

SENATE, No. 1789

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Authorizes reciprocal agreements for enforcement of toll violations with toll authorities from other states; modifies penalties for toll violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT concerning toll enforcement, amending various parts of the
2 statutory law, and supplementing Title 27 and Title 32 of the
3 Revised Statutes.

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

7
8 1. Section 10 of P.L.1951, c.264 (C.27:23-34) is amended to
9 read as follows:

10 10. Except as provided in sections eight and nine of this act, any
11 violation of any of the provisions hereof, including but not limited
12 to those regarding the payment of tolls, and any violation of any
13 regulation adopted by the Authority under the provisions of this act
14 shall be punishable by a fine not exceeding **five hundred dollars**
15 **(\$500) or by imprisonment not exceeding thirty days or by both**
16 **such fine and imprisonment** \$100 for the first violation and not
17 exceeding \$600 for each subsequent violation. Such a violation
18 shall be tried in a summary way and shall be within the jurisdiction
19 of and may be brought in the Superior Court or any municipal court
20 where the offense was committed. The rules of the Supreme Court
21 shall govern the practice and procedure in such proceedings, except
22 as provided by any reciprocity agreement entered into by the
23 Authority or by the New Jersey Motor Vehicle Commission, on
24 behalf of the Authority, pursuant to section 4 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 Proceedings under this section may be instituted on any day of the
27 week, and the institution of the proceedings on a Sunday or a
28 holiday shall be no bar to the successful prosecution thereof. Any
29 process served on a Sunday or a holiday shall be as valid as if
30 served on any other day of the week.

31 When imposing any penalty under the provisions of this section
32 the court having jurisdiction shall be guided by the appropriate
33 provisions of any statute adopted at the current session of the
34 Legislature, or hereafter, fixing uniform penalties for violation of
35 certain provisions of the motor vehicle and traffic laws contained in
36 Title 39 of the Revised Statutes.

37 (cf: P.L.2003, c.79, s.35)

38

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

41 7. a. The authority may, in accordance with the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
43 1 et seq.), adopt toll collection monitoring system regulations. The
44 regulations shall include a procedure for processing toll violations
45 and for the treatment of inadvertent violations. **[A]** In addition to

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 penalty provided for in section 14 of P.L.1951, c.264 (C.27:23-
2 38), a person who violates the regulations shall be liable to a civil
3 penalty in an amount not to exceed \$500 to be established by the
4 authority] \$100 for the first violation and an amount not to exceed
5 \$600 for each subsequent violation. The penalty shall be enforced
6 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
7 c.274 (C.2A:58-10 et seq.).

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

20 c. A toll collection monitoring system acquired or operated by,
21 or under contract to, the authority shall be so designed that it does
22 not produce one or more photographs, microphotographs, a
23 videotape, or other recorded image or images of the face of the
24 operator or any passenger in a motor vehicle.
25 (cf: P.L.2003, c.79, s.37)

26
27 3. Section 14 of P.L.1951, c.264 (C.27:23-38) is amended to
28 read as follows:

29 14. In addition to any punishment or penalty provided by other
30 sections of this act, sections 7 and 8 of P.L.1997, c.59 (C.27:23-
31 34.2 and C.27:23-34.3), or any other law, rule, regulation, or order
32 of another state or tolling entity with which the authority or the
33 New Jersey Motor Vehicle Commission, on behalf of the authority,
34 has entered into a reciprocity agreement pursuant to section 4 of
35 P.L. , c. (C.) (pending before the Legislature as this bill),
36 every registration certificate and every license certificate to drive
37 motor vehicles may be suspended or revoked and any person may
38 be prohibited from obtaining a driver's license or a registration
39 certificate and the reciprocity privileges of a nonresident may be
40 suspended or revoked by the [Director of the Division of Motor
41 Vehicles] Chief Administrator of the New Jersey Motor Vehicle
42 Commission for a violation of any of the provisions of this act,
43 after due notice in writing of such proposed suspension, revocation,
44 or prohibition and the ground thereof and after the opportunity to be
45 heard in an administrative proceeding, and otherwise in accordance
46 with the powers, practice, and procedure established by those
47 provisions of Title 39 of the Revised Statutes applicable to such
48 suspension, revocation, or prohibition.

1 In addition to any punishment or penalty provided by P.L.1951,
2 c.264 (C.27:23-25 et seq.) and sections 7 and 8 of P.L.1997, c.59
3 (C.27:23-34.2 and C.27:23-34.3), the authority or the New Jersey
4 Motor Vehicle Commission may collect the civil penalties and tolls
5 imposed by an out-of-state tolling entity if the authority or the New
6 Jersey Motor Vehicle Commission, on behalf of the authority, has
7 entered into a reciprocity agreement pursuant to section 4 of
8 P.L. , c. (C.) (pending before the Legislature as this bill).
9 (cf: P.L.1951, c.264, s.14)

10
11 4. (New section) The authority or the New Jersey Motor
12 Vehicle Commission may collect the civil penalties and tolls
13 imposed by an out-of-state tolling entity if the authority, or the New
14 Jersey Motor Vehicle Commission on behalf of the authority, has
15 entered into a reciprocity agreement with the out-of-state tolling
16 entity or the other state in which the out-of-state tolling entity is
17 located that confirms the following:

18 a. The other state or out-of-state tolling entity has its own
19 reciprocal procedure for collecting penalties and tolls of the
20 authority by employing sanctions that include denial of a person's
21 ability to obtain a registration certificate for a motor vehicle;

22 b. The penalties, exclusive of tolls, claimed by the other state
23 or out-of-state tolling entity against the owner of a motor vehicle
24 registered in this State does not exceed \$100 for the first violation
25 or \$600 for each subsequent violation;

26 c. The other state or tolling entity provides due process and
27 appeal protections to avoid the likelihood that a false, mistaken, or
28 unjustified claim will be pursued against an owner of a motor
29 vehicle registered in this State;

30 d. An owner of a motor vehicle registered in this State may
31 present evidence to the other state or tolling entity by mail,
32 telephone, or electronic means or in-person in an administrative
33 proceeding before the New Jersey Motor Vehicle Commission to
34 invoke the owner's rights to due process, without having to appear
35 personally in the jurisdiction where the violation is alleged to have
36 occurred; and

37 e. The parties to the reciprocity agreement each may charge the
38 other party a fee sufficient for each party to recoup the costs of
39 collection services, including costs incurred by the New Jersey
40 Motor Vehicle Commission or the agency that registers motor
41 vehicles in the other state.

42
43 5. Section 21 of P.L.1991, c.252 (C.27:25A-21) is amended to
44 read as follows:

45 21. a. Except as otherwise provided in subsection a. of section
46 19 of **[this act]** P.L.1991, c.252 (C.27:25A-19), no vehicle shall be
47 permitted to make use of any expressway project except upon the
48 payment of the tolls as may from time to time be prescribed by the

1 authority. It shall be unlawful for any person to refuse to pay, or to
2 evade or to attempt to evade the payment of the tolls.

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

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

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

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

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

38 g. All persons operating vehicles upon any project, or seeking
39 to do so, **【must】** shall at all times comply with regulations, not
40 inconsistent with the other sections of this act, adopted by the
41 authority concerning types, weights, and sizes of vehicles permitted
42 to use the project, and with regulations adopted by the authority for
43 or prohibiting the parking of vehicles, concerning the making of
44 turns and the use of particular traffic lanes, together with any and
45 all other regulations adopted by the authority to control traffic and
46 prohibit acts hazardous in their nature or tending to impede or block
47 the normal and reasonable flow of traffic upon the project; except
48 that prior to the adoption of any regulation for the control of traffic

1 on any project, including the designation of any speed limits, the
2 authority shall investigate and consider the need for and desirability
3 of the regulation for the safety of persons and property, including
4 the authority's property, and the contribution which that regulation
5 would make toward the efficient and safe handling of traffic and use
6 of the project, and shall determine that the regulation is necessary
7 or desirable to accomplish the purposes or one or some of them, and
8 that upon or prior to the effective date of the regulation and during
9 its continuance, notice thereof shall be given to the drivers of
10 vehicles by appropriate signs erected at the roadside or otherwise
11 posted. The authority may adopt regulations referred to in this
12 section in accordance with the provisions hereof and in accordance
13 with the provisions of the "Administrative Procedure Act."
14 Regulations adopted by the authority pursuant to the provisions of
15 this section shall insofar as practicable, having due regard to the
16 features of the project and the characteristics of traffic thereon and
17 except as to maximum or minimum speed limits, be consistent with
18 the provisions of Title 39 of the Revised Statutes applicable to
19 similar subjects. The authority shall have power to amend,
20 supplement, or repeal any regulation adopted by it under the
21 provisions of this section. No regulation and no amendment, or
22 supplement thereto, or repealer thereof adopted by the authority
23 shall take effect until it is filed with the Office of Administrative
24 Law, by the filing of a copy thereof certified by the secretary of the
25 authority.

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

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

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

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

13 l. Except as provided in subsection j. or k. of this section, any
14 violation of any of the provisions of this section, including but not
15 limited to those regarding the payment of tolls, and any violation of
16 any regulation adopted by the authority under the provisions of this
17 section shall be punishable by a fine not exceeding ~~【\$500 or by~~
18 ~~imprisonment not exceeding 30 days or by both】~~ \$100 for the first
19 violation and not exceeding \$600 for each subsequent violation. A
20 violation shall be tried in a summary way and shall be within the
21 jurisdiction of and may be brought in the Special Civil Part of the
22 Law Division of the Superior Court or any municipal court in the
23 county where the offense was committed. The rules of the Supreme
24 Court shall govern the practice and procedure in such proceedings,
25 except as provided by any reciprocity agreement entered into by the
26 authority or by the New Jersey Motor Vehicle Commission, on
27 behalf of the authority, pursuant to section 7 of
28 P.L. , c. (C.) (pending before the Legislature as this bill).
29 Proceedings under this section may be instituted on any day of the
30 week, and the institution of the proceedings on a Sunday or a
31 holiday shall be no bar to the successful prosecution thereof. Any
32 process served on a Sunday, or a holiday shall be as valid as if
33 served on any other day of the week. When imposing any penalty
34 under the provisions of this subsection the court having jurisdiction
35 shall be guided by the appropriate provisions of any statute fixing
36 uniform penalties for violation of provisions of the motor vehicle
37 and traffic laws contained in Title 39 of the Revised Statutes.

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

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

47 o. In addition to any punishment or penalty provided by other
48 subsections of this section, sections 12 and 13 of P.L.1997, c.59

1 (C.27:25A-21.2 and C.27:25A-21.3), or any other law, rule,
2 regulation, or order of another state or tolling entity with which the
3 authority or the New Jersey Motor Vehicle Commission, on behalf
4 of the authority, has entered into a reciprocity agreement pursuant
5 to section 7 of P.L. , c. (C.) (pending before the Legislature
6 as this bill), every registration certificate and every license
7 certificate to drive motor vehicles may be suspended or revoked and
8 any person may be prohibited from obtaining a driver's license or a
9 registration certificate and the reciprocity privileges of a
10 nonresident may be suspended or revoked by the [Director of the
11 Division of Motor Vehicles] Chief Administrator of the New Jersey
12 Motor Vehicle Commission for a violation of any of the provisions
13 of this section, after due notice in writing of the proposed
14 suspension, revocation, or prohibition and the ground thereof and
15 after the opportunity to be heard during an administrative
16 proceeding, all otherwise in accordance with the powers, practice,
17 and procedure established by the provisions of Title 39 of the
18 Revised Statutes applicable to the suspension, revocation, or
19 prohibition.

20 In addition to any punishment or penalty provided by this section
21 and sections 12 and 13 of P.L.1997, c.59 (C.27:25A-21.2 and
22 C.27:25A-21.3), the authority or the New Jersey Motor Vehicle
23 Commission may collect the civil penalties and tolls imposed by an
24 out-of-state tolling entity if the authority or the New Jersey Motor
25 Vehicle Commission, on behalf of the authority, has entered into a
26 reciprocity agreement pursuant to section 7 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).

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

36 (cf: P.L.1991, c.252, s.21)

37

38 6. Section 12 of P.L.1997, c.59 (C.27:25A-21.2) is amended to
39 read as follows:

40 12. a. The authority may, in accordance with the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), adopt toll collection monitoring system regulations. The
43 regulations shall include a procedure for processing toll violations
44 and for the treatment of inadvertent violations. **[A]** In addition to
45 the penalty provided for in subsection o. of section 21 of P.L.1991,
46 c.252 (C.27:25A-21), a person who violates the regulations shall be
47 liable to a civil penalty in an amount not to exceed [\$500 to be

1 established by the authority] \$100 for the first violation and an
2 amount not to exceed \$600 for each subsequent violation. The
3 penalty shall be enforced pursuant to the "Penalty Enforcement Law
4 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

5 b. Except as provided in subsection b. of section 13 of
6 P.L.1997, c.59 (C.27:25A-21.3), an owner of a vehicle shall be
7 jointly and severally liable for the failure of an operator of the
8 vehicle to comply with the toll collection monitoring system
9 regulations. The owner of a vehicle shall be liable if such vehicle
10 was used or operated by the operator with the express or implied
11 permission of the owner when the violation of the toll collection
12 monitoring system regulations was committed, and the evidence of
13 the violation is obtained by a toll collection monitoring system. An
14 owner of a vehicle shall not be liable if the operator of the vehicle
15 has been identified and charged with a violation of section 21 of
16 P.L.1991, c.252 (C.27:25A-21) for the same incident.

17 c. A toll collection monitoring system acquired or operated by,
18 or under contract to, the authority shall be so designed that it does
19 not produce one or more photographs, microphotographs, a
20 videotape, or other recorded image or images of the face of the
21 operator or any passenger in a motor vehicle.

22 (cf: P.L.2003, c.79, s.47)

23
24 7. (New section) The authority or the New Jersey Motor
25 Vehicle Commission may collect the civil penalties and tolls
26 imposed by an out-of-state tolling entity if the authority, or the New
27 Jersey Motor Vehicle Commission on behalf of the authority, has
28 entered into a reciprocity agreement with the out-of-state tolling
29 entity or the other state in which the out-of-state tolling entity is
30 located that confirms the following:

31 a. The other state or out-of-state tolling entity has its own
32 reciprocal procedure for collecting penalties and tolls of the
33 authority by employing sanctions that include denial of a person's
34 ability to obtain a registration certificate for a motor vehicle;

35 b. The penalties, exclusive of tolls, claimed by the other state
36 or out-of-state tolling entity against the owner of a motor vehicle
37 registered in this State does not exceed \$100 for the first violation
38 or \$600 for each subsequent violation;

39 c. The other state or tolling entity provides due process and
40 appeal protections to avoid the likelihood that a false, mistaken, or
41 unjustified claim will be pursued against an owner of a motor
42 vehicle registered in this State;

43 d. An owner of a motor vehicle registered in this State may
44 present evidence to the other state or tolling entity by mail,
45 telephone, or electronic means or in-person in an administrative
46 proceeding before the New Jersey Motor Vehicle Commission to
47 invoke the owner's rights to due process, without having to appear

1 personally in the jurisdiction where the violation is alleged to have
2 occurred; and

3 e. The parties to the reciprocity agreement each may charge the
4 other party a fee sufficient for each party to recoup the costs of
5 collection services, including costs incurred by the New Jersey
6 Motor Vehicle Commission or the agency that registers motor
7 vehicles in the other state.

8
9 8. (New section) a. The Governor is authorized to enter into a
10 supplemental compact or agreement, on behalf of the State of New
11 Jersey, with the State of New York supplementing the compact of
12 April 30, 1921, between the states of New York and New Jersey, as
13 amended and supplemented, creating the Port Authority of New
14 York and New Jersey, as set forth in sections 9 and 10 of
15 P.L. , c. (C.) (pending before the legislature as this bill).

16 b. The Governor is authorized to apply, on behalf of the State
17 of New Jersey, to the Congress of the United States for its consent
18 and approval to the amendments to this compact or agreement
19 provided in sections 9 and 10 of P.L. , c. (C.) (pending
20 before the Legislature as this bill), but in the absence of such
21 consent and approval, the Port Authority of New York and New
22 Jersey referred to in such supplemental compact or agreement shall
23 have all of the powers which the State of New York and the State of
24 New Jersey may confer upon it without the consent and approval of
25 Congress.

26
27 9. (New section) In addition to any punishment or penalty
28 provided by any law of the State of New Jersey or the State of New
29 York concerning the nonpayment of tolls to the port authority, any
30 rule, regulation, or order of the port authority concerning the
31 nonpayment of tolls, or any other law, rule, regulation, or order of
32 another state or tolling entity with which the port authority, or the
33 New Jersey Motor Vehicle Commission or the New York State
34 Department of Motor Vehicles on behalf of the port authority, has
35 entered into a reciprocity agreement, any motor vehicle registration
36 certificate may be suspended or revoked and any person may be
37 prohibited from obtaining a motor vehicle registration certificate by
38 the Chief Administrator of the New Jersey Motor Vehicle
39 Commission or the Commissioner of the New York State
40 Department of Motor Vehicles for the nonpayment of tolls to the
41 port authority, after due notice in writing of such proposed
42 suspension, revocation, or prohibition and the ground thereof and
43 after the opportunity to be heard in an administrative proceeding.

44
45 10. (New section) The port authority, or the New Jersey
46 Motor Vehicle Commission or the New York State Department of
47 Motor Vehicles on behalf of the port authority, may collect the civil
48 penalties and tolls imposed by an out-of-state tolling entity if the

1 port authority, or the New Jersey Motor Vehicle Commission or the
2 New York State Department of Motor Vehicles on behalf of the port
3 authority, has entered into a reciprocity agreement with the out-of-
4 state tolling entity or the other state in which the out-of-state tolling
5 entity is located that confirms the following:

6 a. The other state or out-of-state tolling entity has its own
7 reciprocal procedure for collecting penalties and tolls of the port
8 authority by employing sanctions that include denial of a person's
9 ability to obtain a registration certificate for a motor vehicle;

10 b. The penalties, exclusive of tolls, claimed by the other state
11 or out-of-state tolling entity against the owner of a motor vehicle
12 registered in New York or New Jersey does not exceed \$100 for the
13 first violation or \$600 for each subsequent violation;

14 c. The other state or tolling entity provides due process and
15 appeal protections to avoid the likelihood that a false, mistaken, or
16 unjustified claim will be pursued against an owner of a motor
17 vehicle registered in New York or New Jersey;

18 d. An owner of a motor vehicle registered in New York or New
19 Jersey may present evidence to the other state or tolling entity by
20 mail, telephone, or electronic means to invoke the owner's rights to
21 due process, without having to appear personally in the jurisdiction
22 where the violation is alleged to have occurred or an owner of a
23 motor vehicle registered in New Jersey may present evidence in-
24 person in an administrative proceeding before the New Jersey
25 Motor Vehicle Commission to invoke the owner's rights to due
26 process, without having to appear personally in the jurisdiction
27 where the violation is alleged to have occurred; and

28 e. The parties to the reciprocity agreement each may charge the
29 other party a fee sufficient for each party to recoup the costs of
30 collection services, including costs incurred by the New Jersey
31 Motor Vehicle Commission, the New York State Department of
32 Motor Vehicles, or the agency that registers motor vehicles in the
33 other state.

34
35 11. (New section) a. The Governor is authorized to enter
36 into a supplemental compact or agreement, on behalf of the State of
37 New Jersey, with the Commonwealth of Pennsylvania
38 supplementing the compact or agreement between the
39 Commonwealth of Pennsylvania and the State of New Jersey
40 entitled "Agreement Between the Commonwealth of Pennsylvania
41 and the State of New Jersey creating the Delaware River Joint
42 Commission as a body corporate and politic and defining its powers
43 and duties," as set forth in sections 12 and 13 of P.L. , c. (C.)
44 (pending before the Legislature as this bill.

45 b. The Governor is authorized to apply, on behalf of the State
46 of New Jersey, to the Congress of the United States for its consent
47 and approval to the amendments to this compact or agreement
48 provided in sections 12 and 13 of P.L. , c. (C.) (pending

1 before the Legislature as this bill), but in the absence of such
2 consent and approval, the Delaware River Port Authority shall have
3 all of the powers which the Commonwealth of Pennsylvania and the
4 State of New Jersey may confer upon it without the consent and
5 approval of Congress.

6
7 12. (New section) In addition to any punishment or penalty
8 provided by any law of the State of New Jersey or the
9 Commonwealth of Pennsylvania concerning the nonpayment of
10 tolls to the port authority, any rule, regulation, or order of the port
11 authority concerning the nonpayment of tolls, or any other law,
12 rule, regulation, or order of another state or tolling entity with
13 which the port authority, or the New Jersey Motor Vehicle
14 Commission or the Pennsylvania Department of Transportation on
15 behalf of the port authority, has entered into a reciprocity
16 agreement, any motor vehicle registration certificate may be
17 suspended or revoked and any person may be prohibited from
18 obtaining a motor vehicle registration certificate by the Chief
19 Administrator of the New Jersey Motor Vehicle Commission or the
20 Secretary of the Pennsylvania Department of Transportation for a
21 violation of any law, rule, regulation, or order governing the
22 nonpayment of tolls to the port authority, after due notice in writing
23 of such proposed suspension, revocation, or prohibition and the
24 ground thereof and after the opportunity to be heard in an
25 administrative proceeding.

26
27 13. (New section) The port authority, or the New Jersey
28 Motor Vehicle Commission or the Pennsylvania Department of
29 Transportation on behalf of the port authority, may collect the civil
30 penalties and tolls imposed by an out-of-state tolling entity if the
31 port authority, or the New Jersey Motor Vehicle Commission or the
32 Pennsylvania Department of Transportation on behalf of the port
33 authority, has entered into a reciprocity agreement with the out-of-
34 state tolling entity or the other state in which the out-of-state tolling
35 entity is located that confirms the following:

36 a. The other state or out-of-state tolling entity has its own
37 reciprocal procedure for collecting penalties and tolls of the port
38 authority by employing sanctions that include denial of a person's
39 ability to obtain a registration certificate for a motor vehicle;

40 b. The penalties, exclusive of tolls, claimed by the other state
41 or out-of-state tolling entity against the owner of a motor vehicle
42 registered in New Jersey or Pennsylvania does not exceed \$100 for
43 the first violation or \$600 for each subsequent violation;

44 c. The other state or tolling entity provides due process and
45 appeal protections to avoid the likelihood that a false, mistaken, or
46 unjustified claim will be pursued against an owner of a motor
47 vehicle registered in New Jersey or Pennsylvania;

1 d. An owner of a motor vehicle registered in New Jersey or
2 Pennsylvania may present evidence to the other state or tolling
3 entity by mail, telephone, or electronic means to invoke the owner's
4 rights to due process, without having to appear personally in the
5 jurisdiction where the violation is alleged to have occurred or an
6 owner of a motor vehicle registered in New Jersey may present
7 evidence in-person in an administrative proceeding before the New
8 Jersey Motor Vehicle Commission to invoke the owner's rights to
9 due process, without having to appear personally in the jurisdiction
10 where the violation is alleged to have occurred; and

11 e. The parties to the reciprocity agreement each may charge the
12 other party a fee sufficient for each party to recoup the costs of
13 collection services, including costs incurred by the New Jersey
14 Motor Vehicle Commission, the Pennsylvania Department of
15 Transportation, or the agency that registers motor vehicles in the
16 other state.

17

18 14. (New section) a. The Governor is authorized to enter
19 into a supplemental compact or agreement, on behalf of the State of
20 New Jersey, with the State of Delaware supplementing the compact
21 or agreement between the State of Delaware and the State of New
22 Jersey known as the "Delaware-New Jersey Compact," as set forth
23 in sections 15 and 16 of P.L. , c. (C.) (pending before the
24 Legislature as this bill).

25 b. The Governor is hereby authorized to apply on behalf of the
26 State of New Jersey to the Congress of the United States for its
27 consent and approval to the amendments to this compact or
28 agreement provided in sections 15 and 16 of P.L. , c. (C.)
29 (pending before the Legislature as this bill), but in the absence of
30 such consent and approval, the Delaware River and Bay Authority
31 shall have all the powers the State of Delaware and the State of
32 New Jersey may confer upon it without the consent and approval of
33 Congress.

34

35 15. (New section) In addition to any punishment or penalty
36 provided by any law of the State of New Jersey or the State of
37 Delaware concerning the nonpayment of tolls to the authority, any
38 rule, regulation, or order of the authority concerning the
39 nonpayment of tolls, or any other law, rule, regulation, or order of
40 another state or tolling entity with which the authority, or the New
41 Jersey Motor Vehicle Commission or the Delaware Division of
42 Motor Vehicles on behalf of the authority, has entered into a
43 reciprocity agreement, any motor vehicle registration certificate
44 may be suspended or revoked and any person may be prohibited
45 from obtaining a motor vehicle registration certificate by the Chief
46 Administrator of the New Jersey Motor Vehicle Commission or the
47 Director of the Delaware Division of Motor Vehicles for a violation
48 of any law, rule, regulation, or order governing the nonpayment of

1 tolls to the authority, after due notice in writing of such proposed
2 suspension, revocation, or prohibition and the ground thereof and
3 after the opportunity to be heard in an administrative proceeding.

4
5 16. (New section) The authority, or the New Jersey Motor
6 Vehicle Commission or the Delaware Division of Motor Vehicles
7 on behalf of the authority, may collect the civil penalties and tolls
8 imposed by an out-of-state tolling entity if the authority, or the New
9 Jersey Motor Vehicle Commission or the Delaware Division of
10 Motor Vehicles on behalf of the authority, has entered into a
11 reciprocity agreement with the out-of-state tolling entity or the
12 other state in which the out-of-state tolling entity is located that
13 confirms the following:

14 a. The other state or out-of-state tolling entity has its own
15 reciprocal procedure for collecting penalties and tolls of the
16 authority by employing sanctions that include denial of a person's
17 ability to obtain a registration certificate for a motor vehicle;

18 b. The penalties, exclusive of tolls, claimed by the other state
19 or out-of-state tolling entity against the owner of a motor vehicle
20 registered in New Jersey or Delaware does not exceed \$100 for the
21 first violation or \$600 for each subsequent violation;

22 c. The other state or tolling entity provides due process and
23 appeal protections to avoid the likelihood that a false, mistaken, or
24 unjustified claim will be pursued against an owner of a motor
25 vehicle registered in New Jersey or Delaware;

26 d. An owner of a motor vehicle registered in New Jersey or
27 Delaware may present evidence to the other state or tolling entity
28 by mail, telephone, or electronic means to invoke the owner's rights
29 to due process, without having to appear personally in the
30 jurisdiction where the violation is alleged to have occurred or an
31 owner of a motor vehicle registered in New Jersey may present
32 evidence in-person in an administrative proceeding before the New
33 Jersey Motor Vehicle Commission to invoke the owner's rights to
34 due process, without having to appear personally in the jurisdiction
35 where the violation is alleged to have occurred; and

36 e. The parties to the reciprocity agreement each may charge the
37 other party a fee sufficient for each party to recoup the costs of
38 collection services, including costs incurred by the New Jersey
39 Motor Vehicle Commission, the Delaware Division of Motor
40 Vehicles, or the agency that registers motor vehicles in the other
41 state.

42
43 17. a. Sections 1 through 7 of this act shall take effect
44 immediately.

45 b. Sections 8 through 10 of this act shall take effect upon the
46 enactment into law by the State of New York of legislation having
47 an identical effect as sections 8 through 10 of this act; but if the

1 State of New York shall already have enacted such legislation,
2 sections 8 through 10 of this act shall take effect immediately.

3 c. Sections 11 through 13 of this act shall take effect upon the
4 enactment into law by the Commonwealth of Pennsylvania of
5 legislation having an identical effect with sections 11 through 13 of
6 this act; but if the Commonwealth of Pennsylvania shall already
7 have enacted such legislation, sections 11 through 13 of this act
8 shall take effect immediately.

9 d. Sections 14 through 16 of this act shall take effect upon the
10 enactment into law by the State of Delaware of legislation having
11 an identical effect with sections 14 through 16 of this act; but if the
12 State of Delaware shall already have enacted such legislation,
13 sections 14 through 16 of this act shall take effect immediately.

14

15

16

STATEMENT

17

18 This this bill permits the New Jersey Turnpike Authority
19 (“NJTA”), the South Jersey Transportation Authority (“SJTA”), the
20 Port Authority of New York and New Jersey (“PANYNJ”), the
21 Delaware River Port Authority (“DRPA”), and the Delaware River
22 and Bay Authority (“DRBA”) to enforce and collect the penalties
23 and tolls imposed by an out-of-state tolling entity. The tolling
24 authorities may collect or enforce the penalties or tolls if the NJTA,
25 SJTA, PANYNJ, DPRA, DRBA, the New Jersey Motor Vehicle
26 Commission (“MVC”) on behalf of the NJTA, SJTA, PANYNJ,
27 DRPA, or DRBA, the New York State Department of Motor
28 Vehicles (“NYSDMV”) on behalf of PANYNJ, the Pennsylvania
29 Department of Transportation (“PennDOT”) on behalf of the
30 DRPA, or the Delaware Division of Motor Vehicles (“DDMV”) on
31 behalf of the DRBA has entered into a reciprocity agreement with
32 the out-of-state tolling entity or the other state in which the out-of-
33 state tolling entity is located. The reciprocity agreement is required
34 to confirm the following:

35 • The other state or out-of-state tolling entity has its own
36 reciprocal procedure for collecting penalties and tolls of
37 the NJTA, SJTA, PANYNJ, DPRA, or DRBA by
38 employing sanctions that include denial of a person’s
39 ability to obtain a registration certificate for a motor
40 vehicle;

41 • The penalties, exclusive of tolls, claimed by the other
42 state or out-of-state tolling entity against the owner of a
43 motor vehicle registered in New Jersey do not exceed
44 \$100 for the first violation or \$600 for each subsequent
45 violation;

46 • The other state or out-of-state tolling entity provides due
47 process and appeal protections to avoid the likelihood
48 that a false, mistaken, or unjustified claim will be

- 1 pursued against an owner of a motor vehicle registered in
2 New Jersey;
- 3 • An owner of a motor vehicle registered in New Jersey
4 may present evidence to the other state or out-of-state
5 tolling entity by mail, telephone, or electronic means or
6 in-person in an administrative proceeding before the
7 MVC to invoke the owner's rights to due process,
8 without having to appear personally in the jurisdiction
9 where the violation is alleged to have occurred; and
 - 10 • The parties to the reciprocity agreement each may charge
11 the other party a fee sufficient for each party to recoup
12 the costs of collection services, including costs incurred
13 by the MVC, NYSDMV, PennDOT, DDMV or the
14 agency that registers motor vehicles in the other state.
- 15 The bill amends current law concerning the penalties imposed by
16 the NJTA and the SJTA, including those related to the nonpayment
17 of tolls, to a fine not to exceed \$100 for the first violation and not to
18 exceed \$600 for each subsequent violation.
- 19 The bill also provides that a person may be subject to the
20 suspension or revocation of or prohibition from obtaining a motor
21 vehicle registration certificate by the MVC, NYSDMV, PennDOT,
22 or DDMV for toll violations, after notice in writing of the proposed
23 suspension, revocation, or prohibition and the ground under which
24 the proposed suspension, revocation, or prohibition is based and
25 after the opportunity to be heard during an administrative
26 proceeding.