

ASSEMBLY, No. 1837

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblymen ZECKER and RUSSO

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

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

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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, or sheriff's officers in a county where the
29 sheriff conducts road patrols, shall have the authority to require the
30 driver, operator, owner, lessee or bailee to stop, drive or otherwise
31 move to a location for measurement or weighing and submit the
32 vehicle or combination of vehicles, including load or contents, to
33 measurement or weighing, only if the officer has probable cause to
34 believe that the size or weight of the vehicle or combination of

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 vehicles, including load or contents, is in excess of that permitted by
2 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 b. Whenever the officer, upon measuring or weighing a vehicle or
13 combination of vehicles, including load or contents, determines that
14 the size or weight is in excess of the limits permitted in this Title, the
15 officer or inspector shall require the driver, operator, owner, lessee or
16 bailee to stop the vehicle or combination of vehicles in a suitable place
17 and remain in that place until a portion of the load or contents of the
18 vehicle or combination of vehicles is removed by the driver, operator,
19 owner, lessee, bailee or duly appointed agent thereof, as may be
20 necessary to conform or reduce the size or weight of the vehicle or
21 combination of vehicles, including load or contents, to those limits as
22 permitted under this act, or permitted by the certificate of registration
23 for the vehicle or combination of vehicles, whichever may be lower.
24 All materials so unloaded or removed shall be cared for by the driver,
25 owner, operator, lessee or bailee of the vehicle or combination of
26 vehicles, or duly appointed agent thereof, at the risk, responsibility and
27 liability of the driver, owner, operator, lessee, bailee or duly appointed
28 agent thereof.

29 c. No vehicle or combination of vehicles shall be deemed to be in
30 violation of the weight limitation provision of this act, when, upon
31 examination by the officer, the dispatch papers for the vehicle or
32 combination of vehicles, including load or contents, show it is
33 proceeding from its last preceding freight pickup point within the State
34 of New Jersey by a reasonably expeditious route to the nearest
35 available scales or to the first available scales in the general direction
36 towards which the vehicle or combination of vehicles has been
37 dispatched, or is returning from such scales after weighing-in to the
38 last preceding pickup point.

39 d. When the officer determines that a vehicle or combination of
40 vehicles, including load or contents, is in violation of the weight
41 limitations of this Title as provided at paragraph (1) of subsection b.
42 of R.S.39:3-84; paragraph (2) of subsection b. of R.S.39:3-84;
43 paragraph (3) of subsection b. of R.S.39:3-84; or paragraph (5) of
44 subsection b. of R.S.39:3-84 relative to maximum gross axle weights,
45 but is within the permissible maximum gross vehicle weight of this
46 Title as provided at paragraph (4) of subsection b. of R.S.39:3-84 or

1 paragraph (5) of subsection b. of R.S.39:3-84, whichever is applicable,
2 the driver, operator, owner, lessee, bailee or duly appointed agent
3 thereof shall be permitted, before proceeding, to redistribute the
4 weight of the vehicle or combination of vehicles or the load or
5 contents of the vehicle or combination of vehicles so that no axle or
6 combination of consecutive axles are in excess of the limits set by this
7 act, in which event there is no violation.

8 e. When the officer determines that a vehicle or combination of
9 vehicles, including load or contents, is in violation of the height, width
10 or length limits of this Title as provided at subsection a. of
11 R.S.39:3-84, the driver, operator, owner, lessee or bailee of the
12 vehicle or combination of vehicles or duly appointed agent thereof
13 shall be permitted, before proceeding, to adjust, reduce or conform the
14 vehicle or combination of vehicles, including load or contents, so that
15 the vehicle or combination of vehicles, including load or contents, are
16 not in excess of the height, width, or length limits set by this act, in
17 which event there is no violation.

18 f. The provisions of this subsection shall not apply to a vehicle or
19 combination of vehicles, including load or contents, found or operated
20 on any highway in this State which is part of or designated as part of
21 the National Interstate System, as provided at 23 U.S.C. { 103(e). No
22 arrest shall be made or summons issued for a violation of the weight
23 limitations provided in this act at subsection b. of R.S.39:3-84 where
24 the excess weight is no more than 5% of the weight permitted,
25 provided the gross weight of the vehicle or combination of vehicles,
26 including load or contents, does not exceed the maximum gross weight
27 of 80,000 pounds as set forth at paragraph (4) of subsection b. of
28 R.S.39:3-84.

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

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

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

44 j. The owner, lessee, bailee or any one of the aforesaid of any
45 vehicle or combination of vehicles found or operated on any public
46 road, street or highway or on any public or quasi-public property in

1 this State, with a gross weight of the vehicle or combination of
2 vehicles, including load or contents, in excess of the weight limitations
3 as provided at subsection b. of R.S.39:3-84 or section 3 of P.L.1950,
4 c.142 (C.39:3-84.1) shall be fined an amount equal to \$0.02 per pound
5 for each pound of the total excess weight; provided the total excess
6 weight is 10,000 pounds or less, or shall be fined an amount equal to
7 \$0.03 per pound for each pound of the total excess weight; provided
8 the total excess weight is more than 10,000 pounds, but in no event
9 shall the fine be less than \$50.00. However, in the case of any vehicle
10 or combination of vehicles carrying a sealed ocean container, either the
11 shipper, the consignee or both, shall be liable for a violation of the
12 weight limitations as provided at subsection b. of R.S.39:3-84 relative
13 to maximum gross axle weights.

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

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill is intended to reduce the number of overweight and
27 oversized trucks on the State's highways. It would permit sheriff's
28 officers in certain counties to enforce the weight and size restrictions
29 imposed on these vehicles under the State motor vehicle code.

30 Currently only State Police officers and police, peace officers and
31 inspectors appointed by any municipality or county are authorized to
32 enforce these restrictions. Under this bill, a sheriff who conducts road
33 patrols in a county would also be empowered to enforce vehicle size
34 and weight restrictions.

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Permits certain sheriffs to enforce truck weight limits.