

32:1-154.2a to 32:1-154.2f

LEGISLATIVE HISTORY CHECKLIST
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(Tolls-electronic collection)

NJSA: 32:1-154.2a to 32:1-154.2f

LAWS OF: 1996 **CHAPTER:** 98

BILL NO: S1346

SPONSOR(S): DeCroce

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Transportation
SENATE: ---

AMENDED DURING PASSAGE: Yes **Amendments during passage**
First reprint enacted **denoted by superscript numbers**

DATE OF PASSAGE: **ASSEMBLY:** May 30, 1996
SENATE: June 13, 1996

DATE OF APPROVAL: August 6, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:
"Electronic tolls bill signed by Governor," 8-8-96, Asbury Park Press.

KBP:pp

P.L. 1996, CHAPTER 98, *approved August 6, 1996*
Assembly No. 1346 (*First Reprint*)

1 AN ACT agreeing with the State of New York with respect to rules
2 and regulations for the control of traffic on vehicular crossings
3 operated by the Port Authority of New York and New Jersey and
4 supplementing P.L.1950, c.192 (C.32:1-154.1 et seq.).
5

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

8
9 1. Notwithstanding any other provision of law and in accordance
10 with the provisions of section 3 of this act, an owner of a vehicle may
11 be held liable for failure of an operator thereof to comply with the toll
12 collection regulations of the Port Authority of New York and New
13 Jersey (hereinafter called Port Authority). The owner of a vehicle
14 shall be liable pursuant to this section if such vehicle was used or
15 operated with the permission of the owner, express or implied, in
16 violation of the toll collection regulations of the Port Authority, and
17 such violation is evidenced by information obtained from a photo-
18 monitoring system; provided, however, that no owner of a vehicle shall
19 be liable where the operator of such vehicle has been convicted of a
20 violation of those toll collection regulations for the same incident.
21

22 2. As used in this act:

23 "Lessee" means any person, corporation, firm, partnership, agency,
24 association or organization that rents, leases or contracts for the use
25 of one or more vehicles and has exclusive use thereof for any period
26 of time.

27 "Lessor" means any person, corporation, firm, partnership, agency,
28 association or organization engaged in the business of renting or
29 leasing vehicles to any lessee under a rental agreement, lease or other
30 agreement which provides that the lessee has exclusive use of the
31 vehicle for any period of time.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATC committee amendments adopted May 13, 1996.

1 “Operator” means any person, corporation, firm, partnership,
2 agency, association, organization or lessee that uses or operates a
3 vehicle with or without the permission of the owner, and an owner
4 who operates the owner’s vehicle.

5 “Owner” means any person, corporation, partnership, firm, agency,
6 association, lessor or organization which, at the time a vehicle is
7 operated in violation of the toll collection regulations of the Port
8 Authority: is the beneficial or equitable owner of the vehicle; or has
9 title to the vehicle; or is the registrant or co-registrant of the vehicle
10 registered with the Division of Motor Vehicles in the Department of
11 Transportation of this State or registered with any other state,
12 territory, district, province, nation or other jurisdiction; or uses the
13 vehicle in its vehicle renting or leasing business; and includes a person
14 entitled to the use and possession of a vehicle subject to a security
15 interest in another person.

16 “Photo-monitoring system” means a vehicle sensor installed to
17 work in conjunction with a toll collection facility which automatically
18 produces one or more photographs, one or more microphotographs,
19 a videotape or other recorded images of each vehicle at the time the
20 vehicle is used or operated in violation of the toll collection
21 regulations of the Port Authority.

22 “Port Authority” means the Port Authority of New York and New
23 Jersey.

24 “Toll collection regulations” means the traffic regulations for
25 interstate vehicular crossings operated by the Port Authority as set
26 forth in P.L.1950, c.192 (C.32:1-154.1 et seq.) and in chapter 774 of
27 the laws of New York of 1950, and specifically that section of the laws
28 which prohibits traffic in or upon vehicular crossings operated by the
29 Port Authority except upon the payment of such tolls and other
30 charges as may from time to time be prescribed by the Port Authority
31 and which further makes it unlawful for any person to refuse to pay,
32 or to evade, or to attempt to evade the payment of such tolls or other
33 charges.

34 “Vehicle” means every device in, upon, or by which a person or
35 property is or may be transported or drawn upon a highway, except
36 devices used exclusively upon stationary rails or tracks.

37
38 3. a. The liability set forth in section 1 of this act shall be imposed
39 upon an owner for a violation by an operator of the toll collection
40 regulations of the Port Authority occurring within the territorial limits
41 of the State of New Jersey in the same manner as a violation of section
42 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such
43 violation shall be as set forth in section 16 of P.L.1950, c.192 (C.32:1-
44 154.16).

45 b. An owner who is a lessor of a vehicle operated in violation of
46 the toll collection regulations of the Port Authority shall not be liable

1 for the violation of the toll collection regulations if the lessor submits
2 a copy of the rental, lease or other contract document covering that
3 vehicle on the date of the violation, with the name and address of the
4 lessee clearly legible to the Port Authority and to the court or other
5 entity having jurisdiction over the violation in a timely manner. Failure
6 to provide such information in a timely manner shall render the lessor
7 liable for the penalty prescribed by this section. Where the lessor
8 complies with the provisions of this subsection, the lessee of such
9 vehicle on the date of the violation shall be deemed the owner of the
10 vehicle for purposes of this section and shall be subject to liability for
11 the violation of the toll collection regulations of the Port Authority.

12 c. A certified report of an employee or agent of the Port Authority
13 reporting a violation of the toll collection regulations and any
14 information obtained from a photo-monitoring system shall be deemed
15 records kept in the ordinary business of the Port Authority and shall,
16 when relevant, be made available for inspection and admission into
17 evidence in a proceeding concerning a violation of the toll collection
18 regulations, but shall not be deemed public records for the purpose of
19 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to
20 public records¹; nor shall any such information be discoverable by any
21 person, entity or governmental agency; nor shall it be admissible in
22 evidence in any civil, criminal or administrative proceeding not directly
23 related to a violation of the toll collection regulations¹.

24

25 4. Nothing in this act shall be construed as limiting the power of
26 the Port Authority to proceed against an owner or operator of vehicle
27 for violation of its toll collection regulations as provided in P.L.1950,
28 c.192 (C.32:1-154.1 et seq.).

29

30 5. Nothing in this act shall be construed as extending or
31 diminishing the authority of the Port Authority to establish or assess
32 tolls for interstate vehicular crossings

33

34 6. This act shall take effect upon the enactment into law by the
35 State of New York of legislation having an identical effect with section
36 1 of this act, but if the State of New York shall have already enacted
37 such legislation, this act shall take effect immediately.

38

39

40

41

42 _____
43 Clarifies law concerning electronic collection of tolls by Port Authority
of New York and New Jersey.

1 liable for the penalty prescribed by this section. Where the lessor
2 complies with the provisions of this subsection, the lessee of such
3 vehicle on the date of the violation shall be deemed the owner of the
4 vehicle for purposes of this section and shall be subject to liability for
5 the violation of the toll collection regulations of the Port Authority.

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7 reporting a violation of the toll collection regulations and any
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14 public records.

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16 4. Nothing in this act shall be construed as limiting the power of
17 the Port Authority to proceed against an owner or operator of vehicle
18 for violation of its toll collection regulations as provided in P.L. 1950,
19 c. 192 (C. 32:1-154.1 et seq.).

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22 diminishing the authority of the Port Authority to establish or assess
23 tolls for interstate vehicular crossings

24
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26 State of New York of legislation having an identical effect with section
27 1 of this act, but if the State of New York shall have already enacted
28 such legislation, this act shall take effect immediately.

29
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31 STATEMENT

32
33 The electronic collection of tolls on highways and bridges is in the
34 process of being implemented in the States of New Jersey and New
35 York by the inauguration of the "E-Z-pass system." This system
36 permits a driver to pass through the existing toll barriers without
37 stopping for the purpose of manually depositing currency, coins or
38 tokens. This system will permit tolls to be paid automatically by
39 means of automated electronic identification of a vehicle at a toll booth
40 and the debiting of a vehicle account. This allows tolls to be paid
41 automatically while vehicles are in motion, thereby improving traffic
42 flow and reducing delays and queuing.

43 This bill clarifies the existing laws concerning the Port Authority of
44 New York and New Jersey with regard to the liability of the owners
45 of motor vehicles for toll collection violations and the status and use
46 of photo-monitoring evidence in order to permit the Port Authority to

1 expediently implement electronic toll collection technology.

2 The State of New York has enacted legislation concerning the
3 liability of owners or motor vehicles for toll collection violations on
4 bridges and highways operated by public authorities in the State and
5 has further amended New York law concerning toll enforcement on
6 crossings operated by the Port Authority for New York and New
7 Jersey which will take effect upon passage by New Jersey of legislation
8 having an identical effect to section 3 of that act. Section 1 of this act
9 is identical in effect to section 3 of New York law concerning Port
10 Authority toll enforcement and would thus permit both New York and
11 New Jersey legislation to take effect.

12

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14

15

16 Clarifies law concerning electronic collection of tolls by Port Authority
17 of New York and New Jersey.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1346

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1996

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 1346 with committee amendments.

This amended bill clarifies the existing laws concerning the Port Authority of New York and New Jersey with regard to the liability of the owners of motor vehicles for toll collection violations and the status and use of photo-monitoring evidence in order to permit the Port Authority to expediently implement electronic toll collection technology.

The electronic collection of tolls on highways and bridges is in the process of being implemented in the States of New Jersey and New York by the inauguration of the "E-Z-pass system." This system permits a driver to pass through the existing toll barriers without stopping for the purpose of manually depositing currency, coins or tokens. This system will permit tolls to be paid automatically by means of automated electronic identification of a vehicle at a toll booth and the debiting of a vehicle account. This allows tolls to be paid automatically while vehicles are in motion, thereby improving traffic flow and reducing delays and queuing.

The State of New York has enacted legislation concerning the liability of owners of motor vehicles for toll collection violations on bridges and highways operated by public authorities in that State and has further amended New York law concerning toll enforcement on crossings operated by the Port Authority for New York and New Jersey which will take effect upon passage by New Jersey of legislation having an identical effect to section 3 of that act. Section 1 of this act is identical in effect to section 3 of New York law concerning Port Authority toll enforcement and would thus permit both New York and New Jersey legislation to take effect.

The committee adopted amendments to provide that any information obtained from a photo-monitoring system shall not be discoverable by any person, entity or governmental agency and shall not be admissible in evidence in any civil, criminal or administrative proceeding not directly related to a violation of the toll collection regulations.

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OFFICE OF THE GOVERNOR NEWS RELEASE

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TRENTON, NJ 08625
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Governor Christie Whitman has signed legislation implementing the electronic toll collection technology, also known as the "E-ZPass system" to improve the flow of traffic and to reduce delays on bridges and highways.

"This legislation will ease the burden on New Jersey commuters who travel our highways and bridges," said Gov. Whitman.

The bill authorizes the Port Authority of New York and New Jersey to implement the "E-ZPass system" on bridges and highways under its jurisdiction, totaling eight toll agencies.

The "E-ZPass System" will allow drivers to pass through the existing toll booths without having to stop to pay toll, or deposit coins and tokens in the toll booth. Instead, the drivers would automatically pay tolls through the electronic identification of a vehicle at a toll booth, which in turn would debit a driver's vehicle account.

A-1346/S-428, was sponsored by Assemblymen Alex DeCroce (R-Essex/Morris/Passaic) and Anthony Bucco (R-Morris) and Senator William Haines (R-Atlantic/Burlington/Camden),

Gov. Whitman also signed:

S-720/A-1271, sponsored by Senator Raymond Zane (D-Salem/Cumberland/Gloucester) and Assemblyman Jack Collins (R-Salem/Cumberland/Gloucester), amends current law to permit individuals licensed to trap fur-bearing animals to use a .22 caliber rifle with a .22 short cartridge on Sundays. Prior legislation allowed trappers to hunt seven days a week, but prohibited them to use firearms on Sundays.