

ASSEMBLY, No. 573

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman TURNER

1 AN ACT concerning commercial motor vehicles and amending  
2 P.L.1950, c.142 and R.S.39:5-1.

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 read  
8 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 any  
12 public road, street, or highway or any public or quasi-public property  
13 in this State to facilitate and permit the measurement or weighing of  
14 the vehicle or combination of vehicles, including load or contents, for  
15 the purpose of determining whether the size or weight of the vehicle  
16 or combination of vehicles, including load or contents, is in excess of  
17 that permitted in this Title:

18 (1) Officers of the Division of State Police shall have the exclusive  
19 authority to conduct random roadside examinations for the purpose of  
20 determining whether size or weight is in excess of that permitted in  
21 this Title, and officers of the Division of State Police shall have the  
22 authority, with or without probable cause to believe that the size or  
23 weight is in excess of that permitted, to require the driver, operator,  
24 owner, lessee or bailee, to stop, drive or otherwise move to a location  
25 for measurement or weighing and submit the vehicle or combination  
26 of vehicles, including load or contents, to measurement or weighing;

27 (2) Police or peace officers or inspectors appointed by any  
28 municipality or county shall have the authority to require the driver,  
29 operator, owner, lessee or bailee to stop, drive or otherwise move to  
30 a location for measurement or weighing and submit the vehicle or  
31 combination of vehicles, including load or contents, to measurement  
32 or weighing, only if the officer has probable cause to believe that the

**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.**

1 size or weight of the vehicle or combination of vehicles, including load  
2 or contents, is in excess of that permitted by this Title; and

3 (3) The Division of State Police and the director shall have the  
4 exclusive authority to establish and operate locations for the  
5 measurement and weighing of vehicles, including load and contents,  
6 and all measuring and weighing devices or scales employed at such  
7 locations shall be approved and certified by the State Superintendent  
8 of Weights and Measures or the State Superintendent's agent. Copies  
9 of documents displaying the State Superintendent's seal or certification  
10 shall be prima facie evidence of the reliability and accuracy of the  
11 measuring or weighing devices or scales utilized.]

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

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

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

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

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

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

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

1 including load or contents, does not exceed the maximum gross weight  
2 of 80,000 pounds as set forth at paragraph (4) of subsection b. of  
3 R.S.39:3-84.

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

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

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

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

35 k. Whenever a vehicle or combination of vehicles, including load  
36 or contents, is found to be in violation of any two or more of the  
37 weight limitations as provided at subsection b. of R.S.39:3-84 or  
38 section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall be  
39 only for the violation involving the greater or greatest excess weight.  
40 (cf: P.L.1994, c.60, s.33)

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42 2. R.S.39:5-1 is amended to read as follows:

43 39:5-1. Except as otherwise provided, the enforcement of this  
44 subtitle shall be vested in the director and the police or peace officers  
45 of, or inspectors duly appointed for that purpose by, any municipality  
46 or county or by the State. [Nothing in this section shall be construed

1 to authorize police or peace officers or inspectors appointed by any  
2 municipality or county to conduct random roadside examinations of  
3 any vehicle.]

4 (cf: P.L.1994, c.60, s.34)

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6 3. This act shall take effect immediately.

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STATEMENT

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11 This bill would authorize municipal and county police or other law  
12 enforcement officers or inspectors to conduct inspections of  
13 commercial motor vehicles.

14 Prior to July 1, 1994 municipal and county police officers or  
15 inspectors had authority to conduct such inspections. A law enacted  
16 in 1994, P.L.1994, c.60, gave the State Police exclusive authority to  
17 conduct such inspections. Since that time there has been an  
18 exponential expansion of truck traffic on State highways which are  
19 local in nature, in particular, Routes 31 and 206. Given this increased  
20 traffic and related safety issues, and the limited availability of State  
21 Police officers to conduct inspections, it is appropriate to reauthorize  
22 local officials to conduct such inspections in order to ensure the safety  
23 of the motorists who must use these highways as local roads.

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28 Authorizes local officials to inspect commercial motor vehicles.