CHAPTER 339

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

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

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

C.27:23-38 Suspension or revocation of registration and license certificates for violations; nonresidents.

14. Notwithstanding the provisions of P.L.2023, c.339 (C.27:1A-3.1 et al.) to the contrary, in addition to any punishment or penalty provided by other sections of P.L.1951, c.264 (C.27:23-25 et seq.), every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Chief Administrator of the New Jersey Motor Vehicle Commission for a violation of any of the provisions of this act, after due notice in writing of such proposed suspension, revocation, or prohibition and the ground thereof and after the opportunity to be heard, and otherwise in accordance with the powers, practice, and procedure established by those provisions of Title 39 of the Revised Statutes applicable to such suspension, revocation, or prohibition.

Nothing contained herein shall be construed to limit the authority of the Department of Transportation, pursuant to section 4 of P.L.2023, c.339 (C.27:1A-3.1), to collect the civil penalties and tolls imposed by or direct the suspension of a motor vehicle registration on behalf of the authority or an out-of-state tolling entity, interstate tolling entity, or another state with which the department has entered into a reciprocity agreement pursuant to section 4 of P.L.2023, c.339 (C.27:1A-3.1).

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

C.27:23-34.2 Toll collection monitoring system regulations; violations, penalties.

7. a. The authority may, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt toll collection monitoring system regulations. The regulations shall include a procedure for processing toll violations and for the treatment of inadvertent violations. A person who violates the regulations shall be liable to a civil penalty in an amount not to exceed $100 for the first violation and an amount not to exceed $600 for each subsequent violation. The penalty shall be enforced pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

c. A toll collection monitoring system acquired or operated by, or under contract to, the authority shall be so designed that it does not produce one or more photographs,

microphotographs, a videotape or other recorded image or images of the face of the operator or any passenger in a motor vehicle.

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

C.27:25A-21 Traffic regulations; violations, penalties.

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

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

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

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

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

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

g. All persons operating vehicles upon any project, or seeking to do so, shall at all times comply with regulations, not inconsistent with the other sections of this act, adopted by the authority concerning types, weights, and sizes of vehicles permitted to use the project, and with regulations adopted by the authority for or prohibiting the parking of vehicles, concerning the making of turns and the use of particular traffic lanes, together with any and all other regulations adopted by the authority to control traffic and prohibit acts hazardous in their nature or tending to impede or block the normal and reasonable flow of traffic upon the project; except that prior to the adoption of any regulation for the control of traffic on any project, including the designation of any speed limits, the authority shall investigate and consider the need for and desirability of the regulation for the safety of persons and property, including the authority's property, and the contribution which that regulation would make toward the efficient and safe handling of traffic and use of the project, and shall determine that the

regulation is necessary or desirable to accomplish the purposes or one or some of them, and that upon or prior to the effective date of the regulation and during its continuance, notice thereof shall be given to the drivers of vehicles by appropriate signs erected at the roadside or otherwise posted. The authority may adopt regulations referred to in this section in accordance with the provisions hereof and in accordance with the provisions of the "Administrative Procedure Act." Regulations adopted by the authority pursuant to the provisions of this section shall insofar as practicable, having due regard to the features of the project and the characteristics of traffic thereon and except as to maximum or minimum speed limits, be consistent with the provisions of Title 39 of the Revised Statutes applicable to similar subjects. The authority shall have power to amend, supplement, or repeal any regulation adopted by it under the provisions of this section. No regulation and no amendment, or supplement thereto, or repealer thereof adopted by the authority shall take effect until it is filed with the Office of Administrative Law, by the filing of a copy thereof certified by the secretary of the authority.

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

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

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

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

l. Except as provided in subsection j. or k. of this section, any violation of any of the provisions of this section, including but not limited to those regarding the payment of tolls, and any violation of any regulation adopted by the authority under the provisions of this section shall be punishable by a fine not exceeding $100 for the first violation and not exceeding $600 for each subsequent violation. A violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the Special Civil Part of the Law Division of the Superior Court or any municipal court in the county where the offense was committed. Proceedings under this section may be instituted on any day of the week, and the institution of the proceedings on a Sunday or a holiday shall be no bar to the successful prosecution thereof. Any process served on a Sunday, or a holiday shall be as valid as if served on any other day of the week. When imposing any penalty under the provisions of this subsection the court having

jurisdiction shall be guided by the appropriate provisions of any statute fixing uniform penalties for violation of provisions of the motor vehicle and traffic laws contained in Title 39 of the Revised Statutes.

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

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

o. Notwithstanding the provisions of P.L.2023, c.339 (C.27:1A-3.1 et al.) to the contrary, in addition to any punishment or penalty provided by other subsections of this section, every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Chief Administrator of the New Jersey Motor Vehicle Commission for a violation of any of the provisions of this section, after due notice in writing of the proposed suspension, revocation, or prohibition and the ground thereof and after the opportunity to be heard, all otherwise in accordance with the powers, practice, and procedure established by the provisions of Title 39 of the Revised Statutes applicable to the suspension, revocation, or prohibition.

Nothing contained herein shall be construed to limit the authority of the Department of Transportation, pursuant to section 4 of P.L.2023, c.339 (C.27:1A-3.1), to collect the civil penalties and tolls imposed by or direct the suspension of a motor vehicle registration on behalf of the authority or an out-of-state tolling entity, interstate tolling entity, or another state with which the department has entered into a reciprocity agreement pursuant to section 4 of P.L.2023, c.339 (C.27:1A-3.1).

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

C.27:1A-3.1 Definitions; Department of Transportation to establish, administer system for adjudicating, enforcing collection of motor vehicle tolls, include provisions for notice, hearing, appeal, suspension of motor vehicle registrations.

4. a. As used in P.L.2023, c.339 (C.27:1A-3.1 et al.):

“Chief administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commission” means the New Jersey Motor Vehicle Commission.

“Commissioner” means the Commissioner of Transportation.

“Department” means the Department of Transportation.

“New Jersey tolling entity” shall include the New Jersey Turnpike Authority, established pursuant to section 3 of P.L.1948, c.454 (C.27:23-3), the South Jersey Transportation Authority, established pursuant to section 4 of P.L.1991, c.252 (C.27:25A-4), any county commission, established pursuant to R.S.27:19-36, or any interstate tolling entity with which New Jersey is a member of the enabling compact and has entered into a reciprocity agreement with the department for the purposes of toll enforcement that authorizes the department to

suspend or deny motor vehicle registration privileges for toll violators in accordance with the provisions of P.L.2023, c.339 (C.27:1A-3.1 et al.).

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

c. Upon receipt by the department of notification from a New Jersey tolling entity, the department may direct the commission to suspend the motor vehicle registration of the owner of a motor vehicle that has accumulated: unpaid tolls and fees collectively totaling $500 or more over the past three years; or six or more unpaid toll violations, with at least one violation having occurred after the effective date of P.L.2023, c.339 (C.27:1A-3.1 et al.).

Upon notification from a New Jersey tolling entity that a motor vehicle registration meets the threshold for suspension, the department may direct the suspension even if the unpaid tolls and fees are thereafter reduced below $500 by a partial satisfaction of the outstanding toll amounts. The suspension shall remain in effect until the department is satisfied that the entirety of all outstanding tolls and fees are paid, dismissed, reversed on appeal or stayed, or that the violator has entered into a payment agreement with the department, provided, however, that the motor vehicle registration may be suspended subsequent to entering into a payment agreement for noncompliance with the repayment agreement.

d. Prior to directing the suspension of a motor vehicle registration, the department shall provide the registered owner with written notice, by first class mail to the address of the owner, of the department's intent to seek suspension of the motor vehicle registration and shall afford the owner the opportunity to be heard by the department and appeal protections in a manner sufficient to address whether the suspension is based on a false, mistaken, or unjustified claim. If the registered owner fails to dispute or satisfy such unpaid tolls, fees, and costs or if, after being given the opportunity to be heard by the department, the owner has not demonstrated that the claim is false, mistaken, or unjustified, the department shall issue a final agency decision and direct suspension of the owner's motor vehicle registration. Upon receipt of the department's direction to suspend a registration and a copy of the final decision issued by the department, the commission shall issue an order denying or suspending the registration as provided in this section. The order denying or suspending the registration shall be sent by regular mail to the registered owner's address of record with the commission. Notwithstanding any other law to the contrary, the registered owner shall not have the right to a hearing before the commission after the department has issued a final agency decision and directed the suspension of the registered owner's registration.

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

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

(1) The out-of-state tolling entity, interstate tolling entity, or other state has its own reciprocal procedures for collecting tolls and fees due to New Jersey tolling entities by

employing sanctions that include denial of a person's ability to obtain a registration certificate for a motor vehicle;

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

(3) The out-of-state tolling entity, interstate tolling entity, or other state provides the opportunity to be heard and appeal protections to address whether a claim pursued against an owner of a motor vehicle registered in this State is false, mistaken, or unjustified;

(4) An owner of a motor vehicle registered in this State may present evidence to the out-of-state tolling entity, interstate tolling entity, or other state by mail, telephone, or electronic means or in-person when being given the opportunity to be heard by the department, without having to appear personally in the jurisdiction where the violation is alleged to have occurred; and

(5) 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 department or the agency that registers motor vehicles in the other state.

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

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

i. The department, in consultation with the New Jersey tolling entities, shall establish an amnesty program that permits the reduction of 25 percent of unpaid tolls of $500 or more if all outstanding tolls are otherwise paid in their entirety. The amnesty program shall be open to all violators with cumulative unpaid tolls of $500 or more incurred prior to the effective date of P.L.2023, c.339 (C.27:1A-3.1 et al.), except that the amnesty program shall end 180 days after the effective date of P.L.2023, c.339 (C.27:1A-3.1 et al.).

j. The department may supplement the authority bestowed upon it under this section with any other existing statutory or administrative authority conferred on the department, the commission, and the New Jersey tolling entities, and these agencies shall have the power to enter into interagency agreements to implement the provisions of P.L.2023, c.339 (C.27:1A-3.1 et al.).

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

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

Notwithstanding any of the provisions of this section to contrary, the department may negotiate interagency agreements with each New Jersey tolling entity and may include provisions in reciprocity agreements with out-of-state tolling entities, interstate tolling entities,

or other states to fund the administrative expenses of the department in enforcing collection of tolls and fees under P.L.2023, c.339 (C.27:1A-3.1 et al.).

The department may establish minimum fees related to the administration of P.L.2023, c.339 (C.27:1A-3.1 et al.), which may be increased at the discretion of the department and shall include:

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

(2) A filing fee to appeal any suspension decision or order of the department.

l. The department, each New Jersey tolling entity, and the commission, working cooperatively under the direction and coordination of the department, may, after providing 30 days' notice for the purpose of receiving public comment, to adopt, via an administrative order entered by the commissioner, the New Jersey tolling entity, or the chief administrator, respectively, administrative regulations providing standards and procedures implementing this act notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The administrative orders shall be effective for up to 18 months from the effective date of P.L.2023, c.339 (C.27:1A-3.1 et al.), unless the department, the New Jersey tolling entities, or the commission, respectively, adopt regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), prior to that date.

5. This act shall take effect immediately.

Approved January 16, 2024.