction permits or requires the licensing of
2 fleets of vehicles in interstate or combined interstate and intrastate
3 commerce and payment of registration fees, license taxes or other
4 fixed fees thereon on an apportionment basis commensurate with
5 and determined by the miles traveled on and the use made of said
6 jurisdiction's highways, as compared with the miles traveled on and
7 the use made of other jurisdictions' highways or any other equi-
8 table basis of apportionment, and exempts vehicles registered in
9 other jurisdictions under such apportionment basis from the re-
10 quirements of full payment of its own registration, license or other
11 fixed fees, then the director may, by agreement, adopt such exemp-
12 tion with respect to vehicles of such fleets, whether owned by resi-
13 dents or nonresidents of this State and regardless of where based.
14 Such agreements, under such terms, conditions or restrictions as the
15 director deems proper, may provide that owners of vehicles oper-
16 ated in interstate or combined interstate and intrastate commerce in
17 this State shall be permitted to pay registration, license or other
18 fixed fees on an apportionment basis, commensurate with and de-
19 termined by the miles traveled on and the use made of the highways
20 of this State as compared with the use made of the highways of
21 other jurisdictions or any other equitable basis of apportionment.
22 The director may adopt and promulgate such rules and regulations
23 as he shall deem necessary to effectuate and administer the provi-
24 sions of this section, and the registration of fleet vehicles under this
25 section shall be subject to the rights, terms and conditions granted
26 by or contained in any applicable agreement, arrangement or decla-
27 ration made by the director.

1 ***[7.]*** *6.* In the absence of an agreement or arrangement with
2 another jurisdiction, the director may examine the laws of re-
3 quirements of such jurisdiction and declare the extent and nature of
4 exemptions, benefits and privileges to be extended to vehicles prop-
5 erly registered or licensed in such other jurisdiction, or to the
6 owners of such vehicles, which shall, in the judgment of the director
7 be in the best interest of this State and the citizens thereof, and
8 which shall be fair and equitable to this State and the citizens
9 thereof, and all of the same shall be determined on the basis and rec-

10 ognition of the benefits which accrue to the economy of this State
11 from the uninterrupted flow of commerce.

1 ***[8.]*** *7.* An agreement or arrangement entered into, or a
2 declaration issued under the authority of this act, may contain pro-
3 visions under which a leased vehicle properly registered by the
4 lessor thereof may be entitled, subject to terms and conditions
5 stated therein, to the exemptions, benefits and privileges extended
6 by such agreement, arrangement or declaration.

1 ***[9.]*** *8.* After ***[July 1, 1969]*** *the effective date of*
2 *this act** if no agreement, arrangement or declaration is in
2A effect with respect to another jurisdiction as authorized by this
3 section, any vehicle properly registered or licensed in such other
4 jurisdiction, and for which evidence of compliance is supplied, shall
5 receive, when operated in this State, the same exemptions, benefits
6 and privileges granted by such other jurisdiction to vehicles prop-
7 erly registered in this State. Reciprocity extended under this sec-
8 tion shall apply to commercial vehicles only when engaged exclu-
9 sively in interstate commerce *except as to a foreign registered*
10 *trailer or semitrailer in intrastate commerce when hauled by a*
11 *truck, road tractor or truck tractor registered with the director in*
12 *conformity with Revised Statutes 39:3-20*.*

1 ***[10.]*** *9.* Nothing contained in this act relating to propor-
2 tional registration of fleet vehicles shall be construed as requiring
3 any vehicle to be proportionally registered if it is otherwise regis-
4 tered in this State for the operation in which it is engaged, includ-
5 ing but not by way of limitation, regular registration, temporary
6 registration, or trip permit or registration.

1 ***[11.]*** *10.* All agreements, arrangements or declarations or
2 amendments thereto, shall be in writing and shall be filed in the
3 office of the director. A copy of each agreement, arrangement or
4 declaration, or amendment thereto, shall be filed by the director in
5 the office of the Secretary of State within 10 days after execution,
6 or the effective date of the instrument whichever is later.

1 ***[12.]*** *11.* Agreements, arrangements or declarations made
2 under the authority of this act may include provisions authorizing
3 the director to suspend or cancel the exemptions, benefits, or privi-
4 leges granted thereunder to a person who violates any of the con-
5 ditions or terms of such agreements, arrangements or declarations
6 or who violates the laws of this State relating to motor vehicles, or
7 regulations lawfully promulgated thereunder.

1 ***[13.]*** *12.* This act shall take effect ***[July 1, 1969]*** *im-*
2 *mediately*.*

New Jersey Motor Truck Association



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ISSUE OF APRIL 1, 1969

VOL. VI, No. 7

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BULLETIN

Bill Would Impose Possible Reprisal Taxes on Foreign-Registered Trucks

A bill pending in the New Jersey Legislature (S-566) would impose an automatic retaliatory tax or fee of like kind and amount upon all foreign-registered vehicles using New Jersey highways in the event the foreign jurisdiction imposes a fee or tax "of any nature" upon owners of New Jersey vehicles operating in the foreign state.

Complex in nature, with many implications, this proposed legislation is scheduled for detailed airing and discussion at NJMTA's general membership meeting on April 9 at the Cherry Hill Inn, Cherry Hill.

Immediately affected, if the bill becomes law, will be all New York-registered trucks and tractors which will have imposed on them, here in New Jersey, a ton-mile tax equivalent to the New York ton-mile tax now applied against New Jersey vehicles in their use of New York highways. Additionally, New York two-axle trucks registered for

18,000 pounds or more will be subjected to New Jersey's Motor Carrier Road Tax law (fuel tax) as well as the ton-mile levy.

Similar reprisals would be visited upon Ohio-registered vehicles as well as the vehicles of the several other states with ton-mile or axle weight-distance taxes. Directly affected would be Connecticut vehicles because of that state's \$10 per vehicle PUC filing fees, Vermont vehicles with that state's \$10 trip permit against New Jersey vehicles, activated because of our fuel use tax, and a host of vehicles from other states with fees or taxes applied against New Jersey motor carrier operations in the foreign jurisdictions.

In doubt is whether the automatic reprisal taxing feature would be limited to vehicles themselves, or also include other taxes that flow from the business operations of motor carriers in the foreign states, such as gross receipts, personal property taxes, state income taxes, corporation taxes, etc.

"This could be the beginning of border warfare, with other states retaliating in turn against New Jersey vehicles down to the last truck," Harry Boot, the interstate and re-

ciprocity expert of American Trucking Association, told NJMTA officers at a strategy meeting here last week.

While one section of S-566 is automatic and self-executing, another section would permit our Motor Vehicle Director to exempt from the reprisal tax schedule the vehicles of any state which enters into an agreement with New Jersey for mutual exemption of vehicles from the two states. The Director could also exempt by a unilateral "declaration" of his own.

Senator Alfred D. Schiaffo (R., Bergen), prime sponsor of S-556, with 16 co-sponsors also on the bill, said the legislation should bring in \$2 million in new revenue to finance a \$2 million appropriation in a companion bill he is pushing to authorize state guarantee of business incentive loans for the disadvantaged and ghetto area residents. The latter bill has already passed the Senate and only the intervention of NJMTA delayed Senate action on S-566, which has cleared the Republican party caucus and was ready

(continued on page 3)

NJMTA SEEKS EVIDENCE OF HIGH TOWING FEES

NJMTA is eager to obtain documented evidence from members who believe that they have been forced to pay excessive charges for towing or wrecking services.

The Association is seeking written particulars of such instances to build up a case for seeking some type of regulation of the tow-truck industry. Verbal reports of alleged overcharges have been intermittently received at NJMTA headquarters, but solid documentation is needed before the Association can initiate remedial action.

If such documentation becomes available, it is planned to submit this evidence to Paul Krebs, Director of the State Office of Consumer Protection, to obtain his endorsement of regulatory legislation.

Victims of obviously excessive charges are urged to submit the details in writing to Executive Director Frank X. Mack.

COUNCIL TO STAGE SEMINAR

A seminar on pension, incentive and profit-sharing plans applicable to the trucking industry will be conducted by NJMTA's Accounting & Finance Council on May 8 at the Holiday Inn, Route 1, North Brunswick.

Robert O. Hall, chairman of the Council, said the session would start at 9:30 A.M. and probably wind up at 2:30 P.M., with luncheon included. He added that three experts, as yet undetermined, will address the seminar, in addition to a luncheon speaker on a topic of general interest to the trucking industry.

Details will be announced as they become available.

FLOCKS OF 'EARLY BIRDS'

Nearly 400 persons availed themselves of the "Early Bird" discount for registering for NJMTA's 55th Anniversary Convention before April 1. (Earlier story on Page 13).

The normal price for full registrations now prevails: \$70 per male, \$50 per female, and \$25 per junior (to age 20). These were the general prices set for the 1968 convention.

Persons desiring to register may submit the form without check enclosed. However, it should be borne in mind that the controlling date for assigning reserved seats for the Friday and Saturday night functions is the date on which the check is received at NJMTA headquarters.

Reserved seats are being allotted on a first-come-first-served basis.

BILL PROVIDES FOR TAX AND FEE REPRISALS

(continued from page 1)

for floor consideration as the Bulletin went to press.

In the light of legislative interest in the tax revenue aspects, and the state's constant search for new revenues, it is extremely doubtful that New Jersey's Motor Vehicle Director would by "declaration" exempt another state's vehicles from the reprisal tax features of S-566. This would be particularly true as to states where the tax on New Jersey's and other states' vehicles such as a ton-mile tax, is accomplished by state law and is outside the power of a state administrator to waive under an agreement with a sister state.

Senator Schiaffo has still another bill pending aimed specifically at New York's fuel use tax on New Jersey's two-axle trucks registered at 18,000 pounds or over. It provides that New Jersey may enter into agreement with New York to mutually exclude each state's trucks (2 axles) from the opposite state's tax, but in the absence of an agreement New Jersey would impose its fuel use tax on all New York two-axle trucks registered at 18,000 pounds and over. Also, in the absence of an

Safety Unit Launches Drive

NJMTA's Council of Safety Supervisors is readying an intensive letter-writing campaign to state legislators, seeking their support for a pending bill (A-244) that would require municipal court clerks to notify owners of motor vehicles when drivers of such vehicles, other than the owners, receive summonses for moving violations.

Under the direction of James Motley, the Council's chairman, a data kit is being prepared to enable members and other interested persons to frame forceful and convincing letters. The kit also will contain information on contacting legislators.

To broaden the scope of the campaign, Mr. Motley said, the Council will seek to enlist active support for the bill from the N. J. State Safety Council, its affiliated regional units and other organizations interested in promoting highway safety.

For the past decade, the Council has been trying to induce the state officials concerned to initiate a system of notifying truck owners when drivers are involved in moving violations, but consistently has run into a blank wall. Therefore, the Council views the bill as a promising means of salvaging an apparently lost cause.

agreement, New Jersey's two-axle trucks at 18,000 pounds and over would be entitled to the refund provisions now applicable to three-axle trucks and tractors.

NJMTA officers, after reviewing the pending legislation with Mr. Boot, drafted an appeal to the Republican Senate leadership requesting deletion from S-566 of the automatic retaliatory tax provisions now in the bill.

Senate Bill 566 has other important changes in our reciprocity law. It would eliminate mirror reciprocity as to trucks and buses and instead lay down standards to determine if a commercial vehicle is "properly registered" in a foreign jurisdiction and thereby entitled to reciprocal use of our highways, provided the opposite state grants similar privileges to New Jersey commercial vehicles.

"Properly registered" is tied in to where a commercial enterprise has a place of business and if the vehicle is most frequently garaged and assigned there. It also allows for basing points, when registration is required by another jurisdiction. Mirror reciprocity as to commercial vehicles would continue, however, in the absence of an agreement with a sister state, or in the absence of a declaration of the New Jersey director.

Other than the automatic tax reprisal feature, which NJMTA is opposing, S-566 contains general provisions empowering motor vehicle directors to enter into agreements with each other, such as is proposed in the Uniform Motor Vehicle Code and which has general trucking industry support throughout the country.

One of the provisions is the authority, where state law sanctions it in other jurisdictions, to permit registration of fleets on an apportionment basis according to the number of miles traveled in each jurisdiction in ratio to total miles traveled in all jurisdictions, "or any other equitable basis of apportionment."

THE
GREEN STAMPS
ARE COMING
?

BULLETIN

of the New Jersey Motor Truck Association

APRIL 1, 1969

Vol. VI, No. 7

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GOV. WARNS ON FUNDS LOSS

Governor Hughes, to pressure the Republican legislative leadership, has charged that the Legislature's failure to prolong the existence of the Tri-State Transportation Commission for more than one year may cost Connecticut, New Jersey and New York millions of dollars in Federal funds.

The Connecticut legislature is not scheduled to meet next year and the Commission will thus expire unless New Jersey reverses its position. It was reported that Gov. Hughes is considering another plea to Gov. Nelson Rockefeller of New York urging him to advise New Jersey Republicans of the risk involved.

Rice and Hoffman

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New Jersey Motor Truck Association



ISSUE OF MAY 15, 1969

VOL. VI, No. 10



BULLETIN

Possible Reprisals Renewed In Trenton Tax Program

Legislative leaders at Trenton have agreed on an eleventh-hour tax package which includes an estimated \$2 million reciprocal tax program against vehicles from states which impose any fee or tax on New Jersey trucks which this state does not impose.

Simply stated, in its principal effect, it would impose the New York ton-mile tax against New York trucks for their mileage in New Jersey and the Ohio axle-mile tax against Ohio trucks for their mileage in this state.

It would also impose PUC filing fees against Connecticut trucks in addition to similar PUC filing fees many other states impose on New Jersey trucks. Vermont trucks could be subjected to \$10 tripper permits.

Technically, the legislative program would empower New Jersey's Motor Vehicle Director to enter into negotiations with directors of other states that impose taxes or fees on New Jersey trucks of a kind that New Jersey does not impose on foreign-registered trucks.

N. J. Would Seek Waivers

If the director in a given state, for example, had the power to waive a given fee or tax against New Jersey vehicles, and agreed to a waiver, New Jersey would not involve its retaliatory taxing power. However, in many states the fees or taxes imposed are fixed by the state legislature and the director has no power to waive them.

Again, technically, it is presumed that New Jersey would first go through the motions of seeking waivers and, in the absence of receiving waivers within a reasonable time, would then institute the retaliatory tax action.

The legislative tax schedule was handed out late in the evening of May 12 as this edition of the Bulletin.

The Senate, in passing S-566, had

(continued on page 3)

FUN AND BUSINESS BLENDED BY CONVENTION TWO WHO WILL SPEAK ON INDUSTRY TOPICS



MARK ROBESON
President of ATA



BRENDAN BYRNE
President, PUC

A program compounded of interesting business sessions, topflight entertainment and rest and relaxation has been arranged for NJMTA's 55th Anniversary Convention June 12-15 at the Chalfonte-Haddon Hall, Atlantic City.

The convention will officially get underway Thursday, June 12, at 12:30 P.M. with a luncheon for exhibitors sponsored by the Union Oil Co. The exhibitors will be welcomed by President James R. Horan, followed by Norman Hughes, NJMTA field representative, who has been supervising this sector of activity.

The next event, starting at 3 P.M., will be the annual meeting of the Board of Directors, at which a nominating committee headed by Wallace F. O'Reilly will submit a slate of candidates for election to NJMTA offices. Mr. O'Reilly will also report on the results of the annual election of members to the Board.

Soon after the meeting's conclusion, the Directors and their wives will gather for a cocktail party sponsored by Cummins

Diesel Metropolitan, Inc. The party will be a prelude to the Board's annual dinner.

Things will really start to swing at night, when Brockway Motor Trucks will host a Monte Carlo party, a highly popular feature of recent NJMTA conventions. Each guest will be given a "fortune" in chips for "gambling" at a variety of games of chance. The party will be climaxed by an auction at which valuable merchandise prizes will go to those who bid the highest with their bogus winnings.

Friday, June 13, will open with a Continental breakfast hosted by Doran Phillips, which will repeat the event the following day. Until luncheon, there will be a series of business sessions opening with an address by Brendan Byrne, president of the State Public Utilities Commission. He will discuss matters related to the recently enacted law placing household goods movers under intrastate regulation to be administered by the PUC starting July 1.

(continued on page 19)

BILL WOULD LET TRUCK OWNERS MAKE OWN INSPECTIONS

A combination of three bills designed to alleviate the inspection problem, including one that would allow owners of 25 or more New Jersey-registered motor vehicles to make their own inspections, has been introduced in the Assembly, by Assemblyman Michael J. Ferraro (R., Bergen) as the chief sponsor.

The second bill would allow persons engaged in selling new motor vehicles to utilize trained personnel to inspect them prior to sale and if the vehicles are found to meet standards fixed by the Motor Vehicle Director, to issue certificates of approval valid for three years or 30,000 miles, whichever occurs first.

The third bill provides that 1967, 1968 or 1969 model non-commercial passenger autos shall not be subject to inspection until they have traveled more than 30,000 miles.

The 25-or-more-vehicle bill, of primary interest to the trucking industry, would require registered owners of such vehicles to conduct an annual inspection of items determined by the motor vehicle director to be necessary for safe operation, and to keep records of inspections and repairs made to correct any safety defects. Anyone refusing to conduct such an inspection, or to

place a vehicle in safe operating condition after such inspection would be subject to a fine of \$100 to \$500 for the first offense and from \$500 to \$1,000 for the second offense.

The bill further provides that the equipment used for making the inspections need not be the same as that used in the official inspection stations but shall be sufficient to "inform the inspector as to the safe condition" of the vehicle.

Casting doubt on the efficacy of the present inspection system and deploring its expense, the statement of purpose accompanying the bills claimed that from 100,000 to 500,000 trailers are registered outside New Jersey each year to avoid the costs entailed in having them inspected in this state.

These figures were obviously lifted from a recent article in the Newark Star-Ledger, which claimed that New Jersey is losing an estimated \$7.5 million a year in trailer license fees because operators of such units are unwilling to absorb the financial punishment stemming from long waits at New Jersey's inspection stations.

The Star-Ledger's figures have been branded as "grossly exaggerated" by a high official of the State Motor Vehicle Division. It seems that nobody knows just how many trailers are being registered out-of-state, since ascertainment of a correct total involves intensive, protracted investigation.

Under New Jersey law, as established in the landmark Garford case, a company incorporated in this state must register its vehicles here for legal travel within the state.

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RETALIATORY TAXES

(continued from page 1)

eliminated the retaliatory tax feature, merely giving the Motor Vehicle director power to negotiate and enter into agreements with other state directors. The Assembly subsequently restoring the retaliatory was passed on second reading by the assembly and returned to the Senate for concurrent action there on Thursday, May 15.

The retaliatory tax was taken up unexpectedly after the Legislature had considered and then, followingNJMTA intervention, rejected a proposed three-cent increase in the diesel fuel tax.

THE
GREEN STAMPS
ARE COMING TO
BOOTH NO.23



of the New Jersey Motor Truck Association

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Executive Director Frank X. Mack	

Editor Samuel S. Grossman

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I.R.S. ADOPTS TAX SCHEDULE

The Internal Revenue Service has adopted, effective July 1, the increased Federal use tax categories included in the tabulation printed in the May 1 Bulletin.

ATA's Managing Director, William A. Bresnahan, testifying at an April 24 hearing on the new schedule, combined objections to the revisions with an appeal for complete and effective enforcement.

The current rate of \$3 per 1,000 pounds is not affected. The 21 categories under the new schedule are based on the "actual unloaded weight" of the power unit but IRS then applies to each category a "taxable gross weight."

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ISSUE OF JULY 1, 1969
VOL. VI, No. 13



BULLETIN

HUGHES SIGNS REPRISAL AND FUEL TAX BILLS

Governor Richard J. Hughes has signed into law the bill (S-566) which would impose an automatic retaliatory tax or fee of like kind and amount upon all foreign-registered vehicles using New Jersey's highways in the event the foreign jurisdiction imposes a fee or tax "of any nature" upon owners of New Jersey vehicles operating in the foreign state.

The Governor also has signed a companion bill (S-584) which specifically concerns the New York Fuel Tax Law as it is applicable to two-axle trucks registered for 18,000 pounds and up. This law provides for motor fuel taxes to be imposed on New York two-axle trucks of 15,000 pounds and over, but it also provides for fuel tax refunds for this class of vehicle registered in New Jersey and consuming in New York fuel which was purchased in this state.

The tax and fee reprisal bill was opposed by NJMTA. This opposition was voiced in a resolution adopted at the Association's convention, which called upon the Governor to veto the measure on the ground that it was disruptive of reciprocity between the states, invited counter-reprisals from foreign jurisdictions and was an impediment to the free flow of interstate commerce.

The new law immediately affects all New York-registered trucks and tractors, upon which New Jersey will impose a ton-mile tax equivalent to the ton-mile tax now applied against New Jersey commercial vehicles traveling in New York.

Also affected will be Ohio-registered vehicles as well as the vehicles of other states with ton-mile or weight-distance taxes. Other targets are Connecticut vehicles

(continued on page 3)

Convention Racks Up Record; Draws 1,013 Participants

Racking up a State attendance of 1,013, NJMTA's 55th Anniversary Convention set a new high in participation for the 15-year history of the event.

The attendance substantially exceeded that for the Golden Anniversary Convention, in 1964 at Cherry Hill, which was the previous record holder.

Of the 1,013, 711 were full registrations covering participation in all paid events. The rest represented paid attendance at one or more functions. The convention was held June 12-15 at the Chalfonte Haddon Hall, Atlantic City.

There were early indications that the convention would be a record breaker when an unusually large crowd showed up at the curtain-raiser, the Monte Carlo Party on the night of June 12. There were additional signs before luncheon on the following day, when Convention Chairman Richard I. Brown had to suspend the sale of tickets for the event until he was assured that the number of prospective attendees would not exceed the capacity of the dining facilities assigned to the affair.

There also was surprisingly large participation in the convention's final event, the Sunday champagne "brunch" on June 15. This was the first time in the convention's history that it had ever concluded with a programmed event on a Sunday, and it was uncertain how many conventioners would show up for it.

Summarizing the convention committee's reaction to the turnout, Mr. Brown, who also is NJMTA's second vice president, said:

"All members of the Association should be highly gratified that NJMTA has the ability to mount a convention that can draw so many participants. I would venture to say that there are only a few state truck associations that can show better convention results than those yielded by our 1969 affair.

(continued on page 3)

NJMTA OFFICERS RE-NAMED AT CONVENTION



START ANOTHER TERM - These officers, re-elected at the convention, will serve NJMTA during the coming year. L-R: seated, chairman of the Board of Directors, Lawrence H. Stern, Sterns Transport; president, James R. Horan, Needham's Motor Service; 1st vice pres., John W. Nappi, Rollo Trucking Corp.; 2nd vice pres., Richard I. Brown, Suburban Transfer Service; 3rd vice pres., William Jayne, Jr., Jayne's Motor Freight - standing, treasurer, Charles S. Schaevitz, unattached; state ATA vice president, Riccardo D. Dameo, Dameo, Inc.; secretary, William H. McCormick, McCormick's Express; asst. secretary, Frank X. Mack, who also is Executive Director.

MANY HIGHLIGHTS MAKE CONVENTION SPARKLE

(continued from page 1)

"This is an indicator of the vigorous maturity of our organization. It also is a tribute to the dedication and industry of the men who labored with me on the convention committee."

The convention sparkled with many features, which are illustrated for the most part in the fotorama starting on page 10 of this issue. The entertainment highlight, however, was the performance of Gordon MacRae on the night of June 13. Singing a variety of hits from the Broadway musicals that brought him fame, Mr. MacRae drew a thunderous response from his audience, especially the ladies.

Still another highlight was the appearance of Robert B. Meyner, Democratic candidate for another term as Governor, at the morning business session on June 13. Mr. Meyner made a special trip from North Jersey to the convention in a helicopter. His Republican opponent, Rep. William T. Cahill, was also scheduled to appear but had to attend a suddenly called emergency meeting of his party.

Mr. Meyner's talk dealt primarily with the crime problem in New Jersey. He asserted that bookmakers

and numbers runners supply the money for organized crime, and added that if lotteries are authorized by referendum in the November election, he would favor a law to replace bookmakers and numbers runners.

The candidate, in an obviously oblique reference to NJMTA's legislative activities, said that businessmen have the right to give legislators their views on a question. He added that a well-informed spokesman or lobbyist for an organization, who presents points accurately, serves a highly useful function in government.

"Don't suppress any facts," he emphasized. "Lobbyists who misrepresent the facts do a lot of harm to a cause."

* * * *

HUGHES SIGNS 2 BILLS

(continued from page 1)

because of that state's \$10 per vehicle PUC filing fees, Vermont vehicles with that state's \$10 trip permit against New Jersey vehicles, and a host of vehicles from other states exacting taxes and fees from New Jersey trucks traveling within their borders.

One section of the new law, however, permits our Motor Vehicle Director to exempt from the reprisal tax schedule the vehicles of any state which enters into an agreement with New Jersey of mutual exemption of vehicles from the two states. The Director could also exempt by a unilateral declaration of his own.

The law also eliminates mirror reciprocity as to trucks and buses and instead lays down standards to determine if a commercial vehicle is "properly registered" in a foreign jurisdiction and thereby entitled to reciprocal use of our highways, provided the opposite state grants similar privileges to New Jersey commercial vehicles.

Enactment of the bill providing New Jersey fuel tax refunds for eligible two-axle trucks operating in New York will come as welcome news to those motor carriers in the state's northern counties which have fairly extensive operations in New York City and such areas as Rockland and Orange counties.

Meanwhile, NJMTA was awaiting the Governor's action on another bill, A-244, that would require municipal court clerks to notify owners of vehicles when drivers of such vehicles, other than the owners, receive summonses for moving violations.

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VETS SEEK TRUCKING JOBS

NJMTA Training Coordinator Robert Mulvaney reports that four soon-to-be-discharged Army veterans at Fort Dix, all with trucking experience, are seeking jobs in New Jersey.

One of the vets, 37, has worked with trucks all during his 20 years' service, including supervision of a 100-unit fleet and extensive training duties. Another 37-year-old vet has supervised dispatching operations, test driven trucks and served as a safety instructor. The remaining two, aged 21 and 25, have driven heavy-duty trucks and have other motor pool experience.

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BULLETIN

ISSUE OF OCT. 1, 1969

VOL. VI, No. 19

INSURANCE PLAN SPEEDED

The steep increase in Blue Cross coverage has prompted NJMTA's insurance committee to speed its timetable for presenting a group insurance program to the Association's members.

Executive Director Frank X. Mack reports that the committee is accepting bids for a program embracing not only medical-surgical protection but major medical, life and long-term disability insurance, and hopes to make a decision before Nov. 1 for presentation to NJMTA's Board of Directors.

Mr. Mack urged members contemplating a change in coverage to give NJMTA an opportunity of presenting its plan before they take final action. Mr. Mack added:

"We ask those of you, who have been contacted by Ovitt & Devine, our insurance advisors, to reply as soon as convenient so that they will have the information needed to present cost figures after the insurance committee makes its decision. We will appreciate your speedy cooperation, since time is of the essence."

ROUTE 22 PROBLEM EASED

What loomed as a nightmarish situation has been considerably eased by a decision of the State Department of Transportation to have alteration of the center barrier on a stretch of Route 22 done between 9 P.M. and 5 A.M.

The initial announcement of this project, affecting a 3.2-mile stretch of the heavily traveled highway from Meeker Avenue, Newark, to the Garden State Parkway, Union, indicated that work would be done during the day, requiring closing of one lane in each direction. This raised the prospect of massive traffic jams, since the affected portion, according to the Transportation Department, carries a daily average of 68,000 vehicles.

Fleets with truck traveling the stretch during the night hours should instruct drivers to proceed with caution. The work on the barrier involves a potential for accidents.

MONACO EXPLAINS NEW REGISTRATION LAW

Carriers operating in New Jersey but using foreign-registered vehicles in such operations face the requirement of registering the vehicles in New Jersey, under the basing point principle contained in a recently enacted law (S-566).

This was emphasized by Joseph Monaco, chief of the Motor Carrier Bureau in the State Division of Motor Vehicles, in a talk to an NJMTA general membership meeting Sept. 17 in Lyndhurst. He also discussed various aspects of another recently adopted law (S-584) affecting fuel tax refunds for eligible N.J.-registered two-axle trucks operating into New York State.

In elaborating the basing point principle, Mr. Monaco stressed that this has replaced the doctrine that a vehicle had to be registered in the state in which its owner was incorporated. He called this doctrine "archaic."

Present law, Mr. Monaco added, embraces the basing point principle as contained in a clause in S-566 which provides that a commercial vehicle is properly registered if the place of registration "is the jurisdiction in which it is registered if the commercial enterprise in which

such vehicle is used has a place of business therein and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business and, the vehicle has been assigned to such place of business."

Mr. Monaco also pointed out that S-566 vests the Motor Vehicle Director with making the final determination in the event of a dispute over proper place of registration.

He added that approval is being sought for establishment of a grace period to give owners of vehicles illegally registered out of state a reasonable time in which to plate them in New Jersey.

Discussing the retaliatory features of S-566, Mr. Monaco said that New Jersey "does not want to get into wars with other states." The basic purpose of these features, he added, is to make it clear to other

(continued on page 4)

TANK MEN OKAY REGULATION

NJMTA's Liquid and Bulk Haulers Conference and the New Jersey Tank Truck Carriers have agreed to seek legislation placing that segment under intrastate regulation. The decision was reached at a meeting of both groups Sept. 23 at NJMTA headquarters.

There was general agreement that the legislation should provide for safety of operations and for regulations controlling entry by newcomers to liquid and bulk haulage. However, there was division of opinion on whether the bill should require posting of tariffs and should embrace dump truckers.

The bill under consideration borrows liberally in many of its provisions from the Public Movers' Act of 1969, which placed that segment under intrastate regulation.

Before NJMTA can act, the bill must be submitted by the Liquid and Bulk Haulers Conference to the Association's Board of Directors for approval.

550 DUCATS SOLD FOR DANCE

Nearly 550 tickets were sold for NJMTA's \$50-a-plate dinner-dance, which was held Sept. 27 at the Holiday Inn, North Brunswick.

Honoring five past presidents of the Association, the affair was the first of its kind in NJMTA's history. Reactions from those who attended amply indicated that it was a very enjoyable happening.

John Cramer, who headed up arrangements, expressed satisfaction with the results but added the comment that "we hope to make this event even more successful in the future as our members more fully understand its worthy purposes."

A photographic report on the affair will be published in the Oct. 15 issue of the Bulletin.



From right, George Armstrong, safety director for Sea-Land Service, presents Arthur Shackelford of Sea-Land with driver-of-the-month testimonial conferred by NJMTA's Council of Safety Supervisors. Waiting to present the driver with clock-barometer plaque on behalf of Sea-Land is John Kara, Mr. Shackelford's terminal manager. The presentations, at a meeting of the council Sept. 25 in North Brunswick, recognized Mr. Shackelford's heroism in teaming with another man to free an Esso driver pinned in the cab of a gasoline-laden tractor-tank trailer after it had capsized June 23 on Route 9, Woodbridge. The tank blew up seconds after the rescue.

MONACO ON NEW LAW

(continued from page 1)

states imposing disguised registration fees on New Jersey-registered vehicles that "we will impose such fees on their vehicles unless there is a reciprocal agreement waiving such fees."

He explained that the retaliatory taxes to be imposed by New Jersey cover only those taxes levied in other states for operation on their highways. They do not embrace such levies as ad valorem, income and gross receipts taxes.

As of Sept. 17, Mr. Monaco continued, 20 states had indicated interest in extending reciprocity on taxes and fees to New Jersey-registered vehicles operating within their borders, while 18 other states had shown no such interest. Since New York State has held that it cannot waive its ton-mile tax, New Jersey expects to collect a total of \$1,500,000 annually in counterpart taxes from New York-registered commercial vehicles operating in this state, Mr. Monaco said.

He added that New Jersey will collect \$20 from each of some 2,500 Connecticut-registered vehicles coming into New Jersey as a counterpart levy for the \$20 annual fee that Connecticut exacts from foreign-registered tractors of hire carriers operating in that state.

"We expect to collect at least \$2 million in counterpart taxes and fees under S-566," Mr. Monaco asserted.

He said that New Jersey will exempt New York-registered household goods carriers from a ton-mile-tax counterpart since they are exempted from that tax in New York.

Turning to S-584, Mr. Monaco said that two-axle New Jersey-registered trucks with an unloaded weight of more than 8,000 pounds or a laden weight of more than 18,000 pounds, which operate in New York State, can apply to New Jersey for fuel tax refunds on New York purchased fuel consumed in New York mileage without registration with his department. Such carriers, however, must file a tax report, he stressed.

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GM TO HIKE TRUCK PRICES

Press dispatches from Detroit have reported that General Motors is planning to boost prices for its trucks.

Tentative prices sent to dealers, the Associated Press said, show an average increase of \$130 or 4.6% for 1970 Chevrolet and GMC models. GM was quoted as saying that \$37 of the increase represented adjustments caused by making formerly optional equipment standard.

It was also reported that parts prices will increase.

Schneider with Spicer Sales

Dana Corp., Toledo, has announced that Robert Schneider has joined its Spicer Transmission Division sales force in New Jersey. Mr. Schneider previously was a sales representative for Kenworth of New Jersey.

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