

ASSEMBLY, No. 575

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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, 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

Introduced Pending Technical Review by Legislative Counsel.



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

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 power to exclude from any part of a highway project any traffic
2 other than passenger automobiles if the authority finds that such
3 part is not suitable or sufficient as a highway to carry mixed traffic;

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

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

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

40 Upon the filing of such petition or complaint or at any time
41 thereafter the authority may file with the clerk of the county in
42 which such property is located and also with the Clerk of the
43 Superior Court a declaration of taking, signed by the authority,
44 declaring that possession of one or more of the tracts or parcels of
45 land or property described in the petition or complaint is thereby
46 being taken by and for the use of the authority. The said declaration
47 of taking shall be sufficient if it sets forth: (1) a description of each
48 tract or parcel of land or property to be so taken sufficient for the

1 identification thereof, to which there may or may not be attached a
2 plan or map thereof; (2) a statement of the estate or interest in the
3 said land or property being taken; and (3) a statement of the sum of
4 money estimated by the authority by resolution to be just
5 compensation for the taking of the estate or interest in each tract or
6 parcel of land or property described in said declaration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38

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

41 7. The authority shall have the following powers:

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

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

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

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

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

1 public lands, parks, playgrounds, reservations, highways, or
2 parkways owned by or in which the State of New Jersey or any
3 county, municipality, or other governmental subdivision of South
4 Jersey or any other federal, State or local government entity has any
5 right, title, or interest, or parts thereof or rights therein, and any fee
6 simple absolute or any lesser interest in private property, and any
7 fee simple absolute in, easements upon, or the benefit of restrictions
8 upon abutting property to preserve and protect projects;

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

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

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

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

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

- 1 s. Subject to the limitations of **【this act】** the "South Jersey
2 Transportation Authority Act," P.L.1991, c.252 (C.27:25A-1 et
3 seq.), to determine the location, type, and character of any project
4 and all other matters in connection with the project;
- 5 t. Subject to the rights and security interests of the holders
6 from time to time of bonds or notes issued by the authority, to enter
7 into contracts with the State or the department or the New Jersey
8 Transportation Trust Fund Authority, providing for the payment
9 from the revenues of the authority to the State or to the New Jersey
10 Transportation Trust Fund Authority of the amount or amounts of
11 revenues that may be set forth in or determined in accordance with
12 the contracts, provided, that the payments shall be used solely for
13 financing projects in South Jersey, including the payment of
14 principal and interest on any bonds, notes or other obligations
15 issued or entered into by the New Jersey Transportation Trust Fund
16 Authority, the proceeds of which shall be allocated by the New
17 Jersey Transportation Trust Fund Authority to projects within South
18 Jersey; any contracts authorized pursuant to this subsection may
19 include conditions and covenants necessary and desirable to
20 facilitate the issuance and sale of bonds, notes, and other
21 obligations of the New Jersey Transportation Trust Fund Authority;
- 22 u. To enter into contracts or agreements with any entity for the
23 entity to issue bonds or notes on behalf of the authority and to make
24 payments to the entity to secure those bonds or notes;
- 25 v. To establish any reserves, funds, or accounts as may be
26 deemed necessary by the authority and to deposit authority revenues
27 in interest bearing accounts or in the State of New Jersey Cash
28 Management Fund established pursuant to section 1 of P.L.1977
29 c.281 (C.52:18A-90.4);
- 30 w. To procure and enter into contracts for any type of insurance
31 and indemnify against loss or damage to property from any cause,
32 including the loss of use and occupancy and business interruption,
33 death or injury of any person, employee liability, any act of any
34 member, officer, employee, or servant of the authority, whether
35 part-time, compensated, or uncompensated, in the performance of
36 the duties of office or employment or any other insurable risk or
37 any other losses in connection with property, operations, assets, or
38 obligations in any amounts and from any insurers as are deemed
39 desirable. In addition, the authority may carry its own liability
40 insurance; **【and】**
- 41 x. To enter into any and all agreements or contracts, execute
42 any and all instruments, and do and perform any and all acts or
43 things necessary, convenient or desirable for the purposes of the
44 authority or to carry out any power expressly given in **【this act】**
45 "South Jersey Transportation Authority Act," P.L.1991, c.252
46 (C.27:25A-1 et seq.); and
- 47 y. To adopt regulations, pursuant to the "Administrative
48 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to allow

1 motor vehicle operators on the authority's toll roads to select a
2 towing company for the provision of towing and storage services,
3 provided however, that the authority may award contracts for
4 towing and storage of motor vehicles deemed abandoned.

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

6
7 3. R.S.32:14-20 is amended to read as follows:

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

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

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

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

1 public hearing in connection with the adoption of the rule or
2 regulation.

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

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

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

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

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

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

39

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

43

44 5. a. Sections 1 and 2 of this act shall take effect immediately.

45 b. Section 3 of this act shall take effect upon the enactment into
46 law by the State of New York of legislation having an identical
47 effect as section 3 of this act; but if the State of New York shall

1 already have enacted such legislation, section 3 of this act shall take
2 effect immediately.

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

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7

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STATEMENT

9

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

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