

SENATE, No. 801

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator HAINES

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:

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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 or organization that rents, leases or contracts for the use of one or
12 more vehicles and has exclusive use thereof for any period of time.

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

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

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

20 "Photo-monitoring system" means a vehicle sensor installed to work
21 in conjunction with a toll collection facility which automatically
22 produces one or more photographs, one or more microphotographics,
23 a videotape or other recorded images of each vehicle at the time the
24 vehicle is used in violation of the toll collection provisions of the
25 authority.

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

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

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37 2. Notwithstanding any other provision of law and in accordance

1 with the provisions of section 3 of this act, an owner of a vehicle may
2 be held liable for failure of an operator thereof to comply with the toll
3 collection regulations of the authority. The owner of a vehicle shall be
4 liable pursuant to this section if such vehicle was used or operated
5 with the permission of the owner, express or implied, in violation of
6 the toll collection regulations of the authority, and such violation is
7 evidenced by information obtained from a photo-monitoring system;
8 provided, however, that no owner of a vehicle shall be liable where the
9 operator of such vehicle has been convicted of a violation of these toll
10 collection regulations for the same incident.

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12 3. a. The liability set forth in section 2 of this act shall be imposed
13 upon an owner for a violation by an operator of the toll collection
14 regulations of the authority in the same manner as a violation of
15 paragraph (a) of section 18 of P.L.1952, c.16 (C.27:12B-18) and any
16 regulation adopted by the authority under the provisions of that
17 section regarding the payment of tolls and the punishment for such
18 violation shall be as set forth in paragraph (l) of section 18 of
19 P.L.1952, c.16 (C.27:12B-18(l)).

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

33 c. A certified report of an employee or agent of the authority
34 reporting a violation of the toll collection regulations and any
35 information obtained from a photo-monitoring system shall be deemed
36 records kept in the ordinary course of business of the authority and
37 shall, when relevant, be made available for inspection and admission
38 into evidence in a proceeding concerning a violation of the toll
39 collection regulations, but shall not be deemed public records for the
40 purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of
41 access to public records.

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43 4. Nothing in this act shall be construed as limiting the power of
44 the authority to proceed against an owner or operator of a vehicle for
45 violation of its toll collection regulations as provided in P.L.1952, c.16
46 (C.27:12B-1 et seq.).

1 5. Nothing in this act shall be construed as extending or
2 diminishing the authority of the authority to establish and assess tolls
3 on projects of the authority.

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

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

8 "Lessee" means any person, corporation, firm, partnership, agency
9 or organization that rents, leases or contracts for the use of one or
10 more vehicles and has exclusive use thereof 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 agreement which provides that the lessee has exclusive use of the
15 vehicle 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 "Photo-monitoring system" means a vehicle sensor installed to work
19 in conjunction with a toll collection facility which automatically
20 produces one or more photographs, one or more microphotographics,
21 a videotape or other recorded images of each vehicle at the time the
22 vehicle is used in violation of the toll collection provisions of the
23 authority.

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

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

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35 7. Notwithstanding any other provision of law and in accordance
36 with the provisions of section 8 of this act, an owner of a vehicle may
37 be held liable for failure of an operator thereof to comply with the toll
38 collection regulations of the authority. The owner of a vehicle shall be
39 liable pursuant to this section if such vehicle was used or operated
40 with the permission of the owner, express or implied, in violation of
41 the toll collection regulations of the authority, and such violation is
42 evidenced by information obtained from a photo-monitoring system;
43 provided, however, that no owner of a vehicle shall be liable where the
44 operator of such vehicle has been convicted of a violation of these toll
45 collection regulations for the same incident.

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1 8. a. The liability set forth in section 7 of this act shall be imposed
2 upon an owner for a violation by an operator of the toll collection
3 regulations of the authority in the same manner as a violation of
4 section 1 of P.L.1951, c.264 (C.27:23-25) and any regulation adopted
5 by the authority under the provisions of P.L.1951, c.264 (C.27:23-25
6 et seq.) regarding the payment of tolls and the punishment for such
7 violation shall be as set forth in section 10 of P.L.1951, c.264
8 (C.27:23-34).

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

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

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32 9. Nothing in this act shall be construed as limiting the power of
33 the authority to proceed against an owner or operator of a vehicle for
34 violation of its toll collection regulations as provided in P.L.1951,
35 c.264 (C.27:23-25 et seq.).

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37 10. Nothing in this act shall be construed as extending or
38 diminishing the authority of the authority to establish and assess tolls
39 on projects of the authority.

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

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

44 "Lessee" means any person, corporation, firm, partnership, agency
45 or organization that rents, leases or contracts for the use of one or
46 more vehicles and has exclusive use thereof for any period of time.

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

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

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

8 "Photo-monitoring system" means a vehicle sensor installed to work
9 in conjunction with a toll collection facility which automatically
10 produces one or more photographs, one or more microphotographs,
11 a videotape or other recorded images of each vehicle at the time the
12 vehicle is used in violation of the toll collection provisions of the
13 authority.

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

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

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25 12. Notwithstanding any other provision of law and in accordance
26 with the provisions of section 13 of this act, an owner of a vehicle may
27 be held liable for failure of an operator thereof to comply with the toll
28 collection regulations of the authority. The owner of a vehicle shall be
29 liable pursuant to this section if such vehicle was used or operated
30 with the permission of the owner, express or implied, in violation of
31 the toll collection regulations of the authority, and such violation is
32 evidenced by information obtained from a photo-monitoring system;
33 provided, however, that no owner of a vehicle shall be liable where the
34 operator of such vehicle has been convicted of a violation of these toll
35 collection regulations for the same incident.

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37 13. a. The liability set forth in section 12 of this act shall be
38 imposed upon an owner for a violation by an operator of the toll
39 collection regulations of the authority in the same manner as a
40 violation of subsection a. of section 21 of P.L.1991, c.252 (C.27:25A-
41 21a.) any regulation adopted by the authority under the provisions of
42 that section regarding the payment of tolls and the punishment for such
43 violation shall be as set forth in subsection 1. of section 21 of
44 P.L.1991, c.252 (C.27:25A-21(1)).

45 b. An owner who is a lessor of a vehicle operated in violation of
46 the toll collection regulations of the authority shall not be liable for the

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

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

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22 14. Nothing in this act shall be construed as limiting the power of
23 the authority to proceed against an owner or operator of a vehicle for
24 violation of its toll collection regulations as provided in P.L.1991,
25 c.252 (C.27:25A-1 et seq.).

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

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31 16. This act shall take effect immediately.

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STATEMENT

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

46 This bill, which is modeled on S-428 of 1996 concerning the Port

1 of New York and New Jersey, clarifies existing laws of the State's
2 three toll road authorities - the New Jersey Highway Authority, the
3 New Jersey Turnpike Authority and the South Jersey Transportation
4 Authority - with regard to the liability of the owners of motor vehicles
5 for toll collection violations and the status and use of photo-
6 monitoring evidence in order to permit the toll road authorities to
7 expediently implement electronic toll collection technology.

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