

# ASSEMBLY, No. 1479

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Prohibits transport of certain items by motor vehicle on certain roadways;  
provides standards for loading of motor vehicle with certain items.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1479 MORIARTY

2

1 AN ACT concerning the transport of certain materials by motor  
2 vehicle and amending R.S.39:4-77.

3

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

6

7 1. R.S.39:4-77 is amended to read as follows:

8 R.S.39:4-77. a. **[No]** A person shall not cause or permit a  
9 vehicle to be **[so]** loaded or operate a vehicle **[so]** loaded in a way  
10 that the contents, or any part thereof, may be scattered in any  
11 **[street]** road. Whenever the load of any vehicle is of material,  
12 other than farm products, that is susceptible to scattering on a  
13 **[street]** road and **[such]** the load extends above the height of the  
14 sides or tail gate, or beyond the rear of the body of the vehicle,  
15 **[such]** the load shall be securely covered by a tarpaulin or other  
16 cover.

17 **[The director, where public safety so warrants, shall, after a**  
18 **public hearing, prescribe by rule or regulation minimum safety**  
19 **standards for fastening loads on and fix loading procedures for any**  
20 **commercial type flat bed motor vehicle or motor-drawn vehicle.**  
21 **Any rule or regulation so promulgated by the director shall be filed**  
22 **in the Secretary of State's office and copies thereof shall be**  
23 **available, upon request, in the director's office.]**

24 The owner, lessee, bailee, or operator of any vehicle described  
25 above found on **[a highway]** any road in violation of this  
26 subsection or any [such] safety standard or procedure that may be  
27 prescribed by the [director] chief administrator shall be fined not  
28 more than [\$500.00] \$500 for each violation.

29 b. A person shall not cause or permit a vehicle to be loaded or  
30 operate a vehicle loaded in a way that the contents, or any part  
31 thereof, may become dislodged from the vehicle and fall onto any  
32 road. Whenever the load of any vehicle is of items, including, but  
33 not limited to, furniture, mattresses, or other similar items, that pose  
34 a danger on roads if those items were to fall on to the road and the  
35 load extends above the height of the sides or tail gate, or extends  
36 beyond the rear of the body of the vehicle, or is placed atop the roof  
37 of the cabin of the vehicle, the load shall be securely fastened to the  
38 vehicle with straps with ratchet fasteners, elastic cords with metal  
39 hooks able to withstand the weight of the load, or other similar  
40 safety devices and covered by a tarpaulin or other cover and the  
41 vehicle shall not be operated on any road under the jurisdiction of  
42 the Department of Transportation with a speed limit of 50 miles per  
43 hour or faster, or any road under the jurisdiction of the New Jersey  
44 Turnpike Authority or the South Jersey Transportation Authority.

**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       The owner, lessee, bailee, or operator of any vehicle described  
2 above found on a road under the jurisdiction of the Department of  
3 Transportation with a speed limit of 50 miles per hour or faster, or  
4 any road under the jurisdiction of the New Jersey Turnpike  
5 Authority or the South Jersey Transportation Authority in violation  
6 of this subsection or any safety standard or procedure that may be  
7 prescribed by the chief administrator shall be fined not more than  
8 \$750 for each violation. If the contents of a load becomes dislodged  
9 and falls onto a road under the jurisdiction of the Department of  
10 Transportation with a speed limit of 50 miles per hour or faster, or  
11 any road under the jurisdiction of the New Jersey Turnpike  
12 Authority or the South Jersey Transportation Authority, the owner,  
13 lesses, bailee, or operator of the vehicle shall be subject to fine of  
14 not more than \$1,000, or up to 10 days imprisonment, or both.

15       c. The Chief Administrator of the New Jersey Motor Vehicle  
16 Commission shall, in accordance with the “Administrative  
17 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) adopt rules  
18 and regulations as the chief administrator deems necessary to carry  
19 out the provisions of this act with respect to the minimum safety  
20 standards for fastening loads on and loading procedures for any  
21 commercial type flat bed motor vehicle, motor-drawn vehicle, and  
22 passenger automobile temporarily used to transport the  
23 aforementioned material.

24 (cf: P.L.1968, c.272, s.1)

25

26       2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31       This bill prohibits a person from loading or operating a vehicle  
32 loaded in a way that may cause the contents, which is to include,  
33 but not be limited to, furniture, mattresses, or other similar items, or  
34 any part thereof, to become dislodged from the vehicle and fall onto  
35 any road.

36       The bill also requires that whenever the load of any vehicle is of  
37 items that pose a danger on roads if those items were to fall on to  
38 the road and the load extends above the height of the sides or tail  
39 gate, or extends beyond the rear of the body of the vehicle, or is  
40 placed atop the roof of the cabin of the vehicle, the load is to be  
41 securely fastened to the vehicle with straps with ratchet fasteners,  
42 elastic cords with metal hooks able to withstand the weight of the  
43 load, or other similar safety devices and covered by a tarpaulin or  
44 other cover but may not be operated on any road under the  
45 jurisdiction of the Department of Transportation (DOT) with a  
46 speed limit of 50 miles per hour or faster, or any road under the  
47 jurisdiction of the New Jersey Turnpike Authority (NJTA) or the  
48 South Jersey Transportation Authority (SJTA).

**A1479 MORIARTY**

1       A person, who violates the provisions of the bill by operating a  
2 vehicle with load that may become dislodged upon a road under the  
3 jurisdiction of the DOT with a speed limit of 50 miles per hour or  
4 faster, or any road under the jurisdiction of NJTA or SJTA, may  
5 subject to fine of not more than \$750. Under the bill, a person may  
6 to subject to fine of not more than \$1,000, or up to 10 days  
7 imprisonment, or both, if the contents of a load becomes dislodged  
8 and falls onto a road under the jurisdiction of the DOT with a speed  
9 limit of 50 miles per hour or faster, or any road under the  
10 jurisdiction of the NJTA or the SJTA.

11       Under the bill, the Chief Administrator of the New Jersey Motor  
12 Vehicle Commission is to promulgate regulations concerning the  
13 minimum safety standards for fastening loads on and loading  
14 procedures for any commercial type flat bed motor vehicle, motor-  
15 drawn vehicle, and passenger automobile temporarily used to  
16 transport material.