

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 141

STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED FEBRUARY 5, 2004

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

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Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Allows obtaining information from toll collection monitoring systems and photo-monitoring systems under certain circumstances.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Transportation Committee.



(Sponsorship Updated As Of: 3/15/2005)

1 **AN ACT** concerning access to toll monitoring system reports and
2 information and amending P.L.1997, c.59 and P.L.1996, c.98.

3

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

6

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

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

32 b. An owner of a vehicle who is a lessor of the vehicle used in
33 violation of the toll collection monitoring system regulations of the
34 authority shall not be liable for the violation of the regulations if the
35 lessor submits to the authority, in a timely manner, a copy of the rental
36 agreement, lease or other contract document covering that vehicle on
37 the date of the violation, with the name and address of the lessee
38 clearly legible to the authority and to the court having jurisdiction over
39 the violation. If the lessor fails to provide the information in a timely
40 manner, the lessor shall be held liable for the violation of the
41 regulations. If the lessor provides the required information to the
42 authority, the lessee of the vehicle on the date of the violation shall be
43 deemed to be the owner of the vehicle for the purposes of sections 6

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

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

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

46 Service may be made by means provided by the Rules Governing

1 the Courts of the State of New Jersey.

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

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

15 In addition to the civil penalty that may be assessed by a court
16 having jurisdiction for a violation of the toll collection monitoring
17 system regulations, a court shall require the defendant to pay the
18 proper toll and shall require the defendant to pay a reasonable
19 administrative fee as determined by the authority. Following collection
20 and distribution of the fees set forth in section 11 of P.L.1953, c.22
21 (C.22A:3-4), any tolls and administrative fees imposed and collected
22 by the court for a violation of the toll collection monitoring system
23 regulations shall be promptly remitted to the authority by the court.
24 The civil penalty shall be distributed pursuant to the "Penalty
25 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
26 (cf: P.L.2003, c.79, s.38)

27

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

30 13. a. If a violation of the toll collection monitoring system
31 regulations is committed as evidenced by a toll collection monitoring
32 system, the authority or the agent of the authority may send an
33 advisory and payment request within 60 days of the date of the
34 violation to the owner of the vehicle by regular mail at the address of
35 record for that owner with the [Division of Motor Vehicles in the
36 Department of Transportation] New Jersey Motor Vehicle Commission
37 or with any other motor vehicle licensing authority of another
38 jurisdiction, providing the owner with the opportunity to resolve the
39 matter prior to the issuance of a summons and complaint that charges
40 a violation of the toll collection monitoring system regulations. The
41 advisory and payment request shall contain sufficient information to
42 inform the owner of the nature, date, time and location of the alleged
43 violation. The authority or its agent may require as part of the
44 advisory and payment request that the owner pay to the agent the
45 proper toll and a reasonable administrative fee established by the
46 authority and based upon the actual cost of processing and collecting

1 the violation. If the owner fails to pay the required toll and fee within
2 30 days of the date the advisory and payment request was sent, the
3 owner shall be subject to liability on the 31st day following the date
4 the advisory and payment request was sent for the violation of the toll
5 collection monitoring system regulations by the vehicle operator
6 pursuant to the issuance of a complaint and summons.

7 b. An owner of a vehicle who is a lessor of the vehicle used in
8 violation of the toll collection monitoring system regulations of the
9 authority shall not be liable for the violation of the regulations if the
10 lessor submits to the authority, in a timely manner, a copy of the rental
11 agreement, lease or other contract document covering that vehicle on
12 the date of the violation, with the name and address of the lessee
13 clearly legible to the authority and to the court having jurisdiction over
14 the violation. If the lessor fails to provide the information in a timely
15 manner, the lessor shall be held liable for the violation of the
16 regulations. If the lessor provides the required information to the
17 authority, the lessee of the vehicle on the date of the violation shall be
18 deemed to be the owner of the vehicle for the purposes of sections 11
19 through 15 of P.L.1997, c.59 (C.27:25A-21.1 through C.27:25A-21.5)
20 and the toll collection monitoring system regulations and shall be
21 subject to liability for the violation of the regulations.

22 c. [A] Except as otherwise provided in this subsection, a certified
23 report of an employee or agent of the authority reporting a violation
24 of the toll collection monitoring system regulations and any
25 information obtained from a toll collection monitoring system shall be
26 available for the exclusive use of the authority and any law
27 enforcement official for the purposes of discharging their duties
28 pursuant to sections 11 through 15 of P.L.1997, c.59 (C.27:25A-21.1
29 through C.27:25A-21.5) and the toll collection monitoring system
30 regulations. Any such report or information shall not be deemed a
31 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the common
32 law concerning access to public records. The certified reports and
33 information, including but not limited to, any recorded image of any
34 motor vehicle, the license plate of any motor vehicle or the operator
35 or passenger of any motor vehicle, shall not be discoverable as a public
36 record by any person, entity or governmental agency, except upon a
37 subpoena issued by a grand jury or a court order in a criminal matter,
38 nor shall they be offered in evidence in any civil[, criminal] or
39 administrative proceeding, not directly related to a violation of the toll
40 collection monitoring system regulations, or in any municipal court
41 prosecution for a violation of any of the provisions of Title 39 of the
42 Revised Statutes. However, in the event that, notwithstanding the
43 provisions of subsection c. of section 12 of this act, a recorded image
44 of the face of the operator or any passenger in a motor vehicle is
45 produced by the toll collection monitoring system, that image shall not
46 be used by the authority for any purpose nor shall the image or any

1 record or copy thereof be transmitted or communicated to any person,
2 governmental, non-governmental or judicial or administrative entity.

3 d. A complaint and summons charging a violation of the toll
4 collection monitoring system regulations shall be on a form prescribed
5 by the Administrative Director of the Courts pursuant to the Rules
6 Governing the Courts of the State of New Jersey. The authority may
7 authorize by regulation an employee or agent to be a complaining
8 witness to make, sign, and initiate complaints and to issue summonses
9 in the name of the authority on behalf of the State of New Jersey,
10 pursuant to the Rules Governing the Courts of the State of New
11 Jersey. The complaints and summonses may be made on information
12 based upon evidence obtained by a toll collection monitoring system,
13 the toll collection monitoring system record and the records of the
14 [Division of Motor Vehicles in the Department of
15 Transportation] New Jersey Motor Vehicle Commission or of any
16 other state, province, or motor vehicle licensing authority.

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

19 Except as provided in subsection c. of this section, the recorded
20 images produced by a toll collection monitoring system shall be
21 considered an official record kept in the ordinary course of business
22 and shall be admissible in a proceeding for a violation of any toll
23 collection monitoring system regulations.

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

32 In addition to the civil penalty that may be assessed by a court
33 having jurisdiction for a violation of the toll collection monitoring
34 system regulations, a court shall require the defendant to pay the
35 proper toll and shall require the defendant to pay a reasonable
36 administrative fee as established by the authority. Following collection
37 and distribution of the fees set forth in section 11 of P.L.1953, c.22
38 (C.22A:3-4), any tolls and administrative fees imposed and collected
39 by the court for a violation of the toll collection monitoring system
40 regulations shall be promptly remitted to the authority by the court.
41 The civil penalty shall be distributed pursuant to the "Penalty
42 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
43 (cf: P.L.2003, c.79, s.48)

44

45 3. Section 3 of P.L.1996, c.98 (C.32:1-154.2c.) is amended to
46 read as follows:

1 3. a. The liability set forth in section 1 of this act shall be imposed
2 upon an owner for a violation by an operator of the toll collection
3 regulations of the Port Authority occurring within the territorial limits
4 of the State of New Jersey in the same manner as a violation of section
5 2 of P.L.1950, c.192 (C.32:1-154.2) and the punishment for such
6 violation shall be as set forth in section 16 of P.L.1950, c.192
7 (C.32:1-154.16).

8 b. An owner who is a lessor of a vehicle operated in violation of
9 the toll collection regulations of the Port Authority shall not be liable
10 for the violation of the toll collection regulations if the lessor submits
11 a copy of the rental, lease or other contract document covering that
12 vehicle on the date of the violation, with the name and address of the
13 lessee clearly legible to the Port Authority and to the court or other
14 entity having jurisdiction over the violation in a timely manner. Failure
15 to provide such information in a timely manner shall render the lessor
16 liable for the penalty prescribed by this section. Where the lessor
17 complies with the provisions of this subsection, the lessee of such
18 vehicle on the date of the violation shall be deemed the owner of the
19 vehicle for purposes of this section and shall be subject to liability for
20 the violation of the toll collection regulations of the Port Authority.

21 c. A certified report of an employee or agent of the Port Authority
22 reporting a violation of the toll collection regulations and any
23 information obtained from a photo-monitoring system shall be deemed
24 records kept in the ordinary business of the Port Authority and shall,
25 when relevant, be made available for inspection and admission into
26 evidence in a proceeding concerning a violation of the toll collection
27 regulations, but shall not be deemed public records for the purpose of
28 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law of access to
29 public records[]; [nor shall any such information] The certified
30 reports and information, including but not limited to, any recorded
31 image of any motor vehicle, the license plate of any motor vehicle or
32 the operator or any passenger in any motor vehicle, shall not be
33 discoverable as a public record by any person, entity or governmental
34 agency, except upon a subpoena issued by a grand jury or a court
35 order in a criminal matter; nor shall it be admissible in evidence in any
36 civil[, criminal] or administrative proceeding not directly related to a
37 violation of the toll collection regulations or in any municipal court
38 prosecution for a violation of any of the provisions of Title 39 of the
39 Revised Statutes.

40 (cf: P.L.1996, c.98, s.3)

41
42 4. This act shall take effect immediately.