

# 27:23-34.3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 62

**NJSA:** 27:23-34.3 (Allows obtaining information from toll collection monitoring and photo monitoring systems)

**BILL NO:** S141 (Substituted for A959)

**SPONSOR(S):** Connors and others

**DATE INTRODUCED:** January 13, 2004

**COMMITTEE:** **ASSEMBLY:** Judiciary  
**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** March 14, 2005

**SENATE:** February 23, 2004

**DATE OF APPROVAL:** April 7, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Senate Committee Substitute for S141 enacted

#### S141

[SPONSOR'S STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A959

[SPONSOR'S STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 4/25/07

P.L. 2005, CHAPTER 62, *approved April 7, 2005*  
Senate Committee Substitute for  
Senate, No. 141

1 AN ACT concerning access to toll monitoring system reports and  
2 information and amending P.L.1997, c.59 and P.L.1996, c.98.

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

6  
7 1. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read  
8 as follows:

9 8. a. If a violation of the toll collection monitoring system  
10 regulations is committed as evidenced by a toll collection monitoring  
11 system, the authority or the agent of the authority may send an  
12 advisory and payment request within 60 days of the date of the  
13 violation to the owner of the vehicle by regular mail at the address of  
14 record for that owner with the [Division of Motor Vehicles in the  
15 Department of Transportation]New Jersey Motor Vehicle Commission  
16 or with any other motor vehicle licensing authority of another  
17 jurisdiction, providing the owner with the opportunity to resolve the  
18 matter prior to the issuance of a summons and complaint that charges  
19 a violation of the toll collection monitoring system regulations. The  
20 advisory and payment request shall contain sufficient information to  
21 inform the owner of the nature, date, time and location of the alleged  
22 violation. The authority or its agent may require as part of the  
23 advisory and payment request that the owner pay to the agent the  
24 proper toll and a reasonable administrative fee established by the  
25 authority and based upon the actual cost of processing and collecting  
26 the violation. If the owner fails to pay the required toll and fee within  
27 30 days of the date the advisory and payment request was sent, the  
28 owner shall be subject to liability on the 31st day following the date  
29 the advisory and payment request was sent for the violation of the toll  
30 collection monitoring system regulations by the vehicle operator  
31 pursuant to the issuance of a complaint and summons.

32 b. An owner of a vehicle who is a lessor of the vehicle used in  
33 violation of the toll collection monitoring system regulations of the  
34 authority shall not be liable for the violation of the regulations if the  
35 lessor submits to the authority, in a timely manner, a copy of the rental  
36 agreement, lease or other contract document covering that vehicle on  
37 the date of the violation, with the name and address of the lessee  
38 clearly legible to the authority and to the court having jurisdiction over  
39 the violation. If the lessor fails to provide the information in a timely  
40 manner, the lessor shall be held liable for the violation of the

**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 regulations. If the lessor provides the required information to the  
2 authority, the lessee of the vehicle on the date of the violation shall be  
3 deemed to be the owner of the vehicle for the purposes of sections 6  
4 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)  
5 and the toll collection monitoring system regulations and shall be  
6 subject to liability for the violation of the regulations.

7 c. [A] Except as otherwise provided in this subsection, a certified  
8 report of an employee or agent of the authority reporting a violation  
9 of the toll collection monitoring system regulations and any  
10 information obtained from a toll collection monitoring system shall be  
11 available for the exclusive use of the authority and any law  
12 enforcement official for the purposes of discharging their duties  
13 pursuant to sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1  
14 through C.27:23-34.5) and the toll collection monitoring system  
15 regulations. Any such report or information shall not be deemed a  
16 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the  
17 common law concerning access to public records. The certified reports  
18 and information, including but not limited to, any recorded image of  
19 any motor vehicle, the license plate of any motor vehicle or the  
20 operator or any passenger in any motor vehicle, shall not be  
21 discoverable as a public record by any person, entity or governmental  
22 agency, except upon a subpoena issued by a grand jury or a court  
23 order in a criminal matter, nor shall they be offered in evidence in any  
24 civil[, criminal] or administrative proceeding, not directly related to  
25 a violation of the toll collection monitoring system regulations , or in  
26 any municipal court prosecution for a violation of any of the  
27 provisions of Title 39 of the Revised Statutes. However, in the event  
28 that, notwithstanding the provisions of subsection c. of section 7 of  
29 this act, a recorded image of the face of the operator or any passenger  
30 in a motor vehicle is produced by the toll collection monitoring  
31 system, that image shall not be used by the authority for any purpose  
32 nor shall the image or any record or copy thereof be transmitted or  
33 communicated to any person, governmental, non-governmental, or  
34 judicial or administrative entity.

35 d. A complaint and summons charging a violation of the toll  
36 collection monitoring system regulations shall be on a form prescribed  
37 by the Administrative Director of the Courts pursuant to the Rules  
38 Governing the Courts of the State of New Jersey. The authority may  
39 authorize by regulation an employee or agent to be a complaining  
40 witness to make, sign, and initiate complaints and to issue summonses  
41 in the name of the authority on behalf of the State of New Jersey,  
42 pursuant to the Rules Governing the Courts of the State of New  
43 Jersey. The complaints and summonses may be made on information  
44 based upon evidence obtained by a toll collection monitoring system,  
45 the toll collection monitoring system record and the records of the  
46 [Division of Motor Vehicles in the Department of

1 Transportation] New Jersey Motor Vehicle Commission or of any  
2 other state, province, or motor vehicle licensing authority.

3 Service may be made by means provided by the Rules Governing  
4 the Courts of the State of New Jersey.

5 Except as provided in subsection c. of this section, the recorded  
6 images produced by a toll collection monitoring system shall be  
7 considered an official record kept in the ordinary course of business  
8 and shall be admissible in a proceeding for a violation of any toll  
9 collection monitoring system regulations.

10 e. The municipal court of the municipality wherein a toll collection  
11 monitoring system record was made shall have jurisdiction to hear  
12 violations of the toll collection monitoring system regulations.  
13 Violations shall be enforced and penalties collected pursuant to the  
14 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
15 seq.). A proceeding and a judgment arising therefrom shall be pursued  
16 and entered in accordance with the provisions of N.J.S.2B:12-1 et  
17 seq. and the Rules Governing the Courts of the State of New Jersey.

18 In addition to the civil penalty that may be assessed by a court  
19 having jurisdiction for a violation of the toll collection monitoring  
20 system regulations, a court shall require the defendant to pay the  
21 proper toll and shall require the defendant to pay a reasonable  
22 administrative fee as determined by the authority. Following collection  
23 and distribution of the fees set forth in section 11 of P.L.1953, c.22  
24 (C.22A:3-4), any tolls and administrative fees imposed and collected  
25 by the court for a violation of the toll collection monitoring system  
26 regulations shall be promptly remitted to the authority by the court.  
27 The civil penalty shall be distributed pursuant to the "Penalty  
28 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
29 (cf: P.L.2003, c.79, s.38)

30

31 2. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to  
32 read as follows:

33 13. a. If a violation of the toll collection monitoring system  
34 regulations is committed as evidenced by a toll collection monitoring  
35 system, the authority or the agent of the authority may send an  
36 advisory and payment request within 60 days of the date of the  
37 violation to the owner of the vehicle by regular mail at the address of  
38 record for that owner with the [Division of Motor Vehicles in the  
39 Department of Transportation] New Jersey Motor Vehicle Commission  
40 or with any other motor vehicle licensing authority of another  
41 jurisdiction, providing the owner with the opportunity to resolve the  
42 matter prior to the issuance of a summons and complaint that charges  
43 a violation of the toll collection monitoring system regulations. The  
44 advisory and payment request shall contain sufficient information to  
45 inform the owner of the nature, date, time and location of the alleged  
46 violation. The authority or its agent may require as part of the

1 advisory and payment request that the owner pay to the agent the  
2 proper toll and a reasonable administrative fee established by the  
3 authority and based upon the actual cost of processing and collecting  
4 the violation. If the owner fails to pay the required toll and fee within  
5 30 days of the date the advisory and payment request was sent, the  
6 owner shall be subject to liability on the 31st day following the date  
7 the advisory and payment request was sent for the violation of the toll  
8 collection monitoring system regulations by the vehicle operator  
9 pursuant to the issuance of a complaint and summons.

10 b. An owner of a vehicle who is a lessor of the vehicle used in  
11 violation of the toll collection monitoring system regulations of the  
12 authority shall not be liable for the violation of the regulations if the  
13 lessor submits to the authority, in a timely manner, a copy of the rental  
14 agreement, lease or other contract document covering that vehicle on  
15 the date of the violation, with the name and address of the lessee  
16 clearly legible to the authority and to the court having jurisdiction over  
17 the violation. If the lessor fails to provide the information in a timely  
18 manner, the lessor shall be held liable for the violation of the  
19 regulations. If the lessor provides the required information to the  
20 authority, the lessee of the vehicle on the date of the violation shall be  
21 deemed to be the owner of the vehicle for the purposes of sections 11  
22 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)  
23 and the toll collection monitoring system regulations and shall be  
24 subject to liability for the violation of the regulations.

25 c. [A]Except as otherwise provided in this subsection, a certified  
26 report of an employee or agent of the authority reporting a violation  
27 of the toll collection monitoring system regulations and any  
28 information obtained from a toll collection monitoring system shall be  
29 available for the exclusive use of the authority and any law  
30 enforcement official for the purposes of discharging their duties  
31 pursuant to sections 11 through 15 of P.L.1997, c.59 (C.27:25A-21.1  
32 through C.27:25A-21.5) and the toll collection monitoring system  
33 regulations. Any such report or information shall not be deemed a  
34 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the common  
35 law concerning access to public records. The certified reports and  
36 information, including but not limited to, any recorded image of any  
37 motor vehicle, the license plate of any motor vehicle or the operator  
38 or passenger of any motor vehicle, shall not be discoverable as a public  
39 record by any person, entity or governmental agency, except upon a  
40 subpoena issued by a grand jury or a court order in a criminal matter,  
41 nor shall they be offered in evidence in any civil[, criminal] or  
42 administrative proceeding, not directly related to a violation of the toll  
43 collection monitoring system regulations, or in any municipal court  
44 prosecution for a violation of any of the provisions of Title 39 of the  
45 Revised Statutes. However, in the event that, notwithstanding the  
46 provisions of subsection c. of section 12 of this act, a recorded image

1 of the face of the operator or any passenger in a motor vehicle is  
2 produced by the toll collection monitoring system, that image shall not  
3 be used by the authority for any purpose nor shall the image or any  
4 record or copy thereof be transmitted or communicated to any person,  
5 governmental, non-governmental or judicial or administrative entity.

6 d. A complaint and summons charging a violation of the toll  
7 collection monitoring system regulations shall be on a form prescribed  
8 by the Administrative Director of the Courts pursuant to the Rules  
9 Governing the Courts of the State of New Jersey. The authority may  
10 authorize by regulation an employee or agent to be a complaining  
11 witness to make, sign, and initiate complaints and to issue summonses  
12 in the name of the authority on behalf of the State of New Jersey,  
13 pursuant to the Rules Governing the Courts of the State of New  
14 Jersey. The complaints and summonses may be made on information  
15 based upon evidence obtained by a toll collection monitoring system,  
16 the toll collection monitoring system record and the records of the  
17 [Division of Motor Vehicles in the Department of  
18 Transportation]New Jersey Motor Vehicle Commission or of any  
19 other state, province, or motor vehicle licensing authority.

20 Service may be made by means provided by the Rules Governing  
21 the Courts of the State of New Jersey.

22 Except as provided in subsection c. of this section, the recorded  
23 images produced by a toll collection monitoring system shall be  
24 considered an official record kept in the ordinary course of business  
25 and shall be admissible in a proceeding for a violation of any toll  
26 collection monitoring system regulations.

27 e. The municipal court of the municipality wherein a toll collection  
28 monitoring system record was made shall have jurisdiction to hear  
29 violations of the toll collection monitoring system regulations.  
30 Violations shall be enforced and penalties collected pursuant to the  
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
32 seq.). A proceeding and a judgment arising therefrom shall be pursued  
33 and entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
34 and the Rules Governing the Courts of the State of New Jersey.

35 In addition to the civil penalty that may be assessed by a court  
36 having jurisdiction for a violation of the toll collection monitoring  
37 system regulations, a court shall require the defendant to pay the  
38 proper toll and shall require the defendant to pay a reasonable  
39 administrative fee as established by the authority. Following collection  
40 and distribution of the fees set forth in section 11 of P.L.1953, c.22  
41 (C.22A:3-4), any tolls and administrative fees imposed and collected  
42 by the court for a violation of the toll collection monitoring system  
43 regulations shall be promptly remitted to the authority by the court.  
44 The civil penalty shall be distributed pursuant to the "Penalty  
45 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
46 (cf: P.L.2003, c.79, s.48)

1       3. Section 3 of P.L.1996, c.98 (C.32:1-154.2c.) is amended to  
2 read as follows:

3       3. a. The liability set forth in section 1 of this act shall be imposed  
4 upon an owner for a violation by an operator of the toll collection  
5 regulations of the Port Authority occurring within the territorial limits  
6 of the State of New Jersey in the same manner as a violation of section  
7 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such  
8 violation shall be as set forth in section 16 of P.L.1950, c.192  
9 (C.32:1-154.16).

10       b. An owner who is a lessor of a vehicle operated in violation of  
11 the toll collection regulations of the Port Authority shall not be liable  
12 for the violation of the toll collection regulations if the lessor submits  
13 a copy of the rental, lease or other contract document covering that  
14 vehicle on the date of the violation, with the name and address of the  
15 lessee clearly legible to the Port Authority and to the court or other  
16 entity having jurisdiction over the violation in a timely manner. Failure  
17 to provide such information in a timely manner shall render the lessor  
18 liable for the penalty prescribed by this section. Where the lessor  
19 complies with the provisions of this subsection, the lessee of such  
20 vehicle on the date of the violation shall be deemed the owner of the  
21 vehicle for purposes of this section and shall be subject to liability for  
22 the violation of the toll collection regulations of the Port Authority.

23       c. A certified report of an employee or agent of the Port Authority  
24 reporting a violation of the toll collection regulations and any  
25 information obtained from a photo-monitoring system shall be deemed  
26 records kept in the ordinary business of the Port Authority and shall,  
27 when relevant, be made available for inspection and admission into  
28 evidence in a proceeding concerning a violation of the toll collection  
29 regulations, but shall not be deemed public records for the purpose of  
30 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to  
31 public records [ ;]. [nor shall any such information] The certified  
32 reports and information, including but not limited to, any recorded  
33 image of any motor vehicle, the license plate of any motor vehicle or  
34 the operator or any passenger in any motor vehicle, shall not be  
35 discoverable as a public record by any person, entity or governmental  
36 agency, except upon a subpoena issued by a grand jury or a court  
37 order in a criminal matter; nor shall it be admissible in evidence in any  
38 civil[, criminal] or administrative proceeding not directly related to a  
39 violation of the toll collection regulations or in any municipal court  
40 prosecution for a violation of any of the provisions of Title 39 of the  
41 Revised Statutes.

42 (cf: P.L.1996, c.98, s.3)

43

44       4. This act shall take effect immediately.



SCS for S141

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2

3 Allows obtaining information from toll collection monitoring systems

4 and photo-monitoring systems under certain circumstances.

**SENATE, No. 141**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Allows prosecutorial authorities to obtain information from toll collection monitoring systems and photo-monitoring systems under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S141 CONNORS

2

1 AN ACT concerning information from toll collection monitoring and  
2 photo-monitoring systems, amending P.L.1997, c.59 and P.L.1996,  
3 c.98 and supplementing Title 2A of the New Jersey Statutes.

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

7  
8 1. (New section) Notwithstanding any other provision of law to  
9 the contrary, any report or information which contains the recorded  
10 image of the face of the operator or any passenger in a motor vehicle  
11 produced by a toll collection monitoring system and any other  
12 information obtained from a toll monitoring collection system or any  
13 report or information obtained from a photo-monitoring system or any  
14 other related records maintained by an authority concerning a toll  
15 collection monitoring system or a photo-monitoring system shall be  
16 made available only to the Attorney General and county prosecutor for  
17 use in a criminal proceeding provided a grand jury or trial subpoena  
18 has been issued.

19  
20 2. Section 3 of P.L.1997, c.59 (C.27:12B-18.4) is amended to read  
21 as follows:

22 3. a. If a violation of the toll collection monitoring system  
23 regulations is committed as evidenced by a toll collection monitoring  
24 system, the agent of the authority may send an advisory and payment  
25 request within 30 days of the date of the violation to the owner of the  
26 vehicle by regular mail at the address of record for that owner with the  
27 Division of Motor Vehicles in the Department of Transportation or  
28 with any other motor vehicle licensing authority of another  
29 jurisdiction, providing the owner with the opportunity to resolve the  
30 matter prior to the issuance of a summons and complaint that charges  
31 a violation of the toll collection monitoring system regulations. The  
32 advisory and payment request shall contain sufficient information to  
33 inform the owner of the nature, date, time and location of the alleged  
34 violation. The agent may require as part of the advisory and payment  
35 request that the owner pay to the agent the proper toll and a  
36 reasonable administrative fee that shall not exceed \$25 per violation.  
37 If the owner fails to pay the required toll and fee within 60 days of the  
38 date the advisory and payment request was sent, the owner shall be  
39 subject to liability on the 61st day following the date the advisory and  
40 payment request was sent for the violation of the toll collection  
41 monitoring system regulations by the vehicle operator.

42 b. An owner of a vehicle who is a lessor of the vehicle used in  
43 violation of the toll collection monitoring system regulations of the

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

**Matter underlined thus is new matter.**

1 authority shall not be liable for the violation of the regulations if the  
2 lessor submits to the authority, in a timely manner, a copy of the rental  
3 agreement, lease or other contract document covering that vehicle on  
4 the date of the violation, with the name and address of the lessee  
5 clearly legible to the authority and to the court having jurisdiction over  
6 the violation. If the lessor fails to provide the information in a timely  
7 manner, the lessor shall be held liable for the violation of the  
8 regulations. If the lessor provides the required information to the  
9 authority, the lessee of the vehicle on the date of the violation shall be  
10 deemed to be the owner of the vehicle for the purposes of sections 1  
11 through 5 of P.L.1997, c.59 (C.27:12B-18.2 through C.27:12B-18.6)  
12 and the toll collection monitoring system regulations and shall be  
13 subject to liability for the violation of the regulations.

14 c. A certified report of an employee or agent of the authority  
15 reporting a violation of the toll collection monitoring system  
16 regulations and any information obtained from a toll collection  
17 monitoring system shall be available for the exclusive use of the  
18 authority and any law enforcement official for the purposes of  
19 discharging their duties pursuant to sections 1 through 5 of P.L.1997,  
20 c.59 (C.27:12B-18.2 through C.27:12B-18.6) and the toll collection  
21 monitoring system regulations. Any such report or information shall  
22 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
23 seq.) or the common law concerning access to public records. The  
24 certified reports and information shall not be discoverable as a public  
25 record by any person, entity or governmental agency, except as  
26 provided in subsection f. of this section, nor shall they be offered in  
27 evidence in any civil, criminal or administrative proceeding, not  
28 directly related to a violation of the toll collection monitoring system  
29 regulations, except as provided in subsection f. of this section.  
30 However, in the event that, notwithstanding the provisions of  
31 subsection c. of section 2 of this act, a recorded image of the face of  
32 the operator or any passenger in a motor vehicle is produced by the  
33 toll collection monitoring system, that image shall not be used by the  
34 authority for any purpose nor shall the image or any record or copy  
35 thereof be transmitted or communicated to any person, governmental,  
36 non-governmental or judicial or administrative entity.

37 d. A complaint and summons charging a violation of the toll  
38 collection monitoring system regulations shall be on a form prescribed  
39 by the Administrative Director of the Courts pursuant to the Rules  
40 Governing the Courts of the State of New Jersey. The authority may  
41 authorize by regulation an employee or agent to be a complaining  
42 witness to make, sign, and initiate complaints and to issue summonses  
43 in the name of the authority on behalf of the State of New Jersey,  
44 pursuant to the Rules Governing the Courts of the State of New  
45 Jersey. The complaints and summonses may be made on information  
46 based upon evidence obtained by a toll collection monitoring system,

1 the toll collection monitoring system record and the records of the  
2 Division of Motor Vehicles in the Department of Transportation or of  
3 any other state, province, or motor vehicle licensing authority.

4 Service may be made by means provided by the Rules Governing  
5 the Courts of the State of New Jersey.

6 Except as provided in subsection c. of this section, the recorded  
7 images produced by a toll collection monitoring system shall be  
8 considered an official record kept in the ordinary course of business  
9 and shall be admissible in a proceeding for a violation of any toll  
10 collection monitoring system regulations.

11 e. The municipal court of the municipality wherein a toll collection  
12 monitoring system record was made shall have jurisdiction to hear  
13 violations of the toll collection monitoring system regulations.  
14 Violations shall be enforced and penalties collected pursuant to ["the  
15 penalty enforcement law," N.J.S.2A:58-1 et seq.] the "Penalty  
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
17 A proceeding and a judgment arising therefrom shall be pursued and  
18 entered in accordance with the provisions of N.J.S.2B:12-1 et seq. and  
19 the Rules Governing the Courts of the State of New Jersey.

20 In addition to the civil penalty that may be assessed by a court  
21 having jurisdiction for a violation of the toll collection monitoring  
22 system regulations, a court shall require the defendant to pay the  
23 proper toll and may require the defendant to pay a reasonable  
24 administrative fee that shall not exceed \$25 per violation if the  
25 authority has previously sent an advisory and payment request to the  
26 defendant. Following collection and distribution of the fees set forth  
27 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
28 administrative fees imposed and collected by the court for a violation  
29 of the toll collection monitoring system regulations shall be promptly  
30 remitted to the authority by the court.

31 The civil penalty shall be distributed pursuant to the ["penalty  
32 enforcement law," N.J.S.2A:58-1 et seq.] "Penalty Enforcement Law  
33 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

34 f. Any report or information which contains the recorded image of  
35 the face of the operator or any passenger in a motor vehicle produced  
36 by a toll collection monitoring system and any other information  
37 obtained from a toll collection monitoring system or any report or  
38 information obtained from a photo-monitoring system or any other  
39 related records maintained by the authority concerning a toll collection  
40 monitoring system or a photo-monitoring system shall be made  
41 available only to the Attorney General and county prosecutor for use  
42 in a criminal proceeding provided a grand jury or trial subpoena has  
43 been issued.

44 (cf: P.L.1997, c.59, s.3).

45

46 3. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read

1 as follows:

2 8. a. If a violation of the toll collection monitoring system  
3 regulations is committed as evidenced by a toll collection monitoring  
4 system, the agent of the authority may send an advisory and payment  
5 request within 30 days of the date of the violation to the owner of the  
6 vehicle by regular mail at the address of record for that owner with the  
7 Division of Motor Vehicles in the Department of Transportation or  
8 with any other motor vehicle licensing authority of another  
9 jurisdiction, providing the owner with the opportunity to resolve the  
10 matter prior to the issuance of a summons and complaint that charges  
11 a violation of the toll collection monitoring system regulations. The  
12 advisory and payment request shall contain sufficient information to  
13 inform the owner of the nature, date, time and location of the alleged  
14 violation. The agent may require as part of the advisory and payment  
15 request that the owner pay to the agent the proper toll and a  
16 reasonable administrative fee that shall not exceed \$25 per violation.  
17 If the owner fails to pay the required toll and fee within 60 days of the  
18 date the advisory and payment request was sent, the owner shall be  
19 subject to liability on the 61st day following the date the advisory and  
20 payment request was sent for the violation of the toll collection  
21 monitoring system regulations by the vehicle operator.

22 b. An owner of a vehicle who is a lessor of the vehicle used in  
23 violation of the toll collection monitoring system regulations of the  
24 authority shall not be liable for the violation of the regulations if the  
25 lessor submits to the authority, in a timely manner, a copy of the rental  
26 agreement, lease or other contract document covering that vehicle on  
27 the date of the violation, with the name and address of the lessee  
28 clearly legible to the authority and to the court having jurisdiction over  
29 the violation. If the lessor fails to provide the information in a timely  
30 manner, the lessor shall be held liable for the violation of the  
31 regulations. If the lessor provides the required information to the  
32 authority, the lessee of the vehicle on the date of the violation shall be  
33 deemed to be the owner of the vehicle for the purposes of sections 6  
34 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)  
35 and the toll collection monitoring system regulations and shall be  
36 subject to liability for the violation of the regulations.

37 c. A certified report of an employee or agent of the authority  
38 reporting a violation of the toll collection monitoring system  
39 regulations and any information obtained from a toll collection  
40 monitoring system shall be available for the exclusive use of the  
41 authority and any law enforcement official for the purposes of  
42 discharging their duties pursuant to sections 6 through 10 of P.L.1997,  
43 c.59 (C.27:23-34.1 through C.27:23-34.5) and the toll collection  
44 monitoring system regulations. Any such report or information shall  
45 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
46 seq.) or the common law concerning access to public records. The

1 certified reports and information shall not be discoverable as a public  
2 record by any person, entity or governmental agency, except as  
3 provided in subsection f. of this section, nor shall they be offered in  
4 evidence in any civil, criminal or administrative proceeding, not  
5 directly related to a violation of the toll collection monitoring system  
6 regulations, except as provided in subsection f. of this section.  
7 However, in the event that, notwithstanding the provisions of  
8 subsection c. of section 7 of this act, a recorded image of the face of  
9 the operator or any passenger in a motor vehicle is produced by the  
10 toll collection monitoring system, that image shall not be used by the  
11 authority for any purpose nor shall the image or any record or copy  
12 thereof be transmitted or communicated to any person, governmental,  
13 non-governmental, or judicial or administrative entity.

14 d. A complaint and summons charging a violation of the toll  
15 collection monitoring system regulations shall be on a form prescribed  
16 by the Administrative Director of the Courts pursuant to the Rules  
17 Governing the Courts of the State of New Jersey. The authority may  
18 authorize by regulation an employee or agent to be a complaining  
19 witness to make, sign, and initiate complaints and to issue summonses  
20 in the name of the authority on behalf of the State of New Jersey,  
21 pursuant to the Rules Governing the Courts of the State of New  
22 Jersey. The complaints and summonses may be made on information  
23 based upon evidence obtained by a toll collection monitoring system,  
24 the toll collection monitoring system record and the records of the  
25 Division of Motor Vehicles in the Department of Transportation or of  
26 any other state, province, or motor vehicle licensing authority.

27 Service may be made by means provided by the Rules Governing  
28 the Courts of the State of New Jersey.

29 Except as provided in subsection c. of this section, the recorded  
30 images produced by a toll collection monitoring system shall be  
31 considered an official record kept in the ordinary course of business  
32 and shall be admissible in a proceeding for a violation of any toll  
33 collection monitoring system regulations.

34 e. The municipal court of the municipality wherein a toll collection  
35 monitoring system record was made shall have jurisdiction to hear  
36 violations of the toll collection monitoring system regulations.  
37 Violations shall be enforced and penalties collected pursuant to ["the  
38 penalty enforcement law", N.J.S.2A:58-1 et seq.] the "Penalty  
39 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
40 A proceeding and a judgment arising therefrom shall be pursued and  
41 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
42 and the Rules Governing the Courts of the State of New Jersey.

43 In addition to the civil penalty that may be assessed by a court  
44 having jurisdiction for a violation of the toll collection monitoring  
45 system regulations, a court shall require the defendant to pay the  
46 proper toll and may require the defendant to pay a reasonable

1 administrative fee that shall not exceed \$25 per violation if the  
2 authority has previously sent an advisory and payment request to the  
3 defendant. Following collection and distribution of the fees set forth  
4 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
5 administrative fees imposed and collected by the court for a violation  
6 of the toll collection monitoring system regulations shall be promptly  
7 remitted to the authority by the court. The civil penalty shall be  
8 distributed pursuant to the [penalty enforcement law," N.J.S.2A:58-1  
9 et seq.]"Penalty Enforcement Law of 1999," P.L.1999, c.274  
10 (C.2A:58-10 et seq.).

11 f. Any report or information which contains the recorded image of  
12 the face of the operator or any passenger in a motor vehicle produced  
13 by a toll collection monitoring system and any other information  
14 obtained from a toll collection monitoring system or any report or  
15 information obtained from a photo-monitoring system or any other  
16 related records maintained by the authority concerning a toll collection  
17 monitoring system or a photo-monitoring system shall be made  
18 available only to the Attorney General and county prosecutor for use  
19 in a criminal proceeding provided a grand jury or trial subpoena has  
20 been issued.

21 (cf: P.L.1997, c.59, s.8)

22

23 4. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to  
24 read as follows:

25 13. a. If a violation of the toll collection monitoring system  
26 regulations is committed as evidenced by a toll collection monitoring  
27 system, the agent of the authority may send an advisory and payment  
28 request within 30 days of the date of the violation to the owner of the  
29 vehicle by regular mail at the address of record for that owner with the  
30 Division of Motor Vehicles in the Department of Transportation or  
31 with any other motor vehicle licensing authority of another  
32 jurisdiction, providing the owner with the opportunity to resolve the  
33 matter prior to the issuance of a summons and complaint that charges  
34 a violation of the toll collection monitoring system regulations. The  
35 advisory and payment request shall contain sufficient information to  
36 inform the owner of the nature, date, time and location of the alleged  
37 violation. The agent may require as part of the advisory and payment  
38 request that the owner pay to the agent the proper toll and a  
39 reasonable administrative fee that shall not exceed \$25 per violation.  
40 If the owner fails to pay the required toll and fee within 60 days of the  
41 date the advisory and payment request was sent, the owner shall be  
42 subject to liability on the 61st day following the date the advisory and  
43 payment request was sent for the violation of the toll collection  
44 monitoring system regulations by the vehicle operator.

45 b. An owner of a vehicle who is a lessor of the vehicle used in  
46 violation of the toll collection monitoring system regulations of the



1 authority shall not be liable for the violation of the regulations if the  
2 lessor submits to the authority, in a timely manner, a copy of the rental  
3 agreement, lease or other contract document covering that vehicle on  
4 the date of the violation, with the name and address of the lessee  
5 clearly legible to the authority and to the court having jurisdiction over  
6 the violation. If the lessor fails to provide the information in a timely  
7 manner, the lessor shall be held liable for the violation of the  
8 regulations. If the lessor provides the required information to the  
9 authority, the lessee of the vehicle on the date of the violation shall be  
10 deemed to be the owner of the vehicle for the purposes of sections 11  
11 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)  
12 and the toll collection monitoring system regulations and shall be  
13 subject to liability for the violation of the regulations.

14 c. A certified report of an employee or agent of the authority  
15 reporting a violation of the toll collection monitoring system  
16 regulations and any information obtained from a toll collection  
17 monitoring system shall be available for the exclusive use of the  
18 authority and any law enforcement official for the purposes of  
19 discharging their duties pursuant to sections 11 through 15 of  
20 P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and the toll  
21 collection monitoring system regulations. Any such report or  
22 information shall not be deemed a public record under P.L.1963, c.73  
23 (C.47:1A-1 et seq.) or the common law concerning access to public  
24 records. The certified reports and information shall not be  
25 discoverable as a public record by any person, entity or governmental  
26 agency, except as provided in subsection f. of this section, nor shall  
27 they be offered in evidence in any civil, criminal or administrative  
28 proceeding, not directly related to a violation of the toll collection  
29 monitoring system regulations, except as provided in subsection f. of  
30 this section. However, in the event that, notwithstanding the  
31 provisions of subsection c. of section 12 of this act, a recorded image  
32 of the face of the operator or any passenger in a motor vehicle is  
33 produced by the toll collection monitoring system, that image shall not  
34 be used by the authority for any purpose nor shall the image or any  
35 record or copy thereof be transmitted or communicated to any person,  
36 governmental, non-governmental or judicial or administrative entity.

37 d. A complaint and summons charging a violation of the toll  
38 collection monitoring system regulations shall be on a form prescribed  
39 by the Administrative Director of the Courts pursuant to the Rules  
40 Governing the Courts of the State of New Jersey. The authority may  
41 authorize by regulation an employee or agent to be a complaining  
42 witness to make, sign, and initiate complaints and to issue summonses  
43 in the name of the authority on behalf of the State of New Jersey,  
44 pursuant to the Rules Governing the Courts of the State of New  
45 Jersey. The complaints and summonses may be made on information  
46 based upon evidence obtained by a toll collection monitoring system,

1 the toll collection monitoring system record and the records of the  
2 Division of Motor Vehicles in the Department of Transportation or of  
3 any other state, province, or motor vehicle licensing authority.

4 Service may be made by means provided by the Rules Governing  
5 the Courts of the State of New Jersey.

6 Except as provided in subsection c. of this section, the recorded  
7 images produced by a toll collection monitoring system shall be  
8 considered an official record kept in the ordinary course of business  
9 and shall be admissible in a proceeding for a violation of any toll  
10 collection monitoring system regulations.

11 e. The municipal court of the municipality wherein a toll collection  
12 monitoring system record was made shall have jurisdiction to hear  
13 violations of the toll collection monitoring system regulations.  
14 Violations shall be enforced and penalties collected pursuant to ["the  
15 penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty  
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A  
17 proceeding and a judgment arising therefrom shall be pursued and  
18 entered in accordance with the provisions of N.J.S.2B:12-1 et seq. and  
19 the Rules Governing the Courts of the State of New Jersey.

20 In addition to the civil penalty that may be assessed by a court  
21 having jurisdiction for a violation of the toll collection monitoring  
22 system regulations, a court shall require the defendant to pay the  
23 proper toll and may require the defendant to pay a reasonable  
24 administrative fee that shall not exceed \$25 per violation if the  
25 authority has previously sent an advisory and payment request to the  
26 defendant. Following collection and distribution of the fees set forth  
27 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
28 administrative fees imposed and collected by the court for a violation  
29 of the toll collection monitoring system regulations shall be promptly  
30 remitted to the authority by the court. The civil penalty shall be  
31 distributed pursuant to the ["penalty enforcement law," N.J.S.2A:58-1  
32 et seq.]"Penalty Enforcement Law of 1999," P.L.1999, c.274  
33 (C.2A:58-10 et seq.).

34 f. Any report or information which contains the recorded image of  
35 the face of the operator or any passenger in a motor vehicle produced  
36 by a toll collection monitoring system and any other information  
37 obtained from a toll collection monitoring system or any report or  
38 information obtained from a photo-monitoring system or any other  
39 related records maintained by the authority concerning a toll collection  
40 monitoring system or a photo-monitoring system shall be made  
41 available only to the Attorney General and county prosecutor for use  
42 in a criminal proceeding provided a grand jury or trial subpoena has  
43 been issued.

44 (cf: P.L.1997, c.59, s.13).

45

46 5. Section 3 of P.L.1996, c.98 (C.32:1-154.2c.) is amended to read

1 as follows:

2 3. a. The liability set forth in section 1 of this act shall be imposed  
3 upon an owner for a violation by an operator of the toll collection  
4 regulations of the Port Authority occurring within the territorial limits  
5 of the State of New Jersey in the same manner as a violation of section  
6 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such  
7 violation shall be as set forth in section 16 of P.L.1950, c.192  
8 (C.32:1-154.16).

9 b. An owner who is a lessor of a vehicle operated in violation of  
10 the toll collection regulations of the Port Authority shall not be liable  
11 for the violation of the toll collection regulations if the lessor submits  
12 a copy of the rental, lease or other contract document covering that  
13 vehicle on the date of the violation, with the name and address of the  
14 lessee clearly legible to the Port Authority and to the court or other  
15 entity having jurisdiction over the violation in a timely manner. Failure  
16 to provide such information in a timely manner shall render the lessor  
17 liable for the penalty prescribed by this section. Where the lessor  
18 complies with the provisions of this subsection, the lessee of such  
19 vehicle on the date of the violation shall be deemed the owner of the  
20 vehicle for purposes of this section and shall be subject to liability for  
21 the violation of the toll collection regulations of the Port Authority.

22 c. A certified report of an employee or agent of the Port Authority  
23 reporting a violation of the toll collection regulations and any  
24 information obtained from a photo-monitoring system shall be deemed  
25 records kept in the ordinary business of the Port Authority and shall,  
26 when relevant, be made available for inspection and admission into  
27 evidence in a proceeding concerning a violation of the toll collection  
28 regulations, but shall not be deemed public records for the purpose of  
29 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to  
30 public records ; nor shall any such information be discoverable by any  
31 person, entity or governmental agency, except as provided in  
32 subsection d. of this section; nor shall it be admissible in evidence in  
33 any civil, criminal or administrative proceeding not directly related to  
34 a violation of the toll collection regulations, except as provided in  
35 subsection d. of this section.

36 d. Any report or information which contains the recorded image of  
37 the face of the operator or any passenger in a motor vehicle produced  
38 by a toll collection monitoring system and any other information  
39 obtained from a toll collection monitoring system or any report or  
40 information obtained from a photo-monitoring system or any other  
41 related records maintained by the authority concerning a toll collection  
42 monitoring system or a photo-monitoring system shall be made  
43 available only to the Attorney General and county prosecutor for use  
44 in a criminal proceeding provided a grand jury or trial subpoena has  
45 been issued.

46 (cf: P.L.1996, c.98, s.3).

1       6. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would provide a uniform standard for release of  
7 information obtained by means of a toll collection monitoring system  
8 or photo-monitoring system.

9       Currently, there are discrepancies among the different authorities  
10 of the State with regard to the release of this information. For  
11 example, while the Port Authority of New York and New Jersey, the  
12 New Jersey Highway Authority and the South Jersey Transportation  
13 Authority allow for the release of information only when a valid  
14 subpoena has been issued, the New Jersey Turnpike Authority can not  
15 release this information unless a subpoena has been issued and a court  
16 order to release this information has been issued as well. Because of  
17 this inconsistency among the different authorities it has been difficult  
18 for the prosecutorial authorities in this State to obtain this information  
19 during an investigation.

20       This bill would establish uniformity with regard to the release of  
21 this information by amending Titles 27 and 32 of the New Jersey  
22 Statutes and supplementing Title 2A of the New Jersey Statutes to  
23 provide that any report or information which contains the recorded  
24 image of the face of the operator or any passenger in a motor vehicle  
25 produced by a toll collection monitoring system and any other  
26 information obtained from a toll collection monitoring system or any  
27 report or information obtained from a photo-monitoring system or any  
28 other related records maintained by an authority concerning a toll  
29 collection monitoring system or a photo-monitoring system would be  
30 made available to the Attorney General and county prosecutor  
31 provided that a grand jury or trial subpoena has been issued.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 141**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 4, 2004

The Assembly Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill No. 141.

This substitute would provide a uniform standard and expand the grounds for release of information obtained by means of a toll collection monitoring system or photo-monitoring system.

This substitute would establish uniformity with regard to the release of this information by amending Titles 27 and 32 of the Revised Statutes with regard to the New Jersey Turnpike Authority, the South Jersey Transportation Authority and the Port Authority of New York. This substitute would provide that any report or information concerning the toll collection monitoring system or photo-monitoring system including but not limited to, any recorded image of any motor vehicle, the license plate of any motor vehicle or the operator or passenger in any motor vehicle cannot be discoverable as a public record, except upon a subpoena issued by a grand jury or court order in a criminal matter.

In addition, the report or information shall not be offered in evidence in any civil or administrative proceeding not directly related to a violation of the toll collection monitoring system regulations, or in any municipal court prosecution for a violation of any of the provisions of Title 39 (Motor Vehicles) of the Revised Statutes.

This substitute is identical to ACS for A-959.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 141**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2004

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 141.

This substitute bill would provide a uniform standard and expand the grounds for release of information obtained by means of a toll collection monitoring system or photo-monitoring system.

This bill would establish uniformity with regard to the release of this information by amending Titles 27 and 32 of the Revised Statutes with regard to the New Jersey Turnpike Authority, the South Jersey Transportation Authority and the Port Authority of New York and New Jersey to provide that any report or information concerning the toll collection monitoring system or photo-monitoring system including but not limited to, any recorded image of any motor vehicle, the license plate of any motor vehicle or the operator or passenger in any motor vehicle shall not be discoverable as a public record, except upon a subpoena issued by a grand jury or court order in a criminal matter.

In addition, the report or information shall not be offered in evidence in any civil or administrative proceeding not directly related to a violation of the toll collection monitoring system regulations, or in any municipal court prosecution for a violation of any of the provisions of Title 39 (Motor Vehicles) of the Revised Statutes.

# ASSEMBLY, No. 959

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Allows prosecutorial authorities to obtain information from toll collection monitoring systems and photo-monitoring systems under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A959 RUMPF, CONNORS

2

1 AN ACT concerning information from toll collection monitoring and  
2 photo-monitoring systems, amending P.L.1997, c.59 and P.L.1996,  
3 c.98 and supplementing Title 2A of the New Jersey Statutes.

4

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

7

8 1. (New section) Notwithstanding any other provision of law to  
9 the contrary, any report or information which contains the recorded  
10 image of the face of the operator or any passenger in a motor vehicle  
11 produced by a toll collection monitoring system and any other  
12 information obtained from a toll collection monitoring system or any  
13 report or information obtained from a photo-monitoring system or any  
14 other related records maintained by an authority concerning a toll  
15 collection monitoring system or a photo-monitoring system shall be  
16 made available only to the Attorney General and county prosecutor for  
17 use in a criminal proceeding provided a grand jury or trial subpoena  
18 has been issued.

19

20 2. Section 3 of P.L.1997, c.59 (C.27:12B-18.4) is amended to read  
21 as follows:

22 3. a. If a violation of the toll collection monitoring system  
23 regulations is committed as evidenced by a toll collection monitoring  
24 system, the agent of the authority may send an advisory and payment  
25 request within 30 days of the date of the violation to the owner of the  
26 vehicle by regular mail at the address of record for that owner with the  
27 Division of Motor Vehicles in the Department of Transportation or  
28 with any other motor vehicle licensing authority of another  
29 jurisdiction, providing the owner with the opportunity to resolve the  
30 matter prior to the issuance of a summons and complaint that charges  
31 a violation of the toll collection monitoring system regulations. The  
32 advisory and payment request shall contain sufficient information to  
33 inform the owner of the nature, date, time and location of the alleged  
34 violation. The agent may require as part of the advisory and payment  
35 request that the owner pay to the agent the proper toll and a  
36 reasonable administrative fee that shall not exceed \$25 per violation.  
37 If the owner fails to pay the required toll and fee within 60 days of the  
38 date the advisory and payment request was sent, the owner shall be  
39 subject to liability on the 61st day following the date the advisory and  
40 payment request was sent for the violation of the toll collection  
41 monitoring system regulations by the vehicle operator.

42 b. An owner of a vehicle who is a lessor of the vehicle used in  
43 violation of the toll collection monitoring system regulations of the

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

**Matter underlined thus is new matter.**



1 authority shall not be liable for the violation of the regulations if the  
2 lessor submits to the authority, in a timely manner, a copy of the rental  
3 agreement, lease or other contract document covering that vehicle on  
4 the date of the violation, with the name and address of the lessee  
5 clearly legible to the authority and to the court having jurisdiction over  
6 the violation. If the lessor fails to provide the information in a timely  
7 manner, the lessor shall be held liable for the violation of the  
8 regulations. If the lessor provides the required information to the  
9 authority, the lessee of the vehicle on the date of the violation shall be  
10 deemed to be the owner of the vehicle for the purposes of sections 1  
11 through 5 of P.L.1997, c.59 (C.27:12B-18.2 through C.27:12B-18.6)  
12 and the toll collection monitoring system regulations and shall be  
13 subject to liability for the violation of the regulations.

14 c. A certified report of an employee or agent of the authority  
15 reporting a violation of the toll collection monitoring system  
16 regulations and any information obtained from a toll collection  
17 monitoring system shall be available for the exclusive use of the  
18 authority and any law enforcement official for the purposes of  
19 discharging their duties pursuant to sections 1 through 5 of P.L.1997,  
20 c.59 (C.27:12B-18.2 through C.27:12B-18.6) and the toll collection  
21 monitoring system regulations. Any such report or information shall  
22 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
23 seq.) or the common law concerning access to public records. The  
24 certified reports and information shall not be discoverable as a public  
25 record by any person, entity or governmental agency, except as  
26 provided in subsection f. of this section, nor shall they be offered in  
27 evidence in any civil, criminal or administrative proceeding, not  
28 directly related to a violation of the toll collection monitoring system  
29 regulations, except as provided in subsection f. of this section.  
30 However, in the event that, notwithstanding the provisions of  
31 subsection c. of section 2 of this act, a recorded image of the face of  
32 the operator or any passenger in a motor vehicle is produced by the  
33 toll collection monitoring system, that image shall not be used by the  
34 authority for any purpose nor shall the image or any record or copy  
35 thereof be transmitted or communicated to any person, governmental,  
36 non-governmental or judicial or administrative entity.

37 d. A complaint and summons charging a violation of the toll  
38 collection monitoring system regulations shall be on a form prescribed  
39 by the Administrative Director of the Courts pursuant to the Rules  
40 Governing the Courts of the State of New Jersey. The authority may  
41 authorize by regulation an employee or agent to be a complaining  
42 witness to make, sign, and initiate complaints and to issue summonses  
43 in the name of the authority on behalf of the State of New Jersey,  
44 pursuant to the Rules Governing the Courts of the State of New  
45 Jersey. The complaints and summonses may be made on information  
46 based upon evidence obtained by a toll collection monitoring system,

1 the toll collection monitoring system record and the records of the  
2 Division of Motor Vehicles in the Department of Transportation or of  
3 any other state, province, or motor vehicle licensing authority.

4 Service may be made by means provided by the Rules Governing  
5 the Courts of the State of New Jersey.

6 Except as provided in subsection c. of this section, the recorded  
7 images produced by a toll collection monitoring system shall be  
8 considered an official record kept in the ordinary course of business  
9 and shall be admissible in a proceeding for a violation of any toll  
10 collection monitoring system regulations.

11 e. The municipal court of the municipality wherein a toll collection  
12 monitoring system record was made shall have jurisdiction to hear  
13 violations of the toll collection monitoring system regulations.  
14 Violations shall be enforced and penalties collected pursuant to ["the  
15 penalty enforcement law," N.J.S.2A:58-1 et seq.] the "Penalty  
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A  
17 proceeding and a judgment arising therefrom shall be pursued and  
18 entered in accordance with the provisions of N.J.S.2B:12-1 et seq. and  
19 the Rules Governing the Courts of the State of New Jersey.

20 In addition to the civil penalty that may be assessed by a court  
21 having jurisdiction for a violation of the toll collection monitoring  
22 system regulations, a court shall require the defendant to pay the  
23 proper toll and may require the defendant to pay a reasonable  
24 administrative fee that shall not exceed \$25 per violation if the  
25 authority has previously sent an advisory and payment request to the  
26 defendant. Following collection and distribution of the fees set forth  
27 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
28 administrative fees imposed and collected by the court for a violation  
29 of the toll collection monitoring system regulations shall be promptly  
30 remitted to the authority by the court.

31 The civil penalty shall be distributed pursuant to the ["penalty  
32 enforcement law," N.J.S. 2A:58-1 et seq.] "Penalty Enforcement Law  
33 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

34 f. Any report or information which contains the recorded image of  
35 the face of the operator or any passenger in a motor vehicle produced  
36 by a toll collection monitoring system and any other information  
37 obtained from a toll collection system or any report or information  
38 obtained from a photo-monitoring system or any other related records  
39 maintained by the authority concerning a toll monitoring collection  
40 monitoring system or a photo-monitoring system shall be made  
41 available only to the Attorney General and county prosecutor for use  
42 in a criminal proceeding provided a grand jury or trial subpoena has  
43 been issued.

44 (cf: P.L.1997, c.59, s.3).

1       3. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to read  
2 as follows:

3       8. a. If a violation of the toll collection monitoring system  
4 regulations is committed as evidenced by a toll collection monitoring  
5 system, the agent of the authority may send an advisory and payment  
6 request within 30 days of the date of the violation to the owner of the  
7 vehicle by regular mail at the address of record for that owner with the  
8 Division of Motor Vehicles in the Department of Transportation or  
9 with any other motor vehicle licensing authority of another  
10 jurisdiction, providing the owner with the opportunity to resolve the  
11 matter prior to the issuance of a summons and complaint that charges  
12 a violation of the toll collection monitoring system regulations. The  
13 advisory and payment request shall contain sufficient information to  
14 inform the owner of the nature, date, time and location of the alleged  
15 violation. The agent may require as part of the advisory and payment  
16 request that the owner pay to the agent the proper toll and a  
17 reasonable administrative fee that shall not exceed \$25 per violation.  
18 If the owner fails to pay the required toll and fee within 60 days of the  
19 date the advisory and payment request was sent, the owner shall be  
20 subject to liability on the 61st day following the date the advisory and  
21 payment request was sent for the violation of the toll collection  
22 monitoring system regulations by the vehicle operator.

23       b. An owner of a vehicle who is a lessor of the vehicle used in  
24 violation of the toll collection monitoring system regulations of the  
25 authority shall not be liable for the violation of the regulations if the  
26 lessor submits to the authority, in a timely manner, a copy of the rental  
27 agreement, lease or other contract document covering that vehicle on  
28 the date of the violation, with the name and address of the lessee  
29 clearly legible to the authority and to the court having jurisdiction over  
30 the violation. If the lessor fails to provide the information in a timely  
31 manner, the lessor shall be held liable for the violation of the  
32 regulations. If the lessor provides the required information to the  
33 authority, the lessee of the vehicle on the date of the violation shall be  
34 deemed to be the owner of the vehicle for the purposes of sections 6  
35 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5)  
36 and the toll collection monitoring system regulations and shall be  
37 subject to liability for the violation of the regulations.

38       c. A certified report of an employee or agent of the authority  
39 reporting a violation of the toll collection monitoring system  
40 regulations and any information obtained from a toll collection  
41 monitoring system shall be available for the exclusive use of the  
42 authority and any law enforcement official for the purposes of  
43 discharging their duties pursuant to sections 6 through 10 of P.L.1997,  
44 c.59 (C.27:23-34.1 through C.27:23-34.5) and the toll collection  
45 monitoring system regulations. Any such report or information shall  
46 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et

1 seq.) or the common law concerning access to public records. The  
2 certified reports and information shall not be discoverable as a public  
3 record by any person, entity or governmental agency, except as  
4 provided in subsection f. of this section, nor shall they be offered in  
5 evidence in any civil, criminal or administrative proceeding, not  
6 directly related to a violation of the toll collection monitoring system  
7 regulations, except as provided in subsection f. of this section.  
8 However, in the event that, notwithstanding the provisions of  
9 subsection c. of section 7 of this act, a recorded image of the face of  
10 the operator or any passenger in a motor vehicle is produced by the  
11 toll collection monitoring system, that image shall not be used by the  
12 authority for any purpose nor shall the image or any record or copy  
13 thereof be transmitted or communicated to any person, governmental,  
14 non-governmental, or judicial or administrative entity.

15 d. A complaint and summons charging a violation of the toll  
16 collection monitoring system regulations shall be on a form prescribed  
17 by the Administrative Director of the Courts pursuant to the Rules  
18 Governing the Courts of the State of New Jersey. The authority may  
19 authorize by regulation an employee or agent to be a complaining  
20 witness to make, sign, and initiate complaints and to issue summonses  
21 in the name of the authority on behalf of the State of New Jersey,  
22 pursuant to the Rules Governing the Courts of the State of New  
23 Jersey. The complaints and summonses may be made on information  
24 based upon evidence obtained by a toll collection monitoring system,  
25 the toll collection monitoring system record and the records of the  
26 Division of Motor Vehicles in the Department of Transportation or of  
27 any other state, province, or motor vehicle licensing authority.

28 Service may be made by means provided by the Rules Governing  
29 the Courts of the State of New Jersey.

30 Except as provided in subsection c. of this section, the recorded  
31 images produced by a toll collection monitoring system shall be  
32 considered an official record kept in the ordinary course of business  
33 and shall be admissible in a proceeding for a violation of any toll  
34 collection monitoring system regulations.

35 e. The municipal court of the municipality wherein a toll collection  
36 monitoring system record was made shall have jurisdiction to hear  
37 violations of the toll collection monitoring system regulations.  
38 Violations shall be enforced and penalties collected pursuant to ["the  
39 penalty enforcement law", N.J.S.2A:58-1 et seq.] the "Penalty  
40 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A  
41 proceeding and a judgment arising therefrom shall be pursued and  
42 entered in accordance with the provisions of N.J.S.2B:12-1 et seq. and  
43 the Rules Governing the Courts of the State of New Jersey.

44 In addition to the civil penalty that may be assessed by a court  
45 having jurisdiction for a violation of the toll collection monitoring  
46 system regulations, a court shall require the defendant to pay the

1 proper toll and may require the defendant to pay a reasonable  
2 administrative fee that shall not exceed \$25 per violation if the  
3 authority has previously sent an advisory and payment request to the  
4 defendant. Following collection and distribution of the fees set forth  
5 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
6 administrative fees imposed and collected by the court for a violation  
7 of the toll collection monitoring system regulations shall be promptly  
8 remitted to the authority by the court. The civil penalty shall be  
9 distributed pursuant to the [penalty enforcement law," N.J.S.2A:58-1  
10 et seq.]"Penalty Enforcement Law of 1999," P.L.1999, c.274  
11 (C.2A:58-10 et. seq.).

12 f. Any report or information which contains the recorded image of  
13 the face of the operator or any passenger in a motor vehicle produced  
14 by a toll collection monitoring system and any other information  
15 obtained from a toll monitoring collection system or any report or  
16 information obtained from a photo-monitoring system or any other  
17 related records maintained by the authority concerning a toll collection  
18 monitoring system or a photo-monitoring system shall be made  
19 available only to the Attorney General and county prosecutor for use  
20 in a criminal proceeding provided a grand jury or trial subpoena has  
21 been issued.

22 (cf: P.L.1997, c.59, s.8)

23

24 4. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to  
25 read as follows:

26 13. a. If a violation of the toll collection monitoring system  
27 regulations is committed as evidenced by a toll collection monitoring  
28 system, the agent of the authority may send an advisory and payment  
29 request within 30 days of the date of the violation to the owner of the  
30 vehicle by regular mail at the address of record for that owner with the  
31 Division of Motor Vehicles in the Department of Transportation or  
32 with any other motor vehicle licensing authority of another  
33 jurisdiction, providing the owner with the opportunity to resolve the  
34 matter prior to the issuance of a summons and complaint that charges  
35 a violation of the toll collection monitoring system regulations. The  
36 advisory and payment request shall contain sufficient information to  
37 inform the owner of the nature, date, time and location of the alleged  
38 violation. The agent may require as part of the advisory and payment  
39 request that the owner pay to the agent the proper toll and a  
40 reasonable administrative fee that shall not exceed \$25 per violation.  
41 If the owner fails to pay the required toll and fee within 60 days of the  
42 date the advisory and payment request was sent, the owner shall be  
43 subject to liability on the 61st day following the date the advisory and  
44 payment request was sent for the violation of the toll collection  
45 monitoring system regulations by the vehicle operator.

1       b. An owner of a vehicle who is a lessor of the vehicle used in  
2 violation of the toll collection monitoring system regulations of the  
3 authority shall not be liable for the violation of the regulations if the  
4 lessor submits to the authority, in a timely manner, a copy of the rental  
5 agreement, lease or other contract document covering that vehicle on  
6 the date of the violation, with the name and address of the lessee  
7 clearly legible to the authority and to the court having jurisdiction over  
8 the violation. If the lessor fails to provide the information in a timely  
9 manner, the lessor shall be held liable for the violation of the  
10 regulations. If the lessor provides the required information to the  
11 authority, the lessee of the vehicle on the date of the violation shall be  
12 deemed to be the owner of the vehicle for the purposes of sections 11  
13 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)  
14 and the toll collection monitoring system regulations and shall be  
15 subject to liability for the violation of the regulations.

16       c. A certified report of an employee or agent of the authority  
17 reporting a violation of the toll collection monitoring system  
18 regulations and any information obtained from a toll collection  
19 monitoring system shall be available for the exclusive use of the  
20 authority and any law enforcement official for the purposes of  
21 discharging their duties pursuant to sections 11 through 15 of  
22 P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and the toll  
23 collection monitoring system regulations. Any such report or  
24 information shall not be deemed a public record under P.L.1963, c.73  
25 (C.47:1A-1 et seq.) or the common law concerning access to public  
26 records. The certified reports and information shall not be  
27 discoverable as a public record by any person, entity or governmental  
28 agency, except as provided in subsection f. of this section, nor shall  
29 they be offered in evidence in any civil, criminal or administrative  
30 proceeding, not directly related to a violation of the toll collection  
31 monitoring system regulations, except as provided in subsection f. of  
32 this section. However, in the event that, notwithstanding the  
33 provisions of subsection c. of section 12 of this act, a recorded image  
34 of the face of the operator or any passenger in a motor vehicle is  
35 produced by the toll collection monitoring system, that image shall not  
36 be used by the authority for any purpose nor shall the image or any  
37 record or copy thereof be transmitted or communicated to any person,  
38 governmental, non-governmental or judicial or administrative entity.  
39       d. A complaint and summons charging a violation of the toll  
40 collection monitoring system regulations shall be on a form prescribed  
41 by the Administrative Director of the Courts pursuant to the Rules  
42 Governing the Courts of the State of New Jersey. The authority may  
43 authorize by regulation an employee or agent to be a complaining  
44 witness to make, sign, and initiate complaints and to issue summonses  
45 in the name of the authority on behalf of the State of New Jersey,  
46 pursuant to the Rules Governing the Courts of the State of New

1 Jersey. The complaints and summonses may be made on information  
2 based upon evidence obtained by a toll collection monitoring system,  
3 the toll collection monitoring system record and the records of the  
4 Division of Motor Vehicles in the Department of Transportation or of  
5 any other state, province, or motor vehicle licensing authority.

6 Service may be made by means provided by the Rules Governing  
7 the Courts of the State of New Jersey.

8 Except as provided in subsection c. of this section, the recorded  
9 images produced by a toll collection monitoring system shall be  
10 considered an official record kept in the ordinary course of business  
11 and shall be admissible in a proceeding for a violation of any toll  
12 collection monitoring system regulations.

13 e. The municipal court of the municipality wherein a toll collection  
14 monitoring system record was made shall have jurisdiction to hear  
15 violations of the toll collection monitoring system regulations.  
16 Violations shall be enforced and penalties collected pursuant to ["the  
17 penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty  
18 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A  
19 proceeding and a judgment arising therefrom shall be pursued and  
20 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
21 and the Rules Governing the Courts of the State of New Jersey.

22 In addition to the civil penalty that may be assessed by a court  
23 having jurisdiction for a violation of the toll collection monitoring  
24 system regulations, a court shall require the defendant to pay the  
25 proper toll and may require the defendant to pay a reasonable  
26 administrative fee that shall not exceed \$25 per violation if the  
27 authority has previously sent an advisory and payment request to the  
28 defendant. Following collection and distribution of the fees set forth  
29 in section 11 of P.L.1953, c.22 (C.22A:3-4), any tolls and  
30 administrative fees imposed and collected by the court for a violation  
31 of the toll collection monitoring system regulations shall be promptly  
32 remitted to the authority by the court. The civil penalty shall be  
33 distributed pursuant to the ["penalty enforcement law," N.J.S.2A:58-1  
34 et seq.] "Penalty Enforcement Law of 1999," P.L.1999, c.274  
35 (C.2A:58-10 et seq.).

36 f. Any report or information which contains the recorded image of  
37 the face of the operator or any passenger in a motor vehicle produced  
38 by a toll collection monitoring system and any other information  
39 obtained from a toll monitoring collection system or any report or  
40 information obtained from a photo-monitoring system or any other  
41 related records maintained by the authority concerning a toll collection  
42 monitoring system or a photo-monitoring system shall be made  
43 available only to the Attorney General and county prosecutor for use  
44 in a criminal proceeding provided a grand jury or trial subpoena has  
45 been issued.

46 (cf: P.L.1997, c.59, s.13).

1       5. Section 3 of P.L.1996, c.98 (C.32:1-154.2c.) is amended to read  
2 as follows:

3       3. a. The liability set forth in section 1 of this act shall be imposed  
4 upon an owner for a violation by an operator of the toll collection  
5 regulations of the Port Authority occurring within the territorial limits  
6 of the State of New Jersey in the same manner as a violation of section  
7 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such  
8 violation shall be as set forth in section 16 of P.L.1950, c.192  
9 (C.32:1-154.16).

10       b. An owner who is a lessor of a vehicle operated in violation of  
11 the toll collection regulations of the Port Authority shall not be liable  
12 for the violation of the toll collection regulations if the lessor submits  
13 a copy of the rental, lease or other contract document covering that  
14 vehicle on the date of the violation, with the name and address of the  
15 lessee clearly legible to the Port Authority and to the court or other  
16 entity having jurisdiction over the violation in a timely manner. Failure  
17 to provide such information in a timely manner shall render the lessor  
18 liable for the penalty prescribed by this section. Where the lessor  
19 complies with the provisions of this subsection, the lessee of such  
20 vehicle on the date of the violation shall be deemed the owner of the  
21 vehicle for purposes of this section and shall be subject to liability for  
22 the violation of the toll collection regulations of the Port Authority.

23       c. A certified report of an employee or agent of the Port Authority  
24 reporting a violation of the toll collection regulations and any  
25 information obtained from a photo-monitoring system shall be deemed  
26 records kept in the ordinary business of the Port Authority and shall,  
27 when relevant, be made available for inspection and admission into  
28 evidence in a proceeding concerning a violation of the toll collection  
29 regulations, but shall not be deemed public records for the purpose of  
30 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to  
31 public records; nor shall any such information be discoverable by any  
32 person, entity or governmental agency, except as provided in  
33 subsection d. of this section; nor shall it be admissible in evidence in  
34 any civil, criminal or administrative proceeding not directly related to  
35 a violation of the toll collection regulations, except as provided in  
36 subsection d. of this section.

37       d. Any report or information which contains the recorded image of  
38 the face of the operator or any passenger in a motor vehicle produced  
39 by a toll collection monitoring system and any other information  
40 obtained from a toll monitoring collection system or any report or  
41 information obtained from a photo-monitoring system or any other  
42 related records maintained by the authority concerning a toll collection  
43 monitoring system or a photo-monitoring system shall be made  
44 available only to the Attorney General and county prosecutor for use  
45 in a criminal proceeding provided a grand jury or trial subpoena has  
46 been issued.

47 (cf: P.L.1996, c.98, s.3).



1       6. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would provide a uniform standard for release of  
7 information obtained by means of a toll collection monitoring system  
8 or photo-monitoring system.

9       Currently, there are discrepancies among the different authorities  
10 of the State with regard to the release of this information. For  
11 example, while the Port Authority of New York and New Jersey, the  
12 New Jersey Highway Authority and the South Jersey Transportation  
13 Authority allow for the release of information only when a valid  
14 subpoena has been issued, the New Jersey Turnpike Authority can not  
15 release this information unless a subpoena has been issued and a court  
16 order to release this information has been issued as well. Because of  
17 this inconsistency among the different authorities it has been difficult  
18 for the prosecutorial authorities in this State to obtain this information  
19 during an investigation.

20       This bill would establish uniformity with regard to the release of  
21 this information by amending Titles 27 and 32 of the New Jersey  
22 Statutes and supplementing Title 2A of the New Jersey Statutes to  
23 provide that any report or information which contains the recorded  
24 image of the face of the operator or any passenger in a motor vehicle  
25 produced by a toll collection monitoring system and any other  
26 information obtained from a toll monitoring collection system or any  
27 report or information obtained from a photo-monitoring system or any  
28 other related records maintained by an authority concerning a toll  
29 collection monitoring system or a photo-monitoring system would be  
30 made available to the Attorney General and county prosecutor  
31 provided that a grand jury or trial subpoena has been issued.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 959**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 4, 2004

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill No. 959.

This substitute would provide a uniform standard and expand the grounds for release of information obtained by means of a toll collection monitoring system or photo-monitoring system.

This substitute would establish uniformity with regard to the release of this information by amending Titles 27 and 32 of the Revised Statutes with regard to the New Jersey Turnpike Authority, the South Jersey Transportation Authority and the Port Authority of New York. This substitute would provide that any report or information concerning the toll collection monitoring system or photo-monitoring system including but not limited to, any recorded image of any motor vehicle, the license plate of any motor vehicle or the operator or passenger in any motor vehicle cannot be discoverable as a public record, except upon a subpoena issued by a grand jury or court order in a criminal matter.

In addition, the report or information shall not be offered in evidence in any civil or administrative proceeding not directly related to a violation of the toll collection monitoring system regulations, or in any municipal court prosecution for a violation of any of the provisions of Title 39 (Motor Vehicles) of the Revised Statutes.

This substitute is identical to SCS for S-141.