

ASSEMBLY, No. 1636

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen DeCROCE, LeFEVRE, Bucco, Garrett,  
Carroll, Bodine, Assemblywomen Farragher and Murphy

1 AN ACT concerning toll collection enforcement and supplementing  
2 Title 27 of the Revised Statutes.

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

6  
7 1. As used in sections 2 through 5 of this act:

8 "Authority" means the New Jersey Highway Authority established  
9 by section 4 of P.L.1952, c.16 (C.27:12B-4).

10 "Lessee" means any person, corporation, firm, partnership, agency,  
11 association or organization that rents, leases or contracts for the use  
12 of one or more vehicles and has exclusive use thereof for any period  
13 of time.

14 "Lessor" means any person, corporation, firm, partnership, agency,  
15 association or organization engaged in the business of renting or  
16 leasing vehicles to any lessee under a rental agreement, lease or other  
17 agreement which provides that the lessee has exclusive use of the  
18 vehicle for any period of time.

19 "Operator" means the term "operator" as defined in R.S.39:1-1.

20 "Owner" means the term "owner" as defined in R.S.39:1-1.

21 "Photo-monitoring system" means a vehicle sensor installed to work  
22 in conjunction with a toll collection facility which automatically  
23 produces one or more photographs, one or more microphotographs,  
24 a videotape or other recorded images of each vehicle at the time the  
25 vehicle is used or operated in violation of the toll collection provisions  
26 of the authority. The authority may use state of the art technology,  
27 including, but not limited to, automatic vehicle identification  
28 technology.

29 "Toll collection regulations" means the provisions of section 18 of  
30 P.L.1952, c.16 (C.27:12B-18) and specifically that paragraph thereof  
31 which provides that no vehicle shall be permitted to make use of any  
32 project except upon the payment of such tolls as may from time to  
33 time be prescribed by the authority and which further makes it  
34 unlawful for any person to refuse to pay, or to evade, or to attempt to  
35 evade the payment of such tolls, and any regulation adopted by the  
36 authority under the provisions of section 18 of P.L.1952, c.16

1 (C.27:12B-18) regarding the payment of tolls.

2 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

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4 2. Notwithstanding any other provision of law and in accordance  
5 with the provisions of section 3 of this act, an owner of a vehicle may  
6 be liable for failure of an operator thereof to comply with the toll  
7 collection regulations of the authority. The owner of a vehicle shall be  
8 liable pursuant to this section if such vehicle was used or operated  
9 with the permission of the owner, express or implied, in violation of  
10 the toll collection regulations of the authority, and such violation is  
11 evidenced by information obtained from visual observation, a photo-  
12 monitoring system or other generally accepted enforcement technique;  
13 provided, however, that no owner of a vehicle shall be liable where the  
14 operator of such vehicle has been convicted of a violation of these toll  
15 collection regulations for the same incident.

16

17 3. a. In the event of nonpayment of the proper toll, as evidenced  
18 by visual observation, a photo-monitoring system or other generally  
19 accepted enforcement technique, a notice shall be issued to the owner  
20 of the vehicle by mail at the address of record with the Division of  
21 Motor Vehicles or licensing authority of another jurisdiction, or by any  
22 other method appropriate under the Rules Governing the Courts of the  
23 State of New Jersey. The notice shall contain sufficient information  
24 to inform the owner of the nature, date, time and location of the  
25 offense alleged. The notice shall be promptly signed and returned to  
26 the authority by the owner who shall certify to the truth of the facts set  
27 forth therein and shall include payment to the authority of the proper  
28 toll and a reasonable administrative fee to recover the cost of  
29 collecting the toll.

30 b. Upon failure to pay the proper toll and fee after notice to the  
31 owner thereof and within the time designated in such notice, liability  
32 set forth in section 2 of this act shall be imposed upon an owner for a  
33 violation by an operator of the toll collection regulations of the  
34 authority in the same manner as a violation of paragraph (a) of section  
35 18 of P.L.1952, c.16 (C.27:12B-18) and any regulation adopted by the  
36 authority under the provisions of that section regarding the payment  
37 of tolls and the punishment for such violation shall be as set forth in  
38 paragraph (1) of section 18 of P.L.1952, c.16 (C.27:12B-18(1)). In  
39 addition, the court having jurisdiction over the violation may require  
40 the owner to make prompt payment to the authority of the proper toll  
41 and a reasonable administrative fee to recover the cost of collecting  
42 the toll.

43 c. An owner who is a lessor of a vehicle operated in violation of  
44 the toll collection regulations of the authority shall not be liable for the  
45 violation of the toll collection regulations if the lessor submits a copy  
46 of the rental, lease or other contract document covering that vehicle

1 on the date of the violation, with the name and address of the lessee  
2 clearly legible to the authority and to the court or other entity having  
3 jurisdiction over the violation in a timely manner. Failure to provide  
4 such information in a timely manner shall render the lessor liable for  
5 the penalty prescribed by this section. Where the lessor complies with  
6 the provisions of this subsection, the lessee of such vehicle on the date  
7 of the violation shall be deemed the owner of the vehicle for the  
8 purposes of this section and shall be subject to liability for the  
9 violation of the toll collection regulations of the authority.

10 d. A certified report of an employee or agent of the authority  
11 reporting a violation of the toll collection regulations and any  
12 information obtained from a photo-monitoring system shall be for the  
13 exclusive use of the authority in the discharge of its duties under this  
14 act and shall, when relevant, be made available for inspection and  
15 admission into evidence in a proceeding concerning a violation of the  
16 toll collection regulations, but shall not be deemed public records for  
17 the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law  
18 of access to public records.

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20 4. Nothing in this act shall be construed as limiting the power of  
21 the authority to proceed against an owner or operator of a vehicle for  
22 violation of its toll collection regulations as provided in P.L.1952, c.16  
23 (C.27:12B-1 et seq.) or as prohibiting a law enforcement officer from  
24 issuing a citation for a violation of the motor vehicle and traffic laws  
25 as set forth in Title 39 of the Revised Statutes.

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27 5. Nothing in this act shall be construed as extending or  
28 diminishing the power of the authority to establish and assess tolls on  
29 projects of the authority.

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31 6. As used in sections 7 through 10 of this act:

32 "Authority" means the New Jersey Turnpike Authority established  
33 by section 3 of P.L.1948, c.454 (C.27:23-3).

34 "Lessee" means any person, corporation, firm, partnership, agency,  
35 association or organization that rents, leases or contracts for the use  
36 of one or more vehicles and has exclusive use thereof for any period  
37 of time.

38 "Lessor" means any person, corporation, firm, partnership, agency,  
39 association or organization engaged in the business of renting or  
40 leasing vehicles to any lessee under a rental agreement, lease or other  
41 agreement which provides that the lessee has exclusive use of the  
42 vehicle for any period of time.

43 "Operator" means the term "operator" as defined in R.S.39:1-1.

44 "Owner" means the term "owner" as defined in R.S.39:1-1.

45 "Photo-monitoring system" means a vehicle sensor installed to work  
46 in conjunction with a toll collection facility which automatically

1 produces one or more photographs, one or more microphotographs,  
2 a videotape or other recorded images of each vehicle at the time the  
3 vehicle is used or operated in violation of the toll collection provisions  
4 of the authority. The authority may use state of the art technology,  
5 including, but not limited to, automatic vehicle identification  
6 technology.

7 "Toll collection regulations" means the provisions of section 1 of  
8 P.L.1951, c.264 (C.27:23-25) which provides that no vehicle shall be  
9 permitted to make use of any turnpike project or part thereof except  
10 upon the payment of such tolls, if any, as may from time to time be  
11 prescribed by the authority and which further makes it unlawful for any  
12 person to refuse to pay, or to evade, or to attempt to evade the  
13 payment of such tolls, and any regulation adopted by the authority  
14 under the provisions of P.L.1951, c.264 (C.27:23-25 et seq.)  
15 regarding the payment of tolls.

16 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

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18 7. Notwithstanding any other provision of law and in accordance  
19 with the provisions of section 8 of this act, an owner of a vehicle may  
20 be liable for failure of an operator thereof to comply with the toll  
21 collection regulations of the authority. The owner of a vehicle shall be  
22 liable pursuant to this section if such vehicle was used or operated  
23 with the permission of the owner, express or implied, in violation of  
24 the toll collection regulations of the authority, and such violation is  
25 evidenced by information obtained from visual observation, a photo-  
26 monitoring system or other generally accepted enforcement technique;  
27 provided, however, that no owner of a vehicle shall be liable where the  
28 operator of such vehicle has been convicted of a violation of these toll  
29 collection regulations for the same incident.

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31 8. a. In the event of nonpayment of the proper toll, as evidenced  
32 by visual observation, a photo-monitoring system or other generally  
33 accepted enforcement technique, a notice shall be issued to the owner  
34 of the vehicle by mail at the address of record with the Division of  
35 Motor Vehicles or licensing authority of another jurisdiction, or by any  
36 other method appropriate under the Rules Governing the Courts of the  
37 State of New Jersey. The notice shall contain sufficient information  
38 to inform the owner of the nature, date, time and location of the  
39 offense alleged. The notice shall be promptly signed and returned to  
40 the authority by the owner who shall certify to the truth of the facts set  
41 forth therein and shall include payment to the authority of the proper  
42 toll and a reasonable administrative fee to recover the cost of  
43 collecting the toll.

44 b. Upon failure to pay the proper toll and fee after notice to the  
45 owner thereof and within the time designated in such notice, liability  
46 set forth in section 7 of this act shall be imposed upon an owner for a

1 violation by an operator of the toll collection regulations of the  
2 authority in the same manner as a violation of section 1 of P.L.1951,  
3 c.264 (C.27:23-25) and any regulation adopted by the authority under  
4 the provisions of P.L.1951, c.264 (C.27:23-25 et seq.) regarding the  
5 payment of tolls and the punishment for such violation shall be as set  
6 forth in section 10 of P.L.1951, c.264 (C.27:23-34). In addition, the  
7 court having jurisdiction over the violation may require the owner to  
8 make prompt payment to the authority of the proper toll and a  
9 reasonable administrative fee to recover the cost of collecting the toll.

10 c. An owner who is a lessor of a vehicle operated in violation of  
11 the toll collection regulations of the authority shall not be liable for the  
12 violation of the toll collection regulations if the lessor submits a copy  
13 of the rental, lease or other contract document covering that vehicle  
14 on the date of the violation, with the name and address of the lessee  
15 clearly legible to the authority and to the court or other entity having  
16 jurisdiction over the violation in a timely manner. Failure to provide  
17 such information in a timely manner shall render the lessor liable for  
18 the penalty prescribed by this section. Where the lessor complies with  
19 the provisions of this subsection, the lessee of such vehicle on the date  
20 of the violation shall be deemed the owner of the vehicle for the  
21 purposes of this section and shall be subject to liability for the  
22 violation of the toll collection regulations of the authority.

23 d. A certified report of an employee or agent of the authority  
24 reporting a violation of the toll collection regulations and any  
25 information obtained from a photo-monitoring system shall be for the  
26 exclusive use of the authority in the discharge of its duties under this  
27 act and shall, when relevant, be made available for inspection and  
28 admission into evidence in a proceeding concerning a violation of the  
29 toll collection regulations, but shall not be deemed public records for  
30 the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law  
31 of access to public records.

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33 9. Nothing in this act shall be construed as limiting the power of  
34 the authority to proceed against an owner or operator of a vehicle for  
35 violation of its toll collection regulations as provided in P.L.1951,  
36 c.264 (C.27:23-25 et seq.) or as prohibiting a law enforcement officer  
37 from issuing a citation for a violation of the motor vehicle and traffic  
38 laws as set forth in Title 39 of the Revised Statutes.

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40 10. Nothing in this act shall be construed as extending or  
41 diminishing the power of the authority to establish and assess tolls on  
42 turnpike projects of the authority.

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44 11. As used in sections 12 through 15 of this act:

45 "Authority" means the South Jersey Transportation Authority  
46 established by section 4 of P.L.1991, c.252 (C.27:25A-4).

1 "Lessee" means any person, corporation, firm, partnership, agency,  
2 association or organization that rents, leases or contracts for the use  
3 of one or more vehicles and has exclusive use thereof for any period  
4 of time.

5 "Lessor" means any person, corporation, firm, partnership, agency,  
6 association or organization engaged in the business of renting or  
7 leasing vehicles to any lessee under a rental agreement, lease or other  
8 agreement which provides that the lessee has exclusive use of the  
9 vehicle for any period of time.

10 "Operator" means the term "operator" as defined in R.S.39:1-1.

11 "Owner" means the term "owner" as defined in R.S.39:1-1.

12 "Photo-monitoring system" means a vehicle sensor installed to work  
13 in conjunction with a toll collection facility which automatically  
14 produces one or more photographs, one or more microphotographs,  
15 a videotape or other recorded images of each vehicle at the time the  
16 vehicle is used or operated in violation of the toll collection provisions  
17 of the authority. The authority may use state of the art technology,  
18 including, but not limited to, automatic vehicle identification  
19 technology.

20 "Toll collection regulations" means the provisions of section 21 of  
21 P.L.1991, c.252 (C.27:25A-21) and specifically that subsection thereof  
22 which provides that no vehicle shall be permitted to make use of any  
23 expressway project except upon the payment of such tolls as may from  
24 time to time be prescribed by the authority and which further makes it  
25 unlawful for any person to refuse to pay, or to evade, or to attempt to  
26 evade the payment of such tolls, and any regulation adopted by the  
27 authority under the provisions of section 21 of P.L.1991, c.252  
28 (C.27:25A-21) regarding the payment of tolls.

29 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

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31 12. Notwithstanding any other provision of law and in accordance  
32 with the provisions of section 13 of this act, an owner of a vehicle may  
33 be liable for failure of an operator thereof to comply with the toll  
34 collection regulations of the authority. The owner of a vehicle shall be  
35 liable pursuant to this section if such vehicle was used or operated  
36 with the permission of the owner, express or implied, in violation of  
37 the toll collection regulations of the authority, and such violation is  
38 evidenced by information obtained from visual observation, a photo-  
39 monitoring system or other generally accepted enforcement technique;  
40 provided, however, that no owner of a vehicle shall be liable where the  
41 operator of such vehicle has been convicted of a violation of these toll  
42 collection regulations for the same incident.

43

44 13. a. In the event of nonpayment of the proper toll, as evidenced  
45 by visual observation, a photo-monitoring system or other generally  
46 accepted enforcement technique, a notice shall be issued to the owner

1 of the vehicle by mail at the address of record with the Division of  
2 Motor Vehicles or licensing authority of another jurisdiction, or by any  
3 other method appropriate under the Rules Governing the Courts of the  
4 State of New Jersey. The notice shall contain sufficient information  
5 to inform the owner of the nature, date, time and location of the  
6 offense alleged. The notice shall be promptly signed and returned to  
7 the authority by the owner who shall certify to the truth of the facts set  
8 forth therein and shall include payment to the authority of the proper  
9 toll and a reasonable administrative fee to recover the cost of  
10 collecting the toll.

11 b. Upon failure to pay the proper toll and fee after notice to the  
12 owner thereof and within the time designated in such notice, liability  
13 set forth in section 12 of this act shall be imposed upon an owner for  
14 a violation by an operator of the toll collection regulations of the  
15 authority in the same manner as a violation of subsection a. of section  
16 21 of P.L.1991, c.252 (C.27:25A-21a.) any regulation adopted by the  
17 authority under the provisions of that section regarding the payment  
18 of tolls and the punishment for such violation shall be as set forth in  
19 subsection l. of section 21 of P.L.1991, c.252 (C.27:25A-21(1)). In  
20 addition, the court having jurisdiction over the violation may require  
21 the owner to make prompt payment to the authority of the proper toll  
22 and a reasonable administrative fee to recover the cost of collecting  
23 the toll.

24 c. An owner who is a lessor of a vehicle operated in violation of  
25 the toll collection regulations of the authority shall not be liable for the  
26 violation of the toll collection regulations if the lessor submits a copy  
27 of the rental, lease or other contract document covering that vehicle  
28 on the date of the violation, with the name and address of the lessee  
29 clearly legible to the authority and to the court or other entity having  
30 jurisdiction over the violation in a timely manner. Failure to provide  
31 such information in a timely manner shall render the lessor liable for  
32 the penalty prescribed by this section. Where the lessor complies with  
33 the provisions of this subsection, the lessee of such vehicle on the date  
34 of the violation shall be deemed the owner of the vehicle for the  
35 purposes of this section and shall be subject to liability for the  
36 violation of the toll collection regulations of the authority.

37 d. A certified report of an employee or agent of the authority  
38 reporting a violation of the toll collection regulations and any  
39 information obtained from a photo-monitoring system shall be for the  
40 exclusive use of the authority in the discharge of its duties under this  
41 act and shall, when relevant, be made available for inspection and  
42 admission into evidence in a proceeding concerning a violation of the  
43 toll collection regulations, but shall not be deemed public records for  
44 the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law  
45 of access to public records.



1 penalty collection procedures are utilized.

2 In addition, the bill provides that the photo-monitoring system  
3 records are for the exclusive use of the authorities in the discharge of  
4 their duties under the act in order to protect the privacy of these  
5 records and to prevent unwarranted requests for inspection. The bill  
6 also specifies that nothing in this act shall be construed as prohibiting  
7 a law enforcement officer from issuing a citation for a violation of the  
8 motor vehicle and traffic laws as set forth in Title 39.

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12 Clarifies law concerning electronic collection of tolls by State toll road  
13 authorities.