SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1789

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2020

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 1789.

As amended and reported, this this bill permits the New Jersey Turnpike Authority ("NJTA"), the South Jersey Transportation Authority ("SJTA"), the Port Authority of New York and New Jersey ("PANYNJ"), the Delaware River Port Authority ("DRPA"), the Delaware River Joint Toll Bridge Commission ("DRJTBC") the Delaware River and Bay Authority ("DRBA"), and county bridge commissions to enforce and collect the penalties and tolls imposed by an out-of-state tolling entity. The tolling authorities may collect or enforce the penalties or tolls if the NJTA, SJTA, PANYNJ, DPRA, DRJTBC, DRBA, county bridge commissions, the New Jersey Department of Transportation (department) on behalf of the NJTA, SJTA, PANYNJ, DRPA, DRJTBC, DRBA, or county bridge commissions, the New York State Department of Motor Vehicles ("NYSDMV") on behalf of PANYNJ, the Pennsylvania Department of Transportation ("PennDOT") on behalf of the DRPA or the DRJTBC, or the Delaware Division of Motor Vehicles ("DDMV") on behalf of the DRBA has entered into a reciprocity agreement with the out-of-state tolling entity or the other state in which the out-of-state tolling entity is located. The reciprocity agreement is required to confirm the following:

- The other state or out-of-state tolling entity has its own reciprocal procedure for collecting penalties and tolls of the NJTA, SJTA, PANYNJ, DPRA, DRJTBC, DRBA, or county bridge commission by employing sanctions that include denial of a person's ability to obtain a registration certificate for a motor vehicle;
- The penalties, exclusive of tolls, claimed by the other state or out-of-state tolling entity against the owner of a motor vehicle registered in New Jersey do not exceed $100 for the first violation or $600 for each subsequent violation;
- The other state or out-of-state tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be

pursued against an owner of a motor vehicle registered in New Jersey;

- An owner of a motor vehicle registered in New Jersey may present evidence to the other state or out-of-state tolling entity by mail, telephone, or electronic means or in-person in an administrative proceeding before the department to invoke the owner's rights to due process, without having to appear personally in the jurisdiction where the violation is alleged to have occurred; and
- The parties to the reciprocity agreement each may charge the other party a fee sufficient for each party to recoup the costs of collection services, including costs incurred by the department, NYSDMV, PennDOT, DDMV or the agency that registers motor vehicles in the other state.

The bill amends current law concerning the penalties imposed by the NJTA and the SJTA, including those related to the nonpayment of tolls, to a fine not to exceed $100 for the first violation and not to exceed $600 for each subsequent violation.

The bill also provides that a person may be subject to the suspension or revocation of or prohibition from obtaining a motor vehicle registration certificate by the MVC, NYSDMV, PennDOT, or DDMV for toll violations, after notice in writing of the proposed suspension, revocation, or prohibition and the ground under which the proposed suspension, revocation, or prohibition is based and after the opportunity to be heard during an administrative proceeding.

The committee amended the bill to authorize the Delaware River Joint Toll Bridge Commission and county bridge commissions to enforce and collect the penalties and tolls imposed by an out-of-state tolling entity and to enter into reciprocity agreements with out-of-state tolling entities or the other state in which the out-of-state tolling entity is located. The amendments provide that the New Jersey Department of Transportation, instead of the New Jersey Motor Vehicle Commission, may collect civil penalties and tolls imposed by an out-of-state tolling entity and may enter into a reciprocity agreement with the out-of-state tolling entity or the other state in which the out-of-state tolling entity is located. The bill removes provisions that provide that the rules of the Supreme Court are to govern the practice and procedure of toll violation proceedings brought before the Superior Court or any municipal court except as provided by a reciprocity agreement entered into pursuant to the provisions of the bill.