ASSEMBLY, No. 3798

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED MAY 23, 2016

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SYNOPSIS
Authorizes use of school bus monitoring systems.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning school bus safety, amending P.L.1942, c.192, and supplementing Title 39 of the Revised Statutes.

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

1. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to read as follows:
   1. a. On highways having roadways not divided by safety islands or physical traffic separation installations, the driver of a vehicle approaching or overtaking a bus, which is being used for the transportation of children to or from school or a summer day camp or any school connected activity, or which is being used for the transportation of a person who has a developmental disability, and which has stopped for the purpose of receiving or discharging any child or a person who has a developmental disability, shall stop [such] the vehicle not less than 25 feet from [such] the school bus and keep [such] the vehicle stationary until [such] any child or person who has a developmental disability has entered [said] the bus or has alighted and reached the side of [such] the highway and until a flashing red light is no longer exhibited by the bus; provided, [such] the bus is designated as a school bus by one sign on the front and one sign on the rear, with each letter on [such signs] any sign at least four inches in height.

   On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle overtaking a school bus, which has stopped for the purpose of receiving or discharging any child or any person who has a developmental disability, shall stop [such] the vehicle not less than 25 feet from such school bus and keep [such] the vehicle stationary until [such] any child or person who has a developmental disability has entered [said] the bus or has alighted and reached the side of the highway and until a flashing red light is no longer exhibited by the bus.

   On highways having dual or multiple roadways separated by safety islands or physical traffic separation installations, the driver of a vehicle on another roadway approaching a school bus, which has stopped for the purpose of receiving or discharging any child, or any person who has a developmental disability shall reduce the speed of his vehicle to not more than 10 miles per hour and shall not resume normal speed until the vehicle has passed the bus and has passed any child who may have alighted therefrom or be about to enter [said] the bus.

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.
For purposes of this section, "highway" means the entire width between the boundary lines of every way whether publicly or privately maintained when any part thereof is open to the public for purposes of vehicular travel.

Whenever a school bus is parked at the curb for the purpose of receiving children directly from a school or a summer day camp or any school connected activity or discharging children to enter a school, or a summer day camp or any school connected activity, which is located on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass the bus without stopping, but at a speed not in excess of 10 miles per hour.

Whenever a school bus is parked at the curb for the purpose of receiving or discharging a person who has a developmental disability on the same side of the street as that on which the bus is parked, drivers of vehicles shall be permitted to pass the bus without stopping, but at a speed not in excess of 10 miles per hour.

The driver of a bus which is being used for the transportation of children to or from school or a summer day camp or any school connected activity, or for the transportation of a person who has a developmental disability shall continue to exhibit a flashing red light and shall not start the bus until every child who may have alighted therefrom shall have reached a place of safety.

Any person who violates any provision of this act subsection a. of this section shall be subject to (1) a fine of not less than $100, (2) imprisonment for not more than 15 days or community service for 15 days in such forms as the court shall deem appropriate, (3) or both for the first offense, and a fine not less than $250, imprisonment for not more than 15 days, or both for each subsequent offense. The penalties shall be enforced and recovered pursuant to the provisions of chapter 5 of Title 39 of the Revised Statutes. There shall be a rebuttable presumption that the registered owner of the vehicle which was involved in the violation of this section was the person who committed the act. Any person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of $100.

The Chief Administrator of the New Jersey Motor Vehicle Commission may also revoke the license to drive a motor vehicle of any person who shall have been guilty of the willful violation of any of the provisions of this act as shall, in the discretion of the chief administrator, justify the revocation, but the chief administrator shall, at all times, have power to validate a license which has been revoked, or to grant a new license to any person whose license to drive a motor vehicle shall have been revoked pursuant to this act.
c. A person who violates any provision of subsection a. of this section where the evidence of the violation is captured by a school bus monitoring system program administered pursuant to section 4 of P.L. , c. (C. (pending before the Legislature as this bill), shall be subject to a fine of not less than $300 or more than $500, but shall not be assessed any penalty points pursuant to the provisions of section 1 of P.L.1982, c.43 (C.39:5-30.5). Notwithstanding any provisions of R.S.39:5-41 to the contrary, wherever a municipality or school district installs, operates, and maintains a school bus monitoring system, or contracts with a private vendor for a system and those services, any fine imposed and collected for a violation of subsection a. of this section that is based upon recorded images captured by the school bus monitoring system shall be forwarded to the financial officer of that municipality and used for general municipal and school district purposes, including efforts to improve the monitoring and enforcement of subsection a. of this section through the utilization of a school bus monitoring system and other public education safety programs. There shall be a rebuttable presumption that the registered owner of the vehicle which was involved in the violation of this section was the operator of the vehicle at the time the violation occurred. A person who suppresses, by way of concealment or destruction, any evidence of a violation of this section or who suppresses the identity of the violator shall be subject to a fine of $100.

(cf: P.L.2012, c.20, s.2)

2. (New section) The Legislature finds and declares that:

a. Motorists who illegally pass a school bus that is stopped to pick up or discharge children dramatically increase the likelihood of accidents that endanger the safety and well-being of bus riding children.

b. The installation and use of a school bus monitoring system, which complements the efforts of local law enforcement, could serve as an effective public safety tool to keep children safer while entering, exiting, or riding a school bus.

c. It is altogether fitting and proper, and within the public interest, to authorize a program to permit municipalities and school districts operating or providing Type I or Type II school buses that transport students to contract with private vendors to provide for the installation, operation, and maintenance of school bus monitoring systems on school buses in order to assist in the enforcement of section 1 of P.L.1942, c.192 (C.39:4-128.1).

3. (New section) As used in this act:

“Recorded image” means a digital image or video recorded by a school bus monitoring system.
“School bus” means a “School Vehicle Type I” and “School Vehicle Type II” as defined in R.S.39:1-1.

“School bus monitoring system” means a system meeting the requirements set forth in section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill) and having at least one camera and computer that captures and records a live digital video or image of any motor vehicle operating near a school bus.

“Summons” means a citation alleging a violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1).

4. (New section) a. A municipality or school district which operates or provides school buses that transport students may contract with a private vendor to provide for the installation, operation, and maintenance of a school bus monitoring system on any school bus to assist in the enforcement of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1).

b. (1) A school bus monitoring system shall be capable of capturing and producing a video record of any occurrence that may be considered a violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1) and high resolution color digital recorded images that indicate:

(a) if the flashing light and crossing control arm of a school bus are activated, as required pursuant to section 1 of P.L.1965, c.119 (C.39:3B-1);

(b) if a motor vehicle passes a school bus while the bus is exhibiting a flashing light or crossing control arm;

(c) a sufficient portion of the rear of the motor vehicle that passes the school bus in violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1), to clearly reveal the license plate and the make and model of the motor vehicle; and

(d) the date, time, and location of the violation.

(2) A digital analog or camera system may be used as part of a school bus monitoring system provided the images of any violation are captured by the system, or a multiple-camera system, and produce a recorded image, in color, of:

(a) the school bus exhibiting a flashing light or an electronic indicator that the flashing light is activated, noted along the bottom edge of the image;

(b) the motor vehicle passing the school bus;

(c) the license plate, make, and model of the motor vehicle; and

(d) the date, time, and location of the violation, which shall specify the minute, hour, day, month, and year.

5. (New section) a. A recorded image of a violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1) captured by a school bus monitoring system shall be compiled into an evidence file and forwarded to the chief law enforcement officer of the municipality in which the violation occurred.
Each chief law enforcement officer shall assign a law
enforcement officer of the municipality to review the recorded
images produced by any school bus monitoring system. In
conducting the review, the law enforcement officer shall determine
whether there is sufficient evidence to conclude that a violation of
subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1)
occurred and shall issue, within 90 days of the date on which the
violation occurred, a summons if appropriate. A summons shall not
be issued for a violation occurring more than 90 days from the date
of the violation.

A summons issued pursuant to this section shall be served by a
law enforcement officer in accordance with the Rules of Court.
Except as otherwise provided in this subsection, any recorded image
produced by a school bus monitoring system shall be available for
the exclusive use of any law enforcement officer for the purpose of
discharging the officer’s duties under subsection a. of section 1 of
P.L.1942, c.192 (C.39:4-128.1).

b. Any recorded image or information produced in connection
with a school bus monitoring system shall not be deemed to be a
public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). A
recorded image shall not be discoverable as a public record by any
person, entity, or governmental agency, except upon a subpoena
issued by a grand jury or a court order in a criminal matter, nor
shall it be offered in evidence in any civil or administrative
proceeding not directly related to a violation of subsection a. of
section 1 of P.L.1942, c.192 (C.39:4-128.1).

Any recorded image or information produced in connection with
a school bus monitoring system pertaining to a specific violation
shall not be retained for more than 60 days after the collection of
any fine imposed, and shall be purged. All recorded images and
information collected and not resulting in the issuance of a
summons shall be purged within 95 days of the recording.

c. Except as provided in subsection d. of this section, the
owner of a motor vehicle shall be liable for a summons issued for a
violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-
128.1) as evidenced by a recorded image captured by a school bus
monitoring system installed and used in accordance with P.L. ,
c. (C. (pending before the Legislature as this bill).

d. A lessor or owner of a motor vehicle shall not be liable for a
summons issued pursuant to this section if:

(1) the lessor demonstrates that the motor vehicle was used
without the lessor’s express or implied consent. The lessor shall
notify the clerk of the court where the case is pending by a
notarized affidavit of the circumstances of the exception by
providing the name and address of the motor vehicle operator or
registrant;

(2) the lessee was operating or in possession of the motor
vehicle at the time of the alleged violation of subsection a. of
section 1 of P.L.1942, c.192 (C.39:4-128.1). The lessor at the time
of the offense shall notify the clerk of the court where the case is
pending by a notarized affidavit of the circumstances of the
exception by providing the name and address of the lessee, after
which the lessor shall not be required to attend any hearing for the
offense unless directed by the court; or
(3) the owner, lessor, or lessee demonstrates that the motor
vehicle was stolen at the time the violation occurred. The owner or
lessee shall notify the clerk of the court where the case is pending
by a notarized affidavit of the circumstances of the exception by
providing a copy of the police report regarding the theft of the
motor vehicle.
Any notarized affidavit submitted pursuant to this subsection
shall be in a form prescribed by the Administrative Director of the
Courts.
e. An owner or lessor of a motor vehicle who pays any fine or
fee for a violation issued in connection with a recorded image
captured by a school bus monitoring system shall have the right to
recover that sum from the operator of the motor vehicle in a court
of competent jurisdiction.
6. (New section) a. The Commissioner of Education, the
Superintendent of State Police, and the Chief Administrator of the
New Jersey Motor Vehicle Commission shall adopt, pursuant to the
seq.), rules and regulations to effectuate the purposes of this act,
including, but not limited to, specifications and certification
procedures for the school bus monitoring systems and devices that
may be installed under the provisions of this act.
b. The Supreme Court of New Jersey may adopt Rules of Court
as appropriate or necessary to effectuate the purposes of this act.
7. This act shall take effect on the first day of the seventh
month next following enactment, but the Commissioner of
Education, the Superintendent of State Police, and the Chief
Administrator of the New Jersey Motor Vehicle Commission may
take any anticipatory administrative action in advance of that date
as shall be necessary for the implementation of this act.

STATEMENT

This bill authorizes the use of a school bus monitoring system to
enforce section 1 of P.L.1942, c.192 (C.39:4-128.1), the State law
governing passing a school bus. A school bus monitoring system is
deefined as a system meeting certain requirements set forth in the
bill and having at least one camera and computer that captures and
records a digital video or image of any motor vehicle operating near a school bus.

Under current law, school buses are required to exhibit flashing red lights when the bus has stopped for the purpose of receiving or discharging any person with a developmental disability or child. Drivers of vehicles approaching or overtaking the school bus are required to stop at least 25 feet from a school bus that has activated its flashing lights. The law also provides that the bus driver is not permitted to start the bus or discontinue the flashing lights until every person who has alighted from the bus has reached a place of safety.

Under the bill, a fine of between $300 and $500 would be imposed on a person who passes a school bus in violation of current law, as evidenced by the recorded images captured by a school bus monitoring system. Under these circumstances, any fine imposed and collected for this violation would be forwarded to the financial officer of the municipality in which the violation occurred and used for general municipal and school district purposes, including efforts to improve the monitoring and enforcement of this law through the utilization of a school bus monitoring system and other public education safety programs.

The bill authorizes a municipality or school district operating or providing Type I or Type II school buses that transport students to contract with a private vendor to provide for the installation, operation, and maintenance of a school bus monitoring system for enforcement purposes. A school bus monitoring system would have to be capable of capturing and producing a record of any occurrence that may be considered illegal passing of a school bus, and include in that recorded image:

(1) if the school bus is exhibiting its flashing light;
(2) if a motor vehicle passes a school bus;
(3) the license plate, make, and model of the violating vehicle; and
(4) the date, time, and location of the violation.

Any violation captured in a recorded image produced by a school bus monitoring system would be forwarded to the chief law enforcement officer of the municipality in which the violation occurred. A law enforcement officer would issue a summons within 90 days of determining that a violation occurred. No summons may be issued for a violation occurring more than 90 days from date of the violation.

The bill provides that any recorded image or information produced in connection with a school bus monitoring system is not a public record under New Jersey’s “Open Public Records Act,” is not discoverable as a public record except upon a subpoena issued by a grand jury or a court order in a criminal matter, and will not be offered into evidence in any civil or administrative proceeding unless directly related to illegally passing a school bus.
Recorded images or information produced in connection with a school bus monitoring system pertaining to a specific violation are not to be retained for more than 60 days after the collection of any fine imposed, and are then to be purged. All recorded images and information collected but not resulting in the issuance of a summons are to be purged within 95 days of the recording.

The owner of a motor vehicle would be liable for a summons for illegally passing a school bus. A lessor or owner would not be liable if:

1. the lessor demonstrates that the vehicle was used without the lessor’s express or implied consent, and provides the name and address of the vehicle operator or registrant;
2. the lessee was operating or in possession of the vehicle at the time of the violation and the lessor provides the name and address of the lessee; or
3. the owner, lessor, or lessee demonstrates that the vehicle was stolen at the time the violation occurred and provides a copy of the police report regarding the vehicle theft.