



**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 102 or [refdesk@njstatelib.org](mailto:refdesk@njstatelib.org)

No

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

P.L. 1999, CHAPTER 196, *approved August 31, 1999*  
Assembly, No. 1162 (*First Reprint*)

1 **AN ACT** concerning the acceptance of payment by counties for certain  
2 permits and supplementing chapter 23 of Title 40 of the Revised  
3 Statutes.

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

7  
8 1. Notwithstanding any law, rule or regulation to the contrary,  
9 whenever the governing body of any county shall require the provision  
10 of a deposit <sup>1</sup>**[**or withholding of payment of a percentage of the  
11 amount of any contract by any person, contractor or other entity<sup>1</sup>**]** as  
12 a condition of granting a road opening permit, the county shall accept  
13 as a deposit <sup>1</sup>**[**therefor<sup>1</sup>**]** from the permit applicant either cash, or<sup>1</sup> in  
14 lieu of cash, <sup>1</sup>bonds, or a combination of cash and bonds, as  
15 determined by the permit applicant. Whenever bonds are used, the  
16 bonds may consist<sup>1</sup> of registered book bonds, entry municipal bonds,  
17 State bonds or other appropriate bonds of the State of New Jersey, or  
18 negotiable bearer bonds or notes of any political subdivision of the  
19 State, the value of which is equal to the amount necessary to satisfy  
20 the amount that otherwise would be required to be deposited <sup>1</sup>**[**or  
21 withheld, as the case may be,<sup>1</sup>**]** pursuant to the terms of the  
22 <sup>1</sup>**[**contract<sup>1</sup>**]** permit application and such requirements as set forth<sup>1</sup>.  
23 The nature and amount of the bonds or notes to be deposited shall be  
24 subject to <sup>1</sup>the<sup>1</sup> approval by the governing body of the county. <sup>1</sup>Such  
25 approval shall not be unreasonably withheld.<sup>1</sup> For purposes of this  
26 section, "value" shall mean par value or current market value,  
27 whichever is lower.

28 <sup>1</sup>**[**If the person, contractor or other entity agrees to the withholding  
29 of payments, the amount withheld shall be deposited, with a banking  
30 institution or savings and loan association insured by an agency of the<sup>1</sup>**]**  
31 If the permit applicant deposits cash for granting a road opening  
32 permit, such deposit shall be placed with a banking institution or  
33 savings and loan association insured by an agency of the<sup>1</sup> Federal  
34 government, in an account bearing interest at the rate currently paid  
35 by such institutions or associations on time or savings deposits. <sup>1</sup>**[**The  
36 amount withheld, or the bonds or notes deposited, and any interest  
37 accruing on such bonds or notes, shall be returned to the person,  
38 contractor or other entity upon fulfillment of the terms of the contract  
39 relating to such withholding.<sup>1</sup> Any interest accruing on cash

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALH committee amendments adopted January 21, 1999.

1 ~~1~~ **[payments withheld]** deposits<sup>1</sup> shall be credited to the governing  
2 body of the county. <sup>1</sup>If the permit applicant deposits bonds for  
3 granting a road opening permit, the bonds shall be deposited with the  
4 county. The amount of any interest accruing on such bonds shall be  
5 returned to the bond applicant upon fulfillment of the terms of the  
6 permit application.<sup>1</sup>

7

8 2. This act shall take effect immediately.

9

10

11

12

13 Requires that counties accept bonds in lieu of cash for road opening  
14 permits.

# ASSEMBLY, No. 1162

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman TOM SMITH**

**District 11 (Monmouth)**

**Assemblyman JERRY GREEN**

**District 17 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Requires that counties accept bonds in lieu of cash for road opening permits.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/22/1999)**

1 AN ACT concerning the acceptance of payment by counties for certain  
2 permits and supplementing chapter 23 of Title 40 of the Revised  
3 Statutes.

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

7  
8 1. Notwithstanding any law, rule or regulation to the contrary,  
9 whenever the governing body of any county shall require the provision  
10 of a deposit or withholding of payment of a percentage of the amount  
11 of any contract by any person, contractor or other entity as a condition  
12 of granting a road opening permit, the county shall accept as a deposit  
13 therefor in lieu of cash, registered book bonds, entry municipal bonds,  
14 State bonds or other appropriate bonds of the State of New Jersey, or  
15 negotiable bearer bonds or notes of any political subdivision of the  
16 State, the value of which is equal to the amount necessary to satisfy  
17 the amount that otherwise would be required to be deposited or  
18 withheld, as the case may be, pursuant to the terms of the contract.  
19 The nature and amount of the bonds or notes to be deposited shall be  
20 subject to approval by the governing body of the county. For  
21 purposes of this section, "value" shall mean par value or current  
22 market value, whichever is lower.

23 If the person, contractor or other entity agrees to the withholding  
24 of payments, the amount withheld shall be deposited, with a banking  
25 institution or savings and loan association insured by an agency of the  
26 Federal government, in an account bearing interest at the rate currently  
27 paid by such institutions or associations on time or savings deposits.  
28 The amount withheld, or the bonds or notes deposited, and any  
29 interest accruing on such bonds or notes, shall be returned to the  
30 person, contractor or other entity upon fulfillment of the terms of the  
31 contract relating to such withholding. Any interest accruing on cash  
32 payments withheld shall be credited to the governing body of the  
33 county.

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill requires that counties accept bonds in lieu of cash for road  
41 opening permits. It would appear that at present, counties vary  
42 considerably in their practice regarding the acceptance of deposits for  
43 road opening permits. While some may allow for bonds to be used for  
44 retainage, maintenance, and payment of subcontractors and material  
45 suppliers and performance, other counties require that cash be raised,  
46 which serves as a major deterrent to smaller contractors, who would

1 otherwise seek out these jobs.

2 By requiring that counties accept bonds, this bill would remove any  
3 disincentive which may currently prevent smaller contractors from  
4 bidding on jobs involving road opening permits. In so doing, this bill  
5 increases the competitiveness of certain jobs involving road openings,  
6 thereby promoting economic efficiency and ultimately, lowering the  
7 costs associated with certain construction jobs, with the resultant cost  
8 savings accruing to the taxpayer.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1162**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 21, 1999

The Assembly Local Government and Housing Committee reports favorably, with committee amendments, Assembly Bill No. 1162.

This bill, as amended by the committee, allows counties to accept cash, bonds in lieu of cash, or a combination of cash and bonds for road opening permit deposits. At present, counties vary considerably in their practice regarding the acceptance of deposits for road opening permits. While some counties may allow for bonds to be used for retainage, maintenance, and payment of subcontractors and material suppliers and performance, other counties require that substantial sums of cash be raised, which serves as a major deterrent to smaller contractors, who would otherwise seek out these jobs.

By permitting a permit applicant to deposit a combination of cash and bonds, this bill would remove any disincentive which may currently prevent smaller contractors from bidding on jobs involving road opening permits. In so doing, this bill increases the competitiveness of certain jobs involving road openings, thereby promoting economic efficiency and, ultimately, lowering the costs associated with certain construction jobs, with the resultant cost savings accruing to the taxpayer.

The committee amended the bill to remove language authorizing a county to withhold of payment of a percentage of the amount of any contract for which a road opening permit is needed, so that in every case, a deposit will be required for the guarantee. The committee also amended the bill to provide that cash received by the county must be deposited in a federally insured bank or savings and loan institution. The interest on cash deposits shall be credited to the county governing body while any interest accruing on bonds deposited with the county shall be returned to the bond applicant upon fulfillment of the terms of the permit application.

Assembly Bill No. 1162 was pre-filed for introduction in the 1998-1999 Legislative session pending technical review. As reported by the committee, the bill includes the changes required by technical review, which has been performed.



SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1162**

**STATE OF NEW JERSEY**

DATED: MAY 6, 1999

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1162 (1R).

This bill provides that whenever the governing body of a county requires an applicant for a road opening permit to provide a deposit as a condition of granting the permit, the county would be required to accept for the deposit: cash, bonds in lieu of cash, or a combination of cash and bonds, at the discretion of the permit applicant. The bill would require cash deposits to be deposited in a federally insured bank or savings and loan institution, interest upon which would be credited to the county governing body. The amount of any interest accruing on bonds deposited with the county would be returned to the bond applicant upon fulfillment of the terms of the permit application.

**SENATE, No. 1856**

---

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

---

INTRODUCED MAY 6, 1999

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**SYNOPSIS**

Requires that counties accept bonds in lieu of cash for road opening permits.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the acceptance of payment by counties for certain  
2 permits and supplementing chapter 23 of Title 40 of the Revised  
3 Statutes.

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

7  
8 1. Notwithstanding any law, rule or regulation to the contrary,  
9 whenever the governing body of any county shall require the provision  
10 of a deposit as a condition of granting a road opening permit, the  
11 county shall accept as a deposit from the permit applicant either cash,  
12 or in lieu of cash, bonds, or a combination of cash and bonds, as  
13 determined by the permit applicant. Whenever bonds are used, the  
14 bonds may consist of registered book bonds, entry municipal bonds,  
15 State bonds or other appropriate bonds of the State of New Jersey, or  
16 negotiable bearer bonds or notes of any political subdivision of the  
17 State, the value of which is equal to the amount necessary to satisfy  
18 the amount that otherwise would be required to be deposited pursuant  
19 to the terms of the permit application and such requirements as set  
20 forth. The nature and amount of the bonds or notes to be deposited  
21 shall be subject to the approval by the governing body of the county.  
22 Such approval shall not be unreasonably withheld. For purposes of  
23 this section, "value" shall mean par value or current market value,  
24 whichever is lower.

25 If the permit applicant deposits cash for granting a road opening  
26 permit, such deposit shall be placed with a banking institution or  
27 savings and loan association insured by an agency of the Federal  
28 government, in an account bearing interest at the rate currently paid  
29 by such institutions or associations on time or savings deposits. Any  
30 interest accruing on cash deposits shall be credited to the governing  
31 body of the county. If the permit applicant deposits bonds for granting  
32 a road opening permit, the bonds shall be deposited with the county.  
33 The amount of any interest accruing on such bonds shall be returned  
34 to the bond applicant upon fulfillment of the terms of the permit  
35 application.

36  
37 2. This act shall take effect immediately.  
38  
39

40 STATEMENT  
41

42 This bill allows counties to accept cash, bonds in lieu of cash, or a  
43 combination of cash and bonds for road opening permit deposits. At  
44 present, counties vary considerably in their practice regarding the  
45 acceptance of deposits for road opening permits. While some counties  
46 may allow for bonds to be used for retainage, maintenance, and

**S1856 PALAIA**

1 payment of subcontractors and material suppliers and performance,  
2 other counties require that substantial sums of cash be raised, which  
3 serves as a major deterrent to smaller contractors, who would  
4 otherwise seek out these jobs.

5 By permitting a permit applicant to deposit a combination of cash  
6 and bonds, this bill would remove any disincentive which may  
7 currently prevent smaller contractors from bidding on jobs involving  
8 road opening permits. In so doing, this bill increases the  
9 competitiveness of certain jobs involving road openings, thereby  
10 promoting economic efficiency and, ultimately, lowering the costs  
11 associated with certain construction jobs, with the resultant cost  
12 savings accruing to the taxpayer.

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

CONTACT: Gene Herman  
609-777-2600

RELEASE: August 31, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**S-446**, sponsored by Senators John A. Girgenti (D-Passaic) and William L. Gormley (R-Atlantic) and Assembly Members Nellie Pou (D- Passaic) and David C. Russo (R-Bergen/Passaic), clarifies the kidnapping statute by providing that the crime of kidnapping specifically includes the taking of a child in order to permanently deprive a parent, guardian or other lawful custodian of custody of that child. This offense, like other kidnapping offenses, is a first-degree crime that is punishable by a term of imprisonment between ten and 20 years, a \$200,000 fine, or both.

**S-697**, sponsored by Senator Robert W. Singer (R- Burlington/Monmouth/Ocean) and Assembly Members Melvin Cottrell (R- Burlington/Monmouth/Ocean) and Joseph R. Malone, 3d (R- Burlington/Monmouth/Ocean), allows municipalities, by ordinance, to designate speed limits on municipal streets under their jurisdiction that are not self-contained within the municipality. An ordinance designating such speed limits may only be adopted by the municipality if the municipal engineer first certifies that the new speed limit designation: (1) has been approved by the engineer after investigation; (2) appears to be in the interest of safety and expedition of traffic; and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways. Within 30 days of adoption of the ordinance, the municipality would be required to send the ordinance and engineer's designation to the Department of Transportation. The Commissioner of the Transportation Department has the discretion to invalidate the ordinance within 90 days of its receipt if he finds that the ordinance is inconsistent with accepted engineering standards, places an undue traffic burden on adjoining municipalities or otherwise creates an unsafe or hazardous condition.

**S-1223**, sponsored by Senator Joseph M. Kyrillos, Jr. (R- Middlesex/Monmouth) and Assembly Members Leonard Lance (R- Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), requires moneys remaining in certain prepaid funeral agreements to be paid to the state. The bill amends current law regarding prepaid funeral arrangements to prevent those receiving certain state assistance from improperly sheltering assets. Many individuals who obtain state assistance, such as Medicaid or Supplemental Security Income (SSI), have either established prepaid funeral trusts or purchased funeral insurance policies which provide for that person's funeral expenses. These trusts and insurance policies are excluded from determining eligibility for state assistance.

**A-1162**, sponsored by Assembly Members Tom Smith, Sr. (R-Monmouth) and Jerry Green (D-Middlesex/Somerset/Union) and Senator Joseph A. Palaia (R-Monmouth), requires that counties accept bonds in lieu of cash from an applicant for a road opening permit. The purpose of the legislation is to remove the burden of paying a large amount of cash which, the Utility and transportation Contractors Association indicates, often times has prevented smaller contractors from bidding for jobs involving road opening permits.

**S-1436**, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and John H. Adler (D-Camden) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean), Louis D. Greenwald (D-Camden), Guy F. Talarico (R- Bergen) and Kevin J. O'Toole (R-Essex/Union), upgrades the degree of crime of initiating false alarms under certain circumstances. The bill upgrades from a third-degree crime to a second-degree crime the offense of knowingly initiating or circulating a false alarm that results in serious bodily injury to another. The offense of knowingly initiating or circulating a false alarm that is likely to cause evacuation of a place or facility, or to cause public inconvenience, was upgraded from a fourth-degree crime to a third-degree crime. The offense of knowingly causing a false alarm to be transmitted to any emergency personnel was upgraded from a fourth degree crime to a third-degree crime.

The legislation also makes a person who violates any of the three provisions liable for a civil penalty of not less than \$1,000, or the actual costs incurred by law enforcement or emergency services personnel in responding to a false alarm, or whichever is higher. Another new penalty created by the bill provides that a court must suspend or postpone the right to operate a motor vehicle for any person under the age of 21 who is convicted or adjudicated delinquent for causing a false alarm.

**S-1249**, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and John O. Bennett (R-Monmouth) and Assembly Members Francis J. Blee (R-Atlantic) and John C. Gibson (R-Cape May/Atlantic/Cumberland), permits the Department of the Treasury to distribute computers, computer equipment and software designed as surplus by any state department, institution, commission, board, body or other state agency to local units, boards of education, nonpublic schools, or nonprofit charitable organizations.

**S-906**, sponsored by Senator Raymond J. Zane (D- Salem/Cumberland/Gloucester) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth), Kenneth C. LeFevre (R-Atlantic) and Gerald J. Luongo (R-Camden/Gloucester), allows an individual who leases a motor vehicle and obtains personalized courtesy or special license plates to transfer those license plates to another vehicle after the lease agreement ends. The standard \$4.50 transfer fee would be charged for the transfer, which is the fee charged for the transfer of plates from an owned vehicle. Previously, a person who wanted to transfer plates from a leased vehicle was required to surrender the plates and then reapply for them by paying a standard application fee. Depending upon the type of license plates, application fees are in the range of \$15 to \$50.

**S-397**, sponsored by Senator John O. Bennett (R-Monmouth) and Assembly Members Clare M. Farragher (R-Monmouth) and Michael J. Arnone (R-Monmouth), allows a municipality to use the annual population estimates issued by the U. S. Bureau of the Census and reported by the New Jersey Department of Labor in determining how many liquor licenses to issue. Under previous law, municipalities used the decennial federal census reports for this purpose. A municipality may issue only one retail liquor license for every 3,000 residents, and one distributor's license for every 7,500 residents. This bill does not change those ratios, but instead allows a municipality to update its population annually instead of every ten years when determining how many liquor licenses to issue.

The Governor also has signed **AJR-74**, which permanently designates September as "New Jersey Cares about Children with Cancer Month." The purpose of the resolution is to promote the progress

made in combating this disease in children, and to highlight the need to do more in New Jersey to help cancer treatment specialists, health care providers, health care planners and researchers provide children with the services necessary to prevent these cancers in the future. The joint resolution was sponsored by Assembly Members Carol J. Murphy (R- Essex/Morris/Passaic) and Gerald J. Luongo (R-Camden/Gloucester).