

SENATE, No. 3823

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 11, 2023

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator RENEE C. BURGESS

District 28 (Essex)

SYNOPSIS

Increases penalties for operating certain vehicles in excess of weight limits and on restricted routes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2023)

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1 AN ACT concerning the unlawful operation of vehicles and
2 amending R.S.39:3-20, P.L.1950, c.142, and R.S.39:4-76.

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

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7 1. R.S.39:3-20 is amended to read as follows:

8 39:3-20. For the purpose of this section, gross weight means the
9 weight of the vehicle or combination of vehicles, including load or
10 contents.

11 a. The chief administrator is authorized to issue registrations
12 for commercial motor vehicles other than omnibuses or motor-
13 drawn vehicles upon application therefor and payment of a fee
14 based on the gross weight of the vehicle, including the gross weight
15 of all vehicles in any combination of vehicles of which the
16 commercial motor vehicle is the drawing vehicle. The gross weight
17 of a disabled commercial vehicle or combination of disabled
18 commercial vehicles being removed from a highway shall not be
19 included in the calculation of the registration fee for the drawing
20 vehicle.

21 Except as otherwise provided in this subsection, every
22 registration for a commercial motor vehicle other than an omnibus
23 or motor-drawn vehicle shall expire and the certificate thereof shall
24 become void on the last day of the twelfth calendar month
25 following the month in which the certificate was issued; provided,
26 however, that the chief administrator may require registrations
27 which shall expire, and issue certificates thereof which shall
28 become void, on a date fixed by the chief administrator, which shall
29 not be sooner than three months or later than 26 months after the
30 date of issuance of such certificates, and the fees for such
31 registrations or registration applications, including any other fees or
32 charges collected in connection with the registration fee, shall be
33 fixed by the chief administrator in amounts proportionately less or
34 greater than the fees established by law. The chief administrator
35 may fix the expiration date for registration certificates at a date
36 other than 12 months if the chief administrator determines that such
37 change is necessary, appropriate or convenient in order to aid in
38 implementing the vehicle inspection requirements of chapter 8 of
39 Title 39 or for other good cause. The minimum registration fee
40 shall be as follows:

41 (1) In the case of vehicles other than trucks transporting ready-
42 mixed concrete, asphalt, stone, sand, gravel, clay and cleanfill:

43 For vehicles not in excess of 5,000 pounds, \$53.50.

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.

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1 For vehicles in excess of 5,000 pounds and not in excess of
2 10,000 pounds, \$53.50 plus \$11.50 for each 1,000 pounds or
3 portion thereof in excess of 5,000 pounds.

4 For vehicles in excess of 10,000 pounds and not in excess of
5 18,000 pounds, \$53.50 plus \$13.50 for each 1,000 pounds or
6 portion thereof in excess of 5,000 pounds.

7 For vehicles in excess of 18,000 pounds and not in excess of
8 50,000 pounds, \$53.50 plus \$14.50 for each 1,000 pounds or
9 portion thereof in excess of 5,000 pounds.

10 For vehicles in excess of 50,000 pounds, \$53.50 plus \$15.50 for
11 each 1,000 pounds or portion thereof in excess of 5,000 pounds; and

12 (2) In the case of trucks transporting ready-mixed concrete,
13 asphalt, stone, sand, gravel, clay and cleanfill:

14 For vehicles not in excess of 5,000 pounds, \$53.50.

15 For vehicles in excess of 5,000 pounds and not in excess of
16 18,000 pounds, \$53.50 plus \$11.50 for each 1,000 pounds or
17 portion thereof in excess of 5,000 pounds.

18 For vehicles in excess of 18,000 pounds and not in excess of
19 50,000 pounds, \$53.50 plus \$12.50 for each 1,000 pounds or
20 portion thereof in excess of 5,000 pounds.

21 For vehicles in excess of 50,000 pounds, \$53.50 plus \$13.50 for
22 each 1,000 pounds or portion thereof in excess of 5,000 pounds.

23 b. The chief administrator is also authorized to issue
24 registrations for commercial motor vehicles having three or more
25 axles and a gross weight over 40,000 pounds but not exceeding
26 70,000 pounds, upon application therefor and proof to the
27 satisfaction of the chief administrator that the applicant is actually
28 engaged in construction work or in the business of supplying
29 material, transporting material, or using such registered vehicle for
30 construction work.

31 Except as otherwise provided in this subsection, every
32 registration for these commercial motor vehicles shall expire and
33 the certificate thereof shall become void on the last day of the
34 twelfth calendar month following the month in which the certificate
35 was issued; provided, however, that the chief administrator may
36 require registrations which shall expire, and issue certificates
37 thereof which shall become void on a date fixed by the chief
38 administrator, which shall not be sooner than three months or later
39 than 26 months after the date of issuance of such certificates, and
40 the fees for such registrations or registration applications, including
41 any other fees or charges collected in connection with the
42 registration fee, shall be fixed by the chief administrator in amounts
43 proportionately less or greater than the fees established by law. The
44 chief administrator may fix the expiration date for registration
45 certificates at a date other than 12 months if the chief administrator
46 determines that such change is necessary, appropriate or convenient
47 in order to aid in implementing the vehicle inspection requirements
48 of chapter 8 of Title 39 or for other good cause.

1 The registration fee shall be \$22.50 for each 1,000 pounds or
2 portion thereof.

3 For purposes of calculating this fee, weight means the gross
4 weight, including the gross weight of all vehicles in any
5 combination of which such commercial motor vehicle is the
6 drawing vehicle.

7 Such commercial motor vehicle shall be operated in compliance
8 with the speed limitations of Title 39 of the Revised Statutes and
9 shall not be operated at a speed greater than 45 miles per hour when
10 one or more of its axles has a load which exceeds the limitations
11 prescribed in R.S.39:3-84.

12 c. The chief administrator is also authorized to issue
13 registrations for each of the following solid waste vehicles: two-
14 axle vehicles having a gross weight not exceeding 42,000 pounds;
15 tandem three-axle and four-axle vehicles having a gross weight not
16 exceeding 60,000 pounds; four-axle tractor-trailer combination
17 vehicles having a gross weight not exceeding 60,000 pounds.
18 Registration is based upon application to the chief administrator and
19 proof to his satisfaction that the applicant is actually engaged in the
20 performance of solid waste disposal or collection functions and
21 holds a certificate of convenience and necessity therefor issued by
22 the Department of Environmental Protection.

23 Except as otherwise provided in this subsection, every
24 registration for a solid waste vehicle shall expire and the certificate
25 thereof shall become void on the last day of the twelfth calendar
26 month following the month in which the certificate was issued.

27 The registration fee shall be \$50 plus \$11.50 for each 1,000
28 pounds or portion thereof in excess of 5,000 pounds.

29 d. The chief administrator is also authorized to issue
30 registrations for commercial motor-drawn vehicles upon application
31 therefor. The registration year for commercial motor-drawn
32 vehicles shall be April 1 to the following March 31 and the fee
33 therefor shall be \$18 for each such vehicle.

34 At the discretion of the chief administrator, an applicant for
35 registration for a commercial motor-drawn vehicle may be provided
36 the option of registering such vehicle for a period of four years. In
37 the event that the applicant for registration exercises the four-year
38 option, a fee of \$64 for each such vehicle shall be paid to the chief
39 administrator in advance.

40 If any commercial motor-drawn vehicle registered for a four-year
41 period is sold or withdrawn from use on the highways, the chief
42 administrator may, upon surrender of the vehicle registration and
43 plate, refund \$16 for each full year of unused prepaid registration.

44 e. It shall be unlawful for any vehicle or combination of
45 vehicles registered under this act, having a gross weight, including
46 load or contents, in excess of the gross weight provided on the
47 registration certificate to be operated on the highways of this State.

1 The owner, lessee, bailee or any one of the aforesaid of a vehicle
2 or combination of vehicles, including load or contents, found or
3 operated on any public road, street or highway or on any public or
4 quasi-public property in this State with a gross weight of that
5 vehicle or combination of vehicles, including load or contents, in
6 excess of the weight limitation permitted by the certificate of
7 registration for the vehicle or combination of vehicles, pursuant to
8 the provisions of this section, shall be assessed a penalty of **[\$500]**
9 \$1,500 plus an amount equal to **[\$100]** \$300 for each 1,000 pounds
10 or fractional portion of 1,000 pounds of weight in excess of the
11 weight limitation permitted by the certificate of registration for that
12 vehicle or combination of vehicles. A vehicle or combination of
13 vehicles for which there is no valid certificate of registration is
14 deemed to have been registered for zero pounds for the purposes of
15 the enforcement of this act, in addition to any other violation of this
16 Title, but is not deemed to be lawfully or validly registered pursuant
17 to the provisions of this Title.

18 This section shall not be construed to supersede or repeal the
19 provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

20 f. Of the registration fees collected by the chief administrator
21 pursuant to this section for vehicles with gross vehicle weights in
22 excess of 5,000 pounds, an amount equal to \$3 per 1,000 pounds or
23 portion thereof in excess of 5,000 pounds for each registration shall
24 be forwarded to the State Treasurer for deposit in the Commercial
25 Vehicle Enforcement Fund established pursuant to section 17 of
26 P.L.1995, c.157 (C.39:8-75). Moneys in the fund shall be used by
27 the Department of Law and Public Safety and the Department of
28 Transportation for enforcement of laws and regulations governing
29 commercial motor vehicles.

30 (cf: P.L.2005, c.214, s.1)

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32 2. Section 5 of P.L.1950, c.142 (C.39:3-84.3) is amended to
33 read as follows:

34 5. a. Officers shall have authority as set forth in paragraphs (1)
35 through (3) of this subsection to require the driver, operator, owner,
36 lessee or bailee of any vehicle or combination of vehicles found on
37 any public road, street, or highway or any public or quasi-public
38 property in this State to facilitate and permit the measurement or
39 weighing of the vehicle or combination of vehicles, including load
40 or contents, for the purpose of determining whether the size or
41 weight of the vehicle or combination of vehicles, including load or
42 contents, is in excess of that permitted in this Title:

43 (1) Officers of the Division of State Police shall have the
44 exclusive authority to conduct random roadside examinations for
45 the purpose of determining whether size or weight is in excess of
46 that permitted in this Title, and officers of the Division of State
47 Police shall have the authority, with or without probable cause to
48 believe that the size or weight is in excess of that permitted, to

1 require the driver, operator, owner, lessee or bailee, to stop, drive or
2 otherwise move to a location for measurement or weighing and
3 submit the vehicle or combination of vehicles, including load or
4 contents, to measurement or weighing;

5 (2) Police or peace officers or inspectors appointed by any
6 municipality or county shall have the authority to require the driver,
7 operator, owner, lessee or bailee to stop, drive or otherwise move to
8 a location for measurement or weighing and submit the vehicle or
9 combination of vehicles, including load or contents, to measurement
10 or weighing, only if the officer has probable cause to believe that
11 the size or weight of the vehicle or combination of vehicles,
12 including load or contents, is in excess of that permitted by this
13 Title; and

14 (3) The Division of State Police and the director shall have the
15 exclusive authority to establish and operate locations for the
16 measurement and weighing of vehicles, including load and contents,
17 and all measuring and weighing devices or scales employed at such
18 locations shall be approved and certified by the State
19 Superintendent of Weights and Measures or the State
20 Superintendent's agent. Copies of documents displaying the State
21 Superintendent's seal or certification shall be prima facie evidence
22 of the reliability and accuracy of the measuring or weighing devices
23 or scales utilized.

24 b. Whenever the officer, upon measuring or weighing a vehicle
25 or combination of vehicles, including load or contents, determines
26 that the size or weight is in excess of the limits permitted in this
27 Title, the officer or inspector shall require the driver, operator,
28 owner, lessee or bailee to stop the vehicle or combination of
29 vehicles in a suitable place and remain in that place until a portion
30 of the load or contents of the vehicle or combination of vehicles is
31 removed by the driver, operator, owner, lessee, bailee or duly
32 appointed agent thereof, as may be necessary to conform or reduce
33 the size or weight of the vehicle or combination of vehicles,
34 including load or contents, to those limits as permitted under this
35 act, or permitted by the certificate of registration for the vehicle or
36 combination of vehicles, whichever may be lower. All materials so
37 unloaded or removed shall be cared for by the driver, owner,
38 operator, lessee or bailee of the vehicle or combination of vehicles,
39 or duly appointed agent thereof, at the risk, responsibility and
40 liability of the driver, owner, operator, lessee, bailee or duly
41 appointed agent thereof.

42 c. No vehicle or combination of vehicles shall be deemed to be
43 in violation of the weight limitation provision of this act, when,
44 upon examination by the officer, the dispatch papers for the vehicle
45 or combination of vehicles, including load or contents, show it is
46 proceeding from its last preceding freight pickup point within the
47 State of New Jersey by a reasonably expeditious route to the nearest
48 available scales or to the first available scales in the general

1 direction towards which the vehicle or combination of vehicles has
2 been dispatched, or is returning from such scales after weighing-in
3 to the last preceding pickup point.

4 d. When the officer determines that a vehicle or combination of
5 vehicles, including load or contents, is in violation of the weight
6 limitations of this Title as provided at paragraph (1) of subsection b.
7 of R.S.39:3-84; paragraph (2) of subsection b. of R.S.39:3-84;
8 paragraph (3) of subsection b. of R.S.39:3-84; or paragraph (5) of
9 subsection b. of R.S.39:3-84 relative to maximum gross axle
10 weights, but is within the permissible maximum gross vehicle
11 weight of this Title as provided at paragraph (4) of subsection b. of
12 R.S.39:3-84 or paragraph (5) of subsection b. of R.S.39:3-84,
13 whichever is applicable, the driver, operator, owner, lessee, bailee
14 or duly appointed agent thereof shall be permitted, before
15 proceeding, to redistribute the weight of the vehicle or combination
16 of vehicles or the load or contents of the vehicle or combination of
17 vehicles so that no axle or combination of consecutive axles are in
18 excess of the limits set by this act, in which event there is no
19 violation.

20 e. When the officer determines that a vehicle or combination of
21 vehicles, including load or contents, is in violation of the height,
22 width or length limits of this Title as provided at subsection a. of
23 R.S.39:3-84, the driver, operator, owner, lessee or bailee of the
24 vehicle or combination of vehicles or duly appointed agent thereof
25 shall be permitted, before proceeding, to adjust, reduce or conform
26 the vehicle or combination of vehicles, including load or contents,
27 so that the vehicle or combination of vehicles, including load or
28 contents, are not in excess of the height, width, or length limits set
29 by this act, in which event there is no violation.

30 f. The provisions of this subsection shall not apply to a vehicle
31 or combination of vehicles, including load or contents, found or
32 operated on any highway in this State which is part of or designated
33 as part of the National Interstate System, as provided at 23 U.S.C. s.
34 103(e). No arrest shall be made or summons issued for a violation
35 of the weight limitations provided in this act at subsection b. of
36 R.S.39:3-84 where the excess weight is no more than 5% of the
37 weight permitted, provided the gross weight of the vehicle or
38 combination of vehicles, including load or contents, does not
39 exceed the maximum gross weight of 80,000 pounds as set forth at
40 paragraph (4) of subsection b. of R.S.39:3-84.

41 g. Any person who presents to the officer, or has in his
42 possession, or who prepares false dispatch papers, that is to say,
43 dispatch papers which do not correspond to the cargo carried, shall
44 be subject to a fine not to exceed \$300.

45 h. Any driver of a vehicle or combination of vehicles who fails
46 or refuses to stop and submit the vehicle or combination of vehicles,
47 including load or contents, to measurement or weighing, as
48 provided in this Title, or otherwise fails to comply with the

1 provisions of this section, shall be subject to a fine not exceeding
2 \$200.00.

3 i. The owner, lessee, bailee or any one of the aforesaid of any
4 vehicle or combination of vehicles found or operated on any public
5 road, street or highway or on any public or quasi-public property in
6 this State in violation of the height, width or length limits as set
7 forth in subsection a. of R.S.39:3-84 shall be fined not less than
8 \$150.00 nor more than \$500.00.

9 j. The owner, lessee, bailee or any one of the aforesaid of any
10 vehicle or combination of vehicles found or operated on any public
11 road, street or highway or on any public or quasi-public property in
12 this State, with a gross weight of the vehicle or combination of
13 vehicles, including load or contents, in excess of the weight
14 limitations as provided at subsection b. of R.S.39:3-84 or section 3
15 of P.L.1950, c.142 (C.39:3-84.1) shall be fined an amount equal to
16 **[\$0.02]** \$0.06 per pound for each pound of the total excess weight;
17 provided the total excess weight is 10,000 pounds or less, or shall
18 be fined an amount equal to **[\$0.03]** \$0.09 per pound for each
19 pound of the total excess weight; provided the total excess weight is
20 more than 10,000 pounds, but in no event shall the fine be less than
21 **[\$50.00]** \$150.00. However, in the case of any vehicle or
22 combination of vehicles carrying a sealed ocean container, either
23 the shipper, the consignee or both, shall be liable for a violation of
24 the weight limitations as provided at subsection b. of R.S.39:3-84
25 relative to maximum gross axle weights.

26 k. Whenever a vehicle or combination of vehicles, including
27 load or contents, is found to be in violation of any two or more of
28 the weight limitations as provided at subsection b. of R.S.39:3-84 or
29 section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall be
30 only for the violation involving the greater or greatest excess
31 weight.

32 l. The driver, owner, lessee, bailee or any one of the foregoing
33 of any combination of vehicles found or operated on any public
34 road, street or highway or on any public or quasi-public property in
35 the State in violation of the regulations of the Commissioner of
36 Transportation regarding designated routes for such combinations
37 as provided in subsection e. of R.S. 39:3-84 shall be fined not more
38 than **[\$400]** \$1,200 for the first offense, and shall be subject to a
39 fine of **[\$700]** \$2,100 for the second offense and a fine of **[\$1,000]**
40 \$3,000 for each subsequent offense. The officer may direct that a
41 combination of vehicles so found or operated proceed by the most
42 direct route to a permitted route or return to a permitted route by
43 making use of the route already traversed.

44 (cf: P.L.1999, c.348, s.3)

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46 3. R.S.39:4-76 is amended to read as follows:

47 39:4-76. No vehicle shall be driven over any interstate bridge
48 owned or maintained in whole or in part by this State, upon which

1 is posted in a conspicuous place a sign stating the gross weight that
2 the bridge will carry, if the gross weight of any such vehicle and
3 the load is greater than the gross weight stated on the sign.

4 Any person violating any of the provisions of this section, and
5 the owner of any vehicle driven upon any bridge in violation of this
6 section, with a gross weight or with weight on any axle or wheel
7 exceeding by more than 3% the maximum weight allowed in that
8 particular case, shall be fined an amount equal to ~~【\$0.02】~~ \$0.06 per
9 pound for each pound of excess weight if the excess does not
10 exceed 10,000 pounds, and ~~【\$0.03】~~ \$0.09 per pound for each pound
11 of excess weight if the excess weight exceeds 10,000 pounds, but
12 in no event less than ~~【\$50.00】~~ \$150.

13 The owner of any vehicle driven in violation of this section shall,
14 in addition to the penalty herein prescribed, be responsible to the
15 commission, body or authority having control of said bridge, for
16 damages which may be done to any such bridge by reason of any
17 violation of this section.

18 Moneys received from penalties imposed or violations of this
19 section shall be accounted for and forwarded to the director, who
20 shall pay the same to the State Treasurer.

21 (cf: P.L.1970, c.280, s.1)

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23 4. This act shall take effect immediately.

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STATEMENT

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28 This bill increases the penalties for operating a vehicle in
29 prohibited areas or in excess of the gross vehicle weight limit
30 established by current law. Specifically, the bill increases the
31 penalties for: operating a vehicle in excess of the statutorily
32 established gross vehicle weight; exceeding the statutorily
33 established weight requirement placed on a vehicle's axles; and
34 operating a tractor-trailer in a prohibited area.

35 Under current law, a motor vehicle operator is fined \$500 for the
36 first 1,000 pounds that a vehicle is in excess of the statutorily
37 established gross vehicle weight and another \$100 for each
38 additional 1,000 pounds of weight. This bill increases the fine to
39 \$1,500 for the first 1,000 pounds and \$300 for each additional 1,000
40 pounds.

41 Current law also sets a fine of two cents per pound overweight
42 when the weight placed on the axles is less than 10,000 pounds and
43 three cents per pound for weight of 10,000 pounds or more. The
44 minimum fine for overweighing axles is \$50. This bill increases the
45 fine to six cents per pound and nine cents per pound, respectively.
46 The bill also increases the minimum fine to \$150.

47 Finally, current law establishes routes within the State on which
48 the operation of tractor-trailers with a prescribed maximum width or

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1 length is prohibited. Under current law, the driver or owner of a
2 tractor-trailer who is operating the vehicle in a prohibited area is
3 subject to a fine of up to \$400 for the first offense, \$700 for the second
4 offense, and \$1,000 for each subsequent offense. This bill increases
5 the penalty to \$1,200 for the first offense, \$2,100 for the second
6 offense, and \$3,000 for each subsequent offense.