

[First Reprint]

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)

Co-Sponsored by:

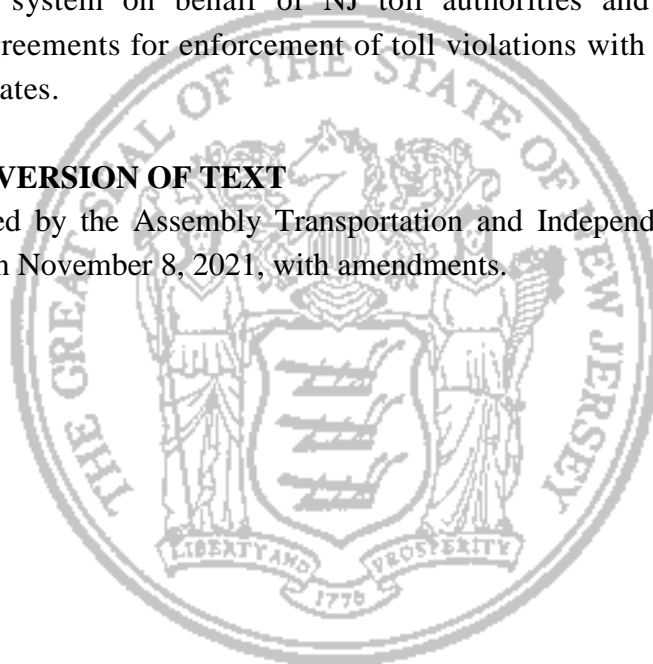
**Assemblywoman Quijano, Assemblyman Freiman, Assemblywomen
Downey and Lopez**

SYNOPSIS

Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter into reciprocal agreements for enforcement of toll violations with toll authorities from other states.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on November 8, 2021, with amendments.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning toll enforcement, amending ¹ [various parts of the
 2 statutory law] P.L.1951, c.264 and P.L.1991, c.252¹, and
 3 supplementing Title 27 ¹ [and Title 32]¹ of the Revised Statutes.

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

7
 8 ¹ [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
 12 to 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
 16 such fine and imprisonment] \$100 for the first violation and not
 17 exceeding \$600 for each subsequent violation. Such a violation
 18 shall be tried in a summary way and shall be within the jurisdiction
 19 of and may be brought in the Superior Court or any municipal court
 20 where the offense was committed. The rules of the Supreme Court
 21 shall govern the practice and procedure in such proceedings, except
 22 as provided by any reciprocity agreement entered into by the
 23 Authority or by the New Jersey Motor Vehicle Commission, on
 24 behalf of the Authority, pursuant to section 4 of
 25 P.L. , c. (C.) (pending before the Legislature as this bill).
 26 Proceedings under this section may be instituted on any day of the
 27 week, and the institution of the proceedings on a Sunday or a
 28 holiday shall be no bar to the successful prosecution thereof. Any
 29 process served on a Sunday or a holiday shall be as valid as if
 30 served on any other day of the week.

31 When imposing any penalty under the provisions of this section
 32 the court having jurisdiction shall be guided by the appropriate
 33 provisions of any statute adopted at the current session of the
 34 Legislature, or hereafter, fixing uniform penalties for violation of
 35 certain provisions of the motor vehicle and traffic laws contained in
 36 Title 39 of the Revised Statutes.
 37 (cf: P.L.2003, c.79, s.35)]¹

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

41 7. a. The authority may, in accordance with the
 42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
 43 1 et seq.), adopt toll collection monitoring system regulations. The
 44 regulations shall include a procedure for processing toll violations

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted November 8, 2021.

1 and for the treatment of inadvertent violations. **[A]** In addition to
 2 the penalty provided for in section 14 of P.L.1951, c.264 (C.27:23-
 3 38), a person who violates the regulations shall be liable to a civil
 4 penalty in an amount not to exceed \$500 to be established by the
 5 authority] \$100 for the first violation and an amount not to exceed
 6 \$600 for each subsequent violation. The penalty shall be enforced
 7 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
 8 c.274 (C.2A:58-10 et seq.).

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

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

26 (cf: P.L.2003, c.79, s.37)]¹

27
 28 ¹**[3.] 1.** Section 14 of P.L.1951, c.264 (C.27:23-38) is amended
 29 to read as follows:

30 14. ¹**[In]** Notwithstanding the provisions of P.L.,
 31 c. (C.) (pending before the Legislature as this bill) to the
 32 contrary, in¹ addition to any punishment or penalty provided by other
 33 sections of¹ this act, sections 7 and 8 of P.L.1997, c.59 (C.27:23-34.2
 34 and C.27:23-34.3), or any other law, rule, regulation, or order of
 35 another state or tolling entity with which the authority or the New
 36 Jersey Motor Vehicle Commission, on behalf of the authority, has
 37 entered into a reciprocity agreement pursuant to section 4 of P.L.,
 38 c. (C.) (pending before the Legislature as this bill)] P.L.1951,
 39 c.264 (C.27:23-25 et seq.)¹, every registration certificate and every
 40 license certificate to drive motor vehicles may be suspended or
 41 revoked and any person may be prohibited from obtaining a driver's
 42 license or a registration certificate and the reciprocity privileges of a
 43 nonresident may be suspended or revoked by the **[Director of the**
 44 **Division of Motor Vehicles]** Chief Administrator of the New Jersey
 45 Motor Vehicle Commission for a violation of any of the provisions of
 46 this act, after due notice in writing of such proposed suspension,
 47 revocation, or prohibition and the ground thereof and after the

1 opportunity to be heard in an administrative proceeding, and otherwise
2 in accordance with the powers, practice, and procedure established by
3 those provisions of Title 39 of the Revised Statutes applicable to such
4 suspension, revocation, or prohibition.

5 ¹【In addition to any punishment or penalty provided by P.L.1951,
6 c.264 (C.27:23-25 et seq.) and sections 7 and 8 of P.L.1997, c.59
7 (C.27:23-34.2 and C.27:23-34.3), the authority or the New Jersey
8 Motor Vehicle Commission may collect the civil penalties and tolls
9 imposed by an out-of-state tolling entity if the authority or the New
10 Jersey Motor Vehicle Commission, on behalf of the authority, has
11 entered into a reciprocity agreement pursuant to section 4 of
12 P.L. , c. (C.) (pending before the Legislature as this bill).】
13 Nothing contained herein shall be construed to limit the authority of
14 the Department of Transportation, pursuant to section 3 of P.L. , c.
15 (C.) (pending before the Legislature as this bill), to collect the
16 civil penalties and tolls imposed by or direct the suspension of a motor
17 vehicle registration on behalf of the authority or an out-of-state tolling
18 entity, interstate tolling entity, or another state with which the
19 department has entered into a reciprocity agreement with pursuant to
20 section 3 of P.L. , c. (C.) (pending before the Legislature as
21 this bill).¹

22 (cf: P.L.1951, c.264, s.14)

23
24 ¹【4. (New section) The authority or the New Jersey Motor
25 Vehicle Commission may collect the civil penalties and tolls
26 imposed by an out-of-state tolling entity if the authority, or the New
27 Jersey Motor Vehicle Commission on behalf of the authority, has
28 entered into a reciprocity agreement with the out-of-state tolling
29 entity or the other state in which the out-of-state tolling entity is
30 located that confirms the following:

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

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

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

43 d. An owner of a motor vehicle registered in this State may
44 present evidence to the other state or tolling entity by mail,
45 telephone, or electronic means or in-person in an administrative
46 proceeding before the New Jersey Motor Vehicle Commission to
47 invoke the owner's rights to due process, without having to appear

1 personally in the jurisdiction where the violation is alleged to have
2 occurred; and

3 e. The parties to the reciprocity agreement each may charge the
4 other party a fee sufficient for each party to recoup the costs of
5 collection services, including costs incurred by the New Jersey
6 Motor Vehicle Commission or the agency that registers motor
7 vehicles in the other state.】¹

8
9 ¹【5.】 2. ¹ Section 21 of P.L.1991, c.252 (C.27:25A-21) is
10 amended to read as follows:

11 21. a. Except as otherwise provided in subsection a. of section
12 19 of 【this act】 P.L.1991, c.252 (C.27:25A-19), no vehicle shall be
13 permitted to make use of any expressway project except upon the
14 payment of the tolls as may from time to time be prescribed by the
15 authority. It shall be unlawful for any person to refuse to pay, or to
16 evade or to attempt to evade the payment of the tolls.

17 b. No vehicle shall be operated on any project carelessly or
18 recklessly, or in disregard of the rights or safety of others, or without
19 due caution or prudence, or in a manner so as to endanger
20 unreasonably or to be likely to endanger unreasonably persons or
21 property, while the operator thereof is under the influence of
22 intoxicating liquors or any narcotic or habit-forming drug, nor shall
23 any vehicle be so constructed, equipped, lacking in equipment, loaded,
24 or operated in such a condition of disrepair as to endanger
25 unreasonably or to be likely to endanger unreasonably persons or
26 property.

27 c. A person operating a vehicle on any project shall operate at a
28 careful and prudent speed, having due regard to the rights and safety of
29 others and to the traffic, surface and width of the highway, and any
30 other conditions then existing; and no person shall operate a vehicle on
31 any project at a speed as to endanger life, limb, or property; except that
32 it shall be prima facie lawful for a driver of a vehicle to operate it at a
33 speed not exceeding a speed limit which is designated by the authority
34 as a reasonable and safe speed limit, when appropriate signs giving
35 notice of that speed limit are erected at the roadside or otherwise
36 posted for the information of operators of vehicles.

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

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

43 f. All persons operating vehicles upon any project 【must】 shall at
44 all times comply with any lawful order, signal, or direction by voice or
45 hand of any police officer engaged in the direction of traffic upon such
46 project. When traffic on a project is controlled by traffic lights, signs,
47 or by mechanical or electrical signals, those lights, signs, and signals
48 shall be obeyed unless a police officer directs otherwise.

1 g. All persons operating vehicles upon any project, or seeking to
2 do so, **[must]** shall at all times comply with regulations, not
3 inconsistent with the other sections of this act, adopted by the authority
4 concerning types, weights, and sizes of vehicles permitted to use the
5 project, and with regulations adopted by the authority for or
6 prohibiting the parking of vehicles, concerning the making of turns
7 and the use of particular traffic lanes, together with any and all other
8 regulations adopted by the authority to control traffic and prohibit acts
9 hazardous in their nature or tending to impede or block the normal and
10 reasonable flow of traffic upon the project; except that prior to the
11 adoption of any regulation for the control of traffic on any project,
12 including the designation of any speed limits, the authority shall
13 investigate and consider the need for and desirability of the regulation
14 for the safety of persons and property, including the authority's
15 property, and the contribution which that regulation would make
16 toward the efficient and safe handling of traffic and use of the project,
17 and shall determine that the regulation is necessary or desirable to
18 accomplish the purposes or one or some of them, and that upon or
19 prior to the effective date of the regulation and during its continuance,
20 notice thereof shall be given to the drivers of vehicles by appropriate
21 signs erected at the roadside or otherwise posted. The authority may
22 adopt regulations referred to in this section in accordance with the
23 provisions hereof and in accordance with the provisions of the
24 "Administrative Procedure Act." Regulations adopted by the authority
25 pursuant to the provisions of this section shall insofar as practicable,
26 having due regard to the features of the project and the characteristics
27 of traffic thereon and except as to maximum or minimum speed limits,
28 be consistent with the provisions of Title 39 of the Revised Statutes
29 applicable to similar subjects. The authority shall have power to
30 amend, supplement, or repeal any regulation adopted by it under the
31 provisions of this section. No regulation and no amendment, or
32 supplement thereto, or repealer thereof adopted by the authority shall
33 take effect until it is filed with the Office of Administrative Law, by
34 the filing of a copy thereof certified by the secretary of the authority.

35 h. The operator of any vehicle upon a project involved in an
36 incident resulting in injury or death to any person or damage to any
37 property shall immediately stop the vehicle at the scene of the incident,
38 render assistance as may be needed, and give his name, address, and
39 operator's license and motor vehicle registration number to the person
40 injured and to any officer or witness of the injury and shall make a
41 report of the incident in accordance with law.

42 i. No person shall transport in or upon any expressway project,
43 any dynamite, nitroglycerin, black powder, fireworks, blasting caps, or
44 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
45 turpentine, formaldehyde, or other inflammable or combustible liquids,
46 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
47 magnesium, nitro-cellulose film, peroxides, or other readily
48 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric

1 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
2 carbolic acid, potassium cyanide, tear gas, lewisite, or any other
3 poisonous substances, liquids, or gases, or any compressed gas, or any
4 radioactive article, substance, or material, at a time or place or in a
5 manner or condition as to endanger unreasonably or as to be likely to
6 endanger unreasonably persons or property.

7 j. If the violation of any provision of this section or the violation
8 of any regulation adopted by the authority under the provisions of this
9 section would have been a violation of law or ordinance if committed
10 on any public road, street, or highway in the municipality in which the
11 violation occurred, it shall be tried and punished in the same manner as
12 if it had been committed in that municipality.

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

18 l. Except as provided in subsection j. or k. of this section, any
19 violation of any of the provisions of this section, including but not
20 limited to those regarding the payment of tolls, and any violation of
21 any regulation adopted by the authority under the provisions of this
22 section shall be punishable by a fine not exceeding \$500 or by
23 imprisonment not exceeding 30 days or by both \$100 for the first
24 violation and not exceeding \$600 for each subsequent violation. A
25 violation shall be tried in a summary way and shall be within the
26 jurisdiction of and may be brought in the Special Civil Part of the Law
27 Division of the Superior Court or any municipal court in the county
28 where the offense was committed. ¹【The rules of the Supreme Court
29 shall govern the practice and procedure in such proceedings, except as
30 provided by any reciprocity agreement entered into by the authority or
31 by the New Jersey Motor Vehicle Commission, on behalf of the
32 authority, pursuant to section 7 of P.L. , c. (C.) (pending
33 before the Legislature as this bill).】¹ Proceedings under this section
34 may be instituted on any day of the week, and the institution of the
35 proceedings on a Sunday or a holiday shall be no bar to the successful
36 prosecution thereof. Any process served on a Sunday, or a holiday
37 shall be as valid as if served on any other day of the week. When
38 imposing any penalty under the provisions of this subsection the court
39 having jurisdiction shall be guided by the appropriate provisions of
40 any statute fixing uniform penalties for violation of provisions of the
41 motor vehicle and traffic laws contained in Title 39 of the Revised
42 Statutes.

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

1 n. No resolution or ordinance adopted by the governing body of
2 any county or municipality for the control and regulation of traffic
3 shall be applicable to vehicles while upon any expressway project
4 operated by the authority.

5 o. ¹["In] Notwithstanding the provisions of P.L. , c. ()
6 (pending before the Legislature as this bill) to the contrary, in¹
7 addition to any punishment or penalty provided by other subsections of
8 this section ¹["], sections 12 and 13 of P.L.1997, c.59 (C.27:25A-21.2
9 and C.27:25A-21.3), or any other law, rule, regulation, or order of
10 another state or tolling entity with which the authority or the New
11 Jersey Motor Vehicle Commission, on behalf of the authority, has
12 entered into a reciprocity agreement pursuant to section 7 of
13 P.L. , c. (C.) (pending before the Legislature as this bill)]¹,
14 every registration certificate and every license certificate to drive
15 motor vehicles may be suspended or revoked and any person may be
16 prohibited from obtaining a driver's license or a registration certificate
17 and the reciprocity privileges of a nonresident may be suspended or
18 revoked by the [Director of the Division of Motor Vehicles] Chief
19 Administrator of the New Jersey Motor Vehicle Commission for a
20 violation of any of the provisions of this section, after due notice in
21 writing of the proposed suspension, revocation, or prohibition and the
22 ground thereof and after the opportunity to be heard during an
23 administrative proceeding, all otherwise in accordance with the
24 powers, practice, and procedure established by the provisions of Title
25 39 of the Revised Statutes applicable to the suspension, revocation, or
26 prohibition.

27 ¹["In addition to any punishment or penalty provided by this
28 section and sections 12 and 13 of P.L.1997, c.59 (C.27:25A-21.2 and
29 C.27:25A-21.3), the authority or the New Jersey Motor Vehicle
30 Commission may collect the civil penalties and tolls imposed by an
31 out-of-state tolling entity if the authority or the New Jersey Motor
32 Vehicle Commission, on behalf of the authority, has entered into a
33 reciprocity agreement pursuant to section 7 of
34 P.L. , c. (C.) (pending before the Legislature as this bill).]
35 Nothing contained herein shall be construed to limit the authority of
36 the Department of Transportation, pursuant to section 3 of P.L. , c.
37 (C.) (pending before the Legislature as this bill), to collect the
38 civil penalties and tolls imposed by or direct the suspension of a motor
39 vehicle registration on behalf of the authority or an out-of-state tolling
40 entity, interstate tolling entity, or another state with which the
41 department has entered into a reciprocity agreement with pursuant to
42 section 3 of P.L. , c. (C.) (pending before the Legislature as
43 this bill).¹

44 p. Except as otherwise provided by this section or by any
45 regulation of the authority adopted in accordance with the provisions
46 of this section, the requirements of Title 39 of the Revised Statutes
47 applicable to persons using, driving, or operating vehicles on the

1 public highways of this State and to vehicles so used, driven, or
2 operated shall be applicable to persons using, driving, or operating
3 vehicles on any expressway project and to vehicles so used, driven, or
4 operated.

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

6
7 ¹【6. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended
8 to read as follows:

9 12. a. The authority may, in accordance with the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
11 1 et seq.), adopt toll collection monitoring system regulations. The
12 regulations shall include a procedure for processing toll violations
13 and for the treatment of inadvertent violations. **【A】** In addition to
14 the penalty provided for in subsection o. of section 21 of P.L.1991,
15 c.252 (C.27:25A-21), a person who violates the regulations shall be
16 liable to a civil penalty in an amount not to exceed 【\$500 to be
17 established by the authority】 \$100 for the first violation and an
18 amount not to exceed \$600 for each subsequent violation. The
19 penalty shall be enforced pursuant to the "Penalty Enforcement Law
20 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

21 b. Except as provided in subsection b. of section 13 of
22 P.L.1997, c.59 (C.27:25A-21.3), an owner of a vehicle shall be
23 jointly and severally liable for the failure of an operator of the
24 vehicle to comply with the toll collection monitoring system
25 regulations. The owner of a vehicle shall be liable if such vehicle
26 was used or operated by the operator with the express or implied
27 permission of the owner when the violation of the toll collection
28 monitoring system regulations was committed, and the evidence of
29 the violation is obtained by a toll collection monitoring system. An
30 owner of a vehicle shall not be liable if the operator of the vehicle
31 has been identified and charged with a violation of section 21 of
32 P.L.1991, c.252 (C.27:25A-21) for the same incident.

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

38 (cf: P.L.2003, c.79, s.47)】¹

39
40 ¹【7. (New section) The authority or the New Jersey Motor
41 Vehicle Commission 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 on behalf of the authority, has
44 entered into a reciprocity agreement with the out-of-state tolling
45 entity or the other state in which the out-of-state tolling entity is
46 located that confirms 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
3 authority by employing sanctions that include denial of a person's
4 ability to obtain a registration certificate for a motor vehicle;

5 b. The penalties, exclusive of tolls, claimed by the other state
6 or out-of-state tolling entity against the owner of a motor vehicle
7 registered in this State does not exceed \$100 for the first violation
8 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
12 vehicle registered in this State;

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

20 e. The parties to the reciprocity agreement each may charge the
21 other party a fee sufficient for each party to recoup the costs of
22 collection services, including costs incurred by the New Jersey
23 Motor Vehicle Commission or the agency that registers motor
24 vehicles in the other state.】¹
25

26 ¹【8. (New section) a. The Governor is authorized to enter into
27 a supplemental compact or agreement, on behalf of the State of
28 New Jersey, with the State of New York supplementing the compact
29 of April 30, 1921, between the states of New York and New Jersey,
30 as amended and supplemented, creating the Port Authority of New
31 York and New Jersey, as set forth in sections 9 and 10 of
32 P.L. , c. (C.) (pending before the legislature as this bill).

33 b. The Governor is authorized to apply, on behalf of the State
34 of New Jersey, to the Congress of the United States for its consent
35 and approval to the amendments to this compact or agreement
36 provided in sections 9 and 10 of P.L. , c. (C.) (pending
37 before the Legislature as this bill), but in the absence of such
38 consent and approval, the Port Authority of New York and New
39 Jersey referred to in such supplemental compact or agreement shall
40 have all of the powers which the State of New York and the State of
41 New Jersey may confer upon it without the consent and approval of
42 Congress.】¹
43

44 ¹【9. (New section) In addition to any punishment or penalty
45 provided by any law of the State of New Jersey or the State of New
46 York concerning the nonpayment of tolls to the port authority, any
47 rule, regulation, or order of the port authority concerning the
48 nonpayment of tolls, or any other law, rule, regulation, or order of

1 another state or tolling entity with which the port authority, or the
2 New Jersey Motor Vehicle Commission or the New York State
3 Department of Motor Vehicles on behalf of the port authority, has
4 entered into a reciprocity agreement, any motor vehicle registration
5 certificate may be suspended or revoked and any person may be
6 prohibited from obtaining a motor vehicle registration certificate by
7 the Chief Administrator of the New Jersey Motor Vehicle
8 Commission or the Commissioner of the New York State
9 Department of Motor Vehicles for the nonpayment of tolls to the
10 port authority, after due notice in writing of such proposed
11 suspension, revocation, or prohibition and the ground thereof and
12 after the opportunity to be heard in an administrative proceeding. ¹

13
14 ¹10. (New section) The port authority, or the New Jersey
15 Motor Vehicle Commission or the New York State Department of
16 Motor Vehicles on behalf of the port authority, may collect the civil
17 penalties and tolls imposed by an out-of-state tolling entity if the
18 port authority, or the New Jersey Motor Vehicle Commission or the
19 New York State Department of Motor Vehicles 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
28 or out-of-state tolling entity against the owner of a motor vehicle
29 registered in New York or New Jersey does not exceed \$100 for the
30 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
34 vehicle registered in New York or New Jersey;

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

1 Motor Vehicles, or the agency that registers motor vehicles in the
2 other state.】¹

3
4 ¹【11. (New section) a. The Governor is authorized to enter
5 into a supplemental compact or agreement, on behalf of the State of
6 New Jersey, with the Commonwealth of Pennsylvania
7 supplementing the compact or agreement between the
8 Commonwealth of Pennsylvania and the State of New Jersey
9 entitled “Agreement Between the Commonwealth of Pennsylvania
10 and the State of New Jersey creating the Delaware River Joint
11 Commission as a body corporate and politic and defining its powers
12 and duties,” as set forth in sections 12 and 13 of P.L. , c. (C.)
13 (pending before the Legislature as this bill.

14 b. The Governor is authorized to apply, on behalf of the State
15 of New Jersey, to the Congress of the United States for its consent
16 and approval to the amendments to this compact or agreement
17 provided in sections 12 and 13 of P.L. , c. (C.) (pending
18 before the Legislature as this bill), but in the absence of such
19 consent and approval, the Delaware River Port Authority shall have
20 all of the powers which the Commonwealth of Pennsylvania and the
21 State of New Jersey may confer upon it without the consent and
22 approval of Congress.】¹

23
24 ¹【12. (New section) In addition to any punishment or penalty
25 provided by any law of the State of New Jersey or the
26 Commonwealth of Pennsylvania concerning the nonpayment of
27 tolls to the port authority, any rule, regulation, or order of the port
28 authority concerning the nonpayment of tolls, or any other law,
29 rule, regulation, or order of another state or tolling entity with
30 which the port authority, or the New Jersey Motor Vehicle
31 Commission or the Pennsylvania Department of Transportation on
32 behalf of the port authority, has entered into a reciprocity
33 agreement, any motor vehicle registration certificate may be
34 suspended or revoked and any person may be prohibited from
35 obtaining a motor vehicle registration certificate by the Chief
36 Administrator of the New Jersey Motor Vehicle Commission or the
37 Secretary of the Pennsylvania Department of Transportation for a
38 violation of any law, rule, regulation, or order governing the
39 nonpayment of tolls to the port authority, after due notice in writing
40 of such proposed suspension, revocation, or prohibition and the
41 ground thereof and after the opportunity to be heard in an
42 administrative proceeding.】¹

43
44 ¹【13. (New section) The port authority, or the New Jersey
45 Motor Vehicle Commission or the Pennsylvania Department of
46 Transportation on behalf of the port authority, may collect the civil
47 penalties and tolls imposed by an out-of-state tolling entity if 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 with the out-of-
4 state tolling entity or the other state in which the out-of-state tolling
5 entity is located that confirms the following:

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

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

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

18 d. An owner of a motor vehicle registered in New Jersey or
19 Pennsylvania may present evidence to the other state or tolling
20 entity by mail, telephone, or electronic means to invoke the owner's
21 rights to due process, without having to appear personally in the
22 jurisdiction where the violation is alleged to have occurred or an
23 owner of a motor vehicle registered in New Jersey may present
24 evidence in-person in an administrative proceeding before the New
25 Jersey Motor Vehicle Commission to invoke the owner's rights to
26 due process, without having to appear personally in the jurisdiction
27 where the violation is alleged to have occurred; and

28 e. The parties to the reciprocity agreement each may charge the
29 other party a fee sufficient for each party to recoup the costs of
30 collection services, including costs incurred by the New Jersey
31 Motor Vehicle Commission, the Pennsylvania Department of
32 Transportation, or the agency that registers motor vehicles in the
33 other state.】¹

34
35 ¹【14. (New section) a. The Governor is authorized to enter
36 into a supplemental compact or agreement, on behalf of the State of
37 New Jersey, with the State of Delaware supplementing the compact
38 or agreement between the State of Delaware and the State of New
39 Jersey known as the "Delaware-New Jersey Compact," as set forth
40 in sections 15 and 16 of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42 b. The Governor is hereby authorized to apply on behalf of the
43 State of New Jersey to the Congress of the United States for its
44 consent and approval to the amendments to this compact or
45 agreement provided in sections 15 and 16 of P.L. , c. (C.)
46 (pending before the Legislature as this bill), but in the absence of
47 such consent and approval, the Delaware River and Bay Authority
48 shall have all the powers the State of Delaware and the State of

1 New Jersey may confer upon it without the consent and approval of
2 Congress.】¹

3
4 ¹【15. (New section) In addition to any punishment or penalty
5 provided by any law of the State of New Jersey or the State of
6 Delaware concerning the nonpayment of tolls to the authority, any
7 rule, regulation, or order of the authority concerning the
8 nonpayment of tolls, or any other law, rule, regulation, or order of
9 another state or tolling entity with which the authority, or the New
10 Jersey Motor Vehicle Commission or the Delaware Division of
11 Motor Vehicles on behalf of the authority, has entered into a
12 reciprocity agreement, any motor vehicle registration certificate
13 may be suspended or revoked and any person may be prohibited
14 from obtaining a motor vehicle registration certificate by the Chief
15 Administrator of the New Jersey Motor Vehicle Commission or the
16 Director of the Delaware Division of Motor Vehicles for a violation
17 of any law, rule, regulation, or order governing the nonpayment of
18 tolls to the authority, after due notice in writing of such proposed
19 suspension, revocation, or prohibition and the ground thereof and
20 after the opportunity to be heard in an administrative proceeding.】¹

21
22 ¹【16. (New section) The authority, or the New Jersey Motor
23 Vehicle Commission or the Delaware Division of Motor Vehicles
24 on behalf of the authority, may collect the civil penalties and tolls
25 imposed by an out-of-state tolling entity if the authority, or the New
26 Jersey Motor Vehicle Commission or the Delaware Division of
27 Motor Vehicles on behalf of the authority, has entered into a
28 reciprocity agreement with the out-of-state tolling entity or the
29 other state in which the out-of-state tolling entity is located that
30 confirms the following:

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

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

39 c. The other state or tolling entity provides due process and
40 appeal protections to avoid the likelihood that a false, mistaken, or
41 unjustified claim will be pursued against an owner of a motor
42 vehicle registered in New Jersey or Delaware;

43 d. An owner of a motor vehicle registered in New Jersey or
44 Delaware may present evidence to the other state or tolling entity
45 by mail, telephone, or electronic means to invoke the owner's rights
46 to due process, without having to appear personally in the
47 jurisdiction where the violation is alleged to have occurred or an
48 owner of a motor vehicle registered in New Jersey may present

1 evidence in-person in an administrative proceeding before the New
2 Jersey Motor Vehicle Commission to invoke the owner's rights to
3 due process, without having to appear personally in the jurisdiction
4 where the violation is alleged to have occurred; and

5 e. The parties to the reciprocity agreement each may charge the
6 other party a fee sufficient for each party to recoup the costs of
7 collection services, including costs incurred by the New Jersey
8 Motor Vehicle Commission, the Delaware Division of Motor
9 Vehicles, or the agency that registers motor vehicles in the other
10 state.¹

11
12 ¹3. (New section) a. As used in P.L. , c. (C.) (pending
13 before the Legislature as this bill):

14 "Chief administrator" means the Chief Administrator of the New
15 Jersey Motor Vehicle Commission.

16 "Commission" means the New Jersey Motor Vehicle
17 Commission.

18 "Commissioner" means the Commissioner of Transportation.

19 "Department" means the Department of Transportation.

20 "New Jersey tolling entity" shall include the New Jersey
21 Turnpike Authority, established pursuant to section 3 of P.L.1948,
22 454 (C.27:23-3), the South Jersey Transportation Authority,
23 established pursuant to section 4 of P.L.1991, c.252 (C.27:25A-4),
24 any county commission, established pursuant to R.S.27:19-26, or
25 any interstate tolling entity with which New Jersey is a member of
26 the enabling compact and has entered into a reciprocity agreement
27 with the department for the purposes of toll enforcement that
28 authorizes the department to suspend or deny motor vehicle
29 registration privileges for toll violators in accordance with the
30 provisions of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 b. Notwithstanding the provisions of any other law, the
33 department may establish and administer a system of monitoring,
34 adjudicating, and enforcing the collection of motor vehicle tolls
35 imposed by each New Jersey tolling entity that shall include
36 provisions for notice, an opportunity to be heard and appeal, and the
37 suspension of motor vehicle registrations.

38 c. Upon receipt by the department of notification from a New
39 Jersey tolling entity, the department may direct the commission to
40 suspend the motor vehicle registration of the owner of a motor
41 vehicle that has accumulated: unpaid tolls and fees collectively
42 totaling \$500 or more over the past three years; or six or more
43 unpaid toll violations, with at least one violation having occurred
44 after the effective date of P.L. , c. (C.) (pending before
45 the Legislature as this bill).

46 Upon notification from a New Jersey tolling entity that a motor
47 vehicle registration meets the threshold for suspension, the
48 department may direct the suspension even if the unpaid tolls and

1 fees are thereafter reduced below \$500 by a partial satisfaction of
2 the outstanding toll amounts. The suspension shall remain in effect
3 until the department is satisfied that the entirety of all outstanding
4 tolls and fees are paid, dismissed, reversed on appeal or stayed, or
5 that the violator has entered into a payment agreement with the
6 department, provided, however, that the motor vehicle registration
7 may be suspended subsequent to entering into a payment agreement
8 for noncompliance with the repayment agreement.

9 d. Prior to directing the suspension of a motor vehicle
10 registration, the department shall provide the registered owner with
11 written notice, by first class mail to the address of the owner, of the
12 department's intent to seek suspension of the motor vehicle
13 registration and shall afford the owner due process and appeal
14 protections in a manner sufficient to address whether the suspension
15 is based on a false, mistaken, or unjustified claim. If the registered
16 owner fails to dispute or satisfy such unpaid tolls, fees, and costs or
17 if, after an administrative hearing before the department, the owner
18 has not demonstrated that the claim is false, mistaken, or
19 unjustified, the department shall direct suspension of the owner's
20 motor vehicle registration.

21 e. The department may direct the commission to suspend the
22 registration of a motor vehicle upon receiving notification from an
23 out-of-state tolling entity, interstate tolling entity, or another state
24 of unpaid toll violations, pursuant to the terms and conditions of a
25 reciprocity agreement entered into between the department and the
26 out-of-state tolling entity, interstate tolling entity, or other state.

27 f. The department may enter into reciprocal agreements with
28 out-of-state tolling entities, interstate tolling entities, or other states
29 to implement a system of unpaid toll collections and enforcement,
30 providing for the suspension of New Jersey motor vehicle
31 registrations for the non-payment of tolls and fees assessed by an
32 out-of-state or interstate tolling entity or another state and the
33 allocation of administrative expenses. The reciprocal agreement
34 shall include provisions confirming the following:

35 (1) The out-of-state tolling entity, interstate tolling entity, or
36 other state has its own reciprocal procedures for collecting tolls and
37 fees due to New Jersey tolling entities by employing sanctions that
38 include denial of a person's ability to obtain a registration
39 certificate for a motor vehicle;

40 (2) The penalties, exclusive of tolls, claimed by the out-of-state
41 tolling entity, interstate tolling entity, or other state against the
42 owner of a motor vehicle registered in this State does not exceed
43 \$100 for the first violation or \$600 for each subsequent violation;

44 (3) The out-of-state tolling entity, interstate tolling entity, or
45 other state provides due process and appeal protections to address
46 whether a claim pursued against an owner of a motor vehicle
47 registered in this State is false, mistaken, or unjustified;

1 (4) An owner of a motor vehicle registered in this State may
2 present evidence to the out-of-state tolling entity, interstate tolling
3 entity, or other state by mail, telephone, or electronic means or in-
4 person in an administrative proceeding before the department to
5 invoke the owner's rights to due process, without having to appear
6 personally in the jurisdiction where the violation is alleged to have
7 occurred; and

8 (5) The parties to the reciprocity agreement each may charge the
9 other party a fee sufficient for each party to recoup the costs of
10 collection services, including costs incurred by the department or
11 the agency that registers motor vehicles in the other state.

12 g. In any proceeding authorized by this section, documents
13 obtained from a New Jersey tolling entity, the commission, the out-
14 of-state tolling entity, the interstate tolling entity, or another state,
15 or their agents, shall be admissible into evidence to support the
16 unpaid toll violations and shall constitute documents of the
17 department. The department's certification that it has obtained
18 documents and information from a New Jersey tolling entity, the
19 commission, the out-of-state tolling entity, the interstate tolling
20 entity, or another state shall be prima facie proof of the facts
21 contained in the documents.

22 h. Notwithstanding any of the provisions of this section to the
23 contrary, no suspension may be imposed more than three years after
24 the violation is committed.

25 i. The department, in consultation with the New Jersey tolling
26 entities, shall establish an amnesty program that permits the
27 reduction of 25 percent of unpaid tolls of \$500 or more if all
28 outstanding tolls are otherwise paid in their entirety. The amnesty
29 program shall be open to all violators with cumulative unpaid tolls
30 of \$500 or more incurred prior to the effective date of P.L. , c.
31 (C.) (pending before the Legislature as this bill), except that
32 the amnesty program shall end 180 days after the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this
34 bill).

35 j. The department may supplement the authority bestowed
36 upon it under this section with any other existing statutory or
37 administrative authority conferred on the department, the
38 commission, and the New Jersey tolling entities, and these agencies
39 shall have the power to enter into interagency agreements to
40 implement the provisions of P.L. , c. (C.) (pending
41 before the Legislature as this bill).

42 k. Any tolls and fees collected shall be paid directly to the
43 relevant New Jersey tolling entity, out-of-state tolling entity,
44 interstate tolling entity, or other state, and no tolls and fees
45 collected by the department, as an agent of the New Jersey tolling
46 entities, pursuant to this section, or as an agent of the out-of-state
47 tolling entity, interstate tolling entity, or other state, pursuant to a
48 reciprocity agreement, shall be remitted to the General Fund.

1 Nothing contained herein shall be construed to limit the ability of
2 a New Jersey tolling entity to recoup unpaid tolls, fees, and costs by
3 any means available under civil or criminal judicial process, or
4 through debt collection activities, or any other available statutory,
5 regulatory, or civil mechanisms.

6 Notwithstanding any of the provisions of this section to the
7 contrary, the department may negotiate interagency agreements
8 with each New Jersey tolling entity and may include provisions in
9 reciprocity agreements with out-of-state tolling entities, interstate
10 tolling entities, or other states to fund the administrative expenses
11 of the department in enforcing collection of tolls and fees under
12 P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14 The department shall establish minimum fees related to the
15 administration of P.L. , c. (C.) (pending before the
16 Legislature as this bill), which may be increased at the discretion of
17 the department and shall include:

18 (1) A filing fee to appeal the unpaid tolls and fees that form the
19 basis of the notice of pending registration suspension; and

20 (2) A filing fee to appeal any suspension decision or order of the
21 department to the Office of Administrative Law.

22 1. The department, each New Jersey tolling entity, and the
23 commission, working cooperatively under the direction and
24 coordination of the department, may, after providing 30 days'
25 notice for the purpose of receiving public comment, adopt, via an
26 administrative order entered by the commissioner, the New Jersey
27 tolling entity, or the chief administrator, respectively,
28 administrative regulations providing standards and procedures
29 implementing P.L. , c. (pending before the Legislature as this
30 bill) notwithstanding any provision of the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The
32 administrative orders shall be effective for up to 18 months from
33 the effective date of P.L. , c. (C.) (pending before the
34 Legislature as this bill), unless the department, the New Jersey
35 tolling entities, or the commission, respectively, adopt regulations
36 pursuant to the provisions of the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), prior to that date.¹

38
39 ¹**17. a. Sections 1 through 7 of this** 4. This¹ **act shall take**
40 **effect immediately.**

41 ¹**17. b. Sections 8 through 10 of this act shall take effect upon the**
42 **enactment into law by the State of New York of legislation having an**
43 **identical effect as sections 8 through 10 of this act; but if the State of**
44 **New York shall already have enacted such legislation, sections 8**
45 **through 10 of this act shall take effect immediately.**

46 **c. Sections 11 through 13 of this act shall take effect upon the**
47 **enactment into law by the Commonwealth of Pennsylvania of**
48 **legislation having an identical effect with sections 11 through 13 of**

1 this act; but if the Commonwealth of Pennsylvania shall already have
2 enacted such legislation, sections 11 through 13 of this act shall take
3 effect immediately.

4 d. Sections 14 through 16 of this act shall take effect upon the
5 enactment into law by the State of Delaware of legislation having an
6 identical effect with sections 14 through 16 of this act; but if the State
7 of Delaware shall already have enacted such legislation, sections 14
8 through 16 of this act shall take effect immediately.】¹