

SEPTEMBER 23, 1959

HONORABLE NED J. PARSEKIAN
Acting Director
Division of Motor Vehicles
State House
Trenton, New Jersey

MEMORANDUM OPINION 1959—P-21

DEAR DIRECTOR PARSEKIAN:

We have been asked whether vehicles whose loaded weights are 40,000 to 70,000 pounds which are registered as constructor vehicles may be used to transport material for stockpiling which is not part of a construction project. In our opinion they may not.

N.J.S.A. 39:3-84 provides generally that no single vehicle whose loaded weight is more than 40,000 pounds may be operated upon any highway in this State. *N.J.S.A.* 39:3-84.1 provides that these limitations shall not apply to vehicles registered for use with constructor registration plates. *N.J.S.A.* 39:3-20 permits the Director of the Division of Motor Vehicles to:

“* * * issue registrations providing for the gross weight of vehicle and load of over forty thousand pounds but not exceeding seventy thousand pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work. The license plate so issued shall be marked ‘constructor’ and shall be placed upon the vehicle or vehicles registered under this section.”

This statute permits the use of oversized vehicles by two types of persons. One, a person actually engaged in construction work and, two, a person who, while not himself in construction work, is aiding in construction work either by supplying material or transporting material or in some other way using his vehicle in aid of construction. The language “supplying material” and “transporting material” cannot be taken in isolation to permit the use of oversized vehicles for supplying or transporting materials not used or intended for construction work.

In addition *N.J.S.A.* 39:3-20 provides that vehicles registered under this section and using constructor plates “may not be operated at a greater distance than 30 miles from the point established as a headquarters *for the particular construction operation.*” (Emphasis added) This clearly indicates that this statute contemplates the use of oversized vehicles only in connection with construction work.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: WILLIAM L. BOYAN
Deputy Attorney General