ASSEMBLY, No. 2292

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Assemblyman WILLIAM F. MOEN
District 5 (Camden and Gloucester)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:
Assemblywomen Timberlake, Murphy and Assemblyman Benson

SYNOPSIS

Exempts customer with account for electronic toll collection system, commonly known as E-ZPass, from certain fees if motor vehicle is stolen.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/3/2020)

AN ACT concerning the electronic toll collection equipment and amending P.L.1997, c.59 and P.L.2011, c.1.

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

1. Section 6 of P.L.1997, c.59 (C.27:23-34.1) is amended to read as follows:

6. As used in sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5) and section 3 of P.L.2011, c.1 (C.27:23-34.6):

"Authority" means the New Jersey Turnpike Authority established by section 3 of P.L.1948, c.454 (C.27:23-3).

"Electronic toll collection system" means the electronic system employed or utilized by the authority to register and collect the toll required to be paid for a vehicle entering a toll plaza owned or operated by, or upon the behalf of, the authority.

"Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other contract that provides the lessee with the exclusive use of the vehicle for any period of time.

"Operator" means the term "operator" as defined in R.S.39:1-1.

"Owner" means the term "owner" as defined in R.S.39:1-1.

"Toll collection monitoring system" means a vehicle sensor, placed in a location to work in conjunction with a toll collection facility, that produces one or more photographs, one or more microphotographs, a videotape or other recorded images, or a written record, of a vehicle at the time the vehicle is used or operated in a violation of the toll collection monitoring system regulations. The term shall also include any other process that identifies a vehicle by photographic, electronic or other method.

"Toll collection monitoring system regulations" means the regulations authorized and adopted pursuant to section 7 of cf: P.L.1997, c.59 (C.27:23-34.2) that prohibit a vehicle from making use of any project except upon the payment of such tolls as may from time to time be prescribed by the authority and that further makes it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of such tolls, if the violation is recorded by a toll collection monitoring system as defined in this section.

"Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

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

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.

2. Section 3 of P.L.2011, c.1 (C.27:23-34.6) is amended to read as follows:

3. a. A customer who has an account with a New Jersey electronic toll collection system, subject to sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1 through C.27:23-34.5), and who reports in a timely manner to the operator of the electronic toll collection system the loss or theft of an electronic vehicle identification system transponder or the theft of a motor vehicle containing the customer's electronic vehicle identification system transponder shall not be liable for:

(1) unauthorized charges of $50 or more incurred prior to the reporting of the transponder as lost or stolen or the motor vehicle as stolen; or

(2) unauthorized charges incurred after the reporting of the transponder as lost or stolen or the motor vehicle as stolen.

b. When a customer reports in a timely manner to the operator of the electronic toll collection system the theft of a transponder or a motor vehicle containing the customer's transponder and submits to the operator a copy of the police report of the theft, the customer shall not be charged any fees for the stolen transponder or for a replacement transponder.

(cf: P.L.2011, c.1, s.3)

3. Section 11 of P.L.1997, c.59 (C.27:25A-21.1) is amended to read as follows:

11. As used in sections 11 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5) and section 4 of P.L.2011, c.1 (C.27:25A-21.6):

"Authority" means the South Jersey Transportation Authority established by section 4 of P.L.1991, c.252 (C.27:25A-4).

"Electronic toll collection system" means the electronic system employed or utilized by the authority to register and collect the toll required to be paid for a vehicle entering a toll plaza owned or operated by, or upon the behalf of, the authority.

"Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other contract that provides the lessee with the exclusive use of the vehicle for any period of time.

"Operator" means the term "operator" as defined in R.S.39:1-1.

"Owner" means the term "owner" as defined in R.S.39:1-1.

"Toll collection monitoring system" means a vehicle sensor, placed in a location to work in conjunction with a toll collection facility, that produces one or more photographs, one or more

microphotographs, a videotape or other recorded images, or a written record, of a vehicle at the time the vehicle is used or operated in a violation of the toll collection monitoring system regulations. The term shall also include any other process that identifies a vehicle by photographic, electronic or other method.

"Toll collection monitoring system regulations" means the regulations authorized and adopted pursuant to section 12 of P.L.1997, c.59 (C.27:25A-21.2) that prohibit a vehicle from making use of any project except upon the payment of such tolls as may from time to time be prescribed by the authority and that further makes it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of such tolls, if the violation is recorded by a toll collection monitoring system as defined in this section.

"Vehicle" means the term "vehicle" as defined in R.S.39:1-1.

(cf: P.L.2003, c.79, s.46)

4. Section 4 of P.L.2011, c.1 (C.27:25A-21.6) is amended to read as follows:

4. a. A customer who has an account with a New Jersey electronic toll collection system, subject to sections 11 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5), and who reports in a timely manner to the operator of the electronic toll collection system the loss or theft of an electronic vehicle identification system transponder <u>or the theft of a motor vehicle containing the customer's electronic vehicle identification system transponder</u> shall not be liable for:

(1) unauthorized charges of $50 or more incurred prior to the reporting of the transponder as lost or stolen <u>or the motor vehicle as stolen</u>; or

(2) unauthorized charges incurred after the reporting of the transponder as lost or stolen <u>or the motor vehicle as stolen</u>.

b. When a customer reports in a timely manner to the operator of the electronic toll collection system the theft of a transponder <u>or a motor vehicle containing the customer's transponder</u> and submits to the operator a copy of the police report of the theft, the customer shall not be charged any fees for the stolen transponder or for a replacement transponder.

(cf: P.L.2011, c.1, s.4)

5. This act shall take effect on the first day of the 13th month following enactment.

STATEMENT

This bill exempts a customer who has an account with a New Jersey electronic toll collection system, commonly known as E-ZPass, and reports in a timely manner the theft of a motor vehicle

containing the customer's electronic vehicle identification system transponder (transponder) from liability for: 1) unauthorized charges of $50 or more incurred prior to reporting the motor vehicle as stolen; or 2) unauthorized charges incurred after the reporting of the motor vehicle as stolen. The bill prohibits a customer who reports the theft of a motor vehicle containing the customer's transponder in a timely manner and submits to the operator a copy of the police report of the theft, from being charged any fees for the stolen transponder or for a replacement transponder.

Under current law, a customer who has an E-ZPass account may only be exempt from unauthorized charges and the replacement fees for a transponder if the transponder is reported stolen or lost.

The bill also defines "Electronic toll collection system" as the electronic system employed or utilized by the New Jersey Turnpike Authority or South Jersey Transportation Authority to register and collect the toll required to be paid for a vehicle entering a toll plaza owned or operated by, or upon the behalf of, the New Jersey Turnpike Authority or South Jersey Transportation Authority.