

39: 5E-3

LEGISLATIVE HISTORY CHECKLIST

(Bulk Commodities
Transportation--
certain exemptions)

WJSA 39:5 E-3

LAWS OF 1979

CHAPTER 462

Bill No. S 3162

Sponsor(s) Bedell

Date Introduced April 23, 1979

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 17, 1979

Senate June 21, 1979

Date of approval February 27, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/> (Below)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>
Senate	Yes	<input checked="" type="checkbox"/>
Fiscal Note	XXX	No
Veto message	XXX	No
Message on signing	Yes	<input checked="" type="checkbox"/>

Following were printed:

Reports	XXX	No
Hearings	XXX	No

Sponsor's statement:

P.L. 1977, c. 259, cited as the "Bulk Commodities Transportation Act" provides for regulation by the Director of the Division of Motor Vehicles of the transportation of bulk commodities in intra-state commerce. The purpose of this bill is to exempt from such regulation asphalt pavers, road contractors and solid waste haulers.

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SENATE, No. 3162**STATE OF NEW JERSEY**

INTRODUCED APRIL 23, 1979

By Senator BEDELL

Referred to Committee on Transportation and Communications

AN ACT to amend "An act providing for the regulation of the transportation of bulk commodities in intrastate commerce, designating the Division of Motor Vehicles in the Department of Law and Public Safety to be responsible therefor, providing penalties for the violation thereof, and making an appropriation therefor," approved October 12, 1977 (P. L. 1977, c. 259).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1977, c. 259 (C. 39:5E-3) is amended to
2 read as follows:

3 3. The words and phrases used herein shall have the following
4 meaning:

5 a. "Person" means any individual, copartnership, association,
6 company, or corporation, and includes any trustee, receiver,
7 assignee, leasee, or personal representative of any person herein
8 defined.

9 b. "Director" means the Director of the Division of Motor
10 Vehicles in the Department of Law and Public Safety.

11 c. "Hauler of bulk commodities" or "bulk commodity hauler"
12 means any common carrier or contract carrier as defined herein.

13 d. "Motor vehicle" means any vehicle, machine, tractor, truck
14 trailer, or semi-trailer, or any combination thereof, propelled,
15 driven or drawn by mechanical power, and used upon the public
16 highways in the transportation of bulk commodities in intrastate
17 commerce defined herein.

18 e. "Intrastate commerce" means the shipment of property
19 wholly between points in this State, or at a single location, in
20 which the highways within or without this State are used by the
21 transporting motor vehicle.

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

22 f. "Public highway" or "highway" means any public street,
 23 road, thoroughfare, bridge and way in this State open to the use of
 24 the public for purposes of motor vehicular travel, including those
 25 that impose toll charges.

26 g. "Bulk commodities" means liquids or gases, not in containers,
 27 and dry fungible commodities, not in containers; slurries not in
 28 containers; ***W**aste liquid and dry bulk waste not in containers;*****
 29 loaded in bulk in a carrier's vehicle and unloaded in bulk from a
 30 carrier's vehicle. It shall not include agricultural, farm or dairy
 31 products in their natural, processed, concentrated or treated states,
 32 whether packaged or unpackaged.

33 h. "Common carrier" means any person who or which engages
 34 in or holds itself out to the general public to engage in the trans-
 35 portation of bulk commodities by motor vehicle for compensation
 36 in intrastate commerce in this State.

37 i. "Contract carrier" means any person who or which engages in
 38 transportation of bulk commodities by motor vehicle in intrastate
 39 commerce for compensation under continuing contracts with one
 40 person or a limited number of persons either (a) for the furnishing
 41 of transportation services through the assignment of motor vehicles
 42 for a continuing period of time to the exclusive use of each person
 43 served or (b) for the furnishing of transportation services designed
 44 to meet the distinct need of each individual customer.

45 j. "Certificate" means the certificate of public convenience and
 46 necessity issued by the director to a common carrier to operate as
 47 such over the public highways of this State, or at a single location.

48 k. "Permit" means the permit issued by the director to contract
 49 carriers to operate as such over the public highways of this State,
 50 or at a single location.

51 l. "Property" shall include all of the articles in the definition of
 52 bulk commodities.

53 ***m.** "*Road contractor*" means any person engaged in the con-
 54 struction, reconstruction or repair of existing or proposed road-
 55 ways or highways, and appurtenances thereto, including berms
 56 and shoulders.

57 n. "*Asphalt paver*" means a road contractor using asphalt
 58 paving mixtures.

59 o. "*Solid waste*" means garbage, refuse, and other discarded
 60 materials resulting from industrial, commercial and agricultural
 61 operations, and from domestic and community activities, and shall
 62 include all other waste materials including liquids.

63 *p. "Solid waste hauler" means any person engaged in the pick-up*
 64 *and transportation of solid waste to a disposal site or to a resource*
 65 *recovery facility.】**

1 *【2. Section 4 of P. L. 1977, c. 259 (C. 39:5E-4) is amended to
 2 read as follows:

3 4. The provisions of this act shall not be construed to include
 4 motor vehicles owned or operated by:

5 a. The United States, the State, or any local government sub-
 6 division, agency or instrumentality thereof;

7 b. Persons transporting property in intrastate commerce without
 8 compensation or transporting property of which such person is
 9 the owner and where said transportation is not performed as a
 10 subterfuge to avoid regulations hereunder.

11 *c. Asphalt pavers, road contractors or solid waste haulers en-*
 12 *gaged in intrastate commerce.】**

1 *【3.】* *2.* This act shall take effect immediately.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3162

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1979

P. L. 1977, c. 259, cited as the "Bulk Commodities Transportation Act" provides for regulation by the Director of the Division of Motor Vehicles of the transportation of bulk commodities in intrastate commerce. The purpose of this bill is to exempt from such regulation solid waste haulers who are already regulated by the Board of Public Utilities and the Department of Environmental Protection.

The Division of Motor Vehicles supports this bill.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3162

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 1979

As amended by the committee, this legislation exempts from the definition of "bulk commodities" waste liquids and dry bulk waste not in containers. Such wastes include garbage, refuse and other discarded materials.

The "Bulk Commodities Transportation Act" provides for the regulation by the Director of the Division of Motor Vehicles of the transportation of bulk commodities in intrastate commerce. This bill would exempt such waste haulers from such regulation.

This bill takes effect 60 days after enactment.

A-887, sponsored by former Assemblyman Peter Shapiro (D-Essex), which removes the current \$7,500 salary ceiling on the position of councilman's aide and allows the salary to be determined by municipal ordinance in certain municipalities.

A-1115, sponsored by Assemblyman Donald H. Stewart (D-Gloucester), which amends the law concerning the liquidation and rehabilitation of insolvent insurers. This bill establishes the priorities to be followed in a liquidation proceeding.

This bill establishes priorities as follows:

- (1) expenses of administration
- (2) employee claims authorized by current law;
- (3) governmental claims secured by perfected liens;
- (4) claims by insureds and by the New Jersey Property-Liability Insurance Guaranty Association and similar organizations in other states; and
- (5) all other claims.

S-3162, sponsored by Senator Eugene J. Bedell (D-Monmouth) which amends the "Bulk Commodities Transportation Act of 1977" to exempt solid waste haulers from its regulation.

The 1977 act empowered the Division of Motor Vehicles to regulate the transportation of bulk commodities in intrastate commerce. The collection, transportation and disposal of solid waste is thoroughly regulated by both the Board of Public Utilities and the Department of Environmental Protection.

S-3250, also sponsored by Senator Bedell, which amends the "Local Public Contracts Law".

Under the law, a contractor may elect to deposit negotiable bearer bonds on projects for municipalities which exceed a price of \$100,000 or he can elect to permit the withholding of case payments by the municipality.