

§§ 1 - 5  
C.27:12B-18.2 To  
27:12B-18.6  
§§ 6 - 10  
C.27:23-34.1 To  
27:23-34.5  
§§ 11 - 15  
C.27:25A-21.1 To  
27:25A-21.5

P.L. 1997, CHAPTER 59, *approved April 2, 1997*  
Senate Committee Substitute (*Second Reprint*) for  
Senate, No. 801

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

3

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

6

7 1. As used in sections 1 through 5 of P.L. , c. (C. )(now  
8 pending before the Legislature as this bill):

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

11 "Lessee" means any person, corporation, firm, partnership, agency,  
12 association or organization that rents, leases or contracts for the use  
13 of a vehicle and has exclusive use of the vehicle for any period 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 contract that provides the lessee with the exclusive use of the vehicle  
18 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 "Toll collection monitoring system" means a vehicle sensor, placed  
22 in a location to work in conjunction with a toll collection facility, that  
23 produces one or more photographs, one or more microphotographics,  
24 a videotape or other recorded images, or a written record, of a  
25 vehicle at the time the vehicle is used or operated in a violation of the  
26 toll collection monitoring system regulations. The term shall also  
27 include any other technology that identifies a vehicle by photographic,

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted November 7, 1996.

<sup>2</sup> Senate STR committee amendments adopted March 3, 1997.

1 electronic or other method.

2 "Toll collection monitoring system regulations" means the  
3 regulations authorized and adopted pursuant to section 2 of P.L. ,  
4 c. (C. )(now pending before the Legislature as this bill)  
5 that prohibit a vehicle from making use of any project except upon the  
6 payment of such tolls as may from time to time be prescribed by the  
7 authority and that further makes it a violation subject to a civil penalty  
8 for any person to refuse to pay, to evade, or to attempt to evade the  
9 payment of such tolls, if the violation is recorded by a toll collection  
10 monitoring system as defined in this section <sup>2</sup>[and in any regulation  
11 adopted by the authority pursuant to section 2 of P.L. , c. (C. )  
12 (now pending before the Legislature as this bill)]<sup>2</sup>.

13 "Vehicle" means the term "vehicle" as defined in R.S.39:1-1.  
14

15 2. a. The authority may, in accordance with the "Administrative  
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
17 collection monitoring system regulations. <sup>2</sup>The regulations shall  
18 include a procedure for processing toll violations and for the treatment  
19 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
20 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
21 violation. The penalty shall be enforced pursuant to "the penalty  
22 enforcement law," N.J.S.2A:58-1 et seq.

23 b. Except as provided in subsection b. of section 3 of P.L. ,  
24 c. (C. )(now pending before the Legislature as this bill), an  
25 owner of a vehicle shall be jointly and severally liable for the failure of  
26 an operator of the vehicle to comply with the toll collection  
27 monitoring system regulations. The owner of a vehicle shall be liable  
28 if such vehicle was used or operated by the operator with the express  
29 or implied permission of the owner when the violation of the toll  
30 collection monitoring system regulations was committed, and the  
31 evidence of the violation is obtained by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
32 collection monitoring system <sup>2</sup>[or any other method of identification  
33 of vehicles]<sup>2</sup>. An owner of a vehicle shall not be liable if the operator  
34 of the vehicle has been identified and charged with a violation of  
35 section 18 of P.L.1952, c.16 (C.27:12B-18) for the same incident.

36 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
37 or under contract to, the authority shall be so designed that it does not  
38 produce one or more photographs, microphotographs, a videotape or  
39 other recorded image or images of the face of the operator or any  
40 passenger in a motor vehicle.<sup>2</sup>

41  
42 3. a. If a violation of the toll collection monitoring system  
43 regulations is committed as evidenced by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
44 collection monitoring system <sup>2</sup>[or any other method of identification  
45 of vehicles]<sup>2</sup>, the <sup>2</sup>[authority or the]<sup>2</sup> agent of the authority may send  
46 <sup>1</sup>[a notice] an advisory and payment request<sup>1 2</sup>within 30 days of the

1 date of the violation<sup>2</sup> to the owner of the vehicle by regular mail at the  
2 address of record for that owner with the Division of Motor Vehicles  
3 in the Department of Transportation or with any other motor vehicle  
4 licensing authority of another jurisdiction, providing the owner with  
5 the opportunity to resolve the matter prior to the issuance of a  
6 summons and complaint that charges a violation of the toll collection  
7 monitoring system regulations. The <sup>1</sup>[notice] advisory and  
8 payment request<sup>1</sup> shall contain sufficient information to inform the  
9 owner of the nature, date, time and location of the alleged violation.  
10 The <sup>2</sup>[authority] agent<sup>2</sup> may require as part of the <sup>1</sup>[notice] advisory  
11 and payment request<sup>1</sup> that the owner pay to the <sup>2</sup>[authority or its]<sup>2</sup>  
12 agent the proper toll and a reasonable administrative fee that shall not  
13 exceed \$25 per violation<sup>2</sup>. If the owner fails to pay <sup>1</sup>[to] the<sup>1</sup>  
14 required toll and fee within 60 days of the date the advisory and  
15 payment request was sent<sup>2</sup>, the owner shall be subject to liability <sup>1</sup>on  
16 the <sup>2</sup>[31st] 61st<sup>2</sup> day following the date <sup>2</sup>[of the violation]<sup>1</sup> the  
17 advisory and payment request was sent<sup>2</sup> for the violation of the toll  
18 collection monitoring system regulations by the vehicle operator.

19 b. An owner of a vehicle who is a lessor of the vehicle used in  
20 violation of the toll collection monitoring system regulations of the  
21 authority shall not be liable for the violation of the regulations if the  
22 lessor submits to the authority, in a timely manner, a copy of the rental  
23 agreement, lease or other contract document covering that vehicle on  
24 the date of the violation, with the name and address of the lessee  
25 clearly legible to the authority and to the court having jurisdiction over  
26 the violation. If the lessor fails to provide the information in a timely  
27 manner, the lessor shall be held liable for the violation of the  
28 regulations. If the lessor provides the required information to the  
29 authority, the lessee of the vehicle on the date of the violation shall be  
30 deemed to be the owner of the vehicle for the purposes of sections 1  
31 through 5 of P.L. , c. (C. )(now pending before the  
32 Legislature as this bill) and the toll collection monitoring system  
33 regulations and shall be subject to liability for the violation of the  
34 regulations.

35 c. A certified report of an employee or agent of the authority  
36 reporting a violation of the toll collection monitoring system  
37 regulations and any information obtained from a toll collection  
38 monitoring system <sup>2</sup>[or other method of identification of vehicles]<sup>2</sup>  
39 shall be available for the exclusive use of the authority and any law  
40 enforcement official for the purposes of discharging their duties  
41 pursuant to sections 1 through 5 of P.L. , c. (C. )(now  
42 pending before the Legislature as this bill) and the toll collection  
43 monitoring system regulations. Any such report or information shall  
44 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
45 seq.) or the common law concerning access to public records. The  
46 certified reports and information shall not be discoverable <sup>1</sup>as a public

1 record<sup>1</sup> by any person, entity or governmental agency, nor shall they  
2 be <sup>1</sup>[admissible] offered<sup>1</sup> in evidence in any civil, criminal or  
3 administrative proceeding, not directly related to a violation of the toll  
4 collection monitoring system regulations. <sup>2</sup>However, in the event that,  
5 notwithstanding the provisions of subsection c. of section 2 of this act,  
6 a recorded image of the face of the operator or any passenger in a  
7 motor vehicle is produced by the toll collection monitoring system,  
8 that image shall not be used by the authority for any purpose nor shall  
9 the image or any record or copy thereof be transmitted or  
10 communicated to any person, governmental, non-governmental or  
11 judicial or administrative entity.<sup>2</sup>

12 d. A complaint and summons charging a violation of the toll  
13 collection monitoring system regulations shall be on a form prescribed  
14 by the Administrative <sup>1</sup>[Office] Director<sup>1</sup> of the Courts <sup>1</sup>pursuant to  
15 the Rules Governing the Courts of the State of New Jersey<sup>1</sup>. The  
16 authority may authorize <sup>2</sup>by regulation<sup>2</sup> an employee or agent <sup>1</sup>to be a  
17 complaining witness<sup>1</sup> to make, sign, and <sup>1</sup>[issue] initiate<sup>1</sup> complaints  
18 and <sup>1</sup>to issue<sup>1</sup> summonses in the name of the authority<sup>1</sup> on behalf of the  
19 State of New Jersey, pursuant to the Rules Governing the Courts of  
20 the State of New Jersey<sup>1</sup>. The complaints and summonses may be  
21 made on information based upon evidence obtained <sup>2</sup>[by visual  
22 observation,]<sup>2</sup> <sup>1</sup>by<sup>1</sup> a toll collection monitoring system <sup>2</sup>[or <sup>1</sup>by<sup>1</sup> any  
23 other method of identification of vehicles]<sup>2</sup>, the toll collection  
24 monitoring system record and the records of the Division of Motor  
25 Vehicles in the Department of Transportation or of any other state,  
26 province, or motor vehicle licensing authority.

27 Service may be made by <sup>1</sup>[regular or certified mail or by other]<sup>1</sup>  
28 means provided by the Rules Governing the Courts of the State of  
29 New Jersey <sup>1</sup>[and the service shall have the same effect as if the  
30 complaint and summons were served personally]<sup>1</sup>.

31 <sup>1</sup>[The original complaint and summons and the] <sup>2</sup>[The<sup>1</sup>] Except as  
32 provided in subsection c. of this section, the<sup>2</sup> recorded images  
33 produced by a toll collection monitoring system <sup>2</sup>[or other method  
34 used for identification of vehicles]<sup>2</sup> shall be considered an official  
35 record kept in the ordinary course of business and shall be admissible  
36 in a proceeding for a violation of any toll collection monitoring system  
37 regulations.

38 e. The municipal court of the municipality wherein a toll  
39 collection monitoring system record was made <sup>1</sup>[, or wherein the  
40 defendant may reside according to the records of the Division of  
41 Motor Vehicles in the Department of Transportation or of any other  
42 state, province or motor vehicle licensing authority,]<sup>1</sup> shall have  
43 jurisdiction to hear violations of the toll collection monitoring system  
44 regulations. Violations shall be enforced and penalties collected  
45 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
46 proceeding and a judgment arising therefrom shall be pursued and

1 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
2 and the Rules Governing the Courts of the State of New Jersey.

3 In addition to the civil penalty that may be assessed by a court  
4 <sup>1</sup>having jurisdiction<sup>1</sup> for a violation of the toll collection monitoring  
5 system regulations, a court <sup>1</sup>[having jurisdiction over the violation]<sup>1</sup>  
6 <sup>2</sup>[may] shall<sup>2</sup> require the <sup>2</sup>[owner] defendant<sup>2</sup> to pay the proper toll  
7 and <sup>2</sup>may require the defendant<sup>2</sup> to pay a reasonable administrative fee  
8 that shall not exceed \$25 <sup>2</sup>per violation <sup>2</sup> if the authority has  
9 previously sent an advisory and payment request to the defendant<sup>1</sup>.

10 <sup>1</sup>[Payment of any penalty or assessment imposed by a court shall be  
11 made to the court or judicial officer having jurisdiction over the  
12 proceeding and shall be remitted to the authority within 60 days  
13 following the payment.] Following collection and distribution of the  
14 fees set forth in section 11 of P.L.1953, c.22 (C. 22A:3-4), any  
15 <sup>2</sup>[penalties.] <sup>2</sup> tolls and administrative fees imposed and collected by  
16 the court for a violation of the toll collection monitoring system  
17 regulations shall be promptly remitted to the authority by the court.<sup>1</sup>

18 <sup>2</sup>The civil penalty shall be distributed pursuant to the "penalty  
19 enforcement law," N.J.S. 2A:58-1 et seq.<sup>2</sup>

20  
21 4. Nothing in sections 1 through 5 of P.L. , c. (C. )  
22 (now pending before the Legislature as this bill) shall be construed as  
23 limiting the power of the authority as provided in P.L.1952, c.16  
24 (C.27:12B-1 et seq.) to proceed against an operator of a vehicle for a  
25 violation of the authority's toll collection regulations, or as prohibiting  
26 or limiting the enforcement of a violation of the motor vehicle and  
27 traffic laws as set forth in Title 39 of the Revised Statutes <sup>2</sup>except that  
28 an operator of a vehicle charged with a violation of section 18 of  
29 P.L.1952, c.16 (C.27:12B-18) shall not be liable for the civil penalty  
30 provided in subsection a. of section 2 of this act for the same incident<sup>2</sup>.

31  
32 5. Nothing in sections 1 through 5 of P.L. , c. (C. )  
33 (now pending before the Legislature as this bill) shall be construed as  
34 extending or diminishing the power of the authority to establish and  
35 assess tolls on projects of the authority.

36  
37 6. As used in sections 6 through 10 of P.L. , c. (C. )  
38 (now pending before the Legislature as this bill):

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

41 "Lessee" means any person, corporation, firm, partnership, agency,  
42 association or organization that rents, leases or contracts for the use  
43 of a vehicle and has exclusive use of the vehicle for any period of time.

44 "Lessor" means any person, corporation, firm, partnership, agency,  
45 association or organization engaged in the business of renting or  
46 leasing vehicles to any lessee under a rental agreement, lease or other

1 contract that provides the lessee with the exclusive use of the vehicle  
2 for any period of time.

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

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

5 "Toll collection monitoring system" means a vehicle sensor, placed  
6 in a location to work in conjunction with a toll collection facility, that  
7 produces one or more photographs, one or more microphotographics,  
8 a videotape or other recorded images, or a written record, of a  
9 vehicle at the time the vehicle is used or operated in a violation of the  
10 toll collection monitoring system regulations. The term shall also  
11 include any other technology that identifies a vehicle by photographic,  
12 electronic or other method.

13 "Toll collection monitoring system regulations" means the  
14 regulations authorized and adopted pursuant to section 7 of P.L. ,  
15 c. (C. ) (now pending before the Legislature as this bill)  
16 that prohibit a vehicle from making use of any project except upon the  
17 payment of such tolls as may from time to time be prescribed by the  
18 authority and that further makes it a violation subject to a civil penalty  
19 for any person to refuse to pay, to evade, or to attempt to evade the  
20 payment of such tolls, if the violation is recorded by a toll collection  
21 monitoring system as defined in this section <sup>2</sup>[and in any regulation  
22 adopted by the authority pursuant to section 7 of P.L. , c. (C. )  
23 (now pending before the Legislature as this bill)]<sup>2</sup>.

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

25

26 7. a. The authority may, in accordance with the "Administrative  
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
28 collection monitoring system regulations. <sup>2</sup>The regulations shall  
29 include a procedure for processing toll violations and for the treatment  
30 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
31 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
32 violation. The penalty shall be enforced pursuant to the "penalty  
33 enforcement law," N.J.S.2A:58-1 et seq.

34 b. Except as provided in subsection b. of section 8 of P.L. ,  
35 c. (C. ) (now pending before the Legislature as this bill), an  
36 owner of a vehicle shall be jointly and severally liable for the failure of  
37 an operator of the vehicle to comply with the toll collection  
38 monitoring system regulations. The owner of a vehicle shall be liable  
39 if such vehicle was used or operated by the operator with the express  
40 or implied permission of the owner when the violation of the toll  
41 collection monitoring system regulations was committed, and the  
42 evidence of the violation is obtained by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
43 collection monitoring system <sup>2</sup>[or any other method of identification  
44 of vehicles used to commit violations]<sup>2</sup>. An owner of a vehicle shall  
45 not be liable if the operator of the vehicle has been identified and  
46 charged with a violation of section <sup>2</sup>[1 of P.L.1951, c.264 (C.27:23-

1 25)] 10 of P.L.1951, c.264 (C.27:23-34)<sup>2</sup> for the same incident.

2 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
3 or under contract to, the authority shall be so designed that it does not  
4 produce one or more photographs, microphotographs, a videotape or  
5 other recorded image or images of the face of the operator or any  
6 passenger in a motor vehicle.<sup>2</sup>

7  
8 8. a. If a violation of the toll collection monitoring system  
9 regulations is committed as evidenced by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
10 collection monitoring system <sup>2</sup>[or any other method of identification  
11 of vehicles]<sup>2</sup>, the <sup>2</sup>[authority or the]<sup>2</sup> agent of the authority may send  
12 <sup>1</sup>[a notice] an advisory and payment request<sup>1</sup> <sup>2</sup>within 30 days of the  
13 date of the violation<sup>2</sup> to the owner of the vehicle by regular mail at the  
14 address of record for that owner with the Division of Motor Vehicles  
15 in the Department of Transportation or with any other motor vehicle  
16 licensing authority of another jurisdiction, providing the owner with  
17 the opportunity to resolve the matter prior to the issuance of a  
18 summons and complaint that charges a violation of the toll collection  
19 monitoring system regulations. The <sup>1</sup>[notice] advisory and payment  
20 request<sup>1</sup> shall contain sufficient information to inform the owner of the  
21 nature, date, time and location of the alleged violation. The  
22 <sup>2</sup>[authority] agent<sup>2</sup> may require as part of the <sup>1</sup>[notice] advisory and  
23 payment request<sup>1</sup> that the owner pay to the <sup>2</sup>[authority or its]<sup>2</sup> agent  
24 the proper toll and a reasonable administrative fee that shall not  
25 exceed \$25 <sup>2</sup>per violation<sup>2</sup>. If the owner fails to pay [to] the  
26 required toll and fee<sup>2</sup> <sup>2</sup>within 60 days of the date the advisory and  
27 payment request was sent<sup>2</sup>, the owner shall be subject to liability <sup>1</sup>on  
28 the<sup>2</sup> <sup>2</sup>[31st] 61st<sup>2</sup> day following the date<sup>2</sup> <sup>2</sup>[of the violation]<sup>1</sup> the  
29 advisory and payment request was sent<sup>2</sup> for the violation of the toll  
30 <sup>1</sup>[collections] collection<sup>1</sup> monitoring system regulations by the vehicle  
31 operator.

32 b. An owner of a vehicle who is a lessor of the vehicle used in  
33 violation of the toll collection monitoring system regulations of the  
34 authority shall not be liable for the violation of the regulations if the  
35 lessor submits to the authority, in a timely manner, a copy of the rental  
36 agreement, lease or other contract document covering that vehicle on  
37 the date of the violation, with the name and address of the lessee  
38 clearly legible to the authority and to the court having jurisdiction over  
39 the violation. If the lessor fails to provide the information in a timely  
40 manner, the lessor shall be held liable for the violation of the  
41 regulations. If the lessor provides the required information to the  
42 authority, the lessee of the vehicle on the date of the violation shall be  
43 deemed to be the owner of the vehicle for the purposes of sections 6  
44 through 10 of P.L. , c. (C. )(now pending before the  
45 Legislature as this bill) and the toll collection monitoring system  
46 regulations and shall be subject to liability for the violation of the

1 regulations.

2 c. A certified report of an employee or agent of the authority  
3 reporting a violation of the toll collection monitoring system  
4 regulations and any information obtained from a toll collection  
5 monitoring system <sup>2</sup>[or other method of identification of vehicles] <sup>2</sup>  
6 shall be available for the exclusive use of the authority and any law  
7 enforcement official for the purposes of discharging their duties  
8 pursuant to sections 6 through 10 of P.L. , c. (C. )  
9 (now pending before the Legislature as this bill) and the toll  
10 collection monitoring system regulations. Any such report or  
11 information shall not be deemed a public record under P.L.1963, c.73  
12 (C.47:1A-1 et seq.) or the common law concerning access to public  
13 records. The certified reports and information shall not be  
14 discoverable <sup>1</sup>as a public record<sup>1</sup> by any person, entity or governmental  
15 agency, nor shall they be <sup>1</sup>[admissible] offered<sup>1</sup> in evidence in any civil,  
16 criminal or administrative proceeding, not directly related to a  
17 violation of the toll collection monitoring system regulations.  
18 <sup>2</sup>However, in the event that, notwithstanding the provisions of  
19 subsection c. of section 7 of this act, a recorded image of the face of  
20 the operator or any passenger in a motor vehicle is produced by the  
21 toll collection monitoring system, that image shall not be used by the  
22 authority for any purpose nor shall the image or any record or copy  
23 thereof be transmitted or communicated to any person, governmental,  
24 non-governmental, or judicial or administrative entity.<sup>2</sup>

25 d. A complaint and summons charging a violation of the toll  
26 collection monitoring system regulations shall be on a form prescribed  
27 by the Administrative <sup>1</sup>[Office] Director<sup>1</sup> of the Courts <sup>1</sup>pursuant to  
28 the Rules Governing the Courts of the State of New Jersey<sup>1</sup>. The  
29 authority may authorize <sup>2</sup>by regulation<sup>2</sup> an employee or agent <sup>1</sup>to be a  
30 complaining witness<sup>1</sup> to make, sign, and <sup>1</sup>[issue] initiate<sup>1</sup> complaints  
31 and <sup>1</sup>to issue<sup>1</sup> summonses in the name of the authority <sup>1</sup>on behalf of the  
32 State of New Jersey, pursuant to the Rules Governing the Courts of  
33 the State of New Jersey<sup>1</sup>. The complaints and summonses may be  
34 made on information based upon evidence obtained <sup>2</sup>[by visual  
35 observation,]<sup>2</sup> <sup>1</sup>by<sup>1</sup> a toll collection monitoring system <sup>2</sup>[or <sup>1</sup>by<sup>1</sup> any  
36 other method of identification of vehicles]<sup>2</sup>, the toll collection  
37 monitoring system record and the records of the Division of Motor  
38 Vehicles in the Department of Transportation or of any other state,  
39 province, or motor vehicle licensing authority.

40 Service may be made by <sup>1</sup>[regular or certified mail or by other]<sup>1</sup>  
41 means provided by the Rules Governing the Courts of the State of  
42 New Jersey <sup>1</sup>[and the service shall have the same effect as if the  
43 complaint and summons were served personally]<sup>1</sup>.

44 <sup>1</sup>[The original complaint and summons and the] <sup>2</sup>[The] <sup>1</sup>Except as  
45 provided in subsection c. of this section, the<sup>2</sup> recorded images  
46 produced by a toll collection monitoring system <sup>2</sup>[or other method

1 used for identification of vehicles]<sup>2</sup> shall be considered an official  
2 record kept in the ordinary course of business and shall be admissible  
3 in a proceeding for a violation of any toll collection monitoring system  
4 regulations.

5 e. The municipal court of the municipality wherein a toll  
6 collection monitoring system record was made <sup>1</sup>[, or wherein the  
7 defendant may reside according to the records of the Division of  
8 Motor Vehicles in the Department of Transportation or of any other  
9 state, province or motor vehicle licensing authority,]<sup>1</sup> shall have  
10 jurisdiction to hear violations of the toll collection monitoring system  
11 regulations. Violations shall be enforced and penalties collected  
12 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
13 proceeding and a judgment arising therefrom shall be pursued and  
14 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
15 and the Rules Governing the Courts of the State of New Jersey.

16 In addition to the civil penalty that may be assessed by a court  
17 <sup>1</sup>having jurisdiction<sup>1</sup> for a violation of the toll collection monitoring  
18 system regulations, a court <sup>1</sup>[having jurisdiction over the violation]<sup>1</sup>  
19 <sup>2</sup>[may] shall<sup>2</sup> require the <sup>2</sup>[owner] defendant<sup>2</sup> to pay the proper toll  
20 and <sup>2</sup>may require the defendant<sup>2</sup> to pay a reasonable administrative fee  
21 that shall not exceed \$25 <sup>2</sup>per violation<sup>2</sup> <sup>1</sup>if the authority has  
22 previously sent an advisory and payment request to the defendant<sup>1</sup>.  
23 <sup>1</sup>[Payment of any penalty or assessment imposed by a court shall be  
24 made to the court or judicial officer having jurisdiction over the  
25 proceeding and shall be remitted to the authority within 60 days  
26 following the payment.] Following collection and distribution of the  
27 fees set forth in section 11 of P.L.1953, c.22 (C.22A:3-4), any  
28 <sup>2</sup>[penalties,]<sup>2</sup> tolls and administrative fees imposed and collected by the  
29 court for a violation of the toll collection monitoring system  
30 regulations shall be promptly remitted to the authority by the court.<sup>1</sup>  
31 <sup>2</sup>The civil penalty shall be distributed pursuant to the penalty  
32 enforcement law, "N.J.S.2A:58-1 et seq."<sup>2</sup>

33  
34 9. Nothing in sections 6 through 10 of P.L. , c. (C. )  
35 (now pending before the Legislature as this bill) shall be construed as  
36 limiting the power of the authority as provided in P.L.1951, c.264  
37 (C.27:23-25 et seq.) to proceed against an operator of a vehicle for a  
38 violation of the authority's toll collection regulations, or as prohibiting  
39 or limiting the enforcement of a violation of the motor vehicle and  
40 traffic laws as set forth in Title 39 of the Revised Statutes <sup>2</sup>except that  
41 an operator of a vehicle charged with a violation of section 10 of P.L.  
42 1951, c.264 (C.27:23-34) shall not be liable for the civil penalty  
43 provided in subsection a. of section 7 of this act for the same incident<sup>2</sup>.  
44

45 10. Nothing in sections 6 through 10 of P.L. , c. (C. )  
46 (now pending before the Legislature as this bill) shall be construed as

1 extending or diminishing the power of the authority to establish and  
2 assess tolls on turnpike projects of the authority.

3

4 11. As used in sections 11 through 15 of P.L. , c. (C. )  
5 (now pending before the Legislature as this bill):

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

8 "Lessee" means any person, corporation, firm, partnership, agency,  
9 association or organization that rents, leases or contracts for the use  
10 of a vehicle and has exclusive use of the vehicle for any period of time.

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

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

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

18 "Toll collection monitoring system" means a vehicle sensor, placed  
19 in a location to work in conjunction with a toll collection facility, that  
20 produces one or more photographs, one or more microphotographics,  
21 a videotape or other recorded images, or a written record, of a  
22 vehicle at the time the vehicle is used or operated in a violation of the  
23 toll collection monitoring system regulations. The term shall also  
24 include any other technology that identifies a vehicle by photographic,  
25 electronic or other method.

26 "Toll collection monitoring system regulations" means the  
27 regulations authorized and adopted pursuant to section 12 of P.L. ,  
28 c. (C. )(now pending before the Legislature as this bill)  
29 that prohibit a vehicle from making use of any project except upon the  
30 payment of such tolls as may from time to time be prescribed by the  
31 authority and that further makes it a violation subject to a civil penalty  
32 for any person to refuse to pay, to evade, or to attempt to evade the  
33 payment of such tolls, if the violation is recorded by a toll collection  
34 monitoring system as defined in this section <sup>2</sup>[and in any regulation  
35 adopted by the authority pursuant to section 12 of P.L. ,  
36 c. (C. ) (now pending before the Legislature as this bill)]<sup>2</sup>.

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

1 12. a. The authority may, in accordance with the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll  
3 collection monitoring system regulations. <sup>2</sup>The regulations shall  
4 include a procedure for processing toll violations and for the treatment  
5 of inadvertent violations.<sup>2</sup> A person who violates the regulations shall  
6 be liable to a civil penalty of not less than \$50 nor more than \$200 per  
7 violation. The penalty shall be enforced pursuant to "the penalty  
8 enforcement law," N.J.S.2A:58-1 et seq.

9 b. Except as provided in subsection b. of section 13 of P.L. ,  
10 c. (C. ) (now pending before the Legislature as this bill), an  
11 owner of a vehicle shall be jointly and severally liable for the failure of  
12 an operator of the vehicle to comply with the toll collection  
13 monitoring system regulations <sup>2</sup>[to comply with the regulations]<sup>2</sup>. The  
14 owner of a vehicle shall be liable if such vehicle was used or operated  
15 by the operator with the express or implied permission of the owner  
16 when the violation of the toll collection monitoring system regulations  
17 was committed, and the evidence of the violation is obtained by  
18 <sup>2</sup>[visual observation,] <sup>2</sup>a toll collection monitoring system [or any  
19 other method of identification of vehicles]<sup>2</sup>. An owner of a vehicle  
20 shall not be liable if the operator of the vehicle has been identified and  
21 charged with a violation of section 21 of P.L.1991, c.252 (C.27:25A-  
22 21) for the same incident.

23 <sup>2</sup>c. A toll collection monitoring system acquired or operated by,  
24 or under contract to, the authority shall be so designed that it does not  
25 produce one or more photographs, microphotographs, a videotape or  
26 other recorded image or images of the face of the operator or any  
27 passenger in a motor vehicle.<sup>2</sup>

28  
29 13. a. If a violation of the toll collection monitoring system  
30 regulations is committed as evidenced by <sup>2</sup>[visual observation,]<sup>2</sup> a toll  
31 collection monitoring system <sup>2</sup>[or any other method of identification  
32 of vehicles]<sup>2</sup>, the <sup>2</sup>[authority or the]<sup>2</sup> agent of the authority may send  
33 <sup>1</sup>[a notice] an advisory and payment request<sup>1</sup> <sup>2</sup>within 30 days of the  
34 date of the violation<sup>2</sup> to the owner of the vehicle by regular mail at the  
35 address of record for that owner with the Division of Motor Vehicles  
36 in the Department of Transportation or with any other motor vehicle  
37 licensing authority of another jurisdiction, providing the owner with  
38 the opportunity to resolve the matter prior to the issuance of a  
39 summons and complaint that charges a violation of the toll collection  
40 monitoring system regulations. The <sup>1</sup>[notice] advisory and  
41 payment request<sup>1</sup> shall contain sufficient information to inform the  
42 owner of the nature, date, time and location of the alleged violation.  
43 The <sup>2</sup>[authority] agent<sup>2</sup> may require as part of the <sup>1</sup>[notice] advisory  
44 and payment request<sup>1</sup> that the owner pay to the <sup>2</sup>[authority or its]<sup>2</sup>  
45 agent the proper toll and a reasonable administrative fee that shall not  
46 exceed \$25 <sup>2</sup>per violation<sup>2</sup>. If the owner fails to pay <sup>1</sup>[to] the<sup>1</sup>

1 required toll and fee <sup>2</sup>within 60 days of the date the advisory and  
2 payment request was sent<sup>2</sup>, the owner shall be subject to liability <sup>1</sup>on  
3 the <sup>2</sup>[31st] 61st<sup>2</sup> day following the date <sup>2</sup>[of the violation<sup>1</sup>] the  
4 advisory and payment request was sent<sup>2</sup> for the violation of the toll  
5 collection monitoring system regulations by the vehicle <sup>1</sup>[operated]  
6 operator<sup>1</sup>.

7 b. An owner of a vehicle who is a lessor of the vehicle used in  
8 violation of the toll collection monitoring system regulations of the  
9 authority shall not be liable for the violation of the regulations if the  
10 lessor submits to the authority, in a timely manner, a copy of the rental  
11 agreement, lease or other contract document covering that vehicle on  
12 the date of the violation, with the name and address of the lessee  
13 clearly legible to the authority and to the court having jurisdiction over  
14 the violation. If the lessor fails to provide the information in a timely  
15 manner, the lessor shall be held liable for the violation of the  
16 regulations. If the lessor provides the required information to the  
17 authority, the lessee of the vehicle on the date of the violation shall be  
18 deemed to be the owner of the vehicle for the purposes of sections 11  
19 through 15 of P.L. , c. (C. )(now pending before the  
20 Legislature as this bill) and the toll collection monitoring system  
21 regulations and shall be subject to liability for the violation of the  
22 regulations.

23 c. A certified report of an employee or agent of the authority  
24 reporting a violation of the toll collection monitoring system  
25 regulations and any information obtained from a toll collection  
26 monitoring system <sup>2</sup>[or other method of identification of vehicles]<sup>2</sup>  
27 shall be available for the exclusive use of the authority and any law  
28 enforcement official for the purposes of discharging their duties  
29 pursuant to sections 11 through 15 of P.L. , c. (C. )  
30 (now pending before the Legislature as this bill) and the toll  
31 collection monitoring system regulations. Any such report or  
32 information shall not be deemed a public record under P.L.1963, c.73  
33 (C.47:1A-1 et seq.) or the common law concerning access to public  
34 records. The certified reports and information shall not be  
35 discoverable <sup>1</sup>as a public record<sup>1</sup> by any person, entity or governmental  
36 agency, nor shall they be <sup>1</sup>[admissible] offered<sup>1</sup> in evidence in any civil,  
37 criminal or administrative proceeding, not directly related to a  
38 violation of the toll collection monitoring system regulations.  
39 <sup>2</sup>However, in the event that, notwithstanding the provisions of  
40 subsection c. of section 12 of this act, a recorded image of the face of  
41 the operator or any passenger in a motor vehicle is produced by the  
42 toll collection monitoring system, that image shall not be used by the  
43 authority for any purpose nor shall the image or any record or copy  
44 thereof be transmitted or communicated to any person, governmental,  
45 non-governmental or judicial or administrative entity.<sup>2</sup>

46 d. A complaint and summons charging a violation of the toll

1 collection monitoring system regulations shall be on a form prescribed  
2 by the Administrative <sup>1</sup>[Office] Director<sup>1</sup> of the Courts <sup>1</sup>pursuant to  
3 the Rules Governing the Courts of the State of New Jersey<sup>1</sup>. The  
4 authority may authorize <sup>2</sup>by regulation<sup>2</sup> an employee or agent <sup>1</sup>to be a  
5 complaining witness<sup>1</sup> to make, sign, and <sup>1</sup>[issue] initiate<sup>1</sup> complaints  
6 and <sup>1</sup>to issue<sup>1</sup> summonses in the name of the authority <sup>1</sup>on behalf of the  
7 State of New Jersey, pursuant to the Rules Governing the Courts of  
8 the State of New Jersey<sup>1</sup>. The complaints and summonses may be  
9 made on information based upon evidence obtained <sup>2</sup>[by visual  
10 observation,]<sup>2</sup> <sup>1</sup>by<sup>1</sup> a toll collection monitoring system <sup>2</sup>[or <sup>1</sup>by<sup>1</sup> any  
11 other method of identification of vehicles]<sup>2</sup>, the toll collection  
12 monitoring system record and the records of the Division of Motor  
13 Vehicles in the Department of Transportation or of any other state,  
14 province, or motor vehicle licensing authority.

15 Service may be made by <sup>1</sup>[regular or certified mail or by other]<sup>1</sup>  
16 means provided by the Rules Governing the Courts of the State of  
17 New Jersey <sup>1</sup>[and the service shall have the same effect as if the  
18 complaint and summons were served personally]<sup>1</sup>.

19 <sup>1</sup>[The original complaint and summons and the]<sup>2</sup> [The<sup>1</sup>] Except as  
20 provided in subsection c. of this section, the<sup>2</sup> recorded images  
21 produced by a toll collection monitoring system <sup>2</sup>[or other method  
22 used for identification of vehicles]<sup>2</sup> shall be considered an official  
23 record kept in the ordinary course of business and shall be admissible  
24 in a proceeding for a violation of any toll collection monitoring system  
25 regulations.

26 e. The municipal court of the municipality wherein a toll  
27 collection monitoring system record was made <sup>1</sup>[, or wherein the  
28 defendant may reside according to the records of the Division of  
29 Motor Vehicles in the Department of Transportation or of any other  
30 state, province or motor vehicle licensing authority,]<sup>1</sup> shall have  
31 jurisdiction to hear violations of the toll collection monitoring system  
32 regulations. Violations shall be enforced and penalties collected  
33 pursuant to "the penalty enforcement law", N.J.S.2A:58-1 et seq. A  
34 proceeding and a judgment arising therefrom shall be pursued and  
35 entered in accordance with the provisions of N.J.S.2B:12-1 et seq.  
36 and the Rules Governing the Courts of the State of New Jersey.

37 In addition to the civil penalty that may be assessed by a court  
38 <sup>1</sup>having jurisdiction<sup>1</sup> for a violation of the toll collection monitoring  
39 system regulations, a court <sup>1</sup>[having jurisdiction over the violation]<sup>1</sup>  
40 <sup>2</sup>[may] shall<sup>2</sup> require the <sup>2</sup>[owner] defendant<sup>2</sup> to pay the proper toll  
41 and <sup>2</sup>may require the defendant<sup>2</sup> to pay a reasonable administrative fee  
42 that shall not exceed \$25 <sup>2</sup>per violation<sup>2</sup> <sup>1</sup>if the authority has  
43 previously sent an advisory and payment request to the defendant<sup>1</sup>.  
44 <sup>1</sup>[Payment of any penalty or assessment imposed by a court shall be  
45 made to the court or judicial officer having jurisdiction over the  
46 proceeding and shall be remitted to the authority within 60 days

1 following the payment.] Following collection and distribution of the  
2 fees set forth in section 11 of P.L.1953, c.22 (C.22A:3-4), any  
3 <sup>2</sup>[penalties,]<sup>2</sup> tolls and administrative fees imposed and collected by the  
4 court for a violation of the toll collection monitoring system  
5 regulations shall be promptly remitted to the authority by the court.<sup>1</sup>  
6 <sup>2</sup>The civil penalty shall be distributed pursuant to the "penalty  
7 enforcement law," N.J.S.2A:58-1 et seq.<sup>2</sup>

8  
9 14. Nothing in sections 11 through 15 of P.L. , c. (C. )  
10 (now pending before the Legislature as this bill) shall be construed as  
11 limiting the power of the authority as provided in P.L.1991, c.252  
12 (C.27:25A-1 et seq.) to proceed against an operator of a vehicle for  
13 a violation of the authority's toll collection regulations, or as  
14 prohibiting or limiting the enforcement of a violation of the motor  
15 vehicle and traffic laws as set forth in Title 39 of the Revised Statutes  
16 <sup>2</sup>except that an operator of a vehicle charged with a violation of  
17 section 21 of P.L.1991, c.252 (C.27:25A-21) shall not be liable for the  
18 civil penalty provided in subsection a. of section 12 of this act for the  
19 same incident<sup>2</sup>.

20  
21 15. Nothing in sections 11 through 15 of P.L. , c. (C. )  
22 (now pending before the Legislature as this bill) shall be construed as  
23 extending or diminishing the power of the authority to establish and  
24 assess tolls on expressway projects of the authority.

25  
26 16. This act shall take effect immediately.

27  
28  
29 \_\_\_\_\_  
30  
31 Clarifies law concerning electronic collection of tolls by State toll road  
32 authorities.