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§§1-8,10 -
C.39:3-84.6
to 39:3-84.14
§11-Note to
§§1-10

P.L. 1999, CHAPTER 396, *approved January 18, 2000*
Senate, No. 1577 (*Second Reprint*)

1 AN ACT concerning tow trucks, supplementing chapter 3 of Title 39
2 of the Revised Statutes and amending R.S.39:3-84.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) As used in this act:

8 ¹"Director" means the Director of the Division of Motor Vehicles
9 in the Department of Transportation.¹

10 "Division" means the Division of Motor Vehicles in the Department
11 of Transportation.

12 "Garage keeper's legal liability" means the protection of customer
13 vehicles under various conditions pertaining to specific garage
14 functions. ²[This also is referred to as "on hook" coverage.]²

15 "Heavy-duty" means a gross weight of at least 32,000 pounds.

16 "Light-medium duty" means a gross weight of less than
17 32,000 pounds.

18 ¹"Marker" means a type of vehicle identification issued ²[or
19 required]² by the director to be displayed on a tow truck ²[, and may
20 include a license plate]^{2, 1}

21 "Towing company" means any person or entity owning or operating
22 a tow truck service for compensation.

23 "Tow truck" means a motor vehicle equipped with a boom or
24 booms, winches, slings, tilt beds or similar equipment designed for the
25 towing or recovery of vehicles and other objects.

26 "Transporter" means equipment designed to transport more than
27 one vehicle on a non-emergency basis.

28
29 2. (New section) a. ²[The] Unless determined otherwise by the
30 director pursuant to subsection b. of this section, the² director shall
31 issue ²[¹or require]² distinctive ¹[license plates] markers¹ for tow
32 trucks operating under the provisions of this act. ¹[These license
33 plates shall be issued for 12 months upon payment of a fee, to be
34 determined by the director, and the filing of an application pursuant to
35 section 3 of this act.] A fee ²[to be determined by the director may]
36 of \$25 annually shall² be charged for such markers ²[if the markers are

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted March 15, 1999.

² Senate SBA committee amendments adopted May 20, 1999.

1 issued by the division]². The fee for such markers is in addition to the
2 fees otherwise prescribed by law for the registration of motor vehicles
3 and the amount received from the fees shall be annually appropriated
4 to the department to defray costs incurred by the division in issuing the
5 markers and implementing the ²[program required by] provisions of²
6 P.L. , c. (C.) (now before the Legislature as this bill).¹ The
7 ¹[plates]markers¹ shall be available for tow trucks in two gross weight
8 categories: light-medium duty and heavy-duty. The ¹[plates] markers¹
9 for each weight category shall have distinctive features ²[conspicuous
10 to passing motorists]².

11 b. ²The director may issue, in lieu of markers issued pursuant to
12 subsection a. of this section, license plates for tow trucks operating
13 under the provisions of this act. The license plates shall be issued for
14 12 months upon the filing of an application pursuant to section 3 of
15 P.L. , c. (C.) (now before the Legislature as this bill) and
16 upon payment of the registration fee. A surcharge on the registration
17 fee shall be imposed by the director in the amount of \$25 and the
18 amount received from the surcharge shall be annually appropriated to
19 the department to defray costs incurred by the division in issuing the
20 plates and implementing the provisions of P.L. , c. (C.) (now
21 before the Legislature as this bill). The plates shall be available for
22 tow trucks in two gross weight categories: light-medium duty and
23 heavy-duty. The plates for each weight category shall have distinctive
24 features conspicuous to passing motorists.

25 c.² A person shall not ²[use] operate² or offer to ²[use] operate²
26 a tow truck to tow, winch, or otherwise move a motor vehicle for any
27 direct or indirect compensation unless the tow truck ¹[possesses valid
28 tow truck license plates issued] displays the proper marker
29 ²[required¹] or valid tow truck license plate issued² by the Division of
30 Motor Vehicles pursuant to this act. ¹The director may exempt tow
31 trucks that meet the definition of an apportioned vehicle pursuant to
32 section 21 of P.L.1995, c.157 (C.39:3-6.11) from the ²[marker]²
33 requirement ²to display a tow truck license plate².¹
34

35 3. (New section) a. An ²[initial]² application for tow truck
36 ¹[license plates] registration¹ shall contain the following information:

37 (1) The name and address of the towing company's principal owner
38 or owners;

39 (2) The address of the principal business office of the towing
40 company;

41 (3) The location of any garage, parking lot, or other storage area,
42 where motor vehicles or other objects moved by the towing company
43 may be stored or placed;

44 (4) A valid certificate of insurance and a schedule of insured
45 vehicles that are to be utilized by the towing company from an insurer
46 authorized to do business in the state ², including the amounts² of the

1 garage keeper's legal liability ²coverage and any "on hook" coverage
 2 as an endorsement or contained in a separate schedule,² and
 3 ²[general]² liability insurance coverage ², including in the case of each
 4 light-medium duty tow truck, motor vehicle liability insurance
 5 coverage for the death of, or injury to, persons and damage to
 6 property for each accident or occurrence in the amount of at least
 7 \$750,000 single limit, and in the case of each heavy-duty tow truck,
 8 motor vehicle liability insurance coverage for the death of, or injury to,
 9 persons and damage to property for each accident or occurrence in
 10 the amount of at least \$1,000,000 single limit ²; ²and²

11 (5) Documentation of the manufacturer's gross vehicle weight
 12 rating for each tow truck ²]; and

13 (6) A notarized statement by the towing company owner that all
 14 information on the application or as otherwise required by the division
 15 is true to the best of the owner's knowledge] ².

16 ²If a system for the licensure of towing companies has been
 17 established pursuant to section 4 of P.L. , c. (C.)(now
 18 before the Legislature as this bill), the towing company shall include
 19 in the application a copy of the license issued to it pursuant to that
 20 section.²

21 ¹b. Except as otherwise provided in this act, the registration for
 22 these vehicles shall be issued and renewed pursuant to the
 23 ²[requirements of R.S. 39:3-20] provisions of this Title² .¹

24 ²[¹[b.] c.¹ If ¹[license plates] the registration¹ issued for a tow
 25 truck ¹[have] has¹ expired, an application for reissuance of the
 26 ¹[plates] registration¹ shall be treated as an initial application.]²

27
 28 ¹4. (New section) The director may establish a system for the
 29 licensure of towing companies. A towing company may be licensed by
 30 the director upon submission of an application and payment of a
 31 reasonable application fee, comparable to that of similar licenses
 32 issued by the director, sufficient to cover the cost of implementing the
 33 provisions of this act and to be prescribed by the director. The
 34 director may require annual renewal of applications for licensure and
 35 may stagger renewal dates and adjust the application fees accordingly.¹

36
 37
 38 ¹[4.] 5.¹ (New section) The ²[division] director² may suspend,
 39 revoke or refuse to issue or renew any ¹[license plates] ²[markers
 40 and]² registrations issued¹ pursuant to this act upon proof that the
 41 applicant:

42 a. Used fraud or deception in securing ¹[tow truck plates] such
 43 registration¹;

44 b. Violated any provision of this act; or

45 c. Has been convicted of theft of a motor vehicle.

46

1 ¹[5.] 6.¹ (New section) A towing company shall display valid tow
2 truck ¹[license plates] ²license plates or² markers¹ as required by law
3 on each of its tow trucks. The name of the towing company and the
4 municipality and state where the business is located shall be
5 conspicuously displayed on all tow trucks used by the company as
6 provided by law and regulation. Transporters shall be exempt from
7 the provisions of this act.

8
9 ¹[6.] 7.¹ (New section) The provisions of this act shall preempt a
10 political subdivision from regulating, requiring or issuing any
11 registration, ¹[license plate] license plate or marker or surety
12 registration of any ¹[person required to obtain tow truck plates from
13 the division] towing company¹. This section shall not limit the existing
14 authority of a political subdivision to:

15 a. License and collect a general and nondiscriminatory tax upon all
16 businesses;

17 b. License and collect a tax upon towing operations domiciled
18 within its jurisdiction; or

19 c. Impose any additional requirements or conditions as part of any
20 contract to perform towing and recovery services for that jurisdiction.

21
22 ¹[7.] 8.¹ (New section) ²[It shall be a disorderly persons offense
23 to operate a tow truck without ¹displaying a valid¹ tow truck ¹[license
24 plates] marker¹ as authorized by this act or to violate any other
25 provision of this act ¹except that it shall be a crime of the fourth
26 degree to knowingly display a false tow truck marker or to knowingly
27 exhibit, display or utter false documentation purporting to be legal
28 licensure or registration¹.] A towing company operating a light-
29 medium duty tow truck without displaying a proper marker or valid
30 tow truck license plate as required by this act or violating section 6 of
31 this act shall be subject to a fine of \$600 for the first offense and a fine
32 of \$900 for each subsequent offense and a towing company operating
33 a heavy-duty tow truck without displaying a proper marker or valid
34 tow truck license plate as required by this act or violating section 6 of
35 this act shall be subject to a fine of \$1200 for the first offense and a
36 fine of \$1800 for each subsequent offense. A person or towing
37 company knowingly displaying a false tow truck marker or license
38 plate or using fraud or deception in securing tow truck registration
39 under this act shall be subject to a fine of not less than \$1,000 nor
40 more than \$7,500.²

41
42 ¹[8.] 9.¹ R.S.39:3-84 is amended to read as follows:

43 39:3-84. a. The following constitute the maximum dimensional
44 limits for width, height and length for any vehicle or combination of
45 vehicles, including load or contents or any part or portion thereof,
46 found or operated on any public road, street or highway or any public

1 or quasi-public property in this State. Violations shall be enforced
2 pursuant to subsection i. of section 5 of P.L.1950, c.142
3 (C.39:3-84.3).

4 The dimensional limitations set forth in this subsection are exclusive
5 of safety and energy conservation devices necessary for safe and
6 efficient operation of a vehicle or combination of vehicles, including
7 load or contents, except that no device excluded herein shall have by
8 its design or use the capability to carry, transport or otherwise be
9 utilized for cargo.

10 Any rules and regulations authorized to be promulgated pursuant
11 to this subsection shall be consistent with any rules and regulations
12 promulgated by the Secretary of Transportation of the United States
13 of America, and shall be in accordance with the provisions of the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.). In addition to the other requirements of this subsection and
16 notwithstanding any other provision of this Title, no vehicle or
17 combination of vehicles, including load or contents or any part or
18 portion thereof, except as otherwise provided by this subsection shall
19 be operated in this State, unless by special permit authorized by
20 subsection d. of this section with a dimension, the allowance of which
21 would disqualify the State of New Jersey or any department, agency
22 or governmental subdivision thereof for the purpose of receiving
23 federal highway funds.

24 As used herein and pursuant to R.S.39:1-1, the term "vehicle"
25 includes, but is not limited to, commercial motor vehicles, trucks,
26 truck tractors, tractors, road tractors, recreation vehicles, or
27 omnibuses. As used herein and pursuant to R.S.39:1-1, the term
28 "combination of vehicles" includes, but is not limited to, vehicles as
29 heretofore designated, when those vehicles are the drawing or power
30 unit of a combination of vehicles and motor-drawn vehicles, such as,
31 but not limited to, trailers, semi-trailers, or other vehicles. As used
32 herein, the term "recycling vehicle" means a commercial motor vehicle
33 used for the collection or transportation of recyclable material; or any
34 truck, trailer or other vehicle approved by the New Jersey Office of
35 Recycling for use by persons engaging in the business of recycling or
36 otherwise providing recycling services in this State; and "recyclable
37 material" means those materials which would otherwise become solid
38 waste, and which may be collected, separated or processed and
39 returned to the economic mainstream in the form of raw materials or
40 products.

41 (1) The maximum outside width of any vehicle or combination of
42 vehicles, including load or contents of any part or portion thereof,
43 except as otherwise provided by this subsection, shall be no more than
44 102 inches; except that the Commissioner of Transportation, after
45 consultation with the Director of the Division of Motor Vehicles and
46 the Superintendent of State Police, may promulgate rules and

1 regulations for those public roads, streets or highways or public or
2 quasi-public property in this State, where it is determined that the
3 interests of public safety and welfare require the maximum outside
4 width be no more than 96 inches.

5 (2) The maximum height of any vehicle or combination of vehicles,
6 including load or contents of any part or portion thereof, except as
7 otherwise provided by this subsection, shall not exceed 13 feet,
8 6 inches.

9 (3) The maximum overall length of any vehicle, as set forth in this
10 subsection, including load or contents or any part or portion thereof,
11 except as otherwise provided by this subsection, shall not exceed
12 40 feet, except that the overall length of a vehicle, including load or
13 contents or any part or portion thereof, otherwise subject to the
14 provisions of this paragraph shall not exceed 50 feet when transporting
15 poles, pilings, structural units or other articles which cannot be
16 dismembered, dismantled or divided. When a vehicle, subject to this
17 paragraph, is the drawing or power unit of a combination of vehicles,
18 as set forth in this subsection, the overall length of the combination of
19 vehicles, including load or contents or any part or portion thereof,
20 shall not exceed 62 feet. The provisions of this paragraph shall not
21 apply to omnibuses or to vehicles which are not designed, built or
22 otherwise capable of carrying cargo or loads.

23 (4) The maximum overall length of a motor-drawn vehicle, as set
24 forth in this subsection, including load or contents or any part or
25 portion thereof, except as otherwise provided by this subsection, shall
26 not exceed 53 feet when operated as part of a combination of vehicles
27 consisting of one motor-drawn vehicle and a drawing or power unit
28 vehicle not designed, built or otherwise capable of carrying cargo or
29 loads, except that a motor-drawn vehicle, the overall length of which
30 is greater than 48 feet and not more than 53 feet, shall be constructed
31 so that the distance between the kingpin of the motor-drawn vehicle
32 and the centerline of its rear axle or rear axle group does not exceed
33 41 feet; the motor-drawn vehicle shall be equipped with a rear-end
34 protection device of substantial construction consisting of a
35 continuous lateral beam extending to within four inches of the lateral
36 extremities of the motor-drawn vehicle and located not more than
37 22 inches from the surface as measured with the vehicle empty and on
38 a level surface; the kingpin of the trailer shall not be set back further
39 than 3.5 feet from the front of the semitrailer; the rear overhang,
40 measured from the center of the rear tandem axles to the rear of the
41 semitrailer shall not exceed 35% of the semitrailer's wheelbase; ¹[the
42 tractor wheelbase shall not exceed 20 feet between the center of the
43 front axle and the center of the rear single axle or tandem axles;]¹ the
44 width of the semitrailer and the distance between the outside edges of
45 the trailer tires shall be 102 inches; and the vehicle shall be equipped
46 with such reflectorization, including but not limited to side-marker

1 reflectorization strips located between the rear axle and the rear of the
2 motor-drawn vehicle, as shall be prescribed by the Division of Motor
3 Vehicles, and as is consistent with any applicable federal standards
4 concerning reflectorization. The overall length of a motor-drawn
5 vehicle otherwise subject to the provisions of this paragraph shall not
6 exceed 63 feet when transporting poles, pilings, structural units or
7 other articles that cannot be dismembered, dismantled or divided. The
8 provisions of this paragraph shall not apply to any vehicle or
9 combination of vehicles designed, built and utilized solely to transport
10 other motor vehicles. The Commissioner of Transportation, after
11 consultation with the Director of the Division of Motor Vehicles and
12 the Superintendent of State Police, shall promulgate rules and
13 regulations specifying those portions or parts of the National System
14 of Interstate and Defense Highways, Federal-aid Primary System
15 Highways and public roads, streets, highways, toll roads, freeways or
16 parkways in this State where the combination of vehicles as described
17 in this paragraph may lawfully operate. The commissioner shall
18 promulgate rules and regulations within 120 days after the effective
19 date of this amendatory act to identify a network of roads with
20 reasonable access for motor-drawn vehicles greater than 48 feet in
21 length but not more than 53 feet in length. The commissioner shall, in
22 establishing this network, consider all portions of the network for
23 48 foot long and 102 inch wide motor-drawn vehicles and specify
24 those routes or portions thereof where motor-drawn vehicles greater
25 than 48 feet in length but not more than 53 feet in length shall be
26 excluded from lawful operation for reasons of safety.

27 (5) No combination of vehicles, including load or contents,
28 consisting of more than two motor-drawn vehicles, as set forth in this
29 subsection, and any other vehicle, shall be found or operated on any
30 public road, street or highway or any public or quasi-public property
31 in this State.

32 (6) The maximum overall length of a motor-drawn vehicle, as set
33 forth in this section, including load or contents or any part or portion
34 thereof, except as otherwise provided by this subsection, when
35 operated as part of a combination of vehicles consisting of two
36 motor-drawn vehicles and a drawing or power unit vehicle which is
37 not designed, built or otherwise capable of carrying cargo or loads,
38 shall not exceed 28 feet for each motor-drawn vehicle in the
39 combination of vehicles. The provision of this paragraph shall not
40 apply to any vehicle or combination of vehicles designed, built and
41 utilized solely to transport other motor vehicles. The Commissioner of
42 Transportation, after consultation with the Director of the Division of
43 Motor Vehicles and the Superintendent of State Police, shall
44 promulgate rules and regulations specifying those portions or parts of
45 the National System of Interstate and Defense Highways, Federal-aid
46 Primary System Highways and public roads, streets, highways, toll

1 roads, freeways or parkways in this State where combinations of
2 vehicles as described in this paragraph may lawfully operate.

3 (7) The maximum length and outside width of an omnibus found
4 or operated in this State shall be established by rules and regulations
5 promulgated by the Commissioner of Transportation, after
6 consultation with the Director of the Division of Motor Vehicles and
7 the Superintendent of State Police. Unless otherwise specified in the
8 aforesaid rules and regulations, the maximum outside width shall be
9 102 inches; any other dimension established for width in the aforesaid
10 rules and regulations shall be based upon a determination that
11 operation of an omnibus with a width of less than 102 inches, but no
12 less than 96 inches is required in the interest of public safety on those
13 public roads, streets, highways, toll roads, freeways, parkways or the
14 National System of Interstate and Defense Highways in this State
15 specified in the aforesaid rules and regulations, or that operation of an
16 omnibus with a width greater than 102 inches is not unsafe on those
17 public roads, streets, highways, toll roads, freeways, parkways or the
18 National System of Interstate and Defense Highways in this State
19 specified in the aforesaid rules and regulations.

20 (8) The maximum width and length of farm tractors and traction
21 equipment and farm machinery and implements shall be established by
22 rules and regulations promulgated by the Director of the Division of
23 Motor Vehicles. The operation of the aforesaid vehicles shall be
24 subject to the provisions of R.S.39:3-24 and they shall not be operated
25 on any highway which is part of the National System of Interstate and
26 Defense Highways or on any highway which has been designated a
27 freeway or parkway as provided by law.

28 (9) The maximum outside width of the cargo or load of a vehicle
29 or combination of vehicles, including farm trucks, loaded with hay or
30 straw shall not exceed 105 1/2 inches, but the maximum outside width
31 of the vehicle or combination of vehicles, including farm trucks, shall
32 otherwise comply with the provisions of paragraph (1) of this
33 subsection. The Commissioner of Transportation, after consultation
34 with the Director of the Division of Motor Vehicles and the
35 Superintendent of State Police, may promulgate rules and regulations
36 establishing a maximum outside width of 102 inches for the aforesaid
37 cargo or load when operating on those highways where a greater
38 width is prohibited by operation of law.

39 (10) Notwithstanding the provisions of paragraphs (4) and (6) of
40 this subsection pertaining to length, the Director of the Division of
41 Motor Vehicles may adopt rules and regulations specifying maximum
42 length dimensions for any vehicle or combination of vehicles designed,
43 built and utilized solely to transport other motor vehicles.

44 (11) The provisions of this subsection pertaining to length shall not
45 apply to a vehicle or combination of vehicles or special mobile
46 equipment operated by a public utility, as defined in R.S.48:2-13,

1 when that vehicle or combination of vehicles or special mobile
2 equipment is used by the public utility in the construction,
3 reconstruction, repair or maintenance of its property or facilities.

4 (12) The provisions of this subsection pertaining to width shall not
5 apply to a recycling vehicle when that vehicle is used for the collection
6 of recyclable material on a street or highway other than a highway
7 which is designated part of the National System of Interstate and
8 Defense Highways in this State or as a freeway or parkway as
9 provided by law. The maximum outside width of any recycling vehicle
10 so used, including load or contents of any part or portion thereof, shall
11 be no more than 96 inches, except that the width may be up to 105
12 inches whenever that vehicle is operating at 15 miles per hour or less,
13 and access steps are deployed and recyclable materials are actually
14 being collected.

15 b. No vehicle or combination of vehicles, including load or
16 contents, found or operated on any public road, street or highway or
17 any public or quasi-public property in this State shall exceed the
18 weight limitations set forth in this Title. Violations shall be enforced
19 pursuant to subsection j. of section 5 of P.L.1950, c.142
20 (C.39:3-84.3).

21 Where enforcement of a weight limit provision of this Title requires
22 a measurement of length between axle centers, the distance between
23 axle centers shall be measured to the nearest whole foot or whole inch,
24 whichever is applicable, and when the measurement includes a
25 fractional part of a foot equaling six inches or more or a fractional part
26 of an inch equaling one-half inch or more, the next larger whole foot
27 or whole inch, whichever is applicable, shall be utilized. The term
28 "tandem axle" as used in this act is defined as a combination of
29 consecutive axles, consisting of only two axles, where the distance
30 between axle centers is 40 inches or more but no more than 96 inches.

31 In addition to the other requirements of this section and
32 notwithstanding any other provision of this Title, no vehicle or
33 combination of vehicles, including load or contents, shall be operated
34 in this State, unless by special permit authorized by this Title, with a
35 gross weight, single or multiple axle weight, or gross weight of two or
36 more consecutive axles, the allowance of which would disqualify the
37 State of New Jersey or any department, agency or governmental
38 subdivision thereof for the purpose of receiving federal highway funds.

39 (1) The gross weight imposed on the highway or other surface by
40 the wheels of any one axle of a vehicle or combination of vehicles,
41 including load or contents, shall not exceed 22,400 pounds.

42 For the purpose of this Title the combined gross weight imposed on
43 the highway or other surface by all the wheels of any one axle of a
44 vehicle or combination of vehicles, including load or contents, shall be
45 deemed to mean the total gross weight of all wheels whose axle
46 centers are spaced less than 40 inches apart.

1 (2) The gross weight imposed on the highway or other surface by
2 all the wheels of all consecutive axles of a vehicle or combination of
3 vehicles, including load or contents, shall not exceed 34,000 pounds
4 where the distance between consecutive axle centers is 40 inches or
5 more, but no more than 96 inches apart.

6 (3) The combined gross weight imposed on the highway or other
7 surface by all the wheels of consecutive axles of a vehicle or
8 combination of vehicles, including load or contents, shall not exceed
9 22,400 pounds for each single axle where the distance between
10 consecutive axle centers is more than 96 inches; except that on any
11 highway in this State which is part of, or designated as part of, the
12 National Interstate System, as provided at 23 U.S.C. 103(e), this
13 single axle limitation shall not apply and in those instances the
14 provisions of this Title as set forth at R.S.39:3-84b.(5) shall apply.

15 (4) The maximum total gross weight imposed on the highway or
16 other surface by a vehicle or combination of vehicles, including load
17 or contents, shall not exceed 80,000 pounds.

18 (5) On any highway in this State which is part of, or designated as
19 part of, the National Interstate System, as provided at 23
20 U.S.C.103(e), the total gross weight, in pounds, imposed on the
21 highway or other surface by any group of two or more consecutive
22 axles of a vehicle or combination of vehicles, including load or
23 contents, shall not exceed that listed in the following Table of
24 Maximum Gross Weights, for the respective distance, in feet, between
25 the axle centers of the first and last axles of the group of two or more
26 consecutive axles under consideration; except that in addition to the
27 weights specified in that Table, two consecutive sets of tandem axles
28 may carry a gross weight of 34,000 pounds each if the overall distance
29 between the first and last axles of the consecutive sets of tandem axles
30 is 36 feet or more. The gross weight of each set of tandem axles shall
31 not exceed 34,000 pounds and the combined gross weight of the two
32 consecutive sets of tandem axles shall not exceed 68,000 pounds.

33 In all cases the combined gross weight for a vehicle or combination
34 of vehicles, including load or contents, or the maximum gross weight
35 for any axle or combination of axles of the vehicle or combination of
36 vehicles, including load or contents, shall not exceed that which is
37 permitted pursuant to this paragraph or R.S.39:3-84b.(2);
38 R.S.39:3-84b.(3); or R.S.39:3-84b.(4) of this act, whichever is the
39 lesser allowable gross weight.

TABLE OF MAXIMUM GROSS WEIGHTS						
Distance in feet						
between axle						
centers of first						
and last axles						
of any group						
of two or more						
consecutive axles						
	2	3	4	5	6	7
	axles	axles	axles	axles	axles	axles
3	22400	22400	22400	22400	22400	22400
4	34000	34000	34000	34000	34000	34000
5	34000	34000	34000	34000	34000	34000
6	34000	34000	34000	34000	34000	34000
7	34000	34000	34000	34000	34000	34000
8	34000	34000	34000	34000	34000	34000
9	39000	42500	42500	42500	42500	42500
10	40000	43500	43500	43500	43500	43500
11	41000	44000	44000	44000	44000	44000
12	42000	45000	50000	50000	50000	50000
13	43000	45500	50500	50500	50500	50500
14	44000	46500	51500	51500	51500	51500
15	44800	47000	52000	52000	52000	52000
16	44800	48000	52500	58000	58000	58000
17	44800	48500	53500	58500	58500	58500
18	44800	49500	54000	59000	59000	59000
19	44800	50000	54500	60000	60000	60000
20	44800	51000	55500	60500	66000	66000
21	44800	51500	56000	61000	66500	66500
22	44800	52500	56500	61500	67000	67000
23	44800	53000	57500	62500	68000	68000
24	44800	54000	58000	63000	68500	74000
25	44800	54500	58500	63500	69000	74500
26	44800	55500	59500	64000	69500	75000
27	44800	56000	60000	65000	70000	75500
28	44800	57000	60500	65500	71000	76500
29	44800	57500	61500	66000	71500	77000
30	44800	58500	62000	66500	72000	77500
31	44800	59000	62500	67500	72500	78000
32	44800	60000	63500	68000	73000	78500
33	44800	60500	64000	68500	74000	79000
34	44800	61500	64500	69000	74500	80000
35	44800	62000	65500	70000	75000	80000
36	44800	63000	66000	70500	75500	80000

1	37	44800	63500	66500	71000	76000	80000
2	38	44800	64500	67500	71500	77000	80000
3	39	44800	65000	68000	72500	77500	80000
4	40	44800	66000	68500	73000	78000	80000
5	41	44800	66500	69500	73500	78500	80000
6	42	44800	67200	70000	74000	79000	80000
7	43	44800	67200	70500	75000	80000	80000
8	44	44800	67200	71500	75500	80000	80000
9	45	44800	67200	72000	76000	80000	80000
10	46	44800	67200	72500	76500	80000	80000
11	47	44800	67200	73500	77500	80000	80000
12	48	44800	67200	74000	78000	80000	80000
13	49	44800	67200	74500	78500	80000	80000
14	50	44800	67200	75500	79000	80000	80000
15	51	44800	67200	76000	80000	80000	80000
16	52	44800	67200	76500	80000	80000	80000
17	53	44800	67200	77500	80000	80000	80000
18	54	44800	67200	78000	80000	80000	80000
19	55	44800	67200	78500	80000	80000	80000
20	56	44800	67200	79500	80000	80000	80000
21	57	44800	67200	80000	80000	80000	80000
22	58	44800	67200	80000	80000	80000	80000
23	59	44800	67200	80000	80000	80000	80000
24	60	44800	67200	80000	80000	80000	80000
25	61	44800	67200	80000	80000	80000	80000
26	62	44800	67200	80000	80000	80000	80000
27	63	44800	67200	80000	80000	80000	80000
28	64	44800	67200	80000	80000	80000	80000
29	65	44800	67200	80000	80000	80000	80000
30	66	44800	67200	80000	80000	80000	80000
31	67	44800	67200	80000	80000	80000	80000
32	68	44800	67200	80000	80000	80000	80000
33	69	44800	67200	80000	80000	80000	80000
34	70	44800	67200	80000	80000	80000	80000

35

36 c. The dimensional and weight restrictions set forth herein shall not
37 apply to a combination of vehicles which includes a disabled vehicle or
38 a combination of vehicles being removed from a highway in this State,
39 provided that such oversize or overweight vehicle combination may
40 not travel on the public highways more than [five] ²[50] 75² miles
41 from the point where such disablement occurred. If the disablement
42 occurred on a limited access highway, the distance to the nearest exit
43 of such highway shall be added to the [five] ²[50] 75²-mile limitation.
44 A heavy-duty tow truck, as defined in section 1 of P.L. , c. (C.)
45 (now pending before the Legislature as this bill), shall be permitted, in
46 combination with the towed unit or units, to exceed the axle,

1 dimensional and maximum gross weight limits for tow trucks and
2 towed unit combinations; except that the limit shall not exceed
3 150,000 pounds gross combined weight. This provision shall not
4 affect the application of section 6 of P.L.1950, c.142 (C.39:3-84.4)
5 concerning driver liability for damages ¹and does not provide an
6 exemption to exceed the height and weight restrictions marked or
7 posted on a bridge or overpass in the State. A heavy-duty tow truck
8 in combination with the towed unit or units shall not be operated at a
9 speed greater than 45 miles per hour when the heavy-duty tow truck
10 in combination with the towed unit or units weighs more than 80,000
11 pounds, or one or more of its axles exceeds the limitations prescribed
12 herein in the Table of Maximum Gross Weights, or the tow truck in
13 combination with the towed unit exceeds maximum length and width
14 standards as prescribed by law¹.

15 d. The Director of the Division of Motor Vehicles may promulgate
16 rules and regulations, including the establishment of fees, for the
17 issuance, at his discretion and if good cause appears, of a special
18 written permit authorizing the applicant:

19 (1) To operate or move a vehicle or combination of vehicles or
20 special mobile equipment, transporting one piece loads that cannot be
21 dismembered, dismantled or divided in order to comply with the
22 weight limitations set forth in this act. The special written permit
23 issued by the director shall be in the possession of the driver or
24 operator of the vehicle or combination of vehicles or special mobile
25 equipment for which said permit was issued; and

26 (2) To operate or move a vehicle or combination of vehicles or
27 specialized mobile equipment, transporting a load or cargo that cannot
28 be dismembered, dismantled or divided in order to comply with the
29 dimensional limitations set forth in this act. The special written permit
30 shall be in the possession of the driver or operator of the vehicle or
31 combination of vehicles or special mobile equipment for which the
32 permit was issued; and

33 (3) Under emergency conditions, to operate or move a type of
34 vehicle or combination of vehicles or special mobile equipment of a
35 size or weight, including load or contents, which exceeds the
36 maximum size or weight limitations specified in this act.

37 (cf: P.L.1999, c.29, s.1)

38

39 ¹10. (New section) The director shall adopt, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), rules and regulations necessary to implement the provisions of
42 this act.¹

43

44 ¹[9.] 11. [This] Sections 1, 9 and 10 of this¹ act shall take effect
45 ¹[on the first day of the sixth month after enactment] immediately and
46 the remainder of the act shall take effect on July 1, 2001 but the

1 division may take such anticipatory administrative action in advance
2 as shall be necessary for the implementation of this act¹.

3

4

5

6

7 Creates license plates and modifies weight limits for certain tow
8 trucks.

SENATE, No. 1577

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED DECEMBER 17, 1998

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator ROBERT J. MARTIN

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Creates license plates and modifies weight limits for certain tow trucks.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning tow trucks, supplementing chapter 3 of Title 39
2 of the Revised Statutes and amending R.S.39:3-84.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) As used in this act:

8 "Division" means the Division of Motor Vehicles in the Department
9 of Transportation.

10 "Garage keeper's legal liability" means the protection of customer
11 vehicles under various conditions pertaining to specific garage
12 functions. This also is referred to as "on hook" coverage.

13 "Heavy-duty" means a gross weight of at least 32,000 pounds.

14 "Light-medium duty" means a gross weight of less than
15 32,000 pounds.

16 "Towing company" means any person or entity owning or operating
17 a tow truck service for compensation.

18 "Tow truck" means a motor vehicle equipped with a boom or
19 booms, winches, slings, tilt beds or similar equipment designed for the
20 towing or recovery of vehicles and other objects.

21 "Transporter" means equipment designed to transport more than
22 one vehicle on a non-emergency basis.

23

24 2. a. (New section) The director shall issue distinctive license
25 plates for tow trucks operating under the provisions of this act. These
26 license plates shall be issued for 12 months upon payment of a fee, to
27 be determined by the director, and the filing of an application pursuant
28 to section 3 of this act. The plates shall be available for tow trucks in
29 two gross weight categories: light-medium duty and heavy-duty. The
30 plates for each weight category shall have distinctive features
31 conspicuous to passing motorists.

32 b. A person shall not use or offer to use a tow truck to tow, winch,
33 or otherwise move a motor vehicle for any direct or indirect
34 compensation unless the tow truck possesses valid tow truck license
35 plates issued by the Division of Motor Vehicles pursuant to this act.

36

37 3. (New section) a. An initial application for tow truck license
38 plates shall contain the following information:

39 (1) The name and address of the towing company's principal owner
40 or owners;

41 (2) The address of the principal business office of the towing
42 company;

43 (3) The location of any garage, parking lot, or other storage area,

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

Matter underlined thus is new matter.

1 where motor vehicles or other objects moved by the towing company
2 may be stored or placed;

3 (4) A valid certificate of insurance and a schedule of insured
4 vehicles that are to be utilized by the towing company from an insurer
5 authorized to do business in the state of the garage keeper's legal
6 liability and general liability;

7 (5) Documentation of the manufacturer's gross vehicle weight
8 rating for each tow truck; and

9 (6) A notarized statement by the towing company owner that all
10 information on the application or as otherwise required by the division
11 is true to the best of the owner's knowledge.

12 b. If license plates issued for a tow truck have expired, an
13 application for reissuance of the plates shall be treated as an initial
14 application.

15

16 4. (New section) The division may suspend, revoke or refuse to
17 issue or renew any license plates pursuant to this act upon proof that
18 the applicant:

19 a. Used fraud or deception in securing tow truck plates;

20 b. Violated any provision of this act; or

21 c. Has been convicted of theft of a motor vehicle.

22

23 5. (New section) A towing company shall display valid tow truck
24 license plates as required by law on each of its tow trucks. The name
25 of the towing company and the municipality and state where the
26 business is located shall be conspicuously displayed on all tow trucks
27 used by the company as provided by law and regulation. Transporters
28 shall be exempt from the provisions of this act.

29

30 6. (New section) The provisions of this act shall preempt a
31 political subdivision from regulating, requiring or issuing any
32 registration, license plate or surety registration of any person required
33 to obtain tow truck plates from the division. This section shall not
34 limit the existing authority of a political subdivision to:

35 a. License and collect a general and nondiscriminatory tax upon all
36 businesses;

37 b. License and collect a tax upon towing operations domiciled
38 within its jurisdiction; or

39 c. Impose any additional requirements or conditions as part of any
40 contract to perform towing and recovery services for that jurisdiction.

41

42 7. (New section) It shall be a disorderly persons offense to operate
43 a tow truck without tow truck license plates as authorized by this act
44 or to violate any other provision of this act.

1 8. R.S.39:3-84 is amended to read as follows:

2 39:3-84. a. The following constitute the maximum dimensional
3 limits for width, height and length for any vehicle or combination of
4 vehicles, including load or contents or any part or portion thereof,
5 found or operated on any public road, street or highway or any public
6 or quasi-public property in this State. Violations shall be enforced
7 pursuant to subsection i. of section 5 of P.L.1950, c.142
8 (C.39:3-84.3).

9 The dimensional limitations set forth in this subsection are exclusive
10 of safety and energy conservation devices necessary for safe and
11 efficient operation of a vehicle or combination of vehicles, including
12 load or contents, except that no device excluded herein shall have by
13 its design or use the capability to carry, transport or otherwise be
14 utilized for cargo.

15 Any rules and regulations authorized to be promulgated pursuant
16 to this subsection shall be consistent with any rules and regulations
17 promulgated by the Secretary of Transportation of the United States
18 of America, and shall be in accordance with the provisions of the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.). In addition to the other requirements of this subsection and
21 notwithstanding any other provision of this Title, no vehicle or
22 combination of vehicles, including load or contents or any part or
23 portion thereof, except as otherwise provided by this subsection shall
24 be operated in this State, unless by special permit authorized by
25 subsection d. of this section with a dimension, the allowance of which
26 would disqualify the State of New Jersey or any department, agency
27 or governmental subdivision thereof for the purpose of receiving
28 federal highway funds.

29 As used herein and pursuant to R.S.39:1-1, the term "vehicle"
30 includes, but is not limited to, commercial motor vehicles, trucks,
31 truck tractors, tractors, road tractors, recreation vehicles, or
32 omnibuses. As used herein and pursuant to R.S.39:1-1, the term
33 "combination of vehicles" includes, but is not limited to, vehicles as
34 heretofore designated, when those vehicles are the drawing or power
35 unit of a combination of vehicles and motor-drawn vehicles, such as,
36 but not limited to, trailers, semi-trailers, or other vehicles. As used
37 herein, the term "recycling vehicle" means a commercial motor vehicle
38 used for the collection or transportation of recyclable material; or any
39 truck, trailer or other vehicle approved by the New Jersey Office of
40 Recycling for use by persons engaging in the business of recycling or
41 otherwise providing recycling services in this State; and "recyclable
42 material" means those materials which would otherwise become solid
43 waste, and which may be collected, separated or processed and
44 returned to the economic mainstream in the form of raw materials or
45 products.

46 (1) The maximum outside width of any vehicle or combination of

1 vehicles, including load or contents of any part or portion thereof,
2 except as otherwise provided by this subsection, shall be no more than
3 102 inches; except that the Commissioner of Transportation, after
4 consultation with the Director of the Division of Motor Vehicles and
5 the Superintendent of State Police, may promulgate rules and
6 regulations for those public roads, streets or highways or public or
7 quasi-public property in this State, where it is determined that the
8 interests of public safety and welfare require the maximum outside
9 width be no more than 96 inches.

10 (2) The maximum height of any vehicle or combination of vehicles,
11 including load or contents of any part or portion thereof, except as
12 otherwise provided by this subsection, shall not exceed 13 feet,
13 6 inches.

14 (3) The maximum overall length of any vehicle, as set forth in this
15 subsection, including load or contents or any part or portion thereof,
16 except as otherwise provided by this subsection, shall not exceed
17 40 feet, except that the overall length of a vehicle, including load or
18 contents or any part or portion thereof, otherwise subject to the
19 provisions of this paragraph shall not exceed 50 feet when transporting
20 poles, pilings, structural units or other articles which cannot be
21 dismembered, dismantled or divided. When a vehicle, subject to this
22 paragraph, is the drawing or power unit of a combination of vehicles,
23 as set forth in this subsection, the overall length of the combination of
24 vehicles, including load or contents or any part or portion thereof,
25 shall not exceed 62 feet. The provisions of this paragraph shall not
26 apply to omnibuses or to vehicles which are not designed, built or
27 otherwise capable of carrying cargo or loads.

28 (4) The maximum overall length of a motor-drawn vehicle, as set
29 forth in this subsection, including load or contents or any part or
30 portion thereof, except as otherwise provided by this subsection, shall
31 not exceed 53 feet when operated as part of a combination of vehicles
32 consisting of one motor-drawn vehicle and a drawing or power unit
33 vehicle not designed, built or otherwise capable of carrying cargo or
34 loads, except that a motor-drawn vehicle, the overall length of which
35 is greater than 48 feet and not more than 53 feet, shall be constructed
36 so that the distance between the kingpin of the motor-drawn vehicle
37 and the centerline of its rear axle or rear axle group does not exceed
38 41 feet; the motor-drawn vehicle shall be equipped with a rear-end
39 protection device of substantial construction consisting of a
40 continuous lateral beam extending to within four inches of the lateral
41 extremities of the motor-drawn vehicle and located not more than
42 22 inches from the surface as measured with the vehicle empty and on
43 a level surface; the kingpin of the trailer shall not be set back further
44 than 3.5 feet from the front of the semitrailer; the rear overhang,
45 measured from the center of the rear tandem axles to the rear of the
46 semitrailer shall not exceed 35% of the semitrailer's wheelbase; the

1 tractor wheelbase shall not exceed 20 feet between the center of the
2 front axle and the center of the rear single axle or tandem axles; the
3 width of the semitrailer and the distance between the outside edges of
4 the trailer tires shall be 102 inches; and the vehicle shall be equipped
5 with such reflectorization, including but not limited to side-marker
6 reflectorization strips located between the rear axle and the rear of the
7 motor-drawn vehicle, as shall be prescribed by the Division of Motor
8 Vehicles, and as is consistent with any applicable federal standards
9 concerning reflectorization. The overall length of a motor-drawn
10 vehicle otherwise subject to the provisions of this paragraph shall not
11 exceed 63 feet when transporting poles, pilings, structural units or
12 other articles that cannot be dismembered, dismantled or divided. The
13 provisions of this paragraph shall not apply to any vehicle or
14 combination of vehicles designed, built and utilized solely to transport
15 other motor vehicles. The Commissioner of Transportation, after
16 consultation with the Director of the Division of Motor Vehicles and
17 the Superintendent of State Police, shall promulgate rules and
18 regulations specifying those portions or parts of the National System
19 of Interstate and Defense Highways, Federal-aid Primary System
20 Highways and public roads, streets, highways, toll roads, freeways or
21 parkways in this State where the combination of vehicles as described
22 in this paragraph may lawfully operate. The commissioner shall
23 promulgate rules and regulations within 120 days after the effective
24 date of this amendatory act to identify a network of roads with
25 reasonable access for motor-drawn vehicles greater than 48 feet in
26 length but not more than 53 feet in length. The commissioner shall, in
27 establishing this network, consider all portions of the network for
28 48 foot long and 102 inch wide motor-drawn vehicles and specify
29 those routes or portions thereof where motor-drawn vehicles greater
30 than 48 feet in length but not more than 53 feet in length shall be
31 excluded from lawful operation for reasons of safety.

32 (5) No combination of vehicles, including load or contents,
33 consisting of more than two motor-drawn vehicles, as set forth in this
34 subsection, and any other vehicle, shall be found or operated on any
35 public road, street or highway or any public or quasi-public property
36 in this State.

37 (6) The maximum overall length of a motor-drawn vehicle, as set
38 forth in this section, including load or contents or any part or portion
39 thereof, except as otherwise provided by this subsection, when
40 operated as part of a combination of vehicles consisting of two
41 motor-drawn vehicles and a drawing or power unit vehicle which is
42 not designed, built or otherwise capable of carrying cargo or loads,
43 shall not exceed 28 feet for each motor-drawn vehicle in the
44 combination of vehicles. The provision of this paragraph shall not
45 apply to any vehicle or combination of vehicles designed, built and
46 utilized solely to transport other motor vehicles. The Commissioner of

1 Transportation, after consultation with the Director of the Division of
2 Motor Vehicles and the Superintendent of State Police, shall
3 promulgate rules and regulations specifying those portions or parts of
4 the National System of Interstate and Defense Highways, Federal-aid
5 Primary System Highways and public roads, streets, highways, toll
6 roads, freeways or parkways in this State where combinations of
7 vehicles as described in this paragraph may lawfully operate.

8 (7) The maximum length and outside width of an omnibus found
9 or operated in this State shall be established by rules and regulations
10 promulgated by the Commissioner of Transportation, after
11 consultation with the Director of the Division of Motor Vehicles and
12 the Superintendent of State Police. Unless otherwise specified in the
13 aforesaid rules and regulations, the maximum outside width shall be
14 102 inches; any other dimension established for width in the aforesaid
15 rules and regulations shall be based upon a determination that
16 operation of an omnibus with a width of less than 102 inches, but no
17 less than 96 inches is required in the interest of public safety on those
18 public roads, streets, highways, toll roads, freeways, parkways or the
19 National System of Interstate and Defense Highways in this State
20 specified in the aforesaid rules and regulations, or that operation of an
21 omnibus with a width greater than 102 inches is not unsafe on those
22 public roads, streets, highways, toll roads, freeways, parkways or the
23 National System of Interstate and Defense Highways in this State
24 specified in the aforesaid rules and regulations.

25 (8) The maximum width and length of farm tractors and traction
26 equipment and farm machinery and implements shall be established by
27 rules and regulations promulgated by the Director of the Division of
28 Motor Vehicles. The operation of the aforesaid vehicles shall be
29 subject to the provisions of R.S.39:3-24 and they shall not be operated
30 on any highway which is part of the National System of Interstate and
31 Defense Highways or on any highway which has been designated a
32 freeway or parkway as provided by law.

33 (9) The maximum outside width of the cargo or load of a vehicle
34 or combination of vehicles, including farm trucks, loaded with hay or
35 straw shall not exceed 105 1/2 inches, but the maximum outside width
36 of the vehicle or combination of vehicles, including farm trucks, shall
37 otherwise comply with the provisions of paragraph (1) of this
38 subsection. The Commissioner of Transportation, after consultation
39 with the Director of the Division of Motor Vehicles and the
40 Superintendent of State Police, may promulgate rules and regulations
41 establishing a maximum outside width of 102 inches for the aforesaid
42 cargo or load when operating on those highways where a greater
43 width is prohibited by operation of law.

44 (10) Notwithstanding the provisions of paragraphs (4) and (6) of
45 this subsection pertaining to length, the Director of the Division of
46 Motor Vehicles may adopt rules and regulations specifying maximum

1 length dimensions for any vehicle or combination of vehicles designed,
2 built and utilized solely to transport other motor vehicles.

3 (11) The provisions of this subsection pertaining to length shall not
4 apply to a vehicle or combination of vehicles or special mobile
5 equipment operated by a public utility, as defined in R.S.48:2-13,
6 when that vehicle or combination of vehicles or special mobile
7 equipment is used by the public utility in the construction,
8 reconstruction, repair or maintenance of its property or facilities.

9 (12) The provisions of this subsection pertaining to width shall not
10 apply to a recycling vehicle when that vehicle is used for the collection
11 of recyclable material on a street or highway other than a highway
12 which is designated part of the National System of Interstate and
13 Defense Highways in this State or as a freeway or parkway as
14 provided by law. The maximum outside width of any recycling vehicle
15 so used, including load or contents of any part or portion thereof, shall
16 be no more than 96 inches, except that the width may be up to 105
17 inches whenever that vehicle is operating at 15 miles per hour or less,
18 and access steps are deployed and recyclable materials are actually
19 being collected.

20 b. No vehicle or combination of vehicles, including load or
21 contents, found or operated on any public road, street or highway or
22 any public or quasi-public property in this State shall exceed the
23 weight limitations set forth in this Title. Violations shall be enforced
24 pursuant to subsection j. of section 5 of P.L.1950, c.142
25 (C.39:3-84.3).

26 Where enforcement of a weight limit provision of this Title requires
27 a measurement of length between axle centers, the distance between
28 axle centers shall be measured to the nearest whole foot or whole inch,
29 whichever is applicable, and when the measurement includes a
30 fractional part of a foot equaling six inches or more or a fractional part
31 of an inch equaling one-half inch or more, the next larger whole foot
32 or whole inch, whichever is applicable, shall be utilized. The term
33 "tandem axle" as used in this act is defined as a combination of
34 consecutive axles, consisting of only two axles, where the distance
35 between axle centers is 40 inches or more but no more than 96 inches.

36 In addition to the other requirements of this section and
37 notwithstanding any other provision of this Title, no vehicle or
38 combination of vehicles, including load or contents, shall be operated
39 in this State, unless by special permit authorized by this Title, with a
40 gross weight, single or multiple axle weight, or gross weight of two or
41 more consecutive axles, the allowance of which would disqualify the
42 State of New Jersey or any department, agency or governmental
43 subdivision thereof for the purpose of receiving federal highway funds.

44 (1) The gross weight imposed on the highway or other surface by
45 the wheels of any one axle of a vehicle or combination of vehicles,
46 including load or contents, shall not exceed 22,400 pounds.

1 For the purpose of this Title the combined gross weight imposed on
2 the highway or other surface by all the wheels of any one axle of a
3 vehicle or combination of vehicles, including load or contents, shall be
4 deemed to mean the total gross weight of all wheels whose axle
5 centers are spaced less than 40 inches apart.

6 (2) The gross weight imposed on the highway or other surface by
7 all the wheels of all consecutive axles of a vehicle or combination of
8 vehicles, including load or contents, shall not exceed 34,000 pounds
9 where the distance between consecutive axle centers is 40 inches or
10 more, but no more than 96 inches apart.

11 (3) The combined gross weight imposed on the highway or other
12 surface by all the wheels of consecutive axles of a vehicle or
13 combination of vehicles, including load or contents, shall not exceed
14 22,400 pounds for each single axle where the distance between
15 consecutive axle centers is more than 96 inches; except that on any
16 highway in this State which is part of, or designated as part of, the
17 National Interstate System, as provided at 23 U.S.C. 103(e), this
18 single axle limitation shall not apply and in those instances the
19 provisions of this Title as set forth at R.S.39:3-84b.(5) shall apply.

20 (4) The maximum total gross weight imposed on the highway or
21 other surface by a vehicle or combination of vehicles, including load
22 or contents, shall not exceed 80,000 pounds.

23 (5) On any highway in this State which is part of, or designated as
24 part of, the National Interstate System, as provided at 23 U.S.C.
25 103(e), the total gross weight, in pounds, imposed on the highway or
26 other surface by any group of two or more consecutive axles of a
27 vehicle or combination of vehicles, including load or contents, shall
28 not exceed that listed in the following Table of Maximum Gross
29 Weights, for the respective distance, in feet, between the axle centers
30 of the first and last axles of the group of two or more consecutive
31 axles under consideration; except that in addition to the weights
32 specified in that Table, two consecutive sets of tandem axles may carry
33 a gross weight of 34,000 pounds each if the overall distance between
34 the first and last axles of the consecutive sets of tandem axles is 36
35 feet or more. The gross weight of each set of tandem axles shall not
36 exceed 34,000 pounds and the combined gross weight of the two
37 consecutive sets of tandem axles shall not exceed 68,000 pounds.

38 In all cases the combined gross weight for a vehicle or combination
39 of vehicles, including load or contents, or the maximum gross weight
40 for any axle or combination of axles of the vehicle or combination of
41 vehicles, including load or contents, shall not exceed that which is
42 permitted pursuant to this paragraph or R.S.39:3-84b.(2);
43 R.S.39:3-84b.(3); or R.S.39:3-84b.(4) of this act, whichever is the
44 lesser allowable gross weight.

TABLE OF MAXIMUM GROSS WEIGHTS						
Distance in feet						
between axle						
centers of first						
and last axles						
of any group						
of two or more						
consecutive axles						
	2	3	4	5	6	7
	axles	axles	axles	axles	axles	axles
3	22400	22400	22400	22400	22400	22400
4	34000	34000	34000	34000	34000	34000
5	34000	34000	34000	34000	34000	34000
6	34000	34000	34000	34000	34000	34000
7	34000	34000	34000	34000	34000	34000
8	34000	34000	34000	34000	34000	34000
9	39000	42500	42500	42500	42500	42500
10	40000	43500	43500	43500	43500	43500
11	41000	44000	44000	44000	44000	44000
12	42000	45000	50000	50000	50000	50000
13	43000	45500	50500	50500	50500	50500
14	44000	46500	51500	51500	51500	51500
15	44800	47000	52000	52000	52000	52000
16	44800	48000	52500	58000	58000	58000
17	44800	48500	53500	58500	58500	58500
18	44800	49500	54000	59000	59000	59000
19	44800	50000	54500	60000	60000	60000
20	44800	51000	55500	60500	66000	66000
21	44800	51500	56000	61000	66500	66500
22	44800	52500	56500	61500	67000	67000
23	44800	53000	57500	62500	68000	68000
24	44800	54000	58000	63000	68500	74000
25	44800	54500	58500	63500	69000	74500
26	44800	55500	59500	64000	69500	75000
27	44800	56000	60000	65000	70000	75500
28	44800	57000	60500	65500	71000	76500
29	44800	57500	61500	66000	71500	77000
30	44800	58500	62000	66500	72000	77500
31	44800	59000	62500	67500	72500	78000
32	44800	60000	63500	68000	73000	78500
33	44800	60500	64000	68500	74000	79000
34	44800	61500	64500	69000	74500	80000
35	44800	62000	65500	70000	75000	80000
36	44800	63000	66000	70500	75500	80000

S1577 CIESLA, MARTIN

1	37	44800	63500	66500	71000	76000	80000
2	38	44800	64500	67500	71500	77000	80000
3	39	44800	65000	68000	72500	77500	80000
4	40	44800	66000	68500	73000	78000	80000
5	41	44800	66500	69500	73500	78500	80000
6	42	44800	67200	70000	74000	79000	80000
7	43	44800	67200	70500	75000	80000	80000
8	44	44800	67200	71500	75500	80000	80000
9	45	44800	67200	72000	76000	80000	80000
10	46	44800	67200	72500	76500	80000	80000
11	47	44800	67200	73500	77500	80000	80000
12	48	44800	67200	74000	78000	80000	80000
13	49	44800	67200	74500	78500	80000	80000
14	50	44800	67200	75500	79000	80000	80000
15	51	44800	67200	76000	80000	80000	80000
16	52	44800	67200	76500	80000	80000	80000
17	53	44800	67200	77500	80000	80000	80000
18	54	44800	67200	78000	80000	80000	80000
19	55	44800	67200	78500	80000	80000	80000
20	56	44800	67200	79500	80000	80000	80000
21	57	44800	67200	80000	80000	80000	80000
22	58	44800	67200	80000	80000	80000	80000
23	59	44800	67200	80000	80000	80000	80000
24	60	44800	67200	80000	80000	80000	80000
25	61	44800	67200	80000	80000	80000	80000
26	62	44800	67200	80000	80000	80000	80000
27	63	44800	67200	80000	80000	80000	80000
28	64	44800	67200	80000	80000	80000	80000
29	65	44800	67200	80000	80000	80000	80000
30	66	44800	67200	80000	80000	80000	80000
31	67	44800	67200	80000	80000	80000	80000
32	68	44800	67200	80000	80000	80000	80000
33	69	44800	67200	80000	80000	80000	80000
34	70	44800	67200	80000	80000	80000	80000

35

36 c. The dimensional and weight restrictions set forth herein shall not
37 apply to a combination of vehicles which includes a disabled vehicle or
38 a combination of vehicles being removed from a highway in this State,
39 provided that such oversize or overweight vehicle combination may
40 not travel on the public highways more than **【five】 50** miles from the
41 point where such disablement occurred. If the disablement occurred
42 on a limited access highway, the distance to the nearest exit of such
43 highway shall be added to the **【five】50**-mile limitation. A heavy-duty
44 tow truck, as defined in section 1 of P.L. , c. (C.) (now pending
45 before the Legislature as this bill), shall be permitted, in combination
46 with the towed unit or units, to exceed the axle, dimensional and

1 maximum gross weight limits for tow trucks and towed unit
2 combinations; except that the limit shall not exceed 150,000 pounds
3 gross combined weight. This provision shall not affect the application
4 of section 6 of P.L.1950, c.142 (C.39:3-84.4) concerning driver
5 liability for damages.

6 d. The Director of the Division of Motor Vehicles may promulgate
7 rules and regulations, including the establishment of fees, for the
8 issuance, at his discretion and if good cause appears, of a special
9 written permit authorizing the applicant:

10 (1) To operate or move a vehicle or combination of vehicles or
11 special mobile equipment, transporting one piece loads that cannot be
12 dismembered, dismantled or divided in order to comply with the
13 weight limitations set forth in this act. The special written permit
14 issued by the director shall be in the possession of the driver or
15 operator of the vehicle or combination of vehicles or special mobile
16 equipment for which said permit was issued; and

17 (2) To operate or move a vehicle or combination of vehicles or
18 specialized mobile equipment, transporting a load or cargo that cannot
19 be dismembered, dismantled or divided in order to comply with the
20 dimensional limitations set forth in this act. The special written permit
21 shall be in the possession of the driver or operator of the vehicle or
22 combination of vehicles or special mobile equipment for which the
23 permit was issued; and

24 (3) Under emergency conditions, to operate or move a type of
25 vehicle or combination of vehicles or special mobile equipment of a
26 size or weight, including load or contents, which exceeds the
27 maximum size or weight limitations specified in this act.

28 (cf: P.L.1995, c.397, s.3)

29
30 9. This act shall take effect on the first day of the sixth month after
31 enactment.

32
33
34 STATEMENT

35
36 This bill, by establishing a program of licensing tow trucks in two
37 weight classes, addresses several key issues involving the towing
38 industry and may be expected to benefit the motoring public. These
39 classes are: light to medium weight tow trucks with a gross weight of
40 less than 32,000 pounds, and heavy-duty tow trucks of 32,000 pounds
41 or more gross vehicle weight. The bill also exempts heavy-duty tow
42 trucks from current axle and dimensional limitations in order to enable
43 these vehicles to remove the heaviest wrecked, disabled or otherwise
44 incapacitated motor vehicles from the roads of the State. In
45 combination with their towed units, these heavy-duty tow trucks will
46 be permitted to weigh up to 150,000 pounds.

1 Tow truck operators who apply for the special plates would be
2 required to provide a variety of information to the Division of Motor
3 Vehicles. This will include a valid certificate of insurance and schedule
4 of covered vehicles, documentation of the manufacturer's gross vehicle
5 weight rating for each truck, the address of the operator's principal
6 business office, and a notarized statement of truthful information,
7 among other items.

8 Under the provisions of this bill, consumers would be able to
9 identify a legitimate towing company simply by observing the license
10 plate of a tow truck that may stop to aid a stranded motorist. Only the
11 owners of towing companies would be permitted to apply for the
12 plates. The bill also requires the towing company's name and address
13 to be conspicuously displayed on its tow trucks. It is hoped this bill
14 will help local and State Police to more readily identify illegal
15 operators. This bill also is intended to stem the rising incidence of
16 vehicles being stolen by tow trucks operators.

17 The bill also affords the towing industry the ability to perform the
18 necessary towing of incapacitated motor vehicles in a safe and
19 expeditious manner. Existing weight and length restrictions make it
20 impossible for towers to legally tow some trucks and buses.

21 Because of this problem, some states have exempted tow trucks
22 towing a wrecked or disabled vehicle from vehicle size and weight
23 laws. Other states, such as New Jersey, have imposed mileage
24 restrictions: the tow truck is allowed to make an overweight or
25 oversized movement, but only for a limited distance. Currently in New
26 Jersey, a tow truck can tow a loaded tractor-trailer combination up to
27 five miles from the point of disablement. Some other states have
28 allowed for a radius of up to 25 miles or 50 miles. This bill would
29 permit tow trucks in New Jersey to tow a disabled vehicle up to
30 50 miles.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 1577

STATE OF NEW JERSEY

DATED: DECEMBER 2, 1999

The Assembly Transportation Committee reports favorably Senate Bill No. 1577 (2R).

This bill establishes certain special rules for the registration and identification of commercially operated tow trucks, authorizes the licensure of towing companies, and modifies certain statutory limits on motor vehicle size and weight as those limits apply to tow trucks.

Tow truck registration. Current law confers general authority on the Director of the Division of Motor Vehicles (DMV) to issue registrations for commercial vehicles. (N.J.S.A.39:3-20). This bill amplifies that law, as regards registration of tow trucks, in two respects. First, the bill expands the list of items that a towing company must provide when seeking to register its towing vehicles to include: (a) the names and addresses of the company's principal owners; (b) the location of its storage garage; and (c) a valid certificate of insurance and schedule of insured vehicles, with a statement of amounts of (i) garage keeper's legal liability coverage, and (ii) liability insurance coverage for personal injury and property damage of at least \$750,000 for each light-medium duty truck (under 32,000 lbs. gross weight) and \$1,000,000 for each heavy duty truck (32,000 lbs. or more gross weight). Second, the bill empowers the DMV director to suspend, revoke, or refuse to issue or renew a tow truck registration upon proof that an applicant has previously obtained such registration by fraud, been convicted of motor vehicle theft, or violated the provisions of the legislation.

Tow truck identification. The bill requires a towing company to display on each of its tow trucks either a distinctive marker or a special tow truck license plate, as determined by the Director of DMV. The marker or plate would be issued by the Director. It would identify the vehicle as a registered tow truck and indicate its weight category (light-medium duty or heavy duty); in the case of a special license plate, the plate's distinctive features would have to be conspicuous to passing motorists. The marker or plate is to be issued for 12 months; the annual fee for the marker or plate would be \$25 and would be in addition to present motor vehicle registration fees.

Besides the marker or license plate, the bill requires commercial

tow trucks to display conspicuously the name of the towing company and the municipality and state in which it is located.

A towing company operating a tow truck that fails to display any of the identification prescribed under the bill would be subject to a fine, in the case of a light-medium duty truck, of \$600 for a first offense and \$900 for each subsequent offense, and in the case of a heavy duty truck, of \$1,200 for a first offense and \$1,800 for each subsequent offense. Anyone displaying a false registration marker or plate, or who obtains such registration by fraud, would be subject to a fine of at least \$1,000 and not more than \$7,500.

Licensure of towing companies. The bill confers general authority on the Director of DMV to establish a system for licensing towing companies. Under such a system, a company would be licensed upon submission of an application and payment of a reasonable application fee; the director could require licenses to be renewed annually.

Modification of operating restrictions. Finally, the bill liberalizes certain restrictions on the operation of towing vehicles. New Jersey law establishes limits on the maximum size (dimensions) and weight of motor vehicles that travel on public roadways in the State; with respect to weight in particular, the maximum weight allowed for a single vehicle or combination of vehicles (such as the combination of a tow truck and towed vehicle) is 80,000 lbs. Currently, a limited exemption from the dimensional and weight restrictions is allowed: an oversize or overweight vehicle combination that includes a disabled vehicle being removed from a highway may travel on the public highways up to five miles from the point of disablement. Under the bill this five-mile limit is increased to 75 miles. In addition, the bill provides that any heavy duty tow truck in combination with a towed unit (disabled or otherwise) may exceed the dimensional and gross weight limitation for vehicle combinations, subject to the restrictions that (a) gross combined weight could not exceed 150,000 lbs., (b) the combined unit could not be operated at a speed over 45 miles per hour if (i) its combined weight exceeds 80,000 lbs., or (ii) one or more of its axles exceeds the statutory limitation on maximum gross weight, or (iii) the combined unit exceeds maximum statutory length and width standards, and (c) the combination vehicle would not be exempt from height and weight restrictions posted on a bridge or overpass.

As reported by the committee, this bill is identical to Assembly Bill No. 2871 as amended and reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1577

STATE OF NEW JERSEY

DATED: JANUARY 6, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 1577 (2R).

Senate Bill No. 1577 (2R) establishes certain special rules for the registration and identification of commercially operated tow trucks, authorizes the licensure of towing companies, and modifies certain statutory limits on motor vehicle size and weight as those limits apply to tow trucks.

Tow truck registration. Currently, N.J.S.A.39:3-20 gives the Director of the Division of Motor Vehicles (DMV) general authority on to issue registrations for commercial vehicles. This bill expands the list of items that a towing company must provide when seeking to register its towing vehicles to include:

- (a) the names and addresses of the company's principal owners;
- (b) the location of its storage garage;
- (c) a valid certificate of insurance and schedule of insured vehicles, with a statement of amounts of (i) garage keeper's legal liability coverage, and (ii) liability insurance coverage for personal injury and property damage of at least \$750,000 for each light-medium duty truck (under 32,000 lbs. gross weight) and \$1,000,000 for each heavy duty truck (32,000 lbs. or more gross weight).
- (d) a copy of the towing company license, if a system of licensure is in effect.

The bill also empowers the director to suspend, revoke, or refuse to issue or renew a tow truck registration upon proof that an applicant has previously obtained such registration by fraud, been convicted of motor vehicle theft, or violated the provisions of the legislation.

Tow truck identification. The bill requires a towing company to display on each of its tow trucks either a distinctive marker or a special tow truck license plate (the form of the distinctive identification shall be as determined by the Director of DMV). The marker or plate will be issued by the director. It will identify the vehicle as a registered tow truck and indicate its weight category (light-medium duty or heavy duty); in the case of a special license plate, the plate's distinctive features would have to be conspicuous to passing motorists. The marker or plate is to be issued for 12 months;

the annual fee for the marker or plate will be \$25 in addition to present motor vehicle registration fees.

Besides the marker or license plate, the bill requires commercial tow trucks to display conspicuously the name of the towing company and the municipality and state in which it is located.

A towing company operating a tow truck that fails to display any of the identification prescribed under the bill will be subject to a fine, in the case of a light-medium duty truck, of \$600 for a first offense and \$900 for each subsequent offense, and in the case of a heavy duty truck, of \$1,200 for a first offense and \$1,800 for each subsequent offense. Anyone displaying a false registration marker or plate, or who obtains such registration by fraud, will be subject to a fine of at least \$1,000 and not more than \$7,500.

Licensing towing companies. The bill allows the Director of DMV to establish a system for licensing towing companies. Under such a system, a company will be licensed upon submission of an application and payment of a reasonable application fee; the director can require licenses to be renewed annually.

Modification of operating restrictions. The bill liberalizes certain restrictions on the operation of towing vehicles. New Jersey law establishes limits on the maximum size and weight of motor vehicles that travel on public roadways in the State: the maximum weight allowed for a single vehicle or combination of vehicles (such as the combination of a tow truck and towed vehicle) is 80,000 lbs. Currently, a limited exemption from the dimensional and weight restrictions is allowed: an oversize or overweight vehicle combination that includes a disabled vehicle being removed from a highway may travel on the public highways up to five miles from the point of disablement. The bill increases the five-mile limit to 75 miles. The bill also provides that a heavy duty tow truck in combination with a towed unit (disabled or otherwise) may exceed the dimensional and gross weight limitation for vehicle combinations, subject to the restrictions that:

- (a) gross combined weight cannot exceed 150,000 lbs.;
- (b) the combined unit cannot be operated at a speed over 45 miles per hour if (i) its combined weight exceeds 80,000 lbs., or (ii) one or more of its axles exceeds the statutory limitation on maximum gross weight, or (iii) the combined unit exceeds maximum statutory length and width standards; and
- (c) the combination vehicle is subject to height and weight restrictions posted on bridges or overpasses.

As reported, this bill is identical to Assembly Bill No. 2871 (1R), as also reported by the committee.

FISCAL IMPACT:

The Department of Transportation has advised the Office of Legislative Services that the tow truck industry estimates that there

are 3,000 towing companies operating about 15,000 tow trucks in the State.

Although DMV has not yet completed its analysis of the fiscal impact of the tow truck program, preliminary estimates are that the \$375,000 anticipated from the \$25 per truck identification markers will be adequate to offset any additional costs incurred by DMV to administer the program.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1577

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1999

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 1577.

This amended bill, by establishing a program of registering tow trucks in two weight classes, addresses several key issues involving the towing industry and may be expected to benefit the motoring public.

These classes are: light to medium weight tow trucks with a gross weight of less than 32,000 pounds, and heavy-duty tow trucks of 32,000 pounds or more gross vehicle weight. The bill also exempts heavy-duty tow trucks from current axle and dimensional limitations in order to enable these vehicles to remove the heaviest wrecked, disabled or otherwise incapacitated motor vehicles from the roads of the State but does not provide an exemption to exceed the height and weight restrictions marked or posted on a bridge or overpass in the State. A heavy-duty tow truck, in combination with the towed unit or units, shall not be operated at a speed greater than 45 miles per hour when the heavy-duty tow truck in combination with the towed unit or units weighs more than 80,000 pounds, or one or more of its axles exceeds the limitations prescribed in the Table of Maximum Gross Weight or the tow truck in combination with the towed unit exceeds maximum length and width standards as prescribed by law. In combination with their towed units, these heavy-duty tow trucks will be permitted to weigh up to 150,000 pounds.

Towing companies which apply for the tow truck registration would be required to provide a variety of information to the Division of Motor Vehicles (DMV). This will include a valid certificate of insurance and schedule of covered vehicles, documentation of the manufacturer's gross vehicle weight rating for each truck, the address of the operator's principal business office, and a notarized statement of truthful information, among other items. The Director of the DMV would issue or require distinctive markers for tow trucks operating under this bill and set fees for those markers issued by the division. The director may exempt tow trucks that meet the definition of an apportioned vehicle from the marker requirements. The director may also establish a system for the licensure of towing companies.

Under the provisions of this bill, consumers would be able to identify a legitimate towing company simply by observing the marker displayed on a tow truck that may stop to aid a stranded motorist. Only the owners of towing companies would be permitted to apply for the registration and display the markers. The bill also requires the towing company's name and address to be conspicuously displayed on its tow trucks. It is hoped this bill will help local and State Police to readily identify operators that are not complying with the provisions of this bill. This bill also is intended to stem the rising incidence of vehicles being stolen by tow truck operators.

The bill also affords the towing industry the ability to perform the necessary towing of incapacitated motor vehicles in a safe and expeditious manner. Existing weight and length restrictions make it impossible for towers to legally tow some trucks and buses.

Because of this problem, some states have exempted tow trucks towing a wrecked or disabled vehicle from vehicle size and weight laws. Other states, such as New Jersey, have imposed mileage restrictions: the tow truck is allowed to make an overweight or oversized movement, but only for a limited distance. Currently in New Jersey, a tow truck can tow a loaded tractor-trailer combination up to five miles from the point of disablement. Some other states have allowed for a radius of up to 25 miles or 50 miles. This bill would permit tow trucks in New Jersey to tow a disabled vehicle up to 50 miles.

The bill makes it a crime of the fourth degree to knowingly display false tow truck markers or to knowingly exhibit, display or utter false documentation purporting to be legal licensure or registration.

The amendments approved by the committee remove the requirement that tow trucks display special license plates and provide that towing companies be registered by the DMV and that, except for apportioned vehicles if exempted by the director of the DMV, tow trucks display markers, which may be a license plate. The amendments also provide that the director may establish a system for the licensure of towing companies, make false documentation a crime of the fourth degree, provide that height and weight restrictions marked or posted on bridges or overpasses are not exempted by the bill and that the licensure, registration and marker requirements will not go into effect until July 1, 2001.

The amendments also update the law amended in the bill to reflect the provisions of P.L.1999, c.29.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1577

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1577 (1R).

This bill establishes certain special rules for the registration and identification of commercially operated tow trucks, authorizes the licensure of towing companies, and modifies certain statutory limits on motor vehicle size and weight as those limits apply to tow trucks.

Tow truck registration. Current law confers general authority on the Director of the Division of Motor Vehicles (DMV) to issue registrations for commercial vehicles. (N.J.S.A.39:3-20). This bill amplifies that law, as regards registration of tow trucks, in two respects. First, the bill expands the list of items that a towing company must provide when seeking to register its towing vehicles to include: (a) the names and addresses of the company's principal owners; (b) the location of its storage garage; and (c) a valid certificate of insurance and schedule of insured vehicles, with a statement of amounts of (i) garage keeper's legal liability coverage, and (ii) liability insurance coverage for personal injury and property damage of at least \$750,000 for each light-medium duty truck (under 32,000 lbs. gross weight) and \$1,000,000 for each heavy duty truck (32,000 lbs. or more gross weight). Second, the bill empowers the DMV director to suspend, revoke, or refuse to issue or renew a tow truck registration upon proof that an applicant has previously obtained such registration by fraud, been convicted of motor vehicle theft, or violated the provisions of the legislation.

Tow truck identification. The bill requires a towing company to display on each of its tow trucks either a distinctive marker or a special tow truck license plate, as determined by the Director of DMV. The marker or plate would be issued by the Director. It would identify the vehicle as a registered tow truck and indicate its weight category (light-medium duty or heavy duty); in the case of a special license plate, the plate's distinctive features would have to be conspicuous to passing motorists. The marker or plate is to be issued for 12 months; the annual fee for the marker or plate would be \$25 and would be in

addition to present motor vehicle registration fees.

Besides the marker or license plate, the bill requires commercial tow trucks to display conspicuously the name of the towing company and the municipality and state in which it is located.

A towing company operating a tow truck that fails to display any of the identification prescribed under the bill would be subject to a fine, in the case of a light-medium duty truck, of \$600 for a first offense and \$900 for each subsequent offense, and in the case of a heavy duty truck, of \$1,200 for a first offense and \$1,800 for each subsequent offense. Anyone displaying a false registration marker or plate, or who obtains such registration by fraud, would be subject to a fine of at least \$1,000 and not more than \$7,500.

Licensure of towing companies. The bill confers general authority on the Director of DMV to establish a system for licensing towing companies. Under such a system, a company would be licensed upon submission of an application and payment of a reasonable application fee; the director could require licenses to be renewed annually.

Modification of operating restrictions. Finally, the bill liberalizes certain restrictions on the operation of towing vehicles. New Jersey law establishes limits on the maximum size (dimensions) and weight of motor vehicles that travel on public roadways in the State; with respect to weight in particular, the maximum weight allowed for a single vehicle or combination of vehicles (such as the combination of a tow truck and towed vehicle) is 80,000 lbs. Currently, a limited exemption from the dimensional and weight restrictions is allowed: an oversize or overweight vehicle combination that includes a disabled vehicle being removed from a highway may travel on the public highways up to five miles from the point of disablement. Under the bill as amended, this five-mile limit is increased to 75 miles. In addition, the bill provides that any heavy duty tow truck in combination with a towed unit (disabled or otherwise) may exceed the dimensional and gross weight limitation for vehicle combinations, subject to the restrictions that (a) gross combined weight could not exceed 150,000 lbs., (b) the combined unit could not be operated at a speed over 45 miles per hour if (i) its combined weight exceeds 80,000 lbs., or (ii) one or more of its axles exceeds the statutory limitation on maximum gross weight, or (iii) the combined unit exceeds maximum statutory length and width standards, and (c) the combination vehicle would not be exempt from height and weight restrictions posted on a bridge or overpass.

COMMITTEE AMENDMENTS

Committee amendments to this bill: (1) incorporate the provisions for issuance of a special license plate, as an alternative to a marker, for the identification of registered tow trucks; (2) specify that the annual charge for either form of registration is to be \$25; (3) delete a provision requiring an application for reissuance of a tow truck

registration that is made after the previous registration has expired to be treated as a new application; (4) revise the provision governing a towing company's application for the registration of its trucks by (a) adding the requirement to show minimum levels of per-vehicle injury and damage liability insurance coverage, and (b) deleting a requirement that the application include the towing company owner's notarized statement that the information in the application is true to the owner's best knowledge; (5) replace provisions categorizing violations of the truck identification requirements as disorderly persons offenses or crimes of the fourth degree with the system of fines described above; and (6) further relax the statutory limit on the distance that an oversize or over weight vehicle combination can travel on public roads, increased from five to 50 miles under the bill as introduced, to 75 miles.

FISCAL IMPACT

The Department of Transportation has advised the Office of Legislative Services (OLS) that the tow truck industry estimates that there are 3,000 towing companies operating about 15,000 tow trucks in the State.

Although DMV has not yet completed its analysis of the fiscal impact of the tow truck program, OLS would infer that any additional costs incurred by DMV to administer the program would be offset by new fee revenue specifically generated from the tow truck industry.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1577

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 29, 1999

Senate Bill No. 1577 (1R) of 1998 establishes a program to register tow trucks in two weight classes. These classes are: (1) light to medium weight tow trucks with a gross vehicle weight of less than 32,000 pounds; and (2) heavy duty tow trucks of 32,000 pounds or more gross vehicle weight. The bill also authorizes the Director of the Division of Motor Vehicles (DMV) in the Department of Transportation (DOT) to charge a fee for identification markers displayed on tow trucks. A marker fee would be in addition to fees otherwise prescribed by law for the registration of motor vehicles. Further, the director may establish a system to license towing companies and to charge an application fee for that license.

Pursuant to a discussion between the Office of Legislative Services (OLS) and DOT, the department noted that it has received information from the tow truck industry that there are an estimated 3,000 towing companies operating about 15,000 tow trucks in the State.

The department further noted that it has not yet completed an analysis on the anticipated additional costs that DMV would incur under the new tow truck program established by this bill. Consequently, the amount of fees to be charged has not been determined.

Although DMV has not yet completed its analysis of the fiscal impact of the tow truck program, OLS would infer that any additional costs incurred by DMV to administer the program would be offset by new fee revenue specifically generated from the tow truck industry.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

FISCAL NOTE

[Second Reprint]

SENATE, No. 1577

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 18, 2000

Senate Bill No. 1577 (2R) of 1998 establishes a program to register tow trucks in two weight classes. These classes are: (1) light to medium weight tow trucks with a gross vehicle weight of less than 32,000 pounds; and (2) heavy duty tow trucks of 32,000 pounds or more gross vehicle weight. The bill also authorizes the Director of the Division of Motor Vehicles (DMV) in the Department of Transportation (DOT) to charge a \$25 fee for identification markers displayed on tow trucks. A marker fee would be in addition to fees otherwise prescribed by law for the registration of motor vehicles. Further, the director may issue, in lieu of markers, license plates for tow trucks; a surcharge of \$25 would be imposed for such plates. Revenue from these fees would be annually appropriated to DMV to defray the costs associated with the implementation of this bill.

Pursuant to a discussion between the Office of Legislative Services (OLS) and DOT, the department noted that it has received information from the tow truck industry that there are an estimated 3,000 towing companies operating about 15,000 tow trucks in the State.

Since the intent of the tow truck marker or license plate fee is to offset the DMV expenses associated with implementing this bill, OLS would anticipate that there should be no new cost or negative impact to the State's general fund from this bill.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2871

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 11, 1999

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Creates license plates and modifies weight limits for certain tow trucks.

CURRENT VERSION OF TEXT

As introduced.



A2871 DECROCE

2

1 AN ACT concerning tow trucks, supplementing chapter 3 of Title 39
2 of the Revised Statutes and amending R.S.39:3-84.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) As used in this act:

8 "Division" means the Division of Motor Vehicles in the Department
9 of Transportation.

10 "Garage keeper's legal liability" means the protection of customer
11 vehicles under various conditions pertaining to specific garage
12 functions. This also is referred to as "on hook" coverage.

13 "Heavy-duty" means a gross weight of at least 32,000 pounds.

14 "Light-medium duty" means a gross weight of less than
15 32,000 pounds.

16 "Towing company" means any person or entity owning or operating
17 a tow truck service for compensation.

18 "Tow truck" means a motor vehicle equipped with a boom or
19 booms, winches, slings, tilt beds or similar equipment designed for the
20 towing or recovery of vehicles and other objects.

21 "Transporter" means equipment designed to transport more than
22 one vehicle on a non-emergency basis.

23

24 2. a. (New section) The director shall issue distinctive license
25 plates for tow trucks operating under the provisions of this act. These
26 license plates shall be issued for 12 months upon payment of a fee, to
27 be determined by the director, and the filing of an application pursuant
28 to section 3 of this act. The plates shall be available for tow trucks in
29 two gross weight categories: light-medium duty and heavy-duty. The
30 plates for each weight category shall have distinctive features
31 conspicuous to passing motorists.

32 b. A person shall not use or offer to use a tow truck to tow, winch,
33 or otherwise move a motor vehicle for any direct or indirect
34 compensation unless the tow truck possesses valid tow truck license
35 plates issued by the Division of Motor Vehicles pursuant to this act.

36

37 3. (New section) a. An initial application for tow truck license
38 plates shall contain the following information:

39 (1) The name and address of the towing company's principal owner
40 or owners;

41 (2) The address of the principal business office of the towing
42 company;

43 (3) The location of any garage, parking lot, or other storage area,

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

Matter underlined thus is new matter.

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1 where motor vehicles or other objects moved by the towing company
2 may be stored or placed;

3 (4) A valid certificate of insurance and a schedule of insured
4 vehicles that are to be utilized by the towing company from an insurer
5 authorized to do business in the state of the garage keeper's legal
6 liability and general liability;

7 (5) Documentation of the manufacturer's gross vehicle weight
8 rating for each tow truck; and

9 (6) A notarized statement by the towing company owner that all
10 information on the application or as otherwise required by the division
11 is true to the best of the owner's knowledge.

12 b. If license plates issued for a tow truck have expired, an
13 application for reissuance of the plates shall be treated as an initial
14 application.

15

16 4. (New section) The division may suspend, revoke or refuse to
17 issue or renew any license plates pursuant to this act upon proof that
18 the applicant:

19 a. Used fraud or deception in securing tow truck plates;

20 b. Violated any provision of this act; or

21 c. Has been convicted of theft of a motor vehicle.

22

23 5. (New section) A towing company shall display valid tow truck
24 license plates as required by law on each of its tow trucks. The name
25 of the towing company and the municipality and state where the
26 business is located shall be conspicuously displayed on all tow trucks
27 used by the company as provided by law and regulation. Transporters
28 shall be exempt from the provisions of this act.

29

30 6. (New section) The provisions of this act shall preempt a
31 political subdivision from regulating, requiring or issuing any
32 registration, license plate or surety registration of any person required
33 to obtain tow truck plates from the division. This section shall not
34 limit the existing authority of a political subdivision to:

35 a. License and collect a general and nondiscriminatory tax upon all
36 businesses;

37 b. License and collect a tax upon towing operations domiciled
38 within its jurisdiction; or

39 c. Impose any additional requirements or conditions as part of any
40 contract to perform towing and recovery services for that jurisdiction.

41

42 7. (New section) It shall be a disorderly persons offense to operate
43 a tow truck without tow truck license plates as authorized by this act
44 or to violate any other provision of this act.

1 8. R.S.39:3-84 is amended to read as follows:

2 39:3-84. a. The following constitute the maximum dimensional
3 limits for width, height and length for any vehicle or combination of
4 vehicles, including load or contents or any part or portion thereof,
5 found or operated on any public road, street or highway or any public
6 or quasi-public property in this State. Violations shall be enforced
7 pursuant to subsection i. of section 5 of P.L.1950, c.142
8 (C.39:3-84.3).

9 The dimensional limitations set forth in this subsection are exclusive
10 of safety and energy conservation devices necessary for safe and
11 efficient operation of a vehicle or combination of vehicles, including
12 load or contents, except that no device excluded herein shall have by
13 its design or use the capability to carry, transport or otherwise be
14 utilized for cargo.

15 Any rules and regulations authorized to be promulgated pursuant
16 to this subsection shall be consistent with any rules and regulations
17 promulgated by the Secretary of Transportation of the United States
18 of America, and shall be in accordance with the provisions of the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.). In addition to the other requirements of this subsection and
21 notwithstanding any other provision of this Title, no vehicle or
22 combination of vehicles, including load or contents or any part or
23 portion thereof, except as otherwise provided by this subsection shall
24 be operated in this State, unless by special permit authorized by
25 subsection d. of this section with a dimension, the allowance of which
26 would disqualify the State of New Jersey or any department, agency
27 or governmental subdivision thereof for the purpose of receiving
28 federal highway funds.

29 As used herein and pursuant to R.S.39:1-1, the term "vehicle"
30 includes, but is not limited to, commercial motor vehicles, trucks,
31 truck tractors, tractors, road tractors, recreation vehicles, or
32 omnibuses. As used herein and pursuant to R.S.39:1-1, the term
33 "combination of vehicles" includes, but is not limited to, vehicles as
34 heretofore designated, when those vehicles are the drawing or power
35 unit of a combination of vehicles and motor-drawn vehicles, such as,
36 but not limited to, trailers, semi-trailers, or other vehicles. As used
37 herein, the term "recycling vehicle" means a commercial motor vehicle
38 used for the collection or transportation of recyclable material; or any
39 truck, trailer or other vehicle approved by the New Jersey Office of
40 Recycling for use by persons engaging in the business of recycling or
41 otherwise providing recycling services in this State; and "recyclable
42 material" means those materials which would otherwise become solid
43 waste, and which may be collected, separated or processed and
44 returned to the economic mainstream in the form of raw materials or
45 products.

46 (1) The maximum outside width of any vehicle or combination of

1 vehicles, including load or contents of any part or portion thereof,
2 except as otherwise provided by this subsection, shall be no more than
3 102 inches; except that the Commissioner of Transportation, after
4 consultation with the Director of the Division of Motor Vehicles and
5 the Superintendent of State Police, may promulgate rules and
6 regulations for those public roads, streets or highways or public or
7 quasi-public property in this State, where it is determined that the
8 interests of public safety and welfare require the maximum outside
9 width be no more than 96 inches.

10 (2) The maximum height of any vehicle or combination of vehicles,
11 including load or contents of any part or portion thereof, except as
12 otherwise provided by this subsection, shall not exceed 13 feet,
13 6 inches.

14 (3) The maximum overall length of any vehicle, as set forth in this
15 subsection, including load or contents or any part or portion thereof,
16 except as otherwise provided by this subsection, shall not exceed
17 40 feet, except that the overall length of a vehicle, including load or
18 contents or any part or portion thereof, otherwise subject to the
19 provisions of this paragraph shall not exceed 50 feet when transporting
20 poles, pilings, structural units or other articles which cannot be
21 dismembered, dismantled or divided. When a vehicle, subject to this
22 paragraph, is the drawing or power unit of a combination of vehicles,
23 as set forth in this subsection, the overall length of the combination of
24 vehicles, including load or contents or any part or portion thereof,
25 shall not exceed 62 feet. The provisions of this paragraph shall not
26 apply to omnibuses or to vehicles which are not designed, built or
27 otherwise capable of carrying cargo or loads.

28 (4) The maximum overall length of a motor-drawn vehicle, as set
29 forth in this subsection, including load or contents or any part or
30 portion thereof, except as otherwise provided by this subsection, shall
31 not exceed 53 feet when operated as part of a combination of vehicles
32 consisting of one motor-drawn vehicle and a drawing or power unit
33 vehicle not designed, built or otherwise capable of carrying cargo or
34 loads, except that a motor-drawn vehicle, the overall length of which
35 is greater than 48 feet and not more than 53 feet, shall be constructed
36 so that the distance between the kingpin of the motor-drawn vehicle
37 and the centerline of its rear axle or rear axle group does not exceed
38 41 feet; the motor-drawn vehicle shall be equipped with a rear-end
39 protection device of substantial construction consisting of a
40 continuous lateral beam extending to within four inches of the lateral
41 extremities of the motor-drawn vehicle and located not more than
42 22 inches from the surface as measured with the vehicle empty and on
43 a level surface; the kingpin of the trailer shall not be set back further
44 than 3.5 feet from the front of the semitrailer; the rear overhang,
45 measured from the center of the rear tandem axles to the rear of the
46 semitrailer shall not exceed 35% of the semitrailer's wheelbase; the

1 tractor wheelbase shall not exceed 20 feet between the center of the
2 front axle and the center of the rear single axle or tandem axles; the
3 width of the semitrailer and the distance between the outside edges of
4 the trailer tires shall be 102 inches; and the vehicle shall be equipped
5 with such reflectorization, including but not limited to side-marker
6 reflectorization strips located between the rear axle and the rear of the
7 motor-drawn vehicle, as shall be prescribed by the Division of Motor
8 Vehicles, and as is consistent with any applicable federal standards
9 concerning reflectorization. The overall length of a motor-drawn
10 vehicle otherwise subject to the provisions of this paragraph shall not
11 exceed 63 feet when transporting poles, pilings, structural units or
12 other articles that cannot be dismembered, dismantled or divided. The
13 provisions of this paragraph shall not apply to any vehicle or
14 combination of vehicles designed, built and utilized solely to transport
15 other motor vehicles. The Commissioner of Transportation, after
16 consultation with the Director of the Division of Motor Vehicles and
17 the Superintendent of State Police, shall promulgate rules and
18 regulations specifying those portions or parts of the National System
19 of Interstate and Defense Highways, Federal-aid Primary System
20 Highways and public roads, streets, highways, toll roads, freeways or
21 parkways in this State where the combination of vehicles as described
22 in this paragraph may lawfully operate. The commissioner shall
23 promulgate rules and regulations within 120 days after the effective
24 date of this amendatory act to identify a network of roads with
25 reasonable access for motor-drawn vehicles greater than 48 feet in
26 length but not more than 53 feet in length. The commissioner shall, in
27 establishing this network, consider all portions of the network for
28 48 foot long and 102 inch wide motor-drawn vehicles and specify
29 those routes or portions thereof where motor-drawn vehicles greater
30 than 48 feet in length but not more than 53 feet in length shall be
31 excluded from lawful operation for reasons of safety.

32 (5) No combination of vehicles, including load or contents,
33 consisting of more than two motor-drawn vehicles, as set forth in this
34 subsection, and any other vehicle, shall be found or operated on any
35 public road, street or highway or any public or quasi-public property
36 in this State.

37 (6) The maximum overall length of a motor-drawn vehicle, as set
38 forth in this section, including load or contents or any part or portion
39 thereof, except as otherwise provided by this subsection, when
40 operated as part of a combination of vehicles consisting of two
41 motor-drawn vehicles and a drawing or power unit vehicle which is
42 not designed, built or otherwise capable of carrying cargo or loads,
43 shall not exceed 28 feet for each motor-drawn vehicle in the
44 combination of vehicles. The provision of this paragraph shall not
45 apply to any vehicle or combination of vehicles designed, built and
46 utilized solely to transport other motor vehicles. The Commissioner of

1 Transportation, after consultation with the Director of the Division of
2 Motor Vehicles and the Superintendent of State Police, shall
3 promulgate rules and regulations specifying those portions or parts of
4 the National System of Interstate and Defense Highways, Federal-aid
5 Primary System Highways and public roads, streets, highways, toll
6 roads, freeways or parkways in this State where combinations of
7 vehicles as described in this paragraph may lawfully operate.

8 (7) The maximum length and outside width of an omnibus found
9 or operated in this State shall be established by rules and regulations
10 promulgated by the Commissioner of Transportation, after
11 consultation with the Director of the Division of Motor Vehicles and
12 the Superintendent of State Police. Unless otherwise specified in the
13 aforesaid rules and regulations, the maximum outside width shall be
14 102 inches; any other dimension established for width in the aforesaid
15 rules and regulations shall be based upon a determination that
16 operation of an omnibus with a width of less than 102 inches, but no
17 less than 96 inches is required in the interest of public safety on those
18 public roads, streets, highways, toll roads, freeways, parkways or the
19 National System of Interstate and Defense Highways in this State
20 specified in the aforesaid rules and regulations, or that operation of an
21 omnibus with a width greater than 102 inches is not unsafe on those
22 public roads, streets, highways, toll roads, freeways, parkways or the
23 National System of Interstate and Defense Highways in this State
24 specified in the aforesaid rules and regulations.

25 (8) The maximum width and length of farm tractors and traction
26 equipment and farm machinery and implements shall be established by
27 rules and regulations promulgated by the Director of the Division of
28 Motor Vehicles. The operation of the aforesaid vehicles shall be
29 subject to the provisions of R.S.39:3-24 and they shall not be operated
30 on any highway which is part of the National System of Interstate and
31 Defense Highways or on any highway which has been designated a
32 freeway or parkway as provided by law.

33 (9) The maximum outside width of the cargo or load of a vehicle
34 or combination of vehicles, including farm trucks, loaded with hay or
35 straw shall not exceed 105 1/2 inches, but the maximum outside width
36 of the vehicle or combination of vehicles, including farm trucks, shall
37 otherwise comply with the provisions of paragraph (1) of this
38 subsection. The Commissioner of Transportation, after consultation
39 with the Director of the Division of Motor Vehicles and the
40 Superintendent of State Police, may promulgate rules and regulations
41 establishing a maximum outside width of 102 inches for the aforesaid
42 cargo or load when operating on those highways where a greater
43 width is prohibited by operation of law.

44 (10) Notwithstanding the provisions of paragraphs (4) and (6) of
45 this subsection pertaining to length, the Director of the Division of
46 Motor Vehicles may adopt rules and regulations specifying maximum

1 length dimensions for any vehicle or combination of vehicles designed,
2 built and utilized solely to transport other motor vehicles.

3 (11) The provisions of this subsection pertaining to length shall not
4 apply to a vehicle or combination of vehicles or special mobile
5 equipment operated by a public utility, as defined in R.S.48:2-13,
6 when that vehicle or combination of vehicles or special mobile
7 equipment is used by the public utility in the construction,
8 reconstruction, repair or maintenance of its property or facilities.

9 (12) The provisions of this subsection pertaining to width shall not
10 apply to a recycling vehicle when that vehicle is used for the collection
11 of recyclable material on a street or highway other than a highway
12 which is designated part of the National System of Interstate and
13 Defense Highways in this State or as a freeway or parkway as
14 provided by law. The maximum outside width of any recycling vehicle
15 so used, including load or contents of any part or portion thereof, shall
16 be no more than 96 inches, except that the width may be up to 105
17 inches whenever that vehicle is operating at 15 miles per hour or less,
18 and access steps are deployed and recyclable materials are actually
19 being collected.

20 b. No vehicle or combination of vehicles, including load or
21 contents, found or operated on any public road, street or highway or
22 any public or quasi-public property in this State shall exceed the
23 weight limitations set forth in this Title. Violations shall be enforced
24 pursuant to subsection j. of section 5 of P.L.1950, c.142
25 (C.39:3-84.3).

26 Where enforcement of a weight limit provision of this Title requires
27 a measurement of length between axle centers, the distance between
28 axle centers shall be measured to the nearest whole foot or whole inch,
29 whichever is applicable, and when the measurement includes a
30 fractional part of a foot equaling six inches or more or a fractional part
31 of an inch equaling one-half inch or more, the next larger whole foot
32 or whole inch, whichever is applicable, shall be utilized. The term
33 "tandem axle" as used in this act is defined as a combination of
34 consecutive axles, consisting of only two axles, where the distance
35 between axle centers is 40 inches or more but no more than 96 inches.

36 In addition to the other requirements of this section and
37 notwithstanding any other provision of this Title, no vehicle or
38 combination of vehicles, including load or contents, shall be operated
39 in this State, unless by special permit authorized by this Title, with a
40 gross weight, single or multiple axle weight, or gross weight of two or
41 more consecutive axles, the allowance of which would disqualify the
42 State of New Jersey or any department, agency or governmental
43 subdivision thereof for the purpose of receiving federal highway funds.

44 (1) The gross weight imposed on the highway or other surface by
45 the wheels of any one axle of a vehicle or combination of vehicles,
46 including load or contents, shall not exceed 22,400 pounds.

1 For the purpose of this Title the combined gross weight imposed on
2 the highway or other surface by all the wheels of any one axle of a
3 vehicle or combination of vehicles, including load or contents, shall be
4 deemed to mean the total gross weight of all wheels whose axle
5 centers are spaced less than 40 inches apart.

6 (2) The gross weight imposed on the highway or other surface by
7 all the wheels of all consecutive axles of a vehicle or combination of
8 vehicles, including load or contents, shall not exceed 34,000 pounds
9 where the distance between consecutive axle centers is 40 inches or
10 more, but no more than 96 inches apart.

11 (3) The combined gross weight imposed on the highway or other
12 surface by all the wheels of consecutive axles of a vehicle or
13 combination of vehicles, including load or contents, shall not exceed
14 22,400 pounds for each single axle where the distance between
15 consecutive axle centers is more than 96 inches; except that on any
16 highway in this State which is part of, or designated as part of, the
17 National Interstate System, as provided at 23 U.S.C.103(e), this single
18 axle limitation shall not apply and in those instances the provisions of
19 this Title as set forth at R.S.39:3-84b.(5) shall apply.

20 (4) The maximum total gross weight imposed on the highway or
21 other surface by a vehicle or combination of vehicles, including load
22 or contents, shall not exceed 80,000 pounds.

23 (5) On any highway in this State which is part of, or designated as
24 part of, the National Interstate System, as provided at 23 U.S.C.
25 103(e), the total gross weight, in pounds, imposed on the highway or
26 other surface by any group of two or more consecutive axles of a
27 vehicle or combination of vehicles, including load or contents, shall
28 not exceed that listed in the following Table of Maximum Gross
29 Weights, for the respective distance, in feet, between the axle centers
30 of the first and last axles of the group of two or more consecutive
31 axles under consideration; except that in addition to the weights
32 specified in that Table, two consecutive sets of tandem axles may carry
33 a gross weight of 34,000 pounds each if the overall distance between
34 the first and last axles of the consecutive sets of tandem axles is 36
35 feet or more. The gross weight of each set of tandem axles shall not
36 exceed 34,000 pounds and the combined gross weight of the two
37 consecutive sets of tandem axles shall not exceed 68,000 pounds.

38 In all cases the combined gross weight for a vehicle or combination
39 of vehicles, including load or contents, or the maximum gross weight
40 for any axle or combination of axles of the vehicle or combination of
41 vehicles, including load or contents, shall not exceed that which is
42 permitted pursuant to this paragraph or R.S.39:3-84b.(2);
43 R.S.39:3-84b.(3); or R.S.39:3-84b.(4) of this act, whichever is the
44 lesser allowable gross weight.

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TABLE OF MAXIMUM GROSS WEIGHTS						
Distance in feet						
between axle						
centers of first						
and last axles						
of any group						
of two or more						
consecutive axles						
	2	3	4	5	6	7
	axles	axles	axles	axles	axles	axles
3	22400	22400	22400	22400	22400	22400
4	34000	34000	34000	34000	34000	34000
5	34000	34000	34000	34000	34000	34000
6	34000	34000	34000	34000	34000	34000
7	34000	34000	34000	34000	34000	34000
8	34000	34000	34000	34000	34000	34000
9	39000	42500	42500	42500	42500	42500
10	40000	43500	43500	43500	43500	43500
11	41000	44000	44000	44000	44000	44000
12	42000	45000	50000	50000	50000	50000
13	43000	45500	50500	50500	50500	50500
14	44000	46500	51500	51500	51500	51500
15	44800	47000	52000	52000	52000	52000
16	44800	48000	52500	58000	58000	58000
17	44800	48500	53500	58500	58500	58500
18	44800	49500	54000	59000	59000	59000
19	44800	50000	54500	60000	60000	60000
20	44800	51000	55500	60500	66000	66000
21	44800	51500	56000	61000	66500	66500
22	44800	52500	56500	61500	67000	67000
23	44800	53000	57500	62500	68000	68000
24	44800	54000	58000	63000	68500	74000
25	44800	54500	58500	63500	69000	74500
26	44800	55500	59500	64000	69500	75000
27	44800	56000	60000	65000	70000	75500
28	44800	57000	60500	65500	71000	76500
29	44800	57500	61500	66000	71500	77000
30	44800	58500	62000	66500	72000	77500
31	44800	59000	62500	67500	72500	78000
32	44800	60000	63500	68000	73000	78500
33	44800	60500	64000	68500	74000	79000
34	44800	61500	64500	69000	74500	80000
35	44800	62000	65500	70000	75000	80000
36	44800	63000	66000	70500	75500	80000

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1	37	44800	63500	66500	71000	76000	80000
2	38	44800	64500	67500	71500	77000	80000
3	39	44800	65000	68000	72500	77500	80000
4	40	44800	66000	68500	73000	78000	80000
5	41	44800	66500	69500	73500	78500	80000
6	42	44800	67200	70000	74000	79000	80000
7	43	44800	67200	70500	75000	80000	80000
8	44	44800	67200	71500	75500	80000	80000
9	45	44800	67200	72000	76000	80000	80000
10	46	44800	67200	72500	76500	80000	80000
11	47	44800	67200	73500	77500	80000	80000
12	48	44800	67200	74000	78000	80000	80000
13	49	44800	67200	74500	78500	80000	80000
14	50	44800	67200	75500	79000	80000	80000
15	51	44800	67200	76000	80000	80000	80000
16	52	44800	67200	76500	80000	80000	80000
17	53	44800	67200	77500	80000	80000	80000
18	54	44800	67200	78000	80000	80000	80000
19	55	44800	67200	78500	80000	80000	80000
20	56	44800	67200	79500	80000	80000	80000
21	57	44800	67200	80000	80000	80000	80000
22	58	44800	67200	80000	80000	80000	80000
23	59	44800	67200	80000	80000	80000	80000
24	60	44800	67200	80000	80000	80000	80000
25	61	44800	67200	80000	80000	80000	80000
26	62	44800	67200	80000	80000	80000	80000
27	63	44800	67200	80000	80000	80000	80000
28	64	44800	67200	80000	80000	80000	80000
29	65	44800	67200	80000	80000	80000	80000
30	66	44800	67200	80000	80000	80000	80000
31	67	44800	67200	80000	80000	80000	80000
32	68	44800	67200	80000	80000	80000	80000
33	69	44800	67200	80000	80000	80000	80000
34	70	44800	67200	80000	80000	80000	80000

35

36 c. The dimensional and weight restrictions set forth herein shall not
37 apply to a combination of vehicles which includes a disabled vehicle or
38 a combination of vehicles being removed from a highway in this State,
39 provided that such oversize or overweight vehicle combination may
40 not travel on the public highways more than **[five]** 50 miles from the
41 point where such disablement occurred. If the disablement occurred
42 on a limited access highway, the distance to the nearest exit of such
43 highway shall be added to the **[five]**50-mile limitation. A heavy-duty
44 tow truck, as defined in section 1 of P.L. , c. (C.) (now pending
45 before the Legislature as this bill), shall be permitted, in combination
46 with the towed unit or units, to exceed the axle, dimensional and

1 maximum gross weight limits for tow trucks and towed unit
2 combinations; except that the limit shall not exceed 150,000 pounds
3 gross combined weight. This provision shall not affect the application
4 of section 6 of P.L.1950, c.142 (C.39:3-84.4) concerning driver
5 liability for damages.

6 d. The Director of the Division of Motor Vehicles may promulgate
7 rules and regulations, including the establishment of fees, for the
8 issuance, at his discretion and if good cause appears, of a special
9 written permit authorizing the applicant:

10 (1) To operate or move a vehicle or combination of vehicles or
11 special mobile equipment, transporting one piece loads that cannot be
12 dismembered, dismantled or divided in order to comply with the
13 weight limitations set forth in this act. The special written permit
14 issued by the director shall be in the possession of the driver or
15 operator of the vehicle or combination of vehicles or special mobile
16 equipment for which said permit was issued; and

17 (2) To operate or move a vehicle or combination of vehicles or
18 specialized mobile equipment, transporting a load or cargo that cannot
19 be dismembered, dismantled or divided in order to comply with the
20 dimensional limitations set forth in this act. The special written permit
21 shall be in the possession of the driver or operator of the vehicle or
22 combination of vehicles or special mobile equipment for which the
23 permit was issued; and

24 (3) Under emergency conditions, to operate or move a type of
25 vehicle or combination of vehicles or special mobile equipment of a
26 size or weight, including load or contents, which exceeds the
27 maximum size or weight limitations specified in this act.
28 (cf: P.L.1995, c.397, s.3)

29
30 9. This act shall take effect on the first day of the sixth month after
31 enactment.

32
33
34 STATEMENT

35
36 This bill, by establishing a program of licensing tow trucks in two
37 weight classes, addresses several key issues involving the towing
38 industry and may be expected to benefit the motoring public. These
39 classes are: light to medium weight tow trucks with a gross weight of
40 less than 32,000 pounds, and heavy-duty tow trucks of 32,000 pounds
41 or more gross vehicle weight. The bill also exempts heavy-duty tow
42 trucks from current axle and dimensional limitations in order to enable
43 these vehicles to remove the heaviest wrecked, disabled or otherwise
44 incapacitated motor vehicles from the roads of the State. In
45 combination with their towed units, these heavy-duty tow trucks will
46 be permitted to weigh up to 150,000 pounds.

1 Tow truck operators who apply for the special plates would be
2 required to provide a variety of information to the Division of Motor
3 Vehicles. This will include a valid certificate of insurance and schedule
4 of covered vehicles, documentation of the manufacturer's gross vehicle
5 weight rating for each truck, the address of the operator's principal
6 business office, and a notarized statement of truthful information,
7 among other items.

8 Under the provisions of this bill, consumers would be able to
9 identify a legitimate towing company simply by observing the license
10 plate of a tow truck that may stop to aid a stranded motorist. Only the
11 owners of towing companies would be permitted to apply for the
12 plates. The bill also requires the towing company's name and address
13 to be conspicuously displayed on its tow trucks. It is hoped this bill
14 will help local and State Police to more readily identify illegal
15 operators. This bill also is intended to stem the rising incidence of
16 vehicles being stolen by tow trucks operators.

17 The bill also affords the towing industry the ability to perform the
18 necessary towing of incapacitated motor vehicles in a safe and
19 expeditious manner. Existing weight and length restrictions make it
20 impossible for towers to legally tow some trucks and buses.

21 Because of this problem, some states have exempted tow trucks
22 towing a wrecked or disabled vehicle from vehicle size and weight
23 laws. Other states, such as New Jersey, have imposed mileage
24 restrictions: the tow truck is allowed to make an overweight or
25 oversized movement, but only for a limited distance. Currently in New
26 Jersey, a tow truck can tow a loaded tractor-trailer combination up to
27 five miles from the point of disablement. Some other states have
28 allowed for a radius of up to 25 miles or 50 miles. This bill would
29 permit tow trucks in New Jersey to tow a disabled vehicle up to
30 50 miles.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2871

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 2, 1999

The Assembly Transportation Committee reports favorably Assembly Bill No. 2871 with committee amendments.

As amended by the committee, this bill establishes certain special rules for the registration and identification of commercially operated tow trucks, authorizes the licensure of towing companies, and modifies certain statutory limits on motor vehicle size and weight as those limits apply to tow trucks.

Tow truck registration. Current law confers general authority on the Director of the Division of Motor Vehicles (DMV) to issue registrations for commercial vehicles. (N.J.S.A.39:3-20). This bill amplifies that law, as regards registration of tow trucks, in two respects. First, the bill expands the list of items that a towing company must provide when seeking to register its towing vehicles to include: (a) the names and addresses of the company's principal owners; (b) the location of its storage garage; and (c) a valid certificate of insurance and schedule of insured vehicles, with a statement of amounts of (i) garage keeper's legal liability coverage, and (ii) liability insurance coverage for personal injury and property damage of at least \$750,000 for each light-medium duty truck (under 32,000 lbs. gross weight) and \$1,000,000 for each heavy duty truck (32,000 lbs. or more gross weight). Second, the bill empowers the DMV director to suspend, revoke, or refuse to issue or renew a tow truck registration upon proof that an applicant has previously obtained such registration by fraud, been convicted of motor vehicle theft, or violated the provisions of the legislation.

Tow truck identification. The bill requires a towing company to display on each of its tow trucks either a distinctive marker or a special tow truck license plate, as determined by the Director of DMV. The marker or plate would be issued by the Director. It would identify the vehicle as a registered tow truck and indicate its weight category (light-medium duty or heavy duty); in the case of a special license plate, the plate's distinctive features would have to be conspicuous to passing motorists. The marker or plate is to be issued for 12 months; the annual fee for the marker or plate would be \$25 and would be in addition to present motor vehicle registration fees.

Besides the marker or license plate, the bill requires commercial tow trucks to display conspicuously the name of the towing company and the municipality and state in which it is located.

A towing company operating a tow truck that fails to display any of the identification prescribed under the bill, as amended, would be subject to a fine, in the case of a light-medium duty truck, of \$600 for a first offense and \$900 for each subsequent offense, and in the case of a heavy duty truck, of \$1,200 for a first offense and \$1,800 for each subsequent offense. Anyone displaying a false registration marker or plate, or who obtains such registration by fraud, would be subject to a fine of at least \$1,000 and not more than \$7,500.

Licensure of towing companies. The bill confers general authority on the Director of DMV to establish a system for licensing towing companies. Under such a system, a company would be licensed upon submission of an application and payment of a reasonable application fee; the director could require licenses to be renewed annually.

Modification of operating restrictions. Finally, the bill liberalizes certain restrictions on the operation of towing vehicles. New Jersey law establishes limits on the maximum size (dimensions) and weight of motor vehicles that travel on public roadways in the State; with respect to weight in particular, the maximum weight allowed for a single vehicle or combination of vehicles (such as the combination of a tow truck and towed vehicle) is 80,000 lbs. Currently, a limited exemption from the dimensional and weight restrictions is allowed: an oversize or overweight vehicle combination that includes a disabled vehicle being removed from a highway may travel on the public highways up to five miles from the point of disablement. Under the bill as amended, this five-mile limit is increased to 75 miles. In addition, the bill provides that any heavy duty tow truck in combination with a towed unit (disabled or otherwise) may exceed the dimensional and gross weight limitation for vehicle combinations, subject to the restrictions that (a) gross combined weight could not exceed 150,000 lbs., (b) the combined unit could not be operated at a speed over 45 miles per hour if (i) its combined weight exceeds 80,000 lbs., or (ii) one or more of its axles exceeds the statutory limitation on maximum gross weight, or (iii) the combined unit exceeds maximum statutory length and width standards, and (c) the combination vehicle would not be exempt from height and weight restrictions posted on a bridge or overpass.

COMMITTEE AMENDMENTS

The amendments adopted by the committee: (1) incorporate provisions for issuance of a special license plate or a marker for the identification of registered tow trucks; (2) specify that the annual charge for either form of registration is to be \$25; (3) delete a provision requiring an application for reissuance of a tow truck registration that is made after the previous registration has expired to

be treated as a new application; (4) revise the provision governing a towing company's application for the registration of its trucks by (a) adding the requirement to show minimum levels of per-vehicle injury and damage liability insurance coverage, and (b) deleting a requirement that the application include the towing company owner's notarized statement that the information in the application is true to the owner's best knowledge; (5) replace provisions categorizing violations of the truck identification requirements as disorderly persons offenses or crimes of the fourth degree with the system of fines described above; and (6) further relax the statutory limit on the distance that an oversize or over weight vehicle combination can travel on public roads, increased from five to 50 miles under the bill as introduced, to 75 miles. The amendments also update the law amended in the bill to reflect the provisions of P.L.1999, c.29.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1577 (2R).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2871

STATE OF NEW JERSEY

DATED: JANUARY 6, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2871 (1R).

Assembly Bill No. 2871 (1R) establishes certain special rules for the registration and identification of commercially operated tow trucks, authorizes the licensure of towing companies, and modifies certain statutory limits on motor vehicle size and weight as those limits apply to tow trucks.

Tow truck registration. Currently, N.J.S.A.39:3-20 gives the Director of the Division of Motor Vehicles (DMV) general authority on to issue registrations for commercial vehicles. This bill expands the list of items that a towing company must provide when seeking to register its towing vehicles to include:

- (a) the names and addresses of the company's principal owners;
- (b) the location of its storage garage;
- (c) a valid certificate of insurance and schedule of insured vehicles, with a statement of amounts of (i) garage keeper's legal liability coverage, and (ii) liability insurance coverage for personal injury and property damage of at least \$750,000 for each light-medium duty truck (under 32,000 lbs. gross weight) and \$1,000,000 for each heavy duty truck (32,000 lbs. or more gross weight).
- (d) a copy of the towing company license, if a system of licensure is in effect.

The bill also empowers the director to suspend, revoke, or refuse to issue or renew a tow truck registration upon proof that an applicant has previously obtained such registration by fraud, been convicted of motor vehicle theft, or violated the provisions of the legislation.

Tow truck identification. The bill requires a towing company to display on each of its tow trucks either a distinctive marker or a special tow truck license plate (the form of the distinctive identification shall be as determined by the Director of DMV). The marker or plate will be issued by the director. It will identify the vehicle as a registered tow truck and indicate its weight category (light-medium duty or heavy duty); in the case of a special license plate, the plate's distinctive features would have to be conspicuous to

passing motorists. The marker or plate is to be issued for 12 months; the annual fee for the marker or plate will be \$25 in addition to present motor vehicle registration fees.

Besides the marker or license plate, the bill requires commercial tow trucks to display conspicuously the name of the towing company and the municipality and state in which it is located.

A towing company operating a tow truck that fails to display any of the identification prescribed under the bill will be subject to a fine, in the case of a light-medium duty truck, of \$600 for a first offense and \$900 for each subsequent offense, and in the case of a heavy duty truck, of \$1,200 for a first offense and \$1,800 for each subsequent offense. Anyone displaying a false registration marker or plate, or who obtains such registration by fraud, will be subject to a fine of at least \$1,000 and not more than \$7,500.

Licensing towing companies. The bill allows the Director of DMV to establish a system for licensing towing companies. Under such a system, a company will be licensed upon submission of an application and payment of a reasonable application fee; the director can require licenses to be renewed annually.

Modification of operating restrictions. The bill liberalizes certain restrictions on the operation of towing vehicles. New Jersey law establishes limits on the maximum size and weight of motor vehicles that travel on public roadways in the State: the maximum weight allowed for a single vehicle or combination of vehicles (such as the combination of a tow truck and towed vehicle) is 80,000 lbs. Currently, a limited exemption from the dimensional and weight restrictions is allowed: an oversize or overweight vehicle combination that includes a disabled vehicle being removed from a highway may travel on the public highways up to five miles from the point of disablement. The bill increases the five-mile limit to 75 miles. The bill also provides that a heavy duty tow truck in combination with a towed unit (disabled or otherwise) may exceed the dimensional and gross weight limitation for vehicle combinations, subject to the restrictions that:

- (a) gross combined weight cannot exceed 150,000 lbs.;
- (b) the combined unit cannot be operated at a speed over 45 miles per hour if (i) its combined weight exceeds 80,000 lbs., or (ii) one or more of its axles exceeds the statutory limitation on maximum gross weight, or (iii) the combined unit exceeds maximum statutory length and width standards; and
- (c) the combination vehicle is subject to height and weight restrictions posted on bridges or overpasses.

As reported, this bill is identical to Senate Bill No. 1577 (2R), as also reported by the committee.

FISCAL IMPACT:

The Department of Transportation has advised the Office of Legislative Services that the tow truck industry estimates that there

are 3,000 towing companies operating about 15,000 tow trucks in the State.

Although DMV has not yet completed its analysis of the fiscal impact of the tow truck program, preliminary estimates are that the \$375,000 anticipated from the \$25 per truck identification markers will be adequate to offset any additional costs incurred by DMV to administer the program.

FISCAL NOTE

[First Reprint]

ASSEMBLY, No. 2871

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 6, 2000

Assembly Bill No. 2871 (1R) of 1999 establishes a program to register tow trucks in two weight classes. These classes are: (1) light to medium weight tow trucks with a gross vehicle weight of less than 32,000 pounds; and (2) heavy duty tow trucks of 32,000 pounds or more gross vehicle weight. The bill also authorizes the Director of the Division of Motor Vehicles (DMV) in the Department of Transportation (DOT) to charge a \$25 fee for identification markers displayed on tow trucks. A marker fee would be in addition to fees otherwise prescribed by law for the registration of motor vehicles. Further, the director may issue, in lieu of markers, license plates for tow trucks; a surcharge of \$25 would be imposed for such plates. Revenue from these fees would be annually appropriated to DMV to defray the costs associated with the implementation of this bill.

Pursuant to a discussion between the Office of Legislative Services (OLS) and DOT, the department noted that it has received information from the tow truck industry that there are an estimated 3,000 towing companies operating about 15,000 tow trucks in the State.

Since the intent of the tow truck marker or license plate fee is to offset the DMV expenses associated with implementing this bill, OLS would anticipate that there should be no new cost or negative impact to the State's general fund from this bill.

This fiscal note has been prepared pursuant to P.L.1980, c.67.