

ASSEMBLY, No. 2556

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes reciprocal agreements for enforcement of toll violations with toll authorities from other states; modifies penalties for toll violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning toll enforcement, amending various parts of the
2 statutory law, and supplementing Title 27 and Title 32 of the
3 Revised Statutes.

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

7
8 1. Section 10 of P.L.1951, c.264 (C.27:23-34) is amended to
9 read as follows:

10 10. Except as provided in sections eight and nine of this act, any
11 violation of any of the provisions hereof, including but not limited to
12 those regarding the payment of tolls, and any violation of any
13 regulation adopted by the Authority under the provisions of this act
14 shall be punishable by a fine not exceeding **five hundred dollars**
15 **(\$500) or by imprisonment not exceeding thirty days or by both such**
16 **fine and imprisonment** \$100 for the first violation and not exceeding
17 \$600 for each subsequent violation. Such a violation shall be tried in
18 a summary way and shall be within the jurisdiction of and may be
19 brought in the Superior Court or any municipal court where the
20 offense was committed. The rules of the Supreme Court shall govern
21 the practice and procedure in such proceedings, except as provided
22 by any reciprocity agreement entered into by the Authority or by the
23 New Jersey Motor Vehicle Commission, on behalf of the Authority,
24 pursuant to section 4 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). Proceedings under this section may be
26 instituted on any day of the week, and the institution of the
27 proceedings on a Sunday or a holiday shall be no bar to the successful
28 prosecution thereof. Any process served on a Sunday or a holiday
29 shall be as valid as if served on any other day of the week.

30 When imposing any penalty under the provisions of this section
31 the court having jurisdiction shall be guided by the appropriate
32 provisions of any statute adopted at the current session of the
33 Legislature, or hereafter, fixing uniform penalties for violation of
34 certain provisions of the motor vehicle and traffic laws contained in
35 Title 39 of the Revised Statutes.

36 (cf: P.L.2003, c.79, s.35)

37
38 2. Section 7 of P.L.1997, c.59 (C.27:23-34.2) is amended to read
39 as follows:

40 7. a. The authority may, in accordance with the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), adopt toll collection monitoring system regulations. The
43 regulations shall include a procedure for processing toll violations
44 and for the treatment of inadvertent violations. **A** In addition to the
45 penalty provided for in section 14 of P.L.1951, c.264 (C.27:23-38), a

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 person who violates the regulations shall be liable to a civil penalty
2 in an amount not to exceed **【\$500 to be established by the authority】**
3 \$100 for the first violation and an amount not to exceed \$600 for each
4 subsequent violation. The penalty shall be enforced pursuant to the
5 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
6 seq.).

7 b. Except as provided in subsection b. of section 8 of P.L.1997,
8 c.59 (C.27:23-34.3), an owner of a vehicle shall be jointly and
9 severally liable for the failure of an operator of the vehicle to comply
10 with the toll collection monitoring system regulations. The owner of
11 a vehicle shall be liable if such vehicle was used or operated by the
12 operator with the express or implied permission of the owner when
13 the violation of the toll collection monitoring system regulations was
14 committed, and the evidence of the violation is obtained by a toll
15 collection monitoring system. An owner of a vehicle shall not be
16 liable if the operator of the vehicle has been identified and charged
17 with a violation of section 10 of P.L.1951, c.264 (C.27:23-34) for the
18 same incident.

19 c. A toll collection monitoring system acquired or operated by,
20 or under contract to, the authority shall be so designed that it does
21 not produce one or more photographs, microphotographs, a
22 videotape, or other recorded image or images of the face of the
23 operator or any passenger in a motor vehicle.

24 (cf: P.L.2003, c.79, s.37)

25
26 3. Section 14 of P.L.1951, c.264 (C.27:23-38) is amended to
27 read as follows:

28 14. In addition to any punishment or penalty provided by other
29 sections of this act, sections 7 and 8 of P.L.1997, c.59 (C.27:23-34.2
30 and C.27:23-34.3), or any other law, rule, regulation, or order of
31 another state or tolling entity with which the authority or the New
32 Jersey Motor Vehicle Commission, on behalf of the authority, has
33 entered into a reciprocity agreement pursuant to section 4 of P.L. _____,
34 c. _____ (C. _____) (pending before the Legislature as this bill), every
35 registration certificate and every license certificate to drive motor
36 vehicles may be suspended or revoked and any person may be
37 prohibited from obtaining a driver's license or a registration
38 certificate and the reciprocity privileges of a nonresident may be
39 suspended or revoked by the **【Director of the Division of Motor**
40 **Vehicles】** Chief Administrator of the New Jersey Motor Vehicle
41 Commission for a violation of any of the provisions of this act, after
42 due notice in writing of such proposed suspension, revocation, or
43 prohibition and the ground thereof and after the opportunity to be
44 heard in an administrative proceeding, and otherwise in accordance
45 with the powers, practice, and procedure established by those
46 provisions of Title 39 of the Revised Statutes applicable to such
47 suspension, revocation, or prohibition.

1 In addition to any punishment or penalty provided by P.L.1951,
2 c.264 (C.27:23-25 et seq.) and sections 7 and 8 of P.L.1997, c.59
3 (C.27:23-34.2 and C.27:23-34.3), the authority or the New Jersey
4 Motor Vehicle Commission may collect the civil penalties and tolls
5 imposed by an out-of-state tolling entity if the authority or the New
6 Jersey Motor Vehicle Commission, on behalf of the authority, has
7 entered into a reciprocity agreement pursuant to section 4 of
8 P.L. , c. (C.) (pending before the Legislature as this bill).
9 (cf: P.L.1951, c.264, s.14)

10
11 4. (New section) The authority or the New Jersey Motor
12 Vehicle Commission may collect the civil penalties and tolls imposed
13 by an out-of-state tolling entity if the authority, or the New Jersey
14 Motor Vehicle Commission on behalf of the authority, has entered
15 into a reciprocity agreement with the out-of-state tolling entity or the
16 other state in which the out-of-state tolling entity is located that
17 confirms the following:

18 a. The other state or out-of-state tolling entity has its own
19 reciprocal procedure for collecting penalties and tolls of the authority
20 by employing sanctions that include denial of a person's ability to
21 obtain a registration certificate for a motor vehicle;

22 b. The penalties, exclusive of tolls, claimed by the other state or
23 out-of-state tolling entity against the owner of a motor vehicle
24 registered in this State does not exceed \$100 for the first violation or
25 \$600 for each subsequent violation;

26 c. The other state or tolling entity provides due process and
27 appeal protections to avoid the likelihood that a false, mistaken, or
28 unjustified claim will be pursued against an owner of a motor vehicle
29 registered in this State;

30 d. An owner of a motor vehicle registered in this State may
31 present evidence to the other state or tolling entity by mail, telephone,
32 or electronic means or in-person in an administrative proceeding
33 before the New Jersey Motor Vehicle Commission to invoke the
34 owner's rights to due process, without having to appear personally in
35 the jurisdiction where the violation is alleged to have occurred; and

36 e. The parties to the reciprocity agreement each may charge the
37 other party a fee sufficient for each party to recoup the costs of
38 collection services, including costs incurred by the New Jersey Motor
39 Vehicle Commission or the agency that registers motor vehicles in
40 the other state.

41
42 5. Section 21 of P.L.1991, c.252 (C.27:25A-21) is amended to
43 read as follows:

44 21. a. Except as otherwise provided in subsection a. of section
45 19 of **[this act]** P.L.1991, c.252 (C.27:25A-19), no vehicle shall be
46 permitted to make use of any expressway project except upon the
47 payment of the tolls as may from time to time be prescribed by the

1 authority. It shall be unlawful for any person to refuse to pay, or to
2 evade or to attempt to evade the payment of the tolls.

3 b. No vehicle shall be operated on any project carelessly or
4 recklessly, or in disregard of the rights or safety of others, or without
5 due caution or prudence, or in a manner so as to endanger
6 unreasonably or to be likely to endanger unreasonably persons or
7 property, while the operator thereof is under the influence of
8 intoxicating liquors or any narcotic or habit-forming drug, nor shall
9 any vehicle be so constructed, equipped, lacking in equipment,
10 loaded, or operated in such a condition of disrepair as to endanger
11 unreasonably or to be likely to endanger unreasonably persons or
12 property.

13 c. A person operating a vehicle on any project shall operate at a
14 careful and prudent speed, having due regard to the rights and safety
15 of others and to the traffic, surface and width of the highway, and any
16 other conditions then existing; and no person shall operate a vehicle
17 on any project at a speed as to endanger life, limb, or property; except
18 that it shall be prima facie lawful for a driver of a vehicle to operate
19 it at a speed not exceeding a speed limit which is designated by the
20 authority as a reasonable and safe speed limit, when appropriate signs
21 giving notice of that speed limit are erected at the roadside or
22 otherwise posted for the information of operators of vehicles.

23 d. No person shall operate a vehicle on any project at a slow
24 speed as to impede or block the normal and reasonable movement of
25 traffic except when reduced speed is necessary for safe operation
26 thereof.

27 e. No person shall operate a vehicle on any project in violation
28 of any speed limit designated by regulation adopted by the authority.

29 f. All persons operating vehicles upon any project **[must]** shall
30 at all times comply with any lawful order, signal, or direction by
31 voice or hand of any police officer engaged in the direction of traffic
32 upon such project. When traffic on a project is controlled by traffic
33 lights, signs, or by mechanical or electrical signals, those lights,
34 signs, and signals shall be obeyed unless a police officer directs
35 otherwise.

36 g. All persons operating vehicles upon any project, or seeking to
37 do so, **[must]** shall at all times comply with regulations, not
38 inconsistent with the other sections of this act, adopted by the
39 authority concerning types, weights, and sizes of vehicles permitted
40 to use the project, and with regulations adopted by the authority for
41 or prohibiting the parking of vehicles, concerning the making of turns
42 and the use of particular traffic lanes, together with any and all other
43 regulations adopted by the authority to control traffic and prohibit
44 acts hazardous in their nature or tending to impede or block the
45 normal and reasonable flow of traffic upon the project; except that
46 prior to the adoption of any regulation for the control of traffic on
47 any project, including the designation of any speed limits, the
48 authority shall investigate and consider the need for and desirability

1 of the regulation for the safety of persons and property, including the
2 authority's property, and the contribution which that regulation
3 would make toward the efficient and safe handling of traffic and use
4 of the project, and shall determine that the regulation is necessary or
5 desirable to accomplish the purposes or one or some of them, and that
6 upon or prior to the effective date of the regulation and during its
7 continuance, notice thereof shall be given to the drivers of vehicles
8 by appropriate signs erected at the roadside or otherwise posted. The
9 authority may adopt regulations referred to in this section in
10 accordance with the provisions hereof and in accordance with the
11 provisions of the "Administrative Procedure Act." Regulations
12 adopted by the authority pursuant to the provisions of this section
13 shall insofar as practicable, having due regard to the features of the
14 project and the characteristics of traffic thereon and except as to
15 maximum or minimum speed limits, be consistent with the provisions
16 of Title 39 of the Revised Statutes applicable to similar subjects. The
17 authority shall have power to amend, supplement, or repeal any
18 regulation adopted by it under the provisions of this section. No
19 regulation and no amendment, or supplement thereto, or repealer
20 thereof adopted by the authority shall take effect until it is filed with
21 the Office of Administrative Law, by the filing of a copy thereof
22 certified by the secretary of the authority.

23 h. The operator of any vehicle upon a project involved in an
24 incident resulting in injury or death to any person or damage to any
25 property shall immediately stop the vehicle at the scene of the
26 incident, render assistance as may be needed, and give his name,
27 address, and operator's license and motor vehicle registration number
28 to the person injured and to any officer or witness of the injury and
29 shall make a report of the incident in accordance with law.

30 i. No person shall transport in or upon any expressway project,
31 any dynamite, nitroglycerin, black powder, fireworks, blasting caps,
32 or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
33 turpentine, formaldehyde, or other inflammable or combustible
34 liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered
35 metallic magnesium, nitro-cellulose film, peroxides, or other readily
36 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
37 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
38 carbolic acid, potassium cyanide, tear gas, lewisite, or any other
39 poisonous substances, liquids, or gases, or any compressed gas, or
40 any radioactive article, substance, or material, at a time or place or in
41 a manner or condition as to endanger unreasonably or as to be likely
42 to endanger unreasonably persons or property.

43 j. If the violation of any provision of this section or the violation
44 of any regulation adopted by the authority under the provisions of
45 this section would have been a violation of law or ordinance if
46 committed on any public road, street, or highway in the municipality
47 in which the violation occurred, it shall be tried and punished in the
48 same manner as if it had been committed in that municipality.

1 k. Notwithstanding the provisions of subsection j. of this
2 section, if the violation of the provisions of subsection i. of this
3 section shall result in injury or death to a person or persons or damage
4 to property in excess of the value of \$5,000, that violation shall
5 constitute a crime of the third degree.

6 l. Except as provided in subsection j. or k. of this section, any
7 violation of any of the provisions of this section, including but not
8 limited to those regarding the payment of tolls, and any violation of
9 any regulation adopted by the authority under the provisions of this
10 section shall be punishable by a fine not exceeding ~~【\$500 or by~~
11 ~~imprisonment not exceeding 30 days or by both】~~ \$100 for the first
12 violation and not exceeding \$600 for each subsequent violation. A
13 violation shall be tried in a summary way and shall be within the
14 jurisdiction of and may be brought in the Special Civil Part of the
15 Law Division of the Superior Court or any municipal court in the
16 county where the offense was committed. The rules of the Supreme
17 Court shall govern the practice and procedure in such proceedings,
18 except as provided by any reciprocity agreement entered into by the
19 authority or by the New Jersey Motor Vehicle Commission, on behalf
20 of the authority, pursuant to section 7 of
21 P.L. , c. (C.) (pending before the Legislature as this bill).
22 Proceedings under this section may be instituted on any day of the
23 week, and the institution of the proceedings on a Sunday or a holiday
24 shall be no bar to the successful prosecution thereof. Any process
25 served on a Sunday, or a holiday shall be as valid as if served on any
26 other day of the week. When imposing any penalty under the
27 provisions of this subsection the court having jurisdiction shall be
28 guided by the appropriate provisions of any statute fixing uniform
29 penalties for violation of provisions of the motor vehicle and traffic
30 laws contained in Title 39 of the Revised Statutes.

31 m. In any prosecution for violating a regulation of the authority
32 adopted pursuant to the provisions of this section, copies of that
33 regulation when authenticated under the seal of the authority by its
34 secretary or assistant secretary shall be evidence in like manner and
35 equal effect as the original.

36 n. No resolution or ordinance adopted by the governing body of
37 any county or municipality for the control and regulation of traffic
38 shall be applicable to vehicles while upon any expressway project
39 operated by the authority.

40 o. In addition to any punishment or penalty provided by other
41 subsections of this section, sections 12 and 13 of P.L.1997, c.59
42 (C.27:25A-21.2 and C.27:25A-21.3), or any other law, rule,
43 regulation, or order of another state or tolling entity with which the
44 authority or the New Jersey Motor Vehicle Commission, on behalf of
45 the authority, has entered into a reciprocity agreement pursuant to
46 section 7 of P.L. , c. (C.) (pending before the Legislature as
47 this bill), every registration certificate and every license certificate to
48 drive motor vehicles may be suspended or revoked and any person

1 may be prohibited from obtaining a driver's license or a registration
2 certificate and the reciprocity privileges of a nonresident may be
3 suspended or revoked by the **Director of the Division of Motor**
4 **Vehicles** Chief Administrator of the New Jersey Motor Vehicle
5 Commission for a violation of any of the provisions of this section,
6 after due notice in writing of the proposed suspension, revocation, or
7 prohibition and the ground thereof and after the opportunity to be
8 heard during an administrative proceeding, all otherwise in
9 accordance with the powers, practice, and procedure established by
10 the provisions of Title 39 of the Revised Statutes applicable to the
11 suspension, revocation, or prohibition.

12 In addition to any punishment or penalty provided by this section
13 and sections 12 and 13 of P.L.1997, c.59 (C.27:25A-21.2 and
14 C.27:25A-21.3), the authority or the New Jersey Motor Vehicle
15 Commission may collect the civil penalties and tolls imposed by an
16 out-of-state tolling entity if the authority or the New Jersey Motor
17 Vehicle Commission, on behalf of the authority, has entered into a
18 reciprocity agreement pursuant to section 7 of
19 P.L. , c. (C.) (pending before the Legislature as this bill).

20 p. Except as otherwise provided by this section or by any
21 regulation of the authority adopted in accordance with the provisions
22 of this section, the requirements of Title 39 of the Revised Statutes
23 applicable to persons using, driving, or operating vehicles on the
24 public highways of this State and to vehicles so used, driven, or
25 operated shall be applicable to persons using, driving, or operating
26 vehicles on any expressway project and to vehicles so used, driven,
27 or operated.

28 (cf: P.L.1991, c.252, s.21)

29
30 6. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended to
31 read as follows:

32 12. a. The authority may, in accordance with the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), adopt toll collection monitoring system regulations. The
35 regulations shall include a procedure for processing toll violations
36 and for the treatment of inadvertent violations. **[A]** In addition to the
37 penalty provided for in subsection o. of section 21 of P.L.1991, c.252
38 (C.27:25A-21), a person who violates the regulations shall be liable
39 to a civil penalty in an amount not to exceed \$500 to be established
40 by the authority \$100 for the first violation and an amount not to
41 exceed \$600 for each subsequent violation. The penalty shall be
42 enforced pursuant to the "Penalty Enforcement Law of 1999,"
43 P.L.1999, c.274 (C.2A:58-10 et seq.).

44 b. Except as provided in subsection b. of section 13 of P.L.1997,
45 c.59 (C.27:25A-21.3), an owner of a vehicle shall be jointly and
46 severally liable for the failure of an operator of the vehicle to comply
47 with the toll collection monitoring system regulations. The owner of

1 a vehicle shall be liable if such vehicle was used or operated by the
2 operator with the express or implied permission of the owner when
3 the violation of the toll collection monitoring system regulations was
4 committed, and the evidence of the violation is obtained by a toll
5 collection monitoring system. An owner of a vehicle shall not be
6 liable if the operator of the vehicle has been identified and charged
7 with a violation of section 21 of P.L.1991, c.252 (C.27:25A-21) for
8 the same incident.

9 c. A toll collection monitoring system acquired or operated by,
10 or under contract to, the authority shall be so designed that it does
11 not produce one or more photographs, microphotographs, a
12 videotape, or other recorded image or images of the face of the
13 operator or any passenger in a motor vehicle.

14 (cf: P.L.2003, c.79, s.47)

15
16 7. (New section) The authority or the New Jersey Motor
17 Vehicle Commission may collect the civil penalties and tolls imposed
18 by an out-of-state tolling entity if the authority, or the New Jersey
19 Motor Vehicle Commission on behalf of the authority, has entered
20 into a reciprocity agreement with the out-of-state tolling entity or the
21 other state in which the out-of-state tolling entity is located that
22 confirms the following:

23 a. The other state or out-of-state tolling entity has its own
24 reciprocal procedure for collecting penalties and tolls of the authority
25 by employing sanctions that include denial of a person's ability to
26 obtain a registration certificate for a motor vehicle;

27 b. The penalties, exclusive of tolls, claimed by the other state or
28 out-of-state tolling entity against the owner of a motor vehicle
29 registered in this State does not exceed \$100 for the first violation or
30 \$600 for each subsequent violation;

31 c. The other state or tolling entity provides due process and
32 appeal protections to avoid the likelihood that a false, mistaken, or
33 unjustified claim will be pursued against an owner of a motor vehicle
34 registered in this State;

35 d. An owner of a motor vehicle registered in this State may
36 present evidence to the other state or tolling entity by mail, telephone,
37 or electronic means or in-person in an administrative proceeding
38 before the New Jersey Motor Vehicle Commission to invoke the
39 owner's rights to due process, without having to appear personally in
40 the jurisdiction where the violation is alleged to have occurred; and

41 e. The parties to the reciprocity agreement each may charge the
42 other party a fee sufficient for each party to recoup the costs of
43 collection services, including costs incurred by the New Jersey Motor
44 Vehicle Commission or the agency that registers motor vehicles in
45 the other state.

46
47 8. (New section) a. The Governor is authorized to enter into a
48 supplemental compact or agreement, on behalf of the State of New

1 Jersey, with the State of New York supplementing the compact of
2 April 30, 1921, between the states of New York and New Jersey, as
3 amended and supplemented, creating the Port Authority of New York
4 and New Jersey, as set forth in sections 9 and 10 of
5 P.L. , c. (C.) (pending before the legislature as this bill).

6 b. The Governor is authorized to apply, on behalf of the State of
7 New Jersey, to the Congress of the United States for its consent and
8 approval to the amendments to this compact or agreement provided
9 in sections 9 and 10 of P.L. , c. (C.) (pending before the
10 Legislature as this bill), but in the absence of such consent and
11 approval, the Port Authority of New York and New Jersey referred
12 to in such supplemental compact or agreement shall have all of the
13 powers which the State of New York and the State of New Jersey
14 may confer upon it without the consent and approval of Congress.
15

16 9. (New section) In addition to any punishment or penalty
17 provided by any law of the State of New Jersey or the State of New
18 York concerning the nonpayment of tolls to the port authority, any
19 rule, regulation, or order of the port authority concerning the
20 nonpayment of tolls, or any other law, rule, regulation, or order of
21 another state or tolling entity with which the port authority, or the
22 New Jersey Motor Vehicle Commission or the New York State
23 Department of Motor Vehicles on behalf of the port authority, has
24 entered into a reciprocity agreement, any motor vehicle registration
25 certificate may be suspended or revoked and any person may be
26 prohibited from obtaining a motor vehicle registration certificate by
27 the Chief Administrator of the New Jersey Motor Vehicle
28 Commission or the Commissioner of the New York State Department
29 of Motor Vehicles for the nonpayment of tolls to the port authority,
30 after due notice in writing of such proposed suspension, revocation,
31 or prohibition and the ground thereof and after the opportunity to be
32 heard in an administrative proceeding.
33

34 10. (New section) The port authority, or the New Jersey Motor
35 Vehicle Commission or the New York State Department of Motor
36 Vehicles on behalf of the port authority, may collect the civil
37 penalties and tolls imposed by an out-of-state tolling entity if the port
38 authority, or the New Jersey Motor Vehicle Commission or the New
39 York State Department of Motor Vehicles on behalf of the port
40 authority, has entered into a reciprocity agreement with the out-of-
41 state tolling entity or the other state in which the out-of-state tolling
42 entity is located that confirms the following:

43 a. The other state or out-of-state tolling entity has its own
44 reciprocal procedure for collecting penalties and tolls of the port
45 authority by employing sanctions that include denial of a person's
46 ability to obtain a registration certificate for a motor vehicle;

47 b. The penalties, exclusive of tolls, claimed by the other state or
48 out-of-state tolling entity against the owner of a motor vehicle

1 registered in New York or New Jersey does not exceed \$100 for the
2 first violation or \$600 for each subsequent violation;

3 c. The other state or tolling entity provides due process and
4 appeal protections to avoid the likelihood that a false, mistaken, or
5 unjustified claim will be pursued against an owner of a motor vehicle
6 registered in New York or New Jersey;

7 d. An owner of a motor vehicle registered in New York or New
8 Jersey may present evidence to the other state or tolling entity by
9 mail, telephone, or electronic means to invoke the owner's rights to
10 due process, without having to appear personally in the jurisdiction
11 where the violation is alleged to have occurred or an owner of a motor
12 vehicle registered in New Jersey may present evidence in-person in
13 an administrative proceeding before the New Jersey Motor Vehicle
14 Commission to invoke the owner's rights to due process, without
15 having to appear personally in the jurisdiction where the violation is
16 alleged to have occurred; and

17 e. The parties to the reciprocity agreement each may charge the
18 other party a fee sufficient for each party to recoup the costs of
19 collection services, including costs incurred by the New Jersey Motor
20 Vehicle Commission, the New York State Department of Motor
21 Vehicles, or the agency that registers motor vehicles in the other
22 state.

23
24 11. (New section) a. The Governor is authorized to enter into
25 a supplemental compact or agreement, on behalf of the State of New
26 Jersey, with the Commonwealth of Pennsylvania supplementing the
27 compact or agreement between the Commonwealth of Pennsylvania
28 and the State of New Jersey entitled "Agreement Between the
29 Commonwealth of Pennsylvania and the State of New Jersey creating
30 the Delaware River Joint Commission as a body corporate and politic
31 and defining its powers and duties," as set forth in sections 12 and 13
32 of P.L. , c. (C.) (pending before the Legislature as this bill.

33 b. The Governor is authorized to apply, on behalf of the State of
34 New Jersey, to the Congress of the United States for its consent and
35 approval to the amendments to this compact or agreement provided
36 in sections 12 and 13 of P.L. , c. (C.) (pending before the
37 Legislature as this bill), but in the absence of such consent and
38 approval, the Delaware River Port Authority shall have all of the
39 powers which the Commonwealth of Pennsylvania and the State of
40 New Jersey may confer upon it without the consent and approval of
41 Congress.

42
43 12. (New section) In addition to any punishment or penalty
44 provided by any law of the State of New Jersey or the Commonwealth
45 of Pennsylvania concerning the nonpayment of tolls to the port
46 authority, any rule, regulation, or order of the port authority
47 concerning the nonpayment of tolls, or any other law, rule,
48 regulation, or order of another state or tolling entity with which the

1 port authority, or the New Jersey Motor Vehicle Commission or the
2 Pennsylvania Department of Transportation on behalf of the port
3 authority, has entered into a reciprocity agreement, any motor vehicle
4 registration certificate may be suspended or revoked and any person
5 may be prohibited from obtaining a motor vehicle registration
6 certificate by the Chief Administrator of the New Jersey Motor
7 Vehicle Commission or the Secretary of the Pennsylvania
8 Department of Transportation for a violation of any law, rule,
9 regulation, or order governing the nonpayment of tolls to the port
10 authority, after due notice in writing of such proposed suspension,
11 revocation, or prohibition and the ground thereof and after the
12 opportunity to be heard in an administrative proceeding.

13

14 13. (New section) The port authority, or the New Jersey Motor
15 Vehicle Commission or the Pennsylvania Department of
16 Transportation on behalf of the port authority, may collect the civil
17 penalties and tolls imposed by an out-of-state tolling entity if the port
18 authority, or the New Jersey Motor Vehicle Commission or the
19 Pennsylvania Department of Transportation on behalf of the port
20 authority, has entered into a reciprocity agreement with the out-of-
21 state tolling entity or the other state in which the out-of-state tolling
22 entity is located that confirms the following:

23 a. The other state or out-of-state tolling entity has its own
24 reciprocal procedure for collecting penalties and tolls of the port
25 authority by employing sanctions that include denial of a person's
26 ability to obtain a registration certificate for a motor vehicle;

27 b. The penalties, exclusive of tolls, claimed by the other state or
28 out-of-state tolling entity against the owner of a motor vehicle
29 registered in New Jersey or Pennsylvania does not exceed \$100 for
30 the first violation or \$600 for each subsequent violation;

31 c. The other state or tolling entity provides due process and
32 appeal protections to avoid the likelihood that a false, mistaken, or
33 unjustified claim will be pursued against an owner of a motor vehicle
34 registered in New Jersey or Pennsylvania;

35 d. An owner of a motor vehicle registered in New Jersey or
36 Pennsylvania may present evidence to the other state or tolling entity
37 by mail, telephone, or electronic means to invoke the owner's rights
38 to due process, without having to appear personally in the jurisdiction
39 where the violation is alleged to have occurred or an owner of a motor
40 vehicle registered in New Jersey may present evidence in-person in
41 an administrative proceeding before the New Jersey Motor Vehicle
42 Commission to invoke the owner's rights to due process, without
43 having to appear personally in the jurisdiction where the violation is
44 alleged to have occurred; and

45 e. The parties to the reciprocity agreement each may charge the
46 other party a fee sufficient for each party to recoup the costs of
47 collection services, including costs incurred by the New Jersey Motor
48 Vehicle Commission, the Pennsylvania Department of

1 Transportation, or the agency that registers motor vehicles in the
2 other state.

3
4 14. (New section) a. The Governor is authorized to enter into
5 a supplemental compact or agreement, on behalf of the State of New
6 Jersey, with the State of Delaware supplementing the compact or
7 agreement between the State of Delaware and the State of New Jersey
8 known as the "Delaware-New Jersey Compact," as set forth in
9 sections 15 and 16 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 b. The Governor is hereby authorized to apply on behalf of the
12 State of New Jersey to the Congress of the United States for its
13 consent and approval to the amendments to this compact or
14 agreement provided in sections 15 and 16 of P.L. , c. (C.)
15 (pending before the Legislature as this bill), but in the absence of
16 such consent and approval, the Delaware River and Bay Authority
17 shall have all the powers the State of Delaware and the State of New
18 Jersey may confer upon it without the consent and approval of
19 Congress.

20
21 15. (New section) In addition to any punishment or penalty
22 provided by any law of the State of New Jersey or the State of
23 Delaware concerning the nonpayment of tolls to the authority, any
24 rule, regulation, or order of the authority concerning the nonpayment
25 of tolls, or any other law, rule, regulation, or order of another state or
26 tolling entity with which the authority, or the New Jersey Motor
27 Vehicle Commission or the Delaware Division of Motor Vehicles on
28 behalf of the authority, has entered into a reciprocity agreement, any
29 motor vehicle registration certificate may be suspended or revoked
30 and any person may be prohibited from obtaining a motor vehicle
31 registration certificate by the Chief Administrator of the New Jersey
32 Motor Vehicle Commission or the Director of the Delaware Division
33 of Motor Vehicles for a violation of any law, rule, regulation, or order
34 governing the nonpayment of tolls to the authority, after due notice
35 in writing of such proposed suspension, revocation, or prohibition
36 and the ground thereof and after the opportunity to be heard in an
37 administrative proceeding.

38
39 16. (New section) The authority, or the New Jersey Motor
40 Vehicle Commission or the Delaware Division of Motor Vehicles on
41 behalf of the authority, may collect the civil penalties and tolls
42 imposed by an out-of-state tolling entity if the authority, or the New
43 Jersey Motor Vehicle Commission or the Delaware Division of
44 Motor Vehicles on behalf of the authority, has entered into a
45 reciprocity agreement with the out-of-state tolling entity or the other
46 state in which the out-of-state tolling entity is located that confirms
47 the following:

- 1 a. The other state or out-of-state tolling entity has its own
2 reciprocal procedure for collecting penalties and tolls of the authority
3 by employing sanctions that include denial of a person's ability to
4 obtain a registration certificate for a motor vehicle;
- 5 b. The penalties, exclusive of tolls, claimed by the other state or
6 out-of-state tolling entity against the owner of a motor vehicle
7 registered in New Jersey or Delaware does not exceed \$100 for the
8 first violation or \$600 for each subsequent violation;
- 9 c. The other state or tolling entity provides due process and
10 appeal protections to avoid the likelihood that a false, mistaken, or
11 unjustified claim will be pursued against an owner of a motor vehicle
12 registered in New Jersey or Delaware;
- 13 d. An owner of a motor vehicle registered in New Jersey or
14 Delaware may present evidence to the other state or tolling entity by
15 mail, telephone, or electronic means to invoke the owner's rights to
16 due process, without having to appear personally in the jurisdiction
17 where the violation is alleged to have occurred or an owner of a motor
18 vehicle registered in New Jersey may present evidence in-person in
19 an administrative proceeding before the New Jersey Motor Vehicle
20 Commission to invoke the owner's rights to due process, without
21 having to appear personally in the jurisdiction where the violation is
22 alleged to have occurred; and
- 23 e. The parties to the reciprocity agreement each may charge the
24 other party a fee sufficient for each party to recoup the costs of
25 collection services, including costs incurred by the New Jersey Motor
26 Vehicle Commission, the Delaware Division of Motor Vehicles, or
27 the agency that registers motor vehicles in the other state.
- 28
- 29 17. a. Sections 1 through 7 of this act shall take effect
30 immediately.
- 31 b. Sections 8 through 10 of this act shall take effect upon the
32 enactment into law by the State of New York of legislation having an
33 identical effect as sections 8 through 10 of this act; but if the State of
34 New York shall already have enacted such legislation, sections 8
35 through 10 of this act shall take effect immediately.
- 36 c. Sections 11 through 13 of this act shall take effect upon the
37 enactment into law by the Commonwealth of Pennsylvania of
38 legislation having an identical effect with sections 11 through 13 of
39 this act; but if the Commonwealth of Pennsylvania shall already have
40 enacted such legislation, sections 11 through 13 of this act shall take
41 effect immediately.
- 42 d. Sections 14 through 16 of this act shall take effect upon the
43 enactment into law by the State of Delaware of legislation having an
44 identical effect with sections 14 through 16 of this act; but if the State
45 of Delaware shall already have enacted such legislation, sections 14
46 through 16 of this act shall take effect immediately.

STATEMENT

This this bill permits the New Jersey Turnpike Authority (“NJTA”), the South Jersey Transportation Authority (“SJTA”), the Port Authority of New York and New Jersey (“PANYNJ”), the Delaware River Port Authority (“DRPA”), and the Delaware River and Bay Authority (“DRBA”) to enforce and collect the penalties and tolls imposed by an out-of-state tolling entity. The tolling authorities may collect or enforce the penalties or tolls if the NJTA, SJTA, PANYNJ, DPRA, DRBA, the New Jersey Motor Vehicle Commission (“MVC”) on behalf of the NJTA, SJTA, PANYNJ, DRPA, or DRBA, the New York State Department of Motor Vehicles (“NYSDMV”) on behalf of PANYNJ, the Pennsylvania Department of Transportation (“PennDOT”) on behalf of the DRPA, or the Delaware Division of Motor Vehicles (“DDMV”) on behalf of the DRBA has entered into a reciprocity agreement with the out-of-state tolling entity or the other state in which the out-of-state tolling entity is located. The reciprocity agreement is required to confirm the following:

- The other state or out-of-state tolling entity has its own reciprocal procedure for collecting penalties and tolls of the NJTA, SJTA, PANYNJ, DPRA, or DRBA by employing sanctions that include denial of a person’s ability to obtain a registration certificate for a motor vehicle;
- The penalties, exclusive of tolls, claimed by the other state or out-of-state tolling entity against the owner of a motor vehicle registered in New Jersey do not exceed \$100 for the first violation or \$600 for each subsequent violation;
- The other state or out-of-state tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against an owner of a motor vehicle registered in New Jersey;
- An owner of a motor vehicle registered in New Jersey may present evidence to the other state or out-of-state tolling entity by mail, telephone, or electronic means or in-person in an administrative proceeding before the MVC to invoke the owner’s rights to due process, without having to appear personally in the jurisdiction where the violation is alleged to have occurred; and
- The parties to the reciprocity agreement each may charge the other party a fee sufficient for each party to recoup the costs of collection services, including costs incurred by the MVC, NYSDMV, PennDOT, DDMV or the agency that registers motor vehicles in the other state.

The bill amends current law concerning the penalties imposed by the NJTA and the SJTA, including those related to the nonpayment

1 of tolls, to a fine not to exceed \$100 for the first violation and not to
2 exceed \$600 for each subsequent violation.

3 The bill also provides that a person may be subject to the
4 suspension or revocation of or prohibition from obtaining a motor
5 vehicle registration certificate by the MVC, NYSDMV, PennDOT,
6 or DDMV for toll violations, after notice in writing of the proposed
7 suspension, revocation, or prohibition and the ground under which
8 the proposed suspension, revocation, or prohibition is based and after
9 the opportunity to be heard during an administrative proceeding.