

ASSEMBLY, No. 3084

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits NJTA and SJTA from charging an administrative fee when mailing requests for toll violation payments at cashless toll exits.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the administration of advisory and payment
2 requests for the payment of tolls and amending and
3 supplementing P.L.1997, c.59.

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

7
8 1. Section 8 of P.L.1997, c.59 (C.27:23-34.3) is amended to
9 read as follows:

10 8. a. If a violation of the toll collection monitoring system
11 regulations is committed as evidenced by a toll collection
12 monitoring system, the authority or the agent of the authority may
13 send an advisory and payment request within 60 days of the date of
14 the violation to the owner of the vehicle by regular mail at the
15 address of record for that owner with the New Jersey Motor Vehicle
16 Commission or with any other motor vehicle licensing authority of
17 another jurisdiction, providing the owner with the opportunity to
18 resolve the matter prior to the issuance of a summons and complaint
19 that charges a violation of the toll collection monitoring system
20 regulations. The advisory and payment request shall contain
21 sufficient information to inform the owner of the nature, date, time,
22 and location of the alleged violation. The authority or its agent may
23 require as part of the advisory and payment request that the owner
24 pay to the agent the proper toll and a reasonable administrative fee
25 established by the authority **【and】** , which shall be based upon the
26 actual cost of processing and collecting the violation, except as
27 provided in section 2 of P.L. , c. (C.) (pending before the
28 Legislature as this bill). If the owner fails to pay the required toll
29 and fee within 30 days of the date the advisory and payment request
30 was sent, the owner shall be subject to liability on the 31st day
31 following the date the advisory and payment request was sent for
32 the violation of the toll collection monitoring system regulations by
33 the vehicle operator pursuant to the issuance of a complaint and
34 summons.

35 b. An owner of a vehicle who is a lessor of the vehicle used in
36 violation of the toll collection monitoring system regulations of the
37 authority shall not be liable for the violation of the regulations if the
38 lessor submits to the authority, in a timely manner, a copy of the
39 rental agreement, lease, or other contract document covering that
40 vehicle on the date of the violation, with the name and address of
41 the lessee clearly legible to the authority and to the court having
42 jurisdiction over the violation. If the lessor fails to provide the
43 information in a timely manner, the lessor shall be held liable for
44 the violation of the regulations. If the lessor provides the required
45 information to the authority, the lessee of the vehicle on the date of

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 the violation shall be deemed to be the owner of the vehicle for the
2 purposes of sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1
3 through C.27:23-34.5) and the toll collection monitoring system
4 regulations and shall be subject to liability for the violation of the
5 regulations.

6 c. Except as otherwise provided in this subsection, a certified
7 report of an employee or agent of the authority reporting a violation
8 of the toll collection monitoring system regulations and any
9 information obtained from a toll collection monitoring system shall
10 be available for the exclusive use of the authority and any law
11 enforcement official for the purposes of discharging their duties
12 pursuant to sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1
13 through C.27:23-34.5) and the toll collection monitoring system
14 regulations. Any such report or information shall not be deemed a
15 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the
16 common law concerning access to public records. The certified
17 reports and information, including but not limited to, any recorded
18 image of any motor vehicle, the license plate of any motor vehicle
19 or the operator or any passenger in any motor vehicle, shall not be
20 discoverable as a public record by any person, entity, or
21 governmental agency, except upon a subpoena issued by a grand
22 jury or a court order in a criminal matter, nor shall they be offered
23 in evidence in any civil or administrative proceeding, not directly
24 related to a violation of the toll collection monitoring system
25 regulations, or in any municipal court prosecution for a violation of
26 any of the provisions of Title 39 of the Revised Statutes. However,
27 in the event that, notwithstanding the provisions of subsection c. of
28 section 7 of **[this act]** P.L.1997, c.59 (C.27:23-34.2), a recorded
29 image of the face of the operator or any passenger in a motor
30 vehicle is produced by the toll collection monitoring system, that
31 image shall not be used by the authority for any purpose nor shall
32 the image or any record or copy thereof be transmitted or
33 communicated to any person, governmental, non-governmental, or
34 judicial or administrative entity.

35 d. A complaint and summons charging a violation of the toll
36 collection monitoring system regulations shall be on a form
37 prescribed by the Administrative Director of the Courts pursuant to
38 the Rules Governing the Courts of the State of New Jersey. The
39 authority may authorize by regulation an employee or agent to be a
40 complaining witness to make, sign, and initiate complaints and to
41 issue summonses in the name of the authority on behalf of the State
42 of New Jersey, pursuant to the Rules Governing the Courts of the
43 State of New Jersey. The complaints and summonses may be made
44 on information based upon evidence obtained by a toll collection
45 monitoring system, the toll collection monitoring system record and
46 the records of the New Jersey Motor Vehicle Commission or of any
47 other state, province, or motor vehicle licensing authority.

1 Service may be made by means provided by the Rules Governing
2 the Courts of the State of New Jersey.

3 Except as provided in subsection c. of this section, the recorded
4 images produced by a toll collection monitoring system shall be
5 considered an official record kept in the ordinary course of business
6 and shall be admissible in a proceeding for a violation of any toll
7 collection monitoring system regulations.

8 e. The municipal court of the municipality wherein a toll
9 collection monitoring system record was made shall have
10 jurisdiction to hear violations of the toll collection monitoring
11 system regulations. Violations shall be enforced and penalties
12 collected pursuant to the "Penalty Enforcement Law of 1999,"
13 P.L.1999, c.274 (C.2A:58-10 et seq.). A proceeding and a
14 judgment arising therefrom shall be pursued and entered in
15 accordance with the provisions of N.J.S.2B:12-1 et seq. and the
16 Rules Governing the Courts of the State of New Jersey.

17 In addition to the civil penalty that may be assessed by a court
18 having jurisdiction for a violation of the toll collection monitoring
19 system regulations, a court shall require the defendant to pay the
20 proper toll and shall require the defendant to pay a reasonable
21 administrative fee as determined by the authority. Following
22 collection and distribution of the fees set forth in [section 11 of
23 P.L.1953, c.22 (C.22A:3-4)] N.J.S.22A:3-4, any tolls and
24 administrative fees imposed and collected by the court for a
25 violation of the toll collection monitoring system regulations shall
26 be promptly remitted to the authority by the court. The civil penalty
27 shall be distributed pursuant to the "Penalty Enforcement Law of
28 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

29 (cf: P.L.2005, c.62, s.1)

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31 2. (New section) a. Notwithstanding the provisions of any
32 law, rule, or regulation to the contrary, if a violation of the toll
33 collection monitoring system regulations is committed as evidenced
34 by a toll collection monitoring system at a toll collections facility in
35 which there is not an option for cash payment, the New Jersey
36 Turnpike Authority or the agent of the authority may send an
37 advisory and payment request in accordance with the provisions of
38 section 8 of P.L.1997, c.59 (C.27:23-34.3), except that the authority
39 or its agent shall not require that the owner of the motor vehicle pay
40 an administrative fee.

41 Nothing in this section shall be construed to limit the liability of
42 the owner of a motor vehicle for the payment of the required toll
43 amount or limit the liability of the owner of a motor vehicle for any
44 other violations of the toll collection monitoring system regulations.

45 b. As used in this section:

46 "Toll collection monitoring system" shall have the same
47 meaning as defined in section 6 of P.L.1997, c.59 (C.27:23-34.1).

1 “Toll collection monitoring system regulations” shall have the
2 same meaning as defined in section 6 of P.L.1997, c.59 (C.27:23-
3 34.1).

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5 3. Section 13 of P.L.1997, c.59 (C.27:25A-21.3) is amended to
6 read as follows:

7 13. a. If a violation of the toll collection monitoring system
8 regulations is committed as evidenced by a toll collection
9 monitoring system, the authority or the agent of the authority may
10 send an advisory and payment request within 60 days of the date of
11 the violation to the owner of the vehicle by regular mail at the
12 address of record for that owner with the New Jersey Motor Vehicle
13 Commission, or with any other motor vehicle licensing authority of
14 another jurisdiction, providing the owner with the opportunity to
15 resolve the matter prior to the issuance of a summons and complaint
16 that charges a violation of the toll collection monitoring system
17 regulations. The advisory and payment request shall contain
18 sufficient information to inform the owner of the nature, date, time,
19 and location of the alleged violation. The authority or its agent may
20 require as part of the advisory and payment request that the owner
21 pay to the agent the proper toll and a reasonable administrative fee
22 established by the authority **【and】** , which shall be based upon the
23 actual cost of processing and collecting the violation, except as
24 provided in section 4 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). If the owner fails to pay the required toll
26 and fee within 30 days of the date the advisory and payment request
27 was sent, the owner shall be subject to liability on the 31st day
28 following the date the advisory and payment request was sent for
29 the violation of the toll collection monitoring system regulations by
30 the vehicle operator pursuant to the issuance of a complaint and
31 summons.

32 b. An owner of a vehicle who is a lessor of the vehicle used in
33 violation of the toll collection monitoring system regulations of the
34 authority shall not be liable for the violation of the regulations if the
35 lessor submits to the authority, in a timely manner, a copy of the
36 rental agreement, lease, or other contract document covering that
37 vehicle on the date of the violation, with the name and address of
38 the lessee clearly legible to the authority and to the court having
39 jurisdiction over the violation. If the lessor fails to provide the
40 information in a timely manner, the lessor shall be held liable for
41 the violation of the regulations. If the lessor provides the required
42 information to the authority, the lessee of the vehicle on the date of
43 the violation shall be deemed to be the owner of the vehicle for the
44 purposes of sections 11 through 15 of P.L.1997, c.59 (C.27:25A-
45 21.1 through C.27:25A-21.5) and the toll collection monitoring
46 system regulations and shall be subject to liability for the violation
47 of the regulations.

1 c. Except as otherwise provided in this subsection, a certified
2 report of an employee or agent of the authority reporting a violation
3 of the toll collection monitoring system regulations and any
4 information obtained from a toll collection monitoring system shall
5 be available for the exclusive use of the authority and any law
6 enforcement official for the purposes of discharging their duties
7 pursuant to sections 11 through 15 of P.L.1997, c.59 (C.27:25A-
8 21.1 through C.27:25A-21.5) and the toll collection monitoring
9 system regulations. Any such report or information shall not be
10 deemed a public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or
11 the common law concerning access to public records. The certified
12 reports and information, including but not limited to, any recorded
13 image of any motor vehicle, the license plate of any motor vehicle,
14 or the operator or passenger of any motor vehicle, shall not be
15 discoverable as a public record by any person, entity, or
16 governmental agency, except upon a subpoena issued by a grand
17 jury or a court order in a criminal matter, nor shall they be offered
18 in evidence in any civil or administrative proceeding, not directly
19 related to a violation of the toll collection monitoring system
20 regulations, or in any municipal court prosecution for a violation of
21 any of the provisions of Title 39 of the Revised Statutes. However,
22 in the event that, notwithstanding the provisions of subsection c. of
23 section 12 of **【this act】** P.L.1997, c.59 (C.27:25A-21.2), a recorded
24 image of the face of the operator or any passenger in a motor
25 vehicle is produced by the toll collection monitoring system, that
26 image shall not be used by the authority for any purpose nor shall
27 the image or any record or copy thereof be transmitted or
28 communicated to any person, governmental, non-governmental, or
29 judicial or administrative entity.

30 d. A complaint and summons charging a violation of the toll
31 collection monitoring system regulations shall be on a form
32 prescribed by the Administrative Director of the Courts pursuant to
33 the Rules Governing the Courts of the State of New Jersey. The
34 authority may authorize by regulation an employee or agent to be a
35 complaining witness to make, sign, and initiate complaints and to
36 issue summonses in the name of the authority on behalf of the State
37 of New Jersey, pursuant to the Rules Governing the Courts of the
38 State of New Jersey. The complaints and summonses may be made
39 on information based upon evidence obtained by a toll collection
40 monitoring system, the toll collection monitoring system record and
41 the records of the New Jersey Motor Vehicle Commission or of any
42 other state, province, or motor vehicle licensing authority.

43 Service may be made by means provided by the Rules Governing
44 the Courts of the State of New Jersey.

45 Except as provided in subsection c. of this section, the recorded
46 images produced by a toll collection monitoring system shall be
47 considered an official record kept in the ordinary course of business

1 and shall be admissible in a proceeding for a violation of any toll
2 collection monitoring system regulations.

3 e. The municipal court of the municipality wherein a toll
4 collection monitoring system record was made shall have
5 jurisdiction to hear violations of the toll collection monitoring
6 system regulations. Violations shall be enforced and penalties
7 collected pursuant to the "Penalty Enforcement Law of 1999,"
8 P.L.1999, c.274 (C.2A:58-10 et seq.). A proceeding and a
9 judgment arising therefrom shall be pursued and entered in
10 accordance with the provisions of N.J.S.2B:12-1 et seq. and the
11 Rules Governing the Courts of the State of New Jersey.

12 In addition to the civil penalty that may be assessed by a court
13 having jurisdiction for a violation of the toll collection monitoring
14 system regulations, a court shall require the defendant to pay the
15 proper toll and shall require the defendant to pay a reasonable
16 administrative fee as established by the authority. Following
17 collection and distribution of the fees set forth in [section 11 of
18 P.L.1953, c.22 (C.22A:3-4)] N.J.S.22A:3-4, any tolls and
19 administrative fees imposed and collected by the court for a
20 violation of the toll collection monitoring system regulations shall
21 be promptly remitted to the authority by the court. The civil penalty
22 shall be distributed pursuant to the "Penalty Enforcement Law of
23 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

24 (cf: P.L.2005, c.62, s.2)

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26 4. (New section) a. Notwithstanding the provisions of any
27 law, rule, or regulation to the contrary, if a violation of the toll
28 collection monitoring system regulations is committed as evidenced
29 by a toll collection monitoring system at a toll collections facility in
30 which there is not an option for cash payment, the South Jersey
31 Transportation Authority or the agent of the authority may send an
32 advisory and payment request in accordance with the provisions of
33 section 13 of P.L.1997, c.59 (C.27:25A-21.3), except that the
34 authority or its agent shall not require that the owner of the motor
35 vehicle pay an administrative fee.

36 Nothing in this section shall be construed to limit the liability of
37 the owner of a motor vehicle for the payment of the required toll
38 amount or limit the liability of the owner of a motor vehicle for any
39 other violations of the toll collection monitoring system regulations.

40 b. As used in this section:

41 "Toll collection monitoring system" shall have the same meaning
42 as defined in section 11 of P.L.1997, c.59 (C.27:25A-21.1).

43 "Toll collection monitoring system regulations" shall have the
44 same meaning as defined in section 11 of P.L.1997, c.59
45 (C.27:25A-21.1).

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47 5. This act shall take effect on the first day of the sixth month
48 following enactment.

STATEMENT

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This bill provides that, if there is a violation of the toll collection monitoring system regulations that govern the electronic toll collection system, commonly known as E-ZPass, at a toll collections facility in which there is not an option for cash payment, the New Jersey Turnpike Authority (NJTA), the South Jersey Transportation Authority (SJTA), or the agent of either authority, may send an advisory and payment request as provided by law, except that the NJTA, the SJTA, or their agent may not require the owner of the motor vehicle to pay an administrative fee.

Nothing in the bill is to be construed to limit the liability of the owner of a motor vehicle for the payment of the required toll amount or limit the liability of the owner of a motor vehicle for any other violations of the toll collection monitoring system regulations.