

SENATE, No. 553

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Permits certain sheriffs to enforce truck weight limits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S553 CUNNINGHAM

2

1 AN ACT concerning the enforcement of vehicle weight limits and
2 amending P.L.1950, c.142.

3

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

6

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

9 5. a. Officers shall have authority as set forth in paragraphs (1)
10 through (3) of this subsection to require the driver, operator, owner,
11 lessee or bailee of any vehicle or combination of vehicles found on
12 any public road, street, or highway or any public or quasi-public
13 property in this State to facilitate and permit the measurement or
14 weighing of the vehicle or combination of vehicles, including load
15 or contents, for the purpose of determining whether the size or
16 weight of the vehicle or combination of vehicles, including load or
17 contents, is in excess of that permitted in this Title :

18 (1) Officers of the Division of State Police shall have the
19 exclusive authority to conduct random roadside examinations for
20 the purpose of determining whether size or weight is in excess of
21 that permitted in this Title, and officers of the Division of State
22 Police shall have the authority, with or without probable cause to
23 believe that the size or weight is in excess of that permitted, to
24 require the driver, operator, owner, lessee or bailee, to stop, drive or
25 otherwise move to a location for measurement or weighing and
26 submit the vehicle or combination of vehicles, including load or
27 contents, to measurement or weighing. In the event that a county
28 purchases for the use of its sheriff's officers the same or equivalent
29 equipment as that used by the officers of the Division of State
30 Police to conduct random roadside examinations pursuant to this
31 paragraph, and ensures that the sheriff's officers have access to the
32 commercial vehicle inspection database used by the State Police,
33 then the sheriff's officers of that county who are properly trained
34 and certified to use the equipment and to conduct random roadside
35 inspections may also conduct random roadside examinations and
36 perform the other duties enumerated in this paragraph. The
37 authority granted to county sheriff's officers pursuant to this
38 paragraph shall extend to all vehicles or combination of vehicles
39 except those with intermodal equipment or those which do not
40 exceed a 26,000 pound gross vehicle weight rating. For purposes of
41 this paragraph, "intermodal equipment" means intermodal freight
42 containers and the chassis or trailers designed to carry intermodal
43 freight containers. A vehicle or combination of vehicles shall
44 not be stopped for a random roadside inspection by a State Police
45 officer or a county sheriff's officer pursuant to this paragraph if it

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 has been stopped for a random roadside inspection anywhere in the
2 United States within the previous 24 hours;

3 (2) Police or peace officers or inspectors appointed by any
4 municipality or county, or sheriff's officers in a county where the
5 sheriff conducts road patrols, shall have the authority to require the
6 driver, operator, owner, lessee or bailee to stop, drive or otherwise
7 move to a location for measurement or weighing or to remain on the
8 roadway or move to a temporary location and submit the vehicle or
9 combination of vehicles, including load or contents, to measurement
10 or weighing, only if the officer has probable cause to believe that
11 the size or weight of the vehicle or combination of vehicles,
12 including load or contents, is in excess of that permitted by this
13 Title, except as otherwise provided for sheriff's officers in
14 paragraph (1) of this subsection. Nothing in this paragraph shall be
15 construed as depriving any such officer of authority to determine by
16 means of measuring or weighing devices or scales approved and
17 certified by the State Superintendent of Weights and Measures or
18 his agent that the vehicle or combination of vehicles is in violation
19 of this Title and to issue a summons pursuant to law; and

20 (3) **【The】** Except as provided in paragraphs (1) and (2) of this
21 subsection, the Division of State Police and the director shall have
22 the exclusive authority to establish and operate locations for the
23 measurement and weighing of vehicles, including load and contents,
24 and all measuring and weighing devices or scales employed at such
25 locations shall be approved and certified by the State
26 Superintendent of Weights and Measures or the State
27 Superintendent's agent. Copies of documents displaying the State
28 Superintendent's seal or certification shall be prima facie evidence
29 of the reliability and accuracy of the measuring or weighing devices
30 or scales utilized.

31 b. Whenever the officer, upon measuring or weighing a vehicle
32 or combination of vehicles, including load or contents, determines
33 that the size or weight is in excess of the limits permitted in this
34 Title, the officer or inspector shall require the driver, operator,
35 owner, lessee or bailee to stop the vehicle or combination of
36 vehicles in a suitable place and remain in that place until a portion
37 of the load or contents of the vehicle or combination of vehicles is
38 removed by the driver, operator, owner, lessee, bailee or duly
39 appointed agent thereof, as may be necessary to conform or reduce
40 the size or weight of the vehicle or combination of vehicles,
41 including load or contents, to those limits as permitted under this
42 act, or permitted by the certificate of registration for the vehicle or
43 combination of vehicles, whichever may be lower. All materials so
44 unloaded or removed shall be cared for by the driver, owner,
45 operator, lessee or bailee of the vehicle or combination of vehicles,
46 or duly appointed agent thereof, at the risk, responsibility and
47 liability of the driver, owner, operator, lessee, bailee or duly
48 appointed agent thereof.

S553 CUNNINGHAM

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

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

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

37 f. The provisions of this subsection shall not apply to a vehicle
38 or combination of vehicles, including load or contents, found or
39 operated on any highway in this State which is part of or designated
40 as part of the National Interstate System, as provided at 23 U.S.C. s.
41 103(e). No arrest shall be made or summons issued for a violation
42 of the weight limitations provided in this act at subsection b. of
43 R.S.39:3-84 where the excess weight is no more than 5% of the
44 weight permitted, provided the gross weight of the vehicle or
45 combination of vehicles, including load or contents, does not
46 exceed the maximum gross weight of 80,000 pounds as set forth at
47 paragraph (4) of subsection b. of R.S.39:3-84.

48 g. Any person who presents to the officer, or has in his

1 possession, or who prepares false dispatch papers, that is to say,
2 dispatch papers which do not correspond to the cargo carried, shall
3 be subject to a fine not to exceed \$300.

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

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

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

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

39 l. The driver, owner, lessee, bailee or any one of the foregoing
40 of any combination of vehicles found or operated on any public
41 road, street or highway or on any public or quasi-public property in
42 the State in violation of the regulations of the Commissioner of
43 Transportation regarding designated routes for such combinations
44 as provided in subsection e. of R.S.39:3-84 shall be fined not more
45 than \$400 for the first offense, and shall be subject to a fine of \$700
46 for the second offense and a fine of \$1,000 for each subsequent
47 offense. The officer may direct that a combination of vehicles so
48 found or operated proceed by the most direct route to a permitted

1 route or return to a permitted route by making use of the route
2 already traversed.
3 (cf: P.L.1999, c.348, s.3)
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5 2. This act shall take effect immediately.
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8 STATEMENT
9

10 This bill adds sheriffs who conduct road patrols in a county to
11 the officers who are authorized to enforce the weight and size
12 restrictions imposed on vehicles and combinations of vehicles under
13 the State motor vehicle code.

14 This bill clarifies that police or peace officers or inspectors
15 appointed by any municipality or county or sheriff's officers in a
16 county where the sheriff conducts road patrols have the authority to
17 require a driver of a vehicle to stop on the roadway or move to a
18 temporary location for purposes of measuring or weighing the
19 vehicle when the officer has probable cause to believe that the
20 vehicle is in excess of permitted size and weight restrictions. The
21 measuring and weighing must be done by devices or scales
22 approved and certified by the State Superintendent of Weights and
23 Measures. Further, under this bill, such officers have authority to
24 issue a summons pursuant to law if the vehicle is in violation of
25 such restrictions. Such officers continue to have authority to
26 require vehicle drivers, when there is probable cause, to move to a
27 location established by the Division of State Police for measuring
28 and weighing vehicles.

29 The bill provides that if a county purchases for the use of its
30 sheriff's officers the same or equivalent equipment as that used by
31 the State Police to conduct random roadside examinations and
32 ensures that the sheriff's officers have access to the commercial
33 vehicle inspection database used by the State Police, then the
34 sheriff's officers of that county who are properly trained and
35 certified to use the equipment and to conduct random roadside
36 inspections may also conduct random roadside examinations and
37 weigh the vehicle.

38 The bill also provides that a commercial motor vehicle shall not
39 be stopped for a random roadside inspection by a New Jersey State
40 Police officer or a county's sheriff's officer if it has been stopped for
41 a random roadside inspection anywhere in the United States within
42 the previous 24 hours.

43 This bill is intended to reduce the number of overweight and
44 oversized trucks on the State's highways by increasing the number
45 of officers with the authority to enforce vehicle size and weight
46 restrictions.