

# ASSEMBLY, No. 5310

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

**Sponsored by:**

**Assemblyman ROBERT AUTH**

**District 39 (Bergen and Passaic)**

**Assemblyman EDWARD H. THOMSON**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblymen DiMaio, DePhillips, Assemblywoman Schepisi,  
Assemblyman Peters, Assemblywoman B.DeCroce and Assemblyman  
Mejia**

**SYNOPSIS**

Requires certain toll road operators and bi-state agency to allow drivers to choose towing company.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning towing services on certain toll roads, amending  
2 P.L.1948, c.454, P.L.1991, c.252, and R.S.32:14-20, and  
3 repealing sections 2 and 3 of P.L.2002, c.77.

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

7  
8 1. Section 5 of P.L.1948, c.454 (C.27:23-5) is amended to read  
9 as follows:

10 5. General grant of powers. The authority shall be a body  
11 corporate and politic and shall have perpetual succession and shall  
12 have the following powers:

13 **[(a)]** a. To adopt bylaws for the regulation of its affairs and  
14 the conduct of its business;

15 **[(b)]** b. To adopt an official seal and alter the same at  
16 pleasure;

17 **[(c)]** c. To maintain an office at such place or places within  
18 the State as it may designate and to organize itself into such sub-  
19 departments, operating divisions, or units as it deems appropriate;

20 **[(d)]** d. To sue and be sued in its own name;

21 **[(e)]** e. To acquire, improve, construct, maintain, repair,  
22 manage, and operate transportation projects or any part thereof at  
23 such locations as shall be established by law or by the authority;

24 **[(f)]** f. To borrow money and issue negotiable bonds for any  
25 of its corporate purposes, and to secure the same through the  
26 pledging of tolls and other revenues and proceeds of such bonds, or  
27 other available sources, and to refund its bonds, and to enter into  
28 any credit agreement, all as provided in **[this act]** P.L.1948, c.454  
29 (C.27:23-1 et seq.);

30 **[(g)]** g. In the exercise of any of its powers, by resolution to  
31 fix and revise from time to time and charge and collect tolls, fees,  
32 licenses, rents, concession charges, and other charges for each  
33 transportation project or any part thereof constructed or acquired by  
34 it. No toll revenues derived from the New Jersey Turnpike or the  
35 Garden State Parkway shall be used or available for any  
36 transportation project other than a highway project and all  
37 transportation projects other than highway projects shall be self-  
38 sustaining; provided however that such toll revenues may be used to  
39 finance or support the costs of non-highway transportation projects  
40 on an interim basis according to such terms, with or without  
41 interest, as the authority shall establish;

42 **[(h)]** h. To establish rules and regulations for the use of any  
43 project including restrictions on the type, weight, and size of  
44 vehicles utilizing transportation projects, and also including the  
45 power to exclude from any part of a highway project any traffic

**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 other than passenger automobiles if the authority finds that such  
2 part is not suitable or sufficient as a highway to carry mixed traffic;

3 **[(i)] i.** To acquire, hold, and dispose of real and personal  
4 property in the exercise of its powers and the performance of its  
5 duties under **[this act] P.L.1948, c.454 (C.27:23-1 et seq.)**;

6 **[(j)] j.** To acquire in the name of the authority by purchase  
7 or otherwise, on such terms and conditions and in such manner as it  
8 may deem proper, or by the exercise of the power of eminent  
9 domain, except as against the State of New Jersey, any land and  
10 other property, which it may determine is reasonably necessary for  
11 any transportation project or feeder road or for the relocation or  
12 reconstruction of any highway by the authority under the provisions  
13 of this act and any and all rights, title and interest in such land and  
14 other property, including public lands, parks, playgrounds,  
15 reservations, highways, or parkways, owned by or in which the  
16 State of New Jersey or any county, city, borough, town, township,  
17 village, or other political subdivision of the State of New Jersey has  
18 any right, title, or interest, or parts thereof or rights therein and any  
19 fee simple absolute or any lesser interest in private property, and  
20 any fee simple absolute in, easements upon, or the benefit of  
21 restrictions upon, abutting property to preserve and protect  
22 transportation projects.

23 Upon the exercise of the power of eminent domain, the  
24 compensation to be paid thereunder shall be ascertained and paid in  
25 the manner provided in the "Eminent Domain Act of 1971,"  
26 P.L.1971, c.361 (C.20:3-1 et seq.), insofar as the provisions thereof  
27 are applicable and not inconsistent with the provisions contained in  
28 **[this act] P.L.1948, c.454 (C.27:23-1 et seq.)**. The authority may  
29 join in separate subdivisions in one petition or complaint the  
30 descriptions of any number of tracts or parcels of land or property  
31 to be condemned and the names of any number of owners and other  
32 parties who may have an interest therein and all such land or  
33 property included in said petition or complaint may be condemned  
34 in a single proceeding; provided, however, that separate awards be  
35 made for each tract or parcel of land or property; and provided,  
36 further, that each of said tracts or parcels of land or property lies  
37 wholly in or has a substantial part of its value lying wholly within  
38 the same county.

39 Upon the filing of such petition or complaint or at any time  
40 thereafter the authority may file with the clerk of the county in  
41 which such property is located and also with the Clerk of the  
42 Superior Court a declaration of taking, signed by the authority,  
43 declaring that possession of one or more of the tracts or parcels of  
44 land or property described in the petition or complaint is thereby  
45 being taken by and for the use of the authority. The said declaration  
46 of taking shall be sufficient if it sets forth: (1) a description of each  
47 tract or parcel of land or property to be so taken sufficient for the  
48 identification thereof, to which there may or may not be attached a

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1 plan or map thereof; (2) a statement of the estate or interest in the  
2 said land or property being taken; and (3) a statement of the sum of  
3 money estimated by the authority by resolution to be just  
4 compensation for the taking of the estate or interest in each tract or  
5 parcel of land or property described in said declaration.

6 Upon the filing of the said declaration, the authority shall deposit  
7 with the Clerk of the Superior Court the amount of the estimated  
8 compensation stated in said declaration.

9 Upon the filing of the said declaration as aforesaid and  
10 depositing with the Clerk of the Superior Court the amount of the  
11 estimated compensation stated in said declaration, the authority,  
12 without other process or proceedings, shall be entitled to the  
13 exclusive possession and use of each tract of land or property  
14 described in said declaration and may forthwith enter into and take  
15 possession of said land or property, it being the intent of this  
16 provision that the proceedings for compensation or any other  
17 proceedings relating to the taking of said land or interest therein or  
18 other property shall not delay the taking of possession thereof and  
19 the use thereof by the authority for the purpose or purposes for  
20 which the authority is authorized by law to acquire or condemn  
21 such land or other property or interest therein.

22 The authority shall cause notice of the filing of said declaration  
23 and the making of said deposit to be served upon each party in  
24 interest named in the petition residing in this State, either personally  
25 or by leaving a copy thereof at **【his】** the person's residence, if  
26 known, and upon each party in interest residing out of the State, by  
27 mailing a copy thereof to **【him at his】** the person at the person's  
28 residence, if known. In the event that the residence of any such  
29 party or the name of such party is unknown, such notice shall be  
30 published at least once in a newspaper published or circulating in  
31 the county or counties in which the land is located. Upon the  
32 application of any party in interest and after notice to other parties  
33 in interest, including the authority, any judge of the Superior Court  
34 assigned to sit for said county may order that the money deposited  
35 with the Clerk of the Superior Court or any part thereof be paid  
36 forthwith to the person or persons entitled thereto for or on account  
37 of the just compensation to be awarded in said proceeding;  
38 provided, that each such person shall have filed with the Clerk of  
39 the Superior Court a consent in writing that, in the event the award  
40 in the condemnation proceeding shall be less than the amount  
41 deposited, the court, after notice as herein provided and hearing,  
42 may determine **【his】** the person's liability, if any, for the return of  
43 such difference or any part thereof and enter judgment therefor. If  
44 the amount of the award as finally determined shall exceed the  
45 amount so deposited, the person or persons to whom the award is  
46 payable shall be entitled to recover from the authority the difference  
47 between the amount of the deposit and the amount of the award,  
48 with interest at the rate of six per centum (6%) per annum thereon

1 from the date of making the deposit. If the amount of the award  
2 shall be less than the amount so deposited, the Clerk of the Superior  
3 Court shall return the difference between the amount of the award  
4 and the deposit to the authority, unless the amount of the deposit or  
5 any part thereof shall have theretofore been distributed, in which  
6 event the court, on petition of the authority and notice to all persons  
7 interested in the award and affording them an opportunity to be  
8 heard, shall enter judgment in favor of the authority for such  
9 difference against the party or parties liable for the return thereof.  
10 The authority shall cause notice of the date fixed for such hearing to  
11 be served upon each party thereto residing in this State, either  
12 personally or by leaving a copy thereof at **【his】** the person's  
13 residence, if known, and upon each party residing out of the State,  
14 by mailing a copy to **【him at his】** the person at the person's  
15 residence, if known. In the event that the residence of any party or  
16 the name of such party is unknown, such notice shall be published  
17 at least once in a newspaper published or circulating in the county  
18 or counties in which the land is located. Such service, mailing, or  
19 publication shall be made at least 10 days before the date fixed for  
20 such hearing.

21 Whenever under the "Eminent Domain Act of 1971**【】** ,"  
22 P.L.1971, c.361 (C. 20:3-1 et seq.), the amount of the award may be  
23 paid into court, payment may be made into the Superior Court and  
24 may be distributed according to law;

25 **【(k)】** k. To designate the locations, and establish, limit and  
26 control such points of ingress to and egress from each highway or  
27 transportation project as may be necessary or desirable in the  
28 judgment of the authority to insure the proper operation and  
29 maintenance of such project, and to prohibit entrance to such  
30 project from any point or points not so designated;

31 **【(l)】** l. To make and enter into all contracts and agreements  
32 necessary or incidental to the performance of its duties and the  
33 execution of its powers under **【this act】** P.L.1948, c.454 (C.27:23-1  
34 et seq.) and to enter into contracts with federal, State and local  
35 governments and private entities for the financing, administration,  
36 operation, management, and construction of transportation projects;

37 **【(m)】** m. To appoint such additional officers, who need not be  
38 members of the authority, as the authority deems advisable, and to  
39 employ consulting engineers, attorneys, accountants, construction  
40 **【and】** experts, financial experts, superintendents, managers, and  
41 such other similarly situated employees and agents as may be  
42 necessary in its judgment; to fix their compensation; and to promote  
43 and discharge such officers, employees, and agents, all without  
44 regard to the provisions of Title 11A of the New Jersey Statutes;

45 **【(n)】** n. To receive and accept from any federal agency,  
46 subject to the approval of the Governor, grants for or in aid of the  
47 acquisition or construction of any transportation project or any part

1 thereof, and to receive and accept aid or contributions, from any  
2 source, of either money, property, labor, or other things of value, to  
3 be held, used, and applied only for the purposes for which such  
4 grants and contributions may be made;

5 **[(o)] o.** To do all acts and things necessary or convenient to  
6 carry out the powers expressly or impliedly granted in **[this act]**  
7 P.L.1948, c.454 (C.27:23-1 et seq.);

8 **[(p)] p.** Subject to any agreement with the bondholders, to  
9 invest moneys of the authority not required for immediate use,  
10 including proceeds from the sale of any bonds, in such obligations,  
11 securities, and other investments as the authority shall deem  
12 prudent;

13 **[(q)] q.** To apply for, receive, and accept from any federal  
14 agency, any bistate agency, or the State and any subdivision  
15 thereof, grants for or in aid of the planning, acquisition,  
16 management, maintenance, operation, or construction of any  
17 project, and to receive and accept aid or contributions from any  
18 other public or private source, of either money, property, labor, or  
19 other things of value, to be held, used and applied only for the  
20 purposes for which those grants and contributions may be made;

21 **[(r)] r.** To procure and enter into contracts for any type of  
22 insurance and to indemnify against loss or damage to property from  
23 any cause, including the loss of use and occupancy and business  
24 interruption, death or injury of any person, employee liability, any  
25 act of any member, officer, employee, or servant of the authority,  
26 whether part-time, compensated, or uncompensated, in the  
27 performance of the duties of office or employment or any other  
28 insurable risk or any other losses in connection with property,  
29 operations, assets, or obligations in any amounts and from any  
30 insurers as are deemed desirable. In addition, the authority may  
31 carry its own liability insurance;

32 **[(s)] s.** To adopt regulations, pursuant to the "Administrative  
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to **[provide]**  
34 open and competitive procedures for awarding contracts for towing  
35 and storage services. Towing and storage services on a highway  
36 project may be provided on a rotating basis, provided that the  
37 authority determines that there would be no additional cost to the  
38 authority, excepting administrative costs, as a result of those  
39 services being provided on a rotating basis. The regulations shall fix  
40 maximum towing and storage fees, and establish objective criteria  
41 to be considered in awarding a contract for towing and storage  
42 services which shall include, but shall not be limited to, reliability,  
43 experience, response time, acceptance of credit cards and prepaid  
44 towing contracts, adequate equipment to safely handle a sufficient  
45 volume of common vehicle types under a variety of traffic and  
46 weather conditions, location of storage and repair facilities, security  
47 of vehicles towed or stored, financial return to the authority,

1 maintenance of adequate liability insurance, and appropriate  
2 safeguards to protect the personal safety of customers, including  
3 considerations related to the criminal background of employees.  
4 The Division of Consumer Affairs in the Department of Law and  
5 Public Safety shall provide, at the authority's request, a report to the  
6 authority on any prospective contractor for which the division has  
7 information relevant to the prospective contractor's service record,  
8 subject to the provisions of the New Jersey consumer fraud act,  
9 P.L.1960, c.39 (C.56:8-1 et seq.). The Division of Insurance Fraud  
10 Prevention in the Department of Banking and Insurance also shall  
11 provide, at the authority's request, a report to the authority on any  
12 prospective contractor for which the division has information  
13 relevant to the prospective contractor's service record, subject to the  
14 "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320  
15 (C.17:33A-1 et seq.) allow motor vehicle operators on the  
16 authority's toll roads to select a towing company for the provision  
17 of towing and storage services, provided however, that the authority  
18 may award contracts for towing and storage of motor vehicles  
19 deemed abandoned;

20 **[(t)] t.** To adopt, prior to the Transfer Date and  
21 notwithstanding any other provision of law to the contrary, a  
22 resolution authorizing the issuance of bonds, notes, or other  
23 obligations on such terms as otherwise provided for in this act for  
24 the retirement by defeasance, redemption, secondary market  
25 purchase, tender payment at maturity, or otherwise, of all of the  
26 New Jersey Highway Authority's outstanding bonds, notes, or other  
27 obligations, as if the Transfer Date transferring to the authority the  
28 rights, duties, and obligations to operate, maintain, and manage the  
29 Garden State Parkway had already occurred; and

30 **[(u)] u.** To transfer, sell, dispose of, or otherwise relinquish  
31 all right, title, or interest in the Garden State Arts Center, and any  
32 related or auxiliary facilities, to the New Jersey Sports and  
33 Exposition Authority, established by P.L.1971, c.137 (C.5:10-1 et  
34 seq.), or to any other entity, according to such terms and process as  
35 the authority may establish in its discretion.

36 (cf: P.L.2003, c.79, s.9)

37

38 2. Section 7 of P.L.1991, c.252 (C.27:25A-7) is amended to  
39 read as follows:

40 7. The authority shall have the following powers:

41 a. To adopt bylaws for the regulation of its affairs and the  
42 conduct of its business;

43 b. To adopt an official common seal and alter it at its pleasure;

44 c. To maintain an office at a place or places within the State as  
45 it may designate;

46 d. To sue and be sued in its own name;

47 e. To acquire, construct, maintain, operate, and support  
48 projects;

- 1 f. To assist in planning for the development of the  
2 transportation system in South Jersey, in conjunction with federal,  
3 State, local, and other public entities, as appropriate;
- 4 g. To acquire, construct, maintain, and operate feeder roads;
- 5 h. To issue bonds or notes of the authority for the purposes of  
6 this act and to provide for the rights of the holders thereof as  
7 provided in this act;
- 8 i. In the exercise of any of its powers, to fix and revise from  
9 time to time and charge and collect tolls, fares, passenger facility  
10 charges, or other charges for transit over or use of any project of the  
11 authority, including but not limited to any reduced fare or charge  
12 programs as deemed appropriate by the authority; and to determine  
13 levels of service to be provided by the authority either directly or by  
14 contract. Any revenues collected shall be available to the authority  
15 for use in furtherance of any of the purposes of **[this act]** the  
16 "South Jersey Transportation Authority Act," P.L.1991, c.252  
17 (C.27:25A-1 et seq.);
- 18 j. To set and collect rents, fees, charges, or other payments for  
19 the lease, use, occupancy or disposition of properties owned or  
20 leased by the authority. Any revenues collected shall be available  
21 to the authority for use in furtherance of any of the purposes of  
22 **[this act]** the "South Jersey Transportation Authority Act,"  
23 P.L.1991, c.252 (C.27:25A-1 et seq.);
- 24 k. To enter into contracts with any public or private entity to  
25 operate motorbus regular route service, motorbus charter service,  
26 marine passenger service, rail passenger service, and air passenger  
27 service or portions or functions thereof; however, these contracts  
28 shall not supplant any services operated pursuant to the "New  
29 Jersey Public Transportation Act of 1979," P.L.1979, c.150  
30 (C.27:25-1 et seq.);
- 31 l. To acquire, lease as lessee or lessor, own, rent, use, hold,  
32 and dispose of real property and personal property or any interest  
33 therein, in the exercise of its powers and the performance of its  
34 duties under **[this act]** the "South Jersey Transportation Authority  
35 Act," P.L.1991, c.252 (C.27:25A-1 et seq.);
- 36 m. To acquire in the name of the authority by purchase, gift or  
37 otherwise, on terms and conditions and in a manner as the authority  
38 may deem proper, or by the exercise of the power of eminent  
39 domain except as against the State of New Jersey, any land and  
40 other property which the authority may determine is necessary for  
41 any project or for the relocation or reconstruction of any public  
42 highway by the authority under the provisions of **[this act]** the  
43 "South Jersey Transportation Authority Act," P.L.1991, c.252  
44 (C.27:25A-1 et seq.) or the construction of any feeder road which  
45 the authority is or may be authorized to construct and any and all  
46 rights, title, and interest in that land and other property, including  
47 public lands, parks, playgrounds, reservations, highways, or  
48 parkways owned by or in which the State of New Jersey or any



1 county, municipality, or other governmental subdivision of South  
2 Jersey or any other federal, State or local government entity has any  
3 right, title, or interest, or parts thereof or rights therein, and any fee  
4 simple absolute or any lesser interest in private property, and any  
5 fee simple absolute in, easements upon, or the benefit of restrictions  
6 upon abutting property to preserve and protect projects;

7 n. To grant by franchise, lease, or otherwise, the use of any  
8 project, facility, or property owned and controlled by the authority  
9 to any person for the consideration and for the period or periods of  
10 time and upon terms and conditions as are agreed upon, including  
11 but not limited to, the condition that the lessee may construct or  
12 provide any buildings or structures for the project facility or  
13 property or portions thereof;

14 o. To locate and designate, and to establish, limit, and control  
15 points of ingress to and egress from each project as may be  
16 necessary or desirable in the judgment of the authority to insure the  
17 proper operation and maintenance of that project and to prohibit  
18 entrance to a project from any point or points not so designated;

19 p. Subject to the limitations of **[this act]** the "South Jersey  
20 Transportation Authority Act," P.L.1991, c.252 (C.27:25A-1 et  
21 seq.), to acquire, construct, maintain, or operate any public highway  
22 connecting with any one or more projects which in the opinion of  
23 the authority will increase the use of a project or projects, to take  
24 over for construction, maintenance or operation any existing public  
25 highway as a feeder road and to realign any existing public highway  
26 and build additional sections of road over new alignment in  
27 connection with that existing public highway;

28 q. To establish rules and regulations pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.) as are necessary for the management and regulation of its  
31 affairs, the use, maintenance, and operation of the transportation  
32 system, any project, the properties of the authority and the provision  
33 of paratransit services to and from any transportation project and to  
34 establish a plan for the management, control and regulation of  
35 motorbus regular route and motorbus charter services, except for  
36 those services which are operated pursuant to the "New Jersey  
37 Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et  
38 seq.);

39 r. To apply for, receive and accept from any federal agency,  
40 any bi-State agency, or the State and any subdivision thereof,  
41 subject to the approval of the commissioner, grants for or in aid of  
42 the planning, acquisition, or construction of any project, and to  
43 receive and accept aid or contributions from any other public or  
44 private source, of either money, property, labor, or other things of  
45 value, to be held, used, and applied only for the purposes for which  
46 those grants and contributions may be made;

47 s. Subject to the limitations of **[this act]** the "South Jersey  
48 Transportation Authority Act," P.L.1991, c.252 (C.27:25A-1 et

1 seq.), to determine the location, type, and character of any project  
2 and all other matters in connection with the project;

3 t. Subject to the rights and security interests of the holders  
4 from time to time of bonds or notes issued by the authority, to enter  
5 into contracts with the State or the department or the New Jersey  
6 Transportation Trust Fund Authority, providing for the payment  
7 from the revenues of the authority to the State or to the New Jersey  
8 Transportation Trust Fund Authority of the amount or amounts of  
9 revenues that may be set forth in or determined in accordance with  
10 the contracts, provided, that the payments shall be used solely for  
11 financing projects in South Jersey, including the payment of  
12 principal and interest on any bonds, notes or other obligations  
13 issued or entered into by the New Jersey Transportation Trust Fund  
14 Authority, the proceeds of which shall be allocated by the New  
15 Jersey Transportation Trust Fund Authority to projects within South  
16 Jersey; any contracts authorized pursuant to this subsection may  
17 include conditions and covenants necessary and desirable to  
18 facilitate the issuance and sale of bonds, notes, and other  
19 obligations of the New Jersey Transportation Trust Fund Authority;

20 u. To enter into contracts or agreements with any entity for the  
21 entity to issue bonds or notes on behalf of the authority and to make  
22 payments to the entity to secure those bonds or notes;

23 v. To establish any reserves, funds, or accounts as may be  
24 deemed necessary by the authority and to deposit authority revenues  
25 in interest bearing accounts or in the State of New Jersey Cash  
26 Management Fund established pursuant to section 1 of P.L.1977  
27 c.281 (C.52:18A-90.4);

28 w. To procure and enter into contracts for any type of insurance  
29 and indemnify against loss or damage to property from any cause,  
30 including the loss of use and occupancy and business interruption,  
31 death or injury of any person, employee liability, any act of any  
32 member, officer, employee, or servant of the authority, whether  
33 part-time, compensated, or uncompensated, in the performance of  
34 the duties of office or employment or any other insurable risk or  
35 any other losses in connection with property, operations, assets, or  
36 obligations in any amounts and from any insurers as are deemed  
37 desirable. In addition, the authority may carry its own liability  
38 insurance; **[and]**

39 x. To enter into any and all agreements or contracts, execute  
40 any and all instruments, and do and perform any and all acts or  
41 things necessary, convenient or desirable for the purposes of the  
42 authority or to carry out any power expressly given in **[this act]**  
43 "South Jersey Transportation Authority Act," P.L.1991, c.252  
44 (C.27:25A-1 et seq.); and

45 y. To adopt regulations, pursuant to the "Administrative  
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to allow  
47 motor vehicle operators on the authority's toll roads to select a  
48 towing company for the provision of towing and storage services,

1 provided however, that the authority may award contracts for  
2 towing and storage of motor vehicles deemed abandoned.

3 (cf: P.L.1991, c.252, s.7)

4

5 3. R.S.32:14-20 is amended to read as follows:

6 32:14-20. a. (1) The Palisades Interstate Park Commission may  
7 erect and operate elevators and escalators at such places in the park  
8 as it may deem necessary or expedient. The commission may  
9 provide and operate or provide by lease, charter, concession,  
10 exclusive or nonexclusive privilege, or otherwise, for the operation  
11 of such other facilities, including hotels, restaurants, stands, booths,  
12 amusements, docks, wharves, and any and all means of  
13 transportation to, from or in the park, for the use and enjoyment of  
14 the park by the public and for increasing the accessibility thereof to  
15 the public as it may deem to be necessary or expedient. The  
16 commission may also provide at its discretion, by proper rules or  
17 regulations, the terms upon and the manner in which those facilities  
18 may be used. The commission shall not issue or consent to  
19 licenses, privileges, or franchises to individuals or corporations for  
20 the operation for private profit of any facility, utility, or device  
21 within the portions of the park in this State, except upon terms  
22 which will limit the operation of those licenses, franchises, or  
23 privileges to a period not exceeding 20 years in any event.

24 (2) No such license, privilege, or franchise shall be authorized  
25 or awarded except after proper advertisement and to the responsible  
26 person who will, in open competition, offer to pay to the  
27 commission the highest return therefor.

28 (3) All proceeds derived from the operation of those facilities or  
29 from any of the operations of the commission in this State shall be  
30 used by the commission for the development and management of  
31 the portions of the park in this State.

32 b. (1) The commission shall **have power to make, alter,**  
33 **amend, and repeal rules and** adopt regulations for the use and  
34 government of the park as located within the limits of the State of  
35 New Jersey, and of those parts of the State, county, and other public  
36 highways as lie within the boundaries of those portions of the park  
37 and of all lands, parks, and parkways in this State under the  
38 jurisdiction of the commission. No rule or regulation made by the  
39 commission relating to traffic on the roads under the jurisdiction of  
40 the commission in the State of New Jersey shall require the  
41 approval of any other commission or of any board, nor the holding  
42 of a public hearing in connection with the adoption of the rule or  
43 regulation. No rule or regulation heretofore made by the  
44 commission relating to traffic shall be deemed to have required the  
45 approval of any other commission or board, or the holding of any  
46 public hearing in connection with the adoption of the rule or  
47 regulation.

1       (2) The commission shall adopt regulations to allow motor  
2 vehicle operators on the Palisades Interstate Parkway or any road  
3 under the jurisdiction of the commission to select a towing company  
4 for the provision of towing and storage services, provided however  
5 that the commission may award contracts for towing and storage of  
6 motor vehicles deemed abandoned.

7       c. (1) If a person violates any rule or regulation adopted or  
8 issued by the commission pursuant to paragraph (1) of subsection b.  
9 of this section, the commission may institute a civil action in a court  
10 of competent jurisdiction for injunctive relief to prohibit and  
11 prevent the violation and the court may proceed in a summary  
12 manner.

13       (2) (a) A person who violates any rule or regulation adopted  
14 or issued by the commission pursuant to subsection b. of this  
15 section shall be guilty of a petty disorderly persons offense.

16       (b) In addition, a person who violates any rule or regulation  
17 adopted or issued by the commission pursuant to subsection b. of  
18 this section shall be liable to a civil penalty of not less than \$50 nor  
19 more than \$1,500, plus restitution if applicable, for each offense, to  
20 be collected in a civil action by a summary proceeding under the  
21 "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10  
22 et seq.) or in any case before a court of competent jurisdiction  
23 wherein injunctive relief has been requested. The Superior Court  
24 and municipal courts shall have jurisdiction to hear and determine  
25 violations of subsection a. of this section. If the violation is of a  
26 continuing nature, each day during which it continues shall  
27 constitute an additional, separate, and distinct offense. If the  
28 violation results in pecuniary gain to the violator, or the violator  
29 willfully or wantonly causes injury or damage to property,  
30 including but not limited to natural resources, the violator shall be  
31 liable to an additional civil penalty equal to three times the value of  
32 the pecuniary gain or injury or damage to property.

33       (c) Penalties assessed pursuant to this paragraph shall be in  
34 addition to any other civil or criminal penalties that may be  
35 applicable pursuant to law.

36 (cf: P.L.2005, c.330, s.3)

37  
38       4. The following sections are repealed:  
39       Section 2 of P.L.2002, c.77 (C.27:23-6.2); and  
40       Section 3 of P.L.2002, c.77 (C.27:25A-8.1).

41  
42       5. a. Sections 1 and 2 of this act shall take effect  
43 immediately.

44       b. Section 3 of this act shall take effect upon the enactment into  
45 law by the State of New York of legislation having an identical  
46 effect as section 3 of this act; but if the State of New York shall  
47 already have enacted such legislation, section 3 of this act shall take  
48 effect immediately.

1 c. Section 4 of this act shall take effect upon the effective date  
2 of the regulations promulgated pursuant to sections 1 and 2 of this  
3 act.

4

5

STATEMENT

6

7 This bill requires the New Jersey Turnpike Authority (NJTA),  
8 which has jurisdiction over the New Jersey Turnpike and the  
9 Garden State Parkway, and the South Jersey Transportation  
10 Authority (SJTA), which has jurisdiction over the Atlantic City  
11 Expressway, to adopt regulations that allow motor vehicle operators  
12 on the respective authorities' toll roads to select a towing company  
13 for the provision of towing and storage services, provided however,  
14 that the respective authority may award contracts for towing and  
15 storage of motor vehicles deemed abandoned. The bill also requires  
16 the Palisades Interstate Park Commission (commission), which has  
17 jurisdiction over the Palisades Interstate Parkway, to adopt similar  
18 regulations for the Palisades Interstate Parkway and other roadways  
19 under the jurisdiction of the commission.

20 The bill repeals sections of law concerning the registration of  
21 towing companies by the NJTA and SJTA.