

**SENATE, No. 3475**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED JUNE 20, 2024

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex and Hudson)**

**SYNOPSIS**

Requires NJTA and SJTA to provide written notice of toll violations and process for remedying violations prior to issuing administrative fee.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning notification of violations of the electronic toll  
2 collection monitoring system and amending P.L.1997, c.59.

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  
11 monitoring system, the authority or the agent of the authority  
12 **【may】 shall** send **【an advisory and payment request】 a written**  
13 notice within 60 days of the date of the violation to the owner of the  
14 vehicle by regular mail at the address of record for that owner with  
15 the New Jersey Motor Vehicle Commission or with any other motor  
16 vehicle licensing authority of another jurisdiction, providing the  
17 owner with the opportunity to resolve the matter prior to the  
18 issuance of a summons and complaint that charges a violation of the  
19 toll collection monitoring system regulations and any administrative  
20 fee that is associated with a violation of the toll collection  
21 monitoring system regulations. The **【advisory and payment**  
22 **request】 written notice** shall contain sufficient information to  
23 inform the owner of the nature, date, time, and location of the  
24 alleged violation, and information pertaining to a process by which  
25 the owner may elect to remedy the alleged violation within 30 days  
26 of the date the written notice was sent to avoid the issuance of an  
27 administrative fee. The authority or its agent may require as part of  
28 the **【advisory and payment request】 written notice** that the owner  
29 pay to the agent the proper toll **【and】.** The authority or its agent  
30 shall include in the written notice a notification that if the alleged  
31 violation is not remedied within the required time period, the owner  
32 will be required to pay a reasonable administrative fee established  
33 by the authority and based upon the actual cost of processing and  
34 collecting the violation. If the owner fails to pay the required toll  
35 **【and fee】** within 30 days of the date the **【advisory and payment**  
36 **request】 written notice** was sent, the owner shall be subject to  
37 liability on the 31st day following the date the **【advisory and**  
38 **payment request】 written notice** was sent for the violation of the  
39 toll collection monitoring system regulations by the vehicle  
40 operator pursuant to the issuance of a complaint and summons. The  
41 authority or its agent shall not issue any administrative fee to, or  
42 collect any administrative fee from, the owner for an alleged  
43 violation of the toll collection monitoring system regulations unless  
44 the written notice required by this subsection has been provided and  
45 the time period to remedy the alleged violation has expired.

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       b. An owner of a vehicle who is a lessor of the vehicle used in  
2 violation of the toll collection monitoring system regulations of the  
3 authority shall not be liable for the violation of the regulations if the  
4 lessor submits to the authority, in a timely manner, a copy of the  
5 rental agreement, lease, or other contract document covering that  
6 vehicle on the date of the violation, with the name and address of  
7 the lessee clearly legible to the authority and to the court having  
8 jurisdiction over the violation. If the lessor fails to provide the  
9 information in a timely manner, the lessor shall be held liable for  
10 the violation of the regulations. If the lessor provides the required  
11 information to the authority, the lessee of the vehicle on the date of  
12 the violation shall be deemed to be the owner of the vehicle for the  
13 purposes of sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1  
14 through C.27:23-34.5) and the toll collection monitoring system  
15 regulations and shall be subject to liability for the violation of the  
16 regulations.

17       c. Except as otherwise provided in this subsection, a certified  
18 report of an employee or agent of the authority reporting a violation  
19 of the toll collection monitoring system regulations and any  
20 information obtained from a toll collection monitoring system shall  
21 be available for the exclusive use of the authority and any law  
22 enforcement official for the purposes of discharging their duties  
23 pursuant to sections 6 through 10 of P.L.1997, c.59 (C.27:23-34.1  
24 through C.27:23-34.5) and the toll collection monitoring system  
25 regulations. Any such report or information shall not be deemed a  
26 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the  
27 common law concerning access to public records. The certified  
28 reports and information, including but not limited to, any recorded  
29 image of any motor vehicle, the license plate of any motor vehicle,  
30 or the operator or any passenger in any motor vehicle, shall not be  
31 discoverable as a public record by any person, entity, or  
32 governmental agency, except upon a subpoena issued by a grand  
33 jury or a court order in a criminal matter, nor shall they be offered  
34 in evidence in any civil or administrative proceeding, not directly  
35 related to a violation of the toll collection monitoring system  
36 regulations, or in any municipal court prosecution for a violation of  
37 any of the provisions of Title 39 of the Revised Statutes. However,  
38 in the event that, notwithstanding the provisions of subsection c. of  
39 section 7 of **【this act】** P.L.1997, c.59 (C.27:23-34.2), a recorded  
40 image of the face of the operator or any passenger in a motor  
41 vehicle is produced by the toll collection monitoring system, that  
42 image shall not be used by the authority for any purpose, nor shall  
43 the image or any record or copy thereof be transmitted or  
44 communicated to any person, governmental, non-governmental, or  
45 judicial or administrative entity.

46       d. A complaint and summons charging a violation of the toll  
47 collection monitoring system regulations shall be on a form  
48 prescribed by the Administrative Director of the Courts pursuant to

1 the Rules Governing the Courts of the State of New Jersey. The  
2 authority may authorize by regulation an employee or agent to be a  
3 complaining witness to make, sign, and initiate complaints and to  
4 issue summonses in the name of the authority on behalf of the State  
5 of New Jersey, pursuant to the Rules Governing the Courts of the  
6 State of New Jersey. The complaints and summonses may be made  
7 on information based upon evidence obtained by a toll collection  
8 monitoring system, the toll collection monitoring system record,  
9 and the records of the New Jersey Motor Vehicle Commission or of  
10 any other state, province, or motor vehicle licensing authority.

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

13 Except as provided in subsection c. of this section, the recorded  
14 images produced by a toll collection monitoring system shall be  
15 considered an official record kept in the ordinary course of business  
16 and shall be admissible in a proceeding for a violation of any toll  
17 collection monitoring system regulations.

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

27 In addition to the civil penalty that may be assessed by a court  
28 having jurisdiction for a violation of the toll collection monitoring  
29 system regulations, a court shall require the defendant to pay the  
30 proper toll and shall require the defendant to pay a reasonable  
31 administrative fee as determined by the authority. Following  
32 collection and distribution of the fees set forth in section 11 of  
33 P.L.1953, c.22 (C.22A:3-4), any tolls and administrative fees  
34 imposed and collected by the court for a violation of the toll  
35 collection monitoring system regulations shall be promptly remitted  
36 to the authority by the court. The civil penalty shall be distributed  
37 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
38 c.274 (C.2A:58-10 et seq.).  
39 (cf: P.L.2005, c.62, s.1)

40

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

43 13. a. If a violation of the toll collection monitoring system  
44 regulations is committed as evidenced by a toll collection  
45 monitoring system, the authority or the agent of the authority  
46 **【may】 shall send 【an advisory and payment request】 a written**  
47 **notice** within 60 days of the date of the violation to the owner of the  
48 vehicle by regular mail at the address of record for that owner with

1 the New Jersey Motor Vehicle Commission or with any other motor  
2 vehicle licensing authority of another jurisdiction, providing the  
3 owner with the opportunity to resolve the matter prior to the  
4 issuance of a summons and complaint that charges a violation of the  
5 toll collection monitoring system regulations and any administrative  
6 fee that is associated with a violation of the toll collection  
7 monitoring system regulations. The **【advisory and payment**  
8 **request】** written notice shall contain sufficient information to  
9 inform the owner of the nature, date, time, and location of the  
10 alleged violation, and information pertaining to a process by which  
11 the owner may elect to remedy the alleged violation within 30 days  
12 of the date the written notice was sent to avoid the issuance of an  
13 administrative fee. The authority or its agent may require as part of  
14 the **【advisory and payment request】** written notice that the owner  
15 pay to the agent the proper toll **【and】**. The authority or its agent  
16 shall include in the written notice a notification that if the alleged  
17 violation is not remedied within the required time period, the owner  
18 will be required to pay a reasonable administrative fee established  
19 by the authority and based upon the actual cost of processing and  
20 collecting the violation. If the owner fails to pay the required toll  
21 **【and fee】** within 30 days of the date the **【advisory and payment**  
22 **request】** written notice was sent, the owner shall be subject to  
23 liability on the 31st day following the date the **【advisory and**  
24 **payment request】** written notice was sent for the violation of the  
25 toll collection monitoring system regulations by the vehicle  
26 operator pursuant to the issuance of a complaint and summons. The  
27 authority or its agent shall not issue any administrative fee to, or  
28 collect any administrative fee from, the owner for an alleged  
29 violation of the toll collection monitoring system regulations unless  
30 the written notice required by this subsection has been provided and  
31 the time period to remedy the alleged violation has expired.

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  
36 rental agreement, lease, or other contract document covering that  
37 vehicle on the date of the violation, with the name and address of  
38 the lessee clearly legible to the authority and to the court having  
39 jurisdiction over the violation. If the lessor fails to provide the  
40 information in a timely manner, the lessor shall be held liable for  
41 the violation of the regulations. If the lessor provides the required  
42 information to the authority, the lessee of the vehicle on the date of  
43 the violation shall be deemed to be the owner of the vehicle for the  
44 purposes of sections 11 through 15 of P.L.1997, c.59 (C.27:25A-  
45 21.1 through C.27:25A-21.5) and the toll collection monitoring  
46 system regulations and shall be subject to liability for the violation  
47 of the regulations.

1 c. Except as otherwise provided in this subsection, a certified  
2 report of an employee or agent of the authority reporting a violation  
3 of the toll collection monitoring system regulations and any  
4 information obtained from a toll collection monitoring system shall  
5 be available for the exclusive use of the authority and any law  
6 enforcement official for the purposes of discharging their duties  
7 pursuant to sections 11 through 15 of P.L.1997, c.59 (C.27:25A-  
8 21.1 through C.27:25A-21.5) and the toll collection monitoring  
9 system regulations. Any such report or information shall not be  
10 deemed a public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or  
11 the common law concerning access to public records. The certified  
12 reports and information, including but not limited to, any recorded  
13 image of any motor vehicle, the license plate of any motor vehicle,  
14 or the operator or passenger of any motor vehicle, shall not be  
15 discoverable as a public record by any person, entity, or  
16 governmental agency, except upon a subpoena issued by a grand  
17 jury or a court order in a criminal matter, nor shall they be offered  
18 in evidence in any civil or administrative proceeding, not directly  
19 related to a violation of the toll collection monitoring system  
20 regulations, or in any municipal court prosecution for a violation of  
21 any of the provisions of Title 39 of the Revised Statutes. However,  
22 in the event that, notwithstanding the provisions of subsection c. of  
23 section 12 of **[this act]** P.L.1997, c.59 (C.27:25A-21.2), a recorded  
24 image of the face of the operator or any passenger in a motor  
25 vehicle is produced by the toll collection monitoring system, that  
26 image shall not be used by the authority for any purpose, nor shall  
27 the image or any record or copy thereof be transmitted or  
28 communicated to any person, governmental, non-governmental, or  
29 judicial or administrative entity.

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

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

45 Except as provided in subsection c. of this section, the recorded  
46 images produced by a toll collection monitoring system shall be  
47 considered an official record kept in the ordinary course of business

1 and shall be admissible in a proceeding for a violation of any toll  
2 collection monitoring system regulations.

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

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

24 (cf: P.L.2005, c.62, s.2)

25

26 3. This act shall take effect on the first day of the third month  
27 after the month in which P.L. , c. (C. ) (pending before the  
28 Legislature as this bill) is enacted, but the New Jersey Turnpike  
29 Authority and South Jersey Transportation Authority may take such  
30 anticipatory administrative actions in advance thereof as shall be  
31 necessary to implement the provisions of this act.

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#### STATEMENT

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36 This bill requires the New Jersey Turnpike Authority (NJTA)  
37 and South Jersey Transportation Authority (SJTA) to provide a  
38 written notice of an alleged toll violation and a process for  
39 remedying the toll violation before issuing or collecting any  
40 administrative fee.

41 Specifically, the bill requires the NJTA and SJTA to provide a  
42 written notice within 60 days of a toll violation to the owner of the  
43 vehicle by regular mail, providing the owner with the opportunity to  
44 resolve the matter prior to the issuance of a summons and complaint  
45 that charges a violation of the toll collection monitoring system  
46 regulations and any administrative fee that is associated with a  
47 violation of the toll collection monitoring system regulations. The  
48 written notice is required to contain sufficient information to inform

1 the owner of the nature, date, time, and location of the alleged  
2 violation, as well as information pertaining to a process by which  
3 the owner may elect to remedy the alleged violation within 30 days  
4 of the date the written notice was sent to avoid the issuance of an  
5 administrative fee. The NJTA and SJTA are required to include  
6 within the written notice, a notification that, if the alleged violation  
7 is not remedied within the required time period, the owner will be  
8 required to pay a reasonable administrative fee. The bill prohibits  
9 the NJTA or SJTA from issuing any administrative fee to, or  
10 collecting any administrative fee from, the owner for an alleged  
11 violation of the toll collection monitoring system regulations unless  
12 the written notice has been provided and the time period to remedy  
13 the alleged violation has expired.

14 Current law requires the NJTA or SJTA to provide an advisory  
15 and payment request within 60 days of a toll violation. The  
16 advisory and payment request requires that the owner of the vehicle  
17 pay the proper toll and a reasonable administrative fee.