

SENATE, No. 745

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Requires DOT and DLPS to implement weigh-in-motion monitoring program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT establishing a weigh-in-motion monitoring program,
2 amending P.L.1950, c.142, and supplementing Title 39 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 5 of P.L.1950, c.142 (C.39:3-84.3) is amended to
9 read as follows:

10 5. a. Officers shall have authority as set forth in paragraphs (1)
11 through (3) of this subsection to require the driver, operator, owner,
12 lessee, or bailee of any vehicle or combination of vehicles found on
13 any public road, street, or highway or any public or quasi-public
14 property in this State to facilitate and permit the measurement or
15 weighing of the vehicle or combination of vehicles, including load
16 or contents, for the purpose of determining whether the size or
17 weight of the vehicle or combination of vehicles, including load or
18 contents, is in excess of that permitted in this Title:

19 (1) Officers of the Division of State Police shall have the
20 exclusive authority to conduct random roadside examinations for
21 the purpose of determining whether size or weight is in excess of
22 that permitted in this Title, and officers of the Division of State
23 Police shall have the authority, with or without probable cause to
24 believe that the size or weight is in excess of that permitted, to
25 require the driver, operator, owner, lessee, or bailee, to stop, drive
26 or otherwise move to a location for measurement or weighing and
27 submit the vehicle or combination of vehicles, including load or
28 contents, to measurement or weighing;

29 (2) Police or peace officers or inspectors appointed by any
30 municipality or county shall have the authority to require the driver,
31 operator, owner, lessee, or bailee to stop, drive, or otherwise move
32 to a location for measurement or weighing and submit the vehicle or
33 combination of vehicles, including load or contents, to measurement
34 or weighing, only if the officer has probable cause to believe that
35 the size or weight of the vehicle or combination of vehicles,
36 including load or contents, is in excess of that permitted by this
37 Title; and

38 (3) **[The]** Except as provided in P.L. , c. (C.) (pending
39 before the Legislature as this bill), the Division of State Police and
40 the director shall have the exclusive authority to establish and
41 operate locations for the measurement and weighing of vehicles,
42 including load and contents, and all measuring and weighing
43 devices or scales employed at such locations shall be approved and
44 certified by the State Superintendent of Weights and Measures or
45 the State Superintendent's agent. Copies of documents displaying
46 the State Superintendent's seal or certification shall be prima facie

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 evidence of the reliability and accuracy of the measuring or
2 weighing devices or scales utilized.

3 b. Whenever the officer, upon measuring or weighing a vehicle
4 or combination of vehicles, including load or contents, determines
5 that the size or weight is in excess of the limits permitted in this
6 Title, the officer or inspector shall require the driver, operator,
7 owner, lessee, or bailee to stop the vehicle or combination of
8 vehicles in a suitable place and remain in that place until a portion
9 of the load or contents of the vehicle or combination of vehicles is
10 removed by the driver, operator, owner, lessee, bailee, or duly
11 appointed agent thereof, as may be necessary to conform or reduce
12 the size or weight of the vehicle or combination of vehicles,
13 including load or contents, to those limits as permitted under this
14 act, or permitted by the certificate of registration for the vehicle or
15 combination of vehicles, whichever may be lower. All materials so
16 unloaded or removed shall be cared for by the driver, owner,
17 operator, lessee, or bailee of the vehicle or combination of vehicles,
18 or duly appointed agent thereof, at the risk, responsibility, and
19 liability of the driver, owner, operator, lessee, bailee, or duly
20 appointed agent thereof.

21 c. No vehicle or combination of vehicles shall be deemed to be
22 in violation of the weight limitation provision of this act, when,
23 upon examination by the officer, or presented in defense to an
24 enforcement action for a violation documented by a weigh-in-
25 motion monitoring system pursuant to P.L. , c. (C.)
26 (pending before the Legislature as this bill), the dispatch papers for
27 the vehicle or combination of vehicles, including load or contents,
28 show it is proceeding from its last preceding freight pickup point
29 within the State of New Jersey by a reasonably expeditious route to
30 the nearest available scales or to the first available scales in the
31 general direction towards which the vehicle or combination of
32 vehicles has been dispatched, or is returning from such scales after
33 weighing-in to the last preceding pickup point.

34 d. When the officer determines that a vehicle or combination of
35 vehicles, including load or contents, is in violation of the weight
36 limitations of this Title as provided at paragraph (1) of subsection b.
37 of R.S.39:3-84; paragraph (2) of subsection b. of R.S.39:3-84;
38 paragraph (3) of subsection b. of R.S.39:3-84; or paragraph (5) of
39 subsection b. of R.S.39:3-84 relative to maximum gross axle
40 weights, but is within the permissible maximum gross vehicle
41 weight of this Title as provided at paragraph (4) of subsection b. of
42 R.S.39:3-84 or paragraph (5) of subsection b. of R.S.39:3-84,
43 whichever is applicable, the driver, operator, owner, lessee, bailee,
44 or duly appointed agent thereof shall be permitted, before
45 proceeding, to redistribute the weight of the vehicle or combination
46 of vehicles or the load or contents of the vehicle or combination of
47 vehicles so that no axle or combination of consecutive axles are in

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1 excess of the limits set by this act, in which event there is no
2 violation.

3 e. When the officer determines that a vehicle or combination of
4 vehicles, including load or contents, is in violation of the height,
5 width, or length limits of this Title as provided at subsection a. of
6 R.S.39:3-84, the driver, operator, owner, lessee, or bailee of the
7 vehicle or combination of vehicles or duly appointed agent thereof
8 shall be permitted, before proceeding, to adjust, reduce or conform
9 the vehicle or combination of vehicles, including load or contents,
10 so that the vehicle or combination of vehicles, including load or
11 contents, are not in excess of the height, width, or length limits set
12 by this act, in which event there is no violation.

13 f. The provisions of this subsection shall not apply to a vehicle
14 or combination of vehicles, including load or contents, found or
15 operated on any highway in this State which is part of or designated
16 as part of the National Interstate System, as provided at [23 U.S.C.
17 s. 103(e)] 23 U.S.C. 103(c). No arrest shall be made or summons
18 issued for a violation of the weight limitations provided in this act
19 at subsection b. of R.S.39:3-84 where the excess weight is no more
20 than 5% of the weight permitted, provided the gross weight of the
21 vehicle or combination of vehicles, including load or contents, does
22 not exceed the maximum gross weight of 80,000 pounds as set forth
23 at paragraph (4) of subsection b. of R.S.39:3-84.

24 g. Any person who presents to the officer, presents in defense
25 to an enforcement action for a violation documented by a weigh-in-
26 motion monitoring system pursuant to P.L. , c. (C.)
27 (pending before the Legislature as this bill), or has in his
28 possession, or who prepares false dispatch papers, that is to say,
29 dispatch papers which do not correspond to the cargo carried, shall
30 be subject to a fine not to exceed \$300.

31 h. Any driver of a vehicle or combination of vehicles who fails
32 or refuses to stop, or to slow as may be required for measurement
33 by a weigh-in-motion monitoring system in operation pursuant to
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 and submit the vehicle or combination of vehicles, including load or
36 contents, to measurement or weighing, as provided in this Title, or
37 otherwise fails to comply with the provisions of this section, shall
38 be subject to a fine not exceeding \$200.00.

39 i. The owner, lessee, bailee, or any one of the aforesaid of any
40 vehicle or combination of vehicles found or operated on any public
41 road, street or highway or on any public or quasi-public property in
42 this State in violation of the height, width or length limits as set
43 forth in subsection a. of R.S.39:3-84 shall be fined not less than
44 \$150.00 nor more than \$500.00.

45 j. The owner, lessee, bailee, or any one of the aforesaid of any
46 vehicle or combination of vehicles found or operated on any public
47 road, street or highway or on any public or quasi-public property in
48 this State, with a gross weight of the vehicle or combination of

1 vehicles, including load or contents, in excess of the weight
2 limitations as provided at subsection b. of R.S.39:3-84 or section 3
3 of P.L.1950, c.142 (C.39:3-84.1) shall be fined an amount equal to
4 \$0.02 per pound for each pound of the total excess weight; provided
5 the total excess weight is 10,000 pounds or less, or shall be fined an
6 amount equal to \$0.03 per pound for each pound of the total excess
7 weight; provided the total excess weight is more than 10,000
8 pounds, but in no event shall the fine be less than \$50.00.
9 However, in the case of any vehicle or combination of vehicles
10 carrying a sealed ocean container, either the shipper, the consignee
11 or both, shall be liable for a violation of the weight limitations as
12 provided at subsection b. of R.S.39:3-84 relative to maximum gross
13 axle weights.

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

20 l. The driver, owner, lessee, bailee, or any one of the foregoing
21 of any combination of vehicles found or operated on any public
22 road, street, or highway or on any public or quasi-public property in
23 the State in violation of the regulations of the Commissioner of
24 Transportation regarding designated routes for such combinations
25 as provided in subsection e. of R.S. 39:3-84 shall be fined not more
26 than \$400 for the first offense, and shall be subject to a fine of \$700
27 for the second offense and a fine of \$1,000 for each subsequent
28 offense. The officer may direct that a combination of vehicles so
29 found or operated proceed by the most direct route to a permitted
30 route or return to a permitted route by making use of the route
31 already traversed.

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

33

34 2. (New section) As used in P.L. , c. (C.) (pending
35 before the Legislature as this bill):

36 “Enforcement action” means the enforcement of R.S.39:4-75,
37 R.S.39:4-76, or R.S.39:3-84, following a violation.

38 “Enforcement notification” means a notification generated
39 automatically and transmitted electronically to the Department of
40 Law and Public Safety by the system upon detection of a violation.

41 “Enforcement notification” includes the weight recorded, the time
42 and date of the violation, and the individual vehicle information of
43 the vehicle for which the violation was recorded.

44 “In proximity” means within 100 feet.

45 “Individual vehicle information” means license plate numbers,
46 photographs, recordings, or other methods of identifying a
47 particular vehicle or the driver, operator, owner, lessee, or bailee of
48 the vehicle. “Individual vehicle information” does not include any

1 information about a violation that cannot be used to trace a
2 violation to the identity of the driver, operator, owner, lessee, or
3 bailee of a vehicle, such as the measurement of vehicle weight.

4 “Notice of warning” means a notice of a violation and indication
5 that an identical violation occurring more than 90 days after the
6 initial operation of a system will result in an enforcement action,
7 which notice is sent from the Department of Law and Public Safety
8 by first-class mail to a driver, operator, owner, lessee, or bailee of a
9 vehicle that is the subject of a violation.

10 “Personal information” means a name, registered address,
11 driver’s license, social security number, individual vehicle
12 information, photograph, recording, or other method of identifying
13 a driver, operator, owner, lessee, or bailee of a vehicle.

14 “Scale” means the equipment that detects the weight of a vehicle
15 in motion, which equipment is part of a weigh-in-motion
16 monitoring system.

17 “Structural inspection” means an inspection of a bridge
18 conducted by or at the direction of the Department of
19 Transportation, which inspection is triggered by a structural
20 monitoring notification under the conditions determined by the
21 Department of Transportation pursuant to P.L. , c. (C.)
22 (pending before the Legislature as this bill).

23 “Structural monitoring notification” means a notification
24 transmitted electronically to the Department of Transportation,
25 which notification shall include the weight recorded, the time, the
26 date, and other information relevant to a violation detected by a
27 system as the Department of Transportation may find necessary to
28 determine the necessity or timing of a structural inspection.

29 “Violation” means a recording by the system of a violation of
30 maximum gross vehicle weight or axle weight pursuant to
31 R.S.39:4-75, R.S.39:4-76, or R.S.39:3-84.

32 “Weigh-in-motion monitoring program” or “program” means the
33 installation, maintenance, and use of weigh-in-motion monitoring
34 systems pursuant to P.L. , c. (C.) (pending before the
35 Legislature as this bill).

36 “Weigh-in-motion monitoring system” or “system” means the
37 equipment installed pursuant to section 3 of P.L. , c. (C.)
38 (pending before the Legislature as this bill).

39

40 3. (New section)a. The Department of Transportation, in
41 coordination with the Department of Law and Public Safety, shall
42 establish a weigh-in-motion monitoring program consistent with
43 P.L. , c. (C.) (pending before the Legislature as this bill),
44 which program shall be administered in accordance with existing
45 State and federal law. The program shall include the placement and
46 use of weigh-in-motion monitoring systems to detect violations in
47 proximity to the entrances of bridges selected by the Department of
48 Transportation for the program.

1 b. The Department of Transportation, in consultation with the
2 Department of Law and Public Safety, shall determine locations for
3 weigh-in-motion monitoring systems, which locations shall be
4 selected in accordance with the following factors:

5 (1) the proximity to the entrance of a bridge whose condition is
6 categorized as poor for the purposes of the National Bridge
7 Inventory;

8 (2) the condition of a bridge as determined by a structural
9 inspection or any other inspection of the bridge conducted in
10 compliance with State or federal law;

11 (3) the frequency of recent violations documented on a roadway
12 or in proximity to a bridge; and

13 (4) any other factors determined by the Department of
14 Transportation, in consultation with the Department of Law and
15 Public Safety, to be appropriate.

16 c. Each weigh-in-motion monitoring system is required to have
17 the capacity to automatically record the time, date, location,
18 individual vehicle information, and any other information as the
19 Department of Transportation, in consultation with the Department
20 of Law and Public Safety, may determine appropriate for each
21 violation. Each system is required to have the capacity to send
22 structural monitoring notifications to the Department of
23 Transportation, pursuant to subsection a. of section 4 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill), and
25 enforcement notifications to the Department of Law and Public
26 Safety, pursuant to subsection a. of section 5 of P.L. ,
27 c. (C.) (pending before the Legislature as this bill).

28 d. Each weigh-in-motion monitoring system shall consist of the
29 following equipment:

30 (1) a scale calibrated in accordance with State and federal law;

31 (2) at least one camera positioned to capture both vehicle
32 entrance onto a bridge where a system is installed pursuant to this
33 section and the individual vehicle information of a vehicle
34 suspected of a violation;

35 (3) signage indicating the speed limit for vehicles passing over
36 the scale if a maximum speed is necessary to fulfill the purposes of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 which maximum speed is lower than the speed limit of the roadway
39 or the bridge in proximity to the system; and

40 (4) any other equipment, including software, the Department of
41 Transportation or Department of Law and Public Safety finds
42 necessary to the administration of P.L. , c. (C.) (pending
43 before the Legislature as this bill).

44 e. Each system shall be programmed to automatically record
45 violations and to document individual vehicle information, vehicle
46 weight, and images captured by the camera or cameras installed
47 pursuant to subsection d. of this section.

1 4. (New section)a. Each system shall be programmed to
2 automatically send a structural monitoring notification to the
3 Department of Transportation upon detection of a violation. The
4 Department of Transportation is authorized to program the systems
5 to send a structural monitoring notification only upon violations
6 recorded above an excess weight threshold or in combination with
7 other conditions, which weight threshold or conditions shall be
8 determined by the Department of Transportation or by State or
9 federal law.

10 b. Within 30 days of a structural monitoring notification, the
11 Department of Transportation shall determine whether the violation,
12 alone or in combination with other conditions, triggers the need for
13 a structural inspection of a bridge.

14 c. If the Department of Transportation determines that a
15 structural inspection is required pursuant to subsection b. of this
16 section, the Department of Transportation shall conduct, or cause to
17 be conducted, a structural inspection within 30 days after the
18 determination that a structural inspection is required.

19

20 5. (New section)a. Each system shall be programmed to
21 automatically send an enforcement notification to the Department of
22 Law and Public Safety upon detection of a violation. The
23 Department of Law and Public Safety is authorized to program the
24 systems to send an enforcement notification only upon violations
25 recorded above an excess weight threshold, which weight threshold
26 shall be determined by the Department of Law and Public Safety in
27 conjunction with local, State, or federal law.

28 b. The Department of Law and Public Safety is authorized to
29 commence an enforcement action pursuant to existing State or
30 federal law based upon a violation recorded by a system installed
31 pursuant to section 3 of P.L. , c. (C.) (pending before the
32 Legislature as this bill).

33 c. For any violation recorded by a system installed pursuant to
34 section 3 of P.L. , c. (C.) (pending before the Legislature
35 as this bill), during the first 90 days of the initial operation of a
36 system, which violation is determined by the Department of Law
37 and Public Safety to merit an enforcement action, a notice of
38 warning shall instead be issued within 30 days of the determination
39 that an enforcement action is appropriate.

40

41 6. (New section)a. Records of individual vehicle information
42 and personal information shall not be retained, used, or disclosed
43 for any purpose not related to the administration of P.L. ,
44 c. (C.) (pending before the Legislature as this bill).

45 b. Individual vehicle information and personal information
46 recorded or retained for the purposes of P.L. , c. (C.)
47 (pending before the Legislature as this bill) shall not be considered
48 a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),

1 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning
2 access to government records.

3

4 7. (New section) The costs of planning and implementing
5 P.L. , c. (C.) (pending before the Legislature as this bill)
6 shall be funded by monies from the “Transportation Trust Fund
7 Account,” established by section 20 of P.L.1984, c.73
8 (C.27:1B-20).

9

10 8. (New section) a. The Department of Transportation shall
11 prepare an annual report on the program, which report shall be
12 published on the Department of Transportation’s Internet website.
13 The report shall include, but shall not be limited to:

14 (1) the locations and dates of weigh-in-motion monitoring
15 system use pursuant to P.L. , c. (C.) (pending before the
16 Legislature as this bill);

17 (2) the total number of vehicles weighed and the total number of
18 violations recorded by each system;

19 (3) any patterns of violations by frequency, location, or amount
20 of excess gross vehicle weight and axle weight, as the Department
21 of Transportation shall deem relevant for analysis of the program;

22 (4) the total capital spent on repairs or reconstruction following
23 structural inspections conducted pursuant to subsection c. of section
24 4 of P.L. , c. (C.) (pending before the Legislature as this
25 bill); and

26 (5) the total revenue realized by and expenses incurred by the
27 Department of Transportation in connection with administering the
28 provisions of P.L. , c. (C.) (pending before the
29 Legislature as this bill).

30 b. The Department of Law and Public Safety shall prepare an
31 annual report on the program, which report shall be published on
32 the Department of Law and Public Safety’s Internet website. The
33 report shall include, but shall not be limited to:

34 (1) the number of enforcement actions adjudicated pursuant to
35 subsection b. of section 5 of P.L. , c. (C.) (pending before
36 the Legislature as this bill) and the outcomes;

37 (2) the number of fines issued and total amount of fines paid
38 after the first enforcement action is commenced issued pursuant to
39 subsection b. of section 5 of P.L. , c. (C.) (pending before
40 the Legislature as this bill); and

41 (3) the total revenue realized by and expenses incurred by the
42 Department of Law and Public Safety in connection with
43 administering the provisions of P.L. , c. (C.) (pending
44 before the Legislature as this bill).

45

46 9. (New section) P.L. , c. (C.) (pending before the
47 Legislature as this bill) shall not be construed to affect, waive, or
48 supersede any conflicting State or federal law, rule, or regulation

1 governing load capacity, vehicle weight, or infrastructure
2 inspection.

3

4 10. (New section)a. The Department of Transportation, in
5 consultation with the Department of Law and Public Safety, shall
6 adopt, pursuant to the “Administrative Procedure Act,” P.L.1968,
7 c.410 (C.52:14B-1 et seq.), rules and regulations consistent with the
8 purposes of P.L. , c. (C.) (pending before the Legislature
9 as this bill) concerning the weigh-in-motion monitoring program.
10 The Department of Transportation shall include in its rules and
11 regulations, at a minimum:

12 (1) criteria for the Department of Transportation to select
13 locations and determine equipment needed for systems installed
14 pursuant to section 3 of P.L. , c. (C.) (pending before the
15 Legislature as this bill);

16 (2) protocols for the collection, processing, use, and disposal of
17 records created by systems installed pursuant to section 3 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill),
19 including individual vehicle information and personal information;

20 (3) standards for the number and type of violations that, alone or
21 in combination with other factors, and as the Department of
22 Transportation deems appropriate, trigger a structural monitoring
23 notification pursuant to subsection a. of section 4 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill);

25 (4) standards for the number and type of violations that, along or
26 in combination with other factors, trigger a structural inspection
27 pursuant to section 4 of P.L. , c. (C.) (pending before the
28 Legislature as this bill); and

29 (5) specifications for the acquisition and maintenance of
30 equipment necessary to administer P.L. , c. (C.) (pending
31 before the Legislature as this bill).

32 b. The Department of Law and Public Safety shall adopt,
33 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
34 (C.52:14B-1 et seq.) rules and regulations consistent with the
35 purposes of P.L. , c. (C.) (pending before the Legislature
36 as this bill) concerning the weigh-in-motion monitoring program.
37 The Department of Law and Public Safety shall include in its rules
38 and regulations, at a minimum:

39 (1) protocols for the collection, processing, use, and disposal of
40 records created by systems installed pursuant to section 3 of P.L. ,
41 c. (C.) (pending before the Legislature as this bill),
42 including individual vehicle information and personal information;

43 (2) standards for a violation to trigger an enforcement
44 notification pursuant to subsection a. of section 5 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill); and

46 (3) standards for a violation to merit an enforcement action
47 pursuant to subsection b. of section 5 of P.L. , c. (C.)
48 (pending before the Legislature as this bill).

1 11. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill requires the Department of Transportation (DOT), in
7 consultation with the Department of Law and Public Safety (DLPS),
8 to establish a weigh-in-motion monitoring program (program),
9 which program is to be funded from the Transportation Trust Fund
10 Account. The program is required to include the placement and use
11 of weigh-in-motion stations to monitor vehicle weight as vehicles
12 approach certain bridges. To determine locations for the weigh-in-
13 motion monitoring systems, the DOT, in consultation with the
14 DLPS, is to consider: (1) proximity to a bridge whose condition is
15 categorized as poor by the National Bridge Inventory; (2) condition
16 of a bridge as determined by a structural inspection or any other
17 inspection of the bridge conducted in compliance with State or
18 federal law; (3) frequency of recent violations documented on a
19 roadway or in proximity to a bridge; and (4) any other factors
20 determined by the DOT, in consultation with the DLPS, to be
21 appropriate. Each system is required to include a scale, at least one
22 camera to capture vehicle information, signage to indicate modified
23 speed limits as needed, and other equipment as the DOT or DLPS
24 find necessary. The bill provides that records of individual vehicle
25 information or personal information are not to be retained, used, or
26 disclosed for a purpose unrelated to the bill's provisions.

27 Each system is required to be capable of automatically sending
28 notifications upon detection of a violation to the DOT and the
29 DLPS, which departments have respective duties under the bill.

30

31 *Department of Transportation*

32 The DOT is to receive a structural monitoring notification upon
33 detection of such violations as the DOT may program the systems
34 to report. Within 30 days of a structural monitoring notification,
35 the DOT is required to determine whether a structural inspection of
36 the bridge is necessary. Within 30 days of a determination that a
37 structural inspection is required, the DOT is required to conduct the
38 structural inspection or arrange for it to be conducted.

39 The DOT is required to annually publish a report on the program
40 on its Internet website. The DOT's annual report is to include: (1)
41 the locations and dates of weigh-in-motion monitoring system use;
42 (2) the total number of vehicles weighed and the total number of
43 violations recorded by each system; (3) any patterns of violations
44 by frequency, location, or amount of excess gross vehicle weight
45 and axle weight, as the DOT deems relevant for analysis of the
46 program; (4) the total capital spent on repairs or reconstruction
47 following structural inspections; and (5) the total revenue realized

1 by and expenses incurred by the DOT in connection with
2 administering the provisions of the bill.

3 The DOT is required to issue rules and regulations, including at a
4 minimum: (1) criteria for the DOT to select locations and determine
5 equipment needed for systems; (2) protocols for the collection,
6 processing, use, and disposal of records created by systems,
7 including individual vehicle information and personal information;
8 (3) standards for the number and type of violations that, alone or in
9 combination with other factors, and as the department deems
10 appropriate, trigger a structural monitoring notice; (4) standards for
11 the number and type of violations that, along or in combination with
12 other factors, trigger a structural inspection; and (5) specifications
13 for the acquisition and maintenance of equipment necessary to
14 administer the provisions of the bill.

15

16 *Department of Law and Public Safety*

17 The DLPS is to receive an enforcement notification upon
18 detection of such violations as the DLPS may program the systems
19 to report. The DLPS is authorized to use the weigh-in-motion
20 monitoring systems to enforce vehicle weight restrictions that
21 already exist under current law. However, for any violation
22 occurring within 90 days after a system becomes operational, the
23 DLPS is required to issue a notice of warning, rather than
24 commence an enforcement action, which notice of warning is to be
25 issued to the driver, operator, owner, lessee, or bailee of a vehicle
26 that is the subject of a violation within 30 days of a determination
27 that the violation merits an enforcement action.

28 The DLPS is required to annually publish a report on the
29 program on its Internet website. The DLPS's annual report is to
30 include: (1) the number of enforcement actions adjudicated; (2) the
31 number of fines issued and total amount of fines paid after the first
32 enforcement action is commenced; and (3) the total revenue
33 realized by and expenses incurred by the DLPS in connection with
34 administering the provisions of the bill.

35 The DLPS is required to issue rules and regulations, including at
36 a minimum: (1) protocols for the collection, processing, use, and
37 disposal of records created by systems installed, including
38 individual vehicle information and personal information; (2)
39 standards for a violation to trigger an enforcement notification; and
40 (3) standards for a violation to merit an enforcement action.