

**LEGISLATIVE HISTORY CHECKLIST**  
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(Commercial trucks--  
 overweight)

NJSA: 39:1-1

LAWS OF: 1993 CHAPTER: 12

BILL NO: S879

SPONSOR(S) Dorsey and Haines

DATE INTRODUCED: June 1, 1992

COMMITTEE: ASSEMBLY: Transportation & Communications

SENATE: Transportation

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 denoted by asterisks

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**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

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[THIRD REPRINT]

SENATE, No. 879

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1992

By Senators DORSEY and Haines

1 AN ACT concerning commercial motor vehicles and amending  
2 R.S.39:1-1 and P.L.1950, c.142.

3

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

6 1. R.S.39:1-1 is amended to read as follows:

7 39:1-1. As used in this subtitle, unless other meaning is clearly  
8 apparent from the language or context, or unless inconsistent  
9 with the manifest intention of the Legislature:

10 "Alley" means a public highway wherein the roadway does not  
11 exceed 12 feet in width.

12 "Authorized emergency vehicles" means vehicles of the fire  
13 department, police vehicles and such ambulances and other  
14 vehicles as are approved by the Director of the Division of Motor  
15 Vehicles in the Department of Law and Public Safety when  
16 operated in response to an emergency call.

17 "Automobile" includes all motor vehicles except motorcycles.

18 "Berm" means that portion of the highway exclusive of  
19 roadway and shoulder, bordering the shoulder but not to be used  
20 for vehicular travel.

21 "Business district" means that portion of a highway and the  
22 territory contiguous thereto, where within any 600 feet along  
23 such highway there are buildings in use for business or industrial  
24 purposes, including but not limited to hotels, banks, office  
25 buildings, railroad stations, and public buildings which occupy at  
26 least 300 feet of frontage on one side or 300 feet collectively on  
27 both sides of the roadway.

28 "Car pool" means two or more persons commuting on a daily  
29 basis to and from work by means of a vehicle with a seating  
30 capacity of nine passengers or less.

31 "Commercial motor vehicle" includes every type of  
32 motor-driven vehicle used for commercial purposes on the  
33 highways, such as the transportation of goods, wares and  
34 merchandise, excepting such vehicles as are run only upon rails or  
35 tracks and vehicles of the passenger car type used for touring  
36 purposes or the carrying of farm products and milk, as the case  
37 may be.

38 "Commissioner" means the Director of the Division of Motor  
39 Vehicles in the Department of Law and Public Safety of this  
40 State.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate STR committee amendments adopted June 15, 1992.

<sup>2</sup> Senate floor amendments adopted June 29, 1992.

<sup>3</sup> Assembly ATC committee amendments adopted September 21, 1992.

1 "Commuter van" means a motor vehicle having a seating  
2 capacity of not less than <sup>3</sup>[eight] seven<sup>3</sup> nor more than 15 adult  
3 passengers, in which <sup>3</sup>[eight] seven<sup>3</sup> or more persons commute on  
4 a daily basis to and from work and which vehicle may also be  
5 operated by the driver or other designated persons for their  
6 personal use.

7 "Crosswalk" means that part of a highway at an intersection  
8 included within the connections of the lateral lines of the  
9 sidewalks on opposite sides of the highway measured from the  
10 curbs or, in the absence of curbs, from the edges of the shoulder,  
11 or, if none, from the edges of the roadway; also, any portion of a  
12 highway at an intersection or elsewhere distinctly indicated for  
13 pedestrian crossing by lines or other marking on the surface.

14 "Dealer" includes every person actively engaged in the business  
15 of buying, selling or exchanging motor vehicles or motorcycles  
16 and who has an established place of business.

17 "Department" means the Division of Motor Vehicles in the  
18 Department of Law and Public Safety of this State acting  
19 directly or through its duly authorized officers or agents.

20 "Deputy commissioner" means deputy director of the Division  
21 of Motor Vehicles in the Department of Law and Public Safety.

22 "Deputy director" means deputy director of the Division of  
23 Motor Vehicles in the Department of Law and Public Safety.

24 "Director" means the Director of the Division of Motor  
25 Vehicles in the Department of Law and Public Safety.

26 "Division" means the Division of Motor Vehicles in the  
27 Department of Law and Public Safety acting directly or through  
28 its duly authorized officers or agents.

29 "Driver" means the rider or driver of a horse, bicycle or  
30 motorcycle or the driver or operator of a motor vehicle, unless  
31 otherwise specified.

32 "Explosives" means any chemical compound or mechanical  
33 mixture that is commonly used or intended for the purpose of  
34 producing an explosion and which contains any oxidizing and  
35 combustive units or other ingredients in such proportions,  
36 quantities or packing that an ignition by fire, friction, by  
37 concussion, by percussion, or by detonator of any part of the  
38 compound or mixture may cause such a sudden generation of  
39 highly heated gases that the resultant gaseous pressures are  
40 capable of producing destructive effects on contiguous objects or  
41 of destroying life or limb.

42 "Farm tractor" means every motor vehicle designed and used  
43 primarily as a farm implement for drawing plows, mowing  
44 machines, and other implements of husbandry.

45 "Flammable liquid" means any liquid having a flash point below  
46 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

47 "Gross weight" means the combined weight of a vehicle and a  
48 load thereon.

49 <sup>3</sup>"High occupancy vehicle" or "HOV" means a vehicle which is  
50 used to transport two or more persons and shall include public  
51 transportation, car pool, van pool, and other vehicles as  
52 determined by regulation of the Department of Transportation.<sup>3</sup>

53 "Highway" means the entire width between the boundary lines  
54 of every way publicly maintained when any part thereof is open

1 to the use of the public for purposes of vehicular travel.

2 "Horse" includes mules and all other domestic animals used as  
3 draught animals or beasts of burden.

4 "Inside lane" means the lane nearest the center line of the  
5 roadway.

6 "Intersection" means the area embraced within the  
7 prolongation of the lateral curb lines or, if none, the lateral  
8 boundary lines of two or more highways which join one another at  
9 an angle, whether or not one such highway crosses another.

10 "Laned roadway" means a roadway which is divided into two or  
11 more clearly marked lanes for vehicular traffic.

12 "Limited-access highway" means every highway, street, or  
13 roadway in respect to which owners or occupants of abutting  
14 lands and other persons have no legal right of access to or from  
15 the same except at such points only and in such manner as may be  
16 determined by the public authority having jurisdiction over such  
17 highway, street, or roadway; and includes any highway designated  
18 as a "freeway" or "parkway" by authority of law.

19 "Local authorities" means every county, municipal and other  
20 local board or body having authority to adopt local police  
21 regulations under the Constitution and laws of this State,  
22 including every county [board of chosen freeholders] governing  
23 body with relation to county roads.

24 "Magistrate" means any municipal court and the Superior  
25 Court, and any officer having the powers of a committing  
26 magistrate and the Director of the Division of Motor Vehicles in  
27 the Department of Law and Public Safety.

28 "Manufacturer" means a person engaged in the business of  
29 manufacturing or assembling motor vehicles, who will, under  
30 normal business conditions during the year, manufacture or  
31 assemble at least 10 new motor vehicles.

32 "Metal tire" means every tire the surface of which in contact  
33 with the highway is wholly or partly of metal or other hard  
34 nonresilient material.

35 "Motorized bicycle" means a pedal bicycle having a helper  
36 motor characterized in that either the maximum piston  
37 displacement is less than 50 cc. or said motor is rated at no more  
38 than 1.5 brake horsepower and said bicycle is capable of a  
39 maximum speed of no more than 25 miles per hour on a flat  
40 surface.

41 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
42 motor attached and all motor-operated vehicles of the bicycle or  
43 tricycle type, except motorized bicycles as defined in this  
44 section, whether the motive power be a part thereof or attached  
45 thereto and having a saddle or seat with driver sitting astride or  
46 upon it or a platform on which the driver stands.

47 "Motor-drawn vehicle" includes trailers, semitrailers, or any  
48 other type of vehicle drawn by a motor-driven vehicle.

49 "Motor vehicle" includes all vehicles propelled otherwise than  
50 by muscular power, excepting such vehicles as run only upon rails  
51 or tracks and motorized bicycles.

52 "Noncommercial truck" means every motor vehicle designed  
53 primarily for transportation of property, and which is not a  
54 "commercial vehicle."

1 "Official traffic control devices" means all signs, signals,  
2 markings, and devices not inconsistent with this subtitle placed or  
3 erected by authority of a public body or official having  
4 jurisdiction for the purpose of regulating, warning, or guiding  
5 traffic.

6 "Omnibus" includes all motor vehicles used for the  
7 transportation of passengers for hire, except commuter vans and  
8 vehicles used in ridesharing arrangements and school buses, if the  
9 same are not otherwise used in the transportation of passengers  
10 for hire.

11 "Operator" means a person who is in actual physical control of  
12 a vehicle or street car.

13 "Outside lane" means the lane nearest the curb or outer edge  
14 of the roadway.

15 "Owner" means a person who holds the legal title of a vehicle,  
16 or if a vehicle is the subject of an agreement for the conditional  
17 sale or lease thereof with the right of purchase upon performance  
18 of the conditions stated in the agreement and with an immediate  
19 right of possession vested in the conditional vendee or lessee, or  
20 if a mortgagor of a vehicle is entitled to possession, then the  
21 conditional vendee, lessee or mortgagor shall be deemed the  
22 owner for the purpose of this subtitle.

23 "Parking" means the standing or waiting on a street, road or  
24 highway of a vehicle not actually engaged in receiving or  
25 discharging passengers or merchandise, unless in obedience to  
26 traffic regulations or traffic signs or signals.

27 "Passenger automobile" means all automobiles used and  
28 designed for the transportation of passengers, other than  
29 omnibuses and school buses.

30 "Pedestrian" means a person afoot.

31 "Person" includes natural persons, firms, copartnerships,  
32 associations, and corporations.

33 "Pneumatic tire" means every tire in which compressed air is  
34 designed to support the load.

35 "Pole trailer" means every vehicle without motive power  
36 designed to be drawn by another vehicle and attached to the  
37 towing vehicle by means of a reach, or pole, or by being boomed  
38 or otherwise secured to the towing vehicle, and ordinarily used  
39 for transporting long or irregularly shaped loads, such as poles,  
40 pipes, or structural members capable, generally, of sustaining  
41 themselves as beams between the supporting connections.

42 "Private road or driveway" means every road or driveway not  
43 open to the use of the public for purposes of vehicular travel.

44 "Railroad train" means a steam engine, electric or other  
45 motor, with or without cars coupled thereto, operated upon rails,  
46 except street cars.

47 "Residence district" means that portion of a highway and the  
48 territory contiguous thereto, not comprising a business district,  
49 where within any 600 feet along such highway there are buildings  
50 in use for business or residential purposes which occupy 300 feet  
51 or more of frontage on at least one side of the highway.

52 "Ridesharing" means the transportation of persons in a motor  
53 vehicle, with a maximum carrying capacity of not more than 15  
54 passengers, including the driver, where such transportation is

1 incidental to the purpose of the driver. The term shall include  
2 such ridesharing arrangements known as car pools and van pools.

3 "Right-of-way" means the privilege of the immediate use of  
4 the highway.

5 "Road tractor" means every motor vehicle designed and used  
6 for drawing other vehicles and not so constructed as to carry any  
7 load thereon either independently or any part of the weight of a  
8 vehicle or load so drawn.

9 "Roadway" means that portion of a highway improved,  
10 designed, or ordinarily used for vehicular travel, exclusive of the  
11 berm or shoulder. In the event a highway includes two or more  
12 separate roadways, the term "roadway" as used herein shall refer  
13 to any such roadway separately, but not to all such roadways,  
14 collectively.

15 "Safety zone" means the area or space officially set aside  
16 within a highway for the exclusive use of pedestrians, which is so  
17 plainly marked or indicated by proper signs as to be plainly visible  
18 at all times while set apart as a safety zone.

19 "School bus" means every motor vehicle operated by, or under  
20 contract with, a public or governmental agency, or religious or  
21 other charitable organization or corporation, or privately  
22 operated for compensation for the transportation of children to  
23 or from school for secular or religious education, which complies  
24 with the regulations of the Department of Education affecting  
25 school buses, including "School Vehicle Type I" and "School  
26 Vehicle Type II" as defined below:

27 "School Vehicle Type I" means any vehicle with a seating  
28 capacity of 17 or more, used to transport enrolled children, and  
29 adults only when serving as chaperones, to or from a school,  
30 school connected activity, day camp, summer day camp, nursery  
31 school, child care center, preschool center or other similar places  
32 of education. Such vehicle shall comply with the regulations of  
33 the Division of Motor Vehicles and either the Department of  
34 Education or the Department of Human Services, whichever is  
35 the appropriate supervising agency.

36 "School Vehicle Type II" means any vehicle with a seating  
37 capacity of 16 or less, used to transport enrolled children, and  
38 adults only when serving as chaperones, to or from a school,  
39 school connected activity, day camp, summer day camp, nursery  
40 school, child care center, preschool center or other similar places  
41 of education. Such vehicle shall comply with the regulations of  
42 the Division of Motor Vehicles and either the Department of  
43 Education or the Department of Human Services, whichever is  
44 the appropriate supervising agency.

45 "School zone" means that portion of a highway which is either  
46 contiguous to territory occupied by a school building or is where  
47 school crossings are established in the vicinity of a school, upon  
48 which are maintained appropriate "school signs" in accordance  
49 with specifications adopted by the director and in accordance  
50 with law.

51 "School crossing" means that portion of a highway where  
52 school children are required to cross the highway in the vicinity  
53 of a school.

54 "Semitrailer" means every vehicle with or without motive

1 power, other than a pole trailer, designed for carrying persons or  
2 property and for being drawn by a motor vehicle and so  
3 constructed that some part of its weight and that of its load rests  
4 upon or is carried by another vehicle.

5 "Shipper" means any person who shall deliver, or cause to be  
6 delivered, any commodity, produce or article for transportation  
7 as the contents or load of a commercial motor vehicle. <sup>3</sup>In the  
8 case of a sealed ocean container, "shipper" shall not be construed  
9 to include any person whose activities with respect to the  
10 shipment are limited to the solicitation or negotiation of the sale,  
11 resale, or exchange of the commodity, produce or article within  
12 that container.<sup>3</sup>

13 "Shoulder" means that portion of the highway, exclusive of and  
14 bordering the roadway, designed for emergency use but not  
15 ordinarily to be used for vehicular travel.

16 "Sidewalk" means that portion of a highway intended for the  
17 use of pedestrians, between the curb line or the lateral line of a  
18 shoulder, or if none, the lateral line of the roadway and the  
19 adjacent right-of-way line.

20 "Sign." See "Official traffic control devices."

21 "Slow-moving vehicle" means a vehicle run at a speed less than  
22 the maximum speed then and there permissible.

23 "Solid tire" means every tire of rubber or other resilient  
24 material which does not depend upon compressed air for the  
25 support of the load.

26 "Street" means the same as highway.

27 "Street car" means a car other than a railroad train, for  
28 transporting persons or property and operated upon rails  
29 principally within a municipality.

30 "Stop," when required, means complete cessation from  
31 movement.

32 "Stopping or standing," when prohibited, means any cessation  
33 of movement of a vehicle, whether occupied or not, except when  
34 necessary to avoid conflict with other traffic or in compliance  
35 with the directions of a police officer or traffic control sign or  
36 signal.

37 "Through highway" means every highway or portion thereof at  
38 the entrances to which vehicular traffic from intersecting  
39 highways is required by law to stop before entering or crossing  
40 the same and when stop signs are erected as provided in this  
41 chapter.

42 "Trackless trolley" means every motor vehicle which is  
43 propelled by electric power obtained from overhead trolley wires  
44 but not operated upon rails.

45 "Traffic" means pedestrians, ridden or herded animals,  
46 vehicles, street cars, and other conveyances either singly, or  
47 together, while using any highway for purposes of travel.

48 "Traffic control signal" means a device, whether manually,  
49 electrically, mechanically, or otherwise controlled, by which  
50 traffic is alternately directed to stop and to proceed.

51 "Trailer" means every vehicle with or without motive power,  
52 other than a pole trailer, designed for carrying persons or  
53 property and for being drawn by a motor vehicle and so  
54 constructed that no part of its weight rests upon the towing

1 vehicle.

2 "Truck" means every motor vehicle designed, used, or  
3 maintained primarily for the transportation of property.

4 "Truck tractor" means every motor vehicle designed and used  
5 primarily for drawing other vehicles and not so constructed as to  
6 carry a load other than a part of the weight of the vehicle and  
7 load so drawn.

8 <sup>3</sup>["Van pooling"] "Vanpooling"<sup>3</sup> means <sup>3</sup>[eight] seven<sup>3</sup> or more  
9 persons commuting on a daily basis to and from work by means of  
10 a vehicle with a seating arrangement designed to carry <sup>3</sup>[eight]  
11 seven<sup>3</sup> to 15 adult passengers.

12 "Vehicle" means every device in, upon or by which a person or  
13 property is or may be transported upon a highway, excepting  
14 devices moved by human power or used exclusively upon  
15 stationary rails or tracks or motorized bicycles.

16 (cf: P.L.1992, c.32, s.14)

17 2. Section 5 of P.L.1950, c.142 (C.39:3-84.3) is amended to  
18 read as follows:

19 5. a. Any State Police officer is authorized to require the  
20 driver, operator, owner, lessee or bailee of any vehicle or  
21 combination of vehicles found on any public road, street or  
22 highway or on any public or quasi-public property in this State to  
23 stop and submit the vehicle or combination of vehicles, including  
24 load or contents, to measurement or weighing to determine  
25 whether the size or weight of the vehicle or combination of  
26 vehicles, including load or contents, is in excess of that permitted  
27 in this Title, by means of measuring or weighing devices or scales  
28 approved and certified by the State Superintendent of Weights  
29 and Measures or his agent. Copies of documents displaying the  
30 seal or certification of the State Superintendent of Weights and  
31 Measures shall be prima facie evidence of the reliability and  
32 accuracy of the measuring or weighing devices or scales utilized  
33 in the enforcement of this Title. The driver, operator, owner,  
34 lessee or bailee of a vehicle or combination of vehicles, including  
35 load or contents, that is to be measured or weighed may be  
36 required to drive or otherwise move the vehicle or combination of  
37 vehicles to a location, as directed by the officer or inspector,  
38 where the vehicle or combination of vehicles, including load or  
39 contents, can be measured or weighed, as described in this  
40 section.

41 b. Whenever the officer, upon measuring or weighing a vehicle  
42 or combination of vehicles, including load or contents, determines  
43 that the size or weight is in excess of the limits permitted in this  
44 Title, the officer or inspector shall require the driver, operator,  
45 owner, lessee or bailee to stop the vehicle or combination of  
46 vehicles in a suitable place and remain in that place until a  
47 portion of the load or contents of the vehicle or combination of  
48 vehicles is removed by the driver, operator, owner, lessee, bailee  
49 or duly appointed agent thereof, as may be necessary to conform  
50 or reduce the size or weight of the vehicle or combination of  
51 vehicles, including load or contents, to those limits as permitted  
52 under this act, or permitted by the certificate of registration for  
53 the vehicle or combination of vehicles, whichever may be lower.  
54 All materials so unloaded or removed shall be cared for by the



1 driver, owner, operator, lessee or bailee of the vehicle or  
2 combination of vehicles, or duly appointed agent thereof, at the  
3 risk, responsibility and liability of the driver, owner, operator,  
4 lessee, bailee or duly appointed agent thereof.

5 c. No vehicle or combination of vehicles shall be deemed to be  
6 in violation of the weight limitation provision of this act, when,  
7 upon examination by the officer, the dispatch papers for the  
8 vehicle or combination of vehicles, including load or contents,  
9 show it is proceeding from its last preceding freight pickup point  
10 within the State of New Jersey by a reasonably expeditious route  
11 to the nearest available scales or to the first available scales in  
12 the general direction towards which the vehicle or combination of  
13 vehicles has been dispatched, or is returning from such scales  
14 after weighing-in to the last preceding pickup point.

15 d. When the officer determines that a vehicle or combination  
16 of vehicles, including load or contents, is in violation of the  
17 weight limitations of this Title as provided at [R.S.39:3-84b. (1)]  
18 paragraph (1) of subsection b. of R.S.39:3-84; [R.S.39:3-84b. (2)]  
19 paragraph (2) of subsection b. of R.S.39:3-84; [R.S.39:3-84b. (3)]  
20 paragraph (3) of subsection b. of R.S.39:3-84; or [R.S.39:3-84b.  
21 (5)] paragraph (5) of subsection b. of R.S.39:3-84 relative to  
22 maximum gross axle weights, but is within the permissible  
23 maximum gross vehicle weight of this Title as provided at  
24 [R.S.39:3-84b. (4) ] paragraph (4) of subsection b. of R.S.39:3-84  
25 or [R.S.39:3-84b. (5)] paragraph (5) of subsection b. of  
26 R.S.39:3-84, whichever is applicable, the driver, operator, owner,  
27 lessee, bailee or duly appointed agent thereof shall be permitted,  
28 before proceeding, to redistribute the weight of the vehicle or  
29 combination of vehicles or the load or contents of the vehicle or  
30 combination of vehicles so that no axle or combination of  
31 consecutive axles are in excess of the limits set by this act, in  
32 which event there is no violation.

33 e. When the officer determines that a vehicle or combination  
34 of vehicles, including load or contents, is in violation of the  
35 height, width or length limits of this Title as provided at  
36 [R.S.39:3-84a.] subsection a. of R.S.39:3-84, the driver, operator,  
37 owner, lessee or bailee of the vehicle or combination of vehicles  
38 or duly appointed agent thereof shall be permitted, before  
39 proceeding, to adjust, reduce or conform the vehicle or  
40 combination of vehicles, including load or contents, so that the  
41 vehicle or combination of vehicles, including load or contents, are  
42 not in excess of the height, width, or length limits set by this act,  
43 in which event there is no violation.

44 f. The provisions of this subsection shall not apply to a vehicle  
45 or combination of vehicles, including load or contents, found or  
46 operated on any highway in this State which is part of or  
47 designated as part of the National Interstate System, as provided  
48 at 23 U.S.C. § 103(e). No arrest shall be made or summons issued  
49 for a violation of the weight limitations provided in this act at  
50 [R.S.39:3-84b.] subsection b. of R.S.39:3-84 where the excess  
51 weight is no more than 5% of the weight permitted, provided the  
52 gross weight of the vehicle or combination of vehicles, including  
53 load or contents, does not exceed the maximum gross weight of  
54 80,000 pounds as set forth at [R.S.39:3-84b. (4)] paragraph (4) of

1 subsection b. of R.S.39:3-84.

2 g. Any person who presents to the officer, or has in his  
3 possession, or who prepares false dispatch papers, that is to say,  
4 dispatch papers which do not correspond to the cargo carried,  
5 shall be subject to a fine not to exceed \$100.00.

6 h. Any driver of a vehicle or combination of vehicles who fails  
7 or refuses to stop and submit the vehicle or combination of  
8 vehicles, including load or contents, to measurement or weighing,  
9 as provided in this Title, or otherwise fails to comply with the  
10 provisions of this section, shall be subject to a fine not exceeding  
11 \$200.00.

12 i. The owner, lessee, bailee or any one of the aforesaid of any  
13 vehicle or combination of vehicles found or operated on any  
14 public road, street or highway or on any public or quasi-public  
15 property in this State in violation of the height, width or length  
16 limits as set forth in subsection a. of R.S.39:3-84 shall be fined  
17 not less than \$150.00 nor more than \$500.00.

18 j. The <sup>1</sup>[shipper,]<sup>1</sup> owner, lessee, bailee or any one of the  
19 aforesaid of any vehicle or combination of vehicles found or  
20 operated on any public road, street or highway or on any public or  
21 quasi-public property in this State, with a gross weight of the  
22 vehicle or combination of vehicles, including load or contents, in  
23 excess of the weight limitations as provided at subsection b. of  
24 R.S.39:3-84 or <sup>1</sup>[except for a shipper, of]<sup>1</sup> section 3 of P.L.1950,  
25 c.142 (C.39:3-84.1) shall be fined an amount equal to \$0.02 per  
26 pound for each pound of the total excess weight; provided the  
27 total excess weight is 10,000 pounds or less, or shall be fined an  
28 amount equal to \$0.03 per pound for each pound of the total  
29 excess weight; provided the total excess weight is more than  
30 10,000 pounds, but in no event shall the fine be less than \$50.00.  
31 <sup>1</sup>However, in the case of any vehicle or combination of vehicles  
32 carrying a sealed ocean container, <sup>2</sup>either<sup>2</sup> the shipper, <sup>2</sup>[owner,  
33 lessee, bailee or any one of them] the consignee or both<sup>2</sup>, shall be  
34 liable for a violation of the weight limitations as provided at  
35 subsection b. of R.S.39:3-84 relative to maximum gross axle  
36 weights.<sup>1</sup>

37 k. Whenever a vehicle or combination of vehicles, including  
38 load or contents, is found to be in violation of any two or more of  
39 the weight limitations as provided at subsection b. of R.S.39:3-84  
40 or section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall  
41 be only for the violation involving the greater or greatest excess  
42 weight.

43 (cf: P.L.1983, c.403, s.12)

44 3. This act shall take effect immediately.

45

46

47

48

49 Makes shipper liable for overweight trucks.

1 property in this State in violation of the height, width or length  
2 limits as set forth in subsection a. of R.S.39:3-84 shall be fined  
3 not less than \$150.00 nor more than \$500.00.

4 j. The shipper, owner, lessee, bailee or any one of the  
5 aforesaid of any vehicle or combination of vehicles found or  
6 operated on any public road, street or highway or on any public or  
7 quasi-public property in this State, with a gross weight of the  
8 vehicle or combination of vehicles, including load or contents, in  
9 excess of the weight limitations as provided at subsection b. of  
10 R.S.39:3-84 or except for a shipper, of section 3 of P.L.1950,  
11 c.142 (C.39:3-84.1) shall be fined an amount equal to \$0.02 per  
12 pound for each pound of the total excess weight; provided the  
13 total excess weight is 10,000 pounds or less, or shall be fined an  
14 amount equal to \$0.03 per pound for each pound of the total  
15 excess weight; provided the total excess weight is more than  
16 10,000 pounds, but in no event shall the fine be less than \$50.00.

17 k. Whenever a vehicle or combination of vehicles, including  
18 load or contents, is found to be in violation of any two or more of  
19 the weight limitations as provided at subsection b. of R.S.39:3-84  
20 or section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall  
21 be only for the violation involving the greater or greatest excess  
22 weight.

23 (cf: P.L.1983, c.403, s.12)

24 3. This act shall take effect immediately.

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#### STATEMENT

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29 In order to reduce the incidence of overweight trucks on the  
30 road, which vehicles cause excessive damage to the pavement and  
31 may pose a safety hazard, this bill provides that shipper as well  
32 as the owner, lessee or bailee of an overweight truck shall be  
33 liable for the existing fine for overweight vehicles. Specifically,  
34 the shipper of the load or contents shall be liable for the  
35 imposition of a fine as provided in subsection j. of section 5 of  
36 P.L.1950, c.142 (C.39:3-84.3) if the commercial motor vehicle,  
37 including load or contents, is in excess of 80,000 pounds gross  
38 weight.

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43 \_\_\_\_\_  
Makes shipper liable for overweight trucks.

ASSEMBLY TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

**SENATE, No. 879**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DO NOT REMOVE

DATED: SEPTEMBER 21, 1992

The Assembly Transportation and Communications Committee favorably reports Senate Bill No. 879 (2R) with committee amendments.

This amended bill provides that in the case of any commercial motor vehicle or combination of vehicles carrying a sealed ocean container, the shipper, consignee, or both, shall be liable for a violation of the weight limitations as provided at subsection b. of R.S.39:3-84 relative to maximum gross axle weights.

The committee amendments clarify that a person whose activities with respect to the shipment of a sealed ocean container are limited to the solicitation or negotiation of the sale, resale or exchange of the commodity within the container shall not be deemed a shipper and therefore shall not be held liable for a maximum gross weight violation. In addition, the amendments reflect changes made to R.S.39:1-1 by P.L.1992, c.32.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

**SENATE, No. 879**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 15, 1992

The Senate Transportation Committee favorably reports Senate Bill No. 879 with committee amendments.

The amended bill provides that in the case of any commercial motor vehicle or combination of vehicles carrying a sealed ocean container, the shipper, owner, lessee, bailee or any of them, shall be liable for a violation of the weight limitations as provided at subsection b. of R.S.39:3-84 relative to maximum gross axle weights. This bill thus adds the shipper to the list of responsible parties for such a violation.

The committee adopted amendments to the bill deleting language making the shipper additionally responsible in the case of maximum gross weight violations but added the shipper to the list of responsible parties in the event of a maximum gross axle weight violation of a sealed ocean container carrying-vehicle.