

SENATE, No. 428

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator HAINES

1 AN ACT agreeing with the State of New York with respect to rules
2 and regulations for the control of traffic on vehicular crossings
3 operated by the Port Authority of New York and New Jersey and
4 supplementing P.L.1950, c.192 (C.32:1-154.1 et seq.).
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6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
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9 1. Notwithstanding any other provision of law and in accordance
10 with the provisions of section 3 of this act, an owner of a vehicle may
11 be held liable for failure of an operator thereof to comply with the toll
12 collection regulations of the Port Authority of New York and New
13 Jersey (hereinafter called Port Authority). The owner of a vehicle
14 shall be liable pursuant to this section if such vehicle was used or
15 operated with the permission of the owner, express or implied, in
16 violation of the toll collection regulations of the Port Authority, and
17 such violation is evidenced by information obtained from a photo-
18 monitoring system; provided, however, that no owner of a vehicle shall
19 be liable where the operator of such vehicle has been convicted of a
20 violation of those toll collection regulations for the same incident.
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22 2. As used in this act:

23 "Lessee" means any person, corporation, firm, partnership, agency,
24 association or organization that rents, leases or contracts for the use
25 of one or more vehicles and has exclusive use thereof for any period
26 of time.

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

32 "Operator" means any person, corporation, firm, partnership,
33 agency, association, organization or lessee that uses or operates a
34 vehicle with or without the permission of the owner, and an owner
35 who operates the owner's vehicle.

36 "Owner" means any person, corporation, partnership, firm, agency,
37 association, lessor or organization which, at the time a vehicle is

1 operated in violation of the toll collection regulations of the Port
2 Authority: is the beneficial or equitable owner of the vehicle; or has
3 title to the vehicle; or is the registrant or co-registrant of the vehicle
4 registered with the Division of Motor Vehicles in the Department of
5 Transportation of this State or registered with any other state,
6 territory, district, province, nation or other jurisdiction; or uses the
7 vehicle in its vehicle renting or leasing business; and includes a person
8 entitled to the use and possession of a vehicle subject to a security
9 interest in another person.

10 “Photo-monitoring system” means a vehicle sensor installed to
11 work in conjunction with a toll collection facility which automatically
12 produces one or more photographs, one or more microphotographs,
13 a videotape or other recorded images of each vehicle at the time the
14 vehicle is used or operated in violation of the toll collection
15 regulations of the Port Authority.

16 “Port Authority” means the Port Authority of New York and New
17 Jersey.

18 “Toll collection regulations” means the traffic regulations for
19 interstate vehicular crossings operated by the Port Authority as set
20 forth in P.L.1950, c.192 (C.32:1-154.1 et seq.) and in chapter 774 of
21 the laws of New York of 1950, and specifically that section of the laws
22 which prohibits traffic in or upon vehicular crossings operated by the
23 Port Authority except upon the payment of such tolls and other
24 charges as may from time to time be prescribed by the Port Authority
25 and which further makes it unlawful for any person to refuse to pay,
26 or to evade, or to attempt to evade the payment of such tolls or other
27 charges.

28 “Vehicle” means every device in, upon, or by which a person or
29 property is or may be transported or drawn upon a highway, except
30 devices used exclusively upon stationary rails or tracks.

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32 3. a. The liability set forth in section 1 of this act shall be imposed
33 upon an owner for a violation by an operator of the toll collection
34 regulations of the Port Authority occurring within the territorial limits
35 of the State of New Jersey in the same manner as a violation of section
36 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such
37 violation shall be as set forth in section 16 of P.L.1950, c.192 (C.32:1-
38 154.16).

39 b. An owner who is a lessor of a vehicle operated in violation of
40 the toll collection regulations of the Port Authority shall not be liable
41 for the violation of the toll collection regulations if the lessor submits
42 a copy of the rental, lease or other contract document covering that
43 vehicle on the date of the violation, with the name and address of the
44 lessee clearly legible to the Port Authority and to the court or other
45 entity having jurisdiction over the violation in a timely manner. Failure
46 to provide such information in a timely manner shall render the lessor

1 liable for the penalty prescribed by this section. Where the lessor
2 complies with the provisions of this subsection, the lessee of such
3 vehicle on the date of the violation shall be deemed the owner of the
4 vehicle for purposes of this section and shall be subject to liability for
5 the violation of the toll collection regulations of the Port Authority.

6 c. A certified report of an employee or agent of the Port Authority
7 reporting a violation of the toll collection regulations and any
8 information obtained from a photo-monitoring system shall be deemed
9 records kept in the ordinary business of the Port Authority and shall,
10 when relevant, be made available for inspection and admission into
11 evidence in a proceeding concerning a violation of the toll collection
12 regulations, but shall not be deemed public records for the purpose of
13 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to
14 public records.

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16 4. Nothing in this act shall be construed as limiting the power of
17 the Port Authority to proceed against an owner or operator of vehicle
18 for violation of its toll collection regulations as provided in P.L.1950,
19 c.192 (C.32:1-154.1 et seq.).

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21 5. Nothing in this act shall be construed as extending or
22 diminishing the authority of the Port Authority to establish or assess
23 tolls for interstate vehicular crossings

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25 6. This act shall take effect upon the enactment into law by the
26 State of New York of legislation having an identical effect with section
27 1 of this act, but if the State of New York shall have already enacted
28 such legislation, this act shall take effect immediately.

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31 STATEMENT

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33 The electronic collection of tolls on highways and bridges is in the
34 process of being implemented in the States of New Jersey and New
35 York by the inauguration of the "E-Z-pass system." This system
36 permits a driver to pass through the existing toll barriers without
37 stopping for the purpose of manually depositing currency, coins or
38 tokens. This system will permit tolls to be paid automatically by
39 means of automated electronic identification of a vehicle at a toll
40 booth and the debiting of a vehicle account. This allows tolls to be
41 paid automatically while vehicles are in motion, thereby improving
42 traffic flow and reducing delays and queuing.

43 This bill clarifies the existing laws concerning the Port Authority of
44 New York and New Jersey with regard to the liability of the owners
45 of motor vehicles for toll collection violations and the status and use
46 of photo-monitoring evidence in order to permit the Port Authority to

1 expediently implement electronic toll collection technology.

2 The State of New York has enacted legislation concerning the
3 liability of owners or motor vehicles for toll collection violations on
4 bridges and highways operated by public authorities in the State and
5 has further amended New York law concerning toll enforcement on
6 crossings operated by the Port Authority for New York and New
7 Jersey which will take effect upon passage by New Jersey of legislation
8 having an identical effect to section 3 of that act. Section 1 of this act
9 is identical in effect to section 3 of New York law concerning Port
10 Authority toll enforcement and would thus permit both New York and
11 New Jersey legislation to take effect.

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16 Clarifies law concerning electronic collection of tolls by Port Authority
17 of New York and New Jersey.