

[First Reprint]

ASSEMBLY, No. 3798

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 23, 2016

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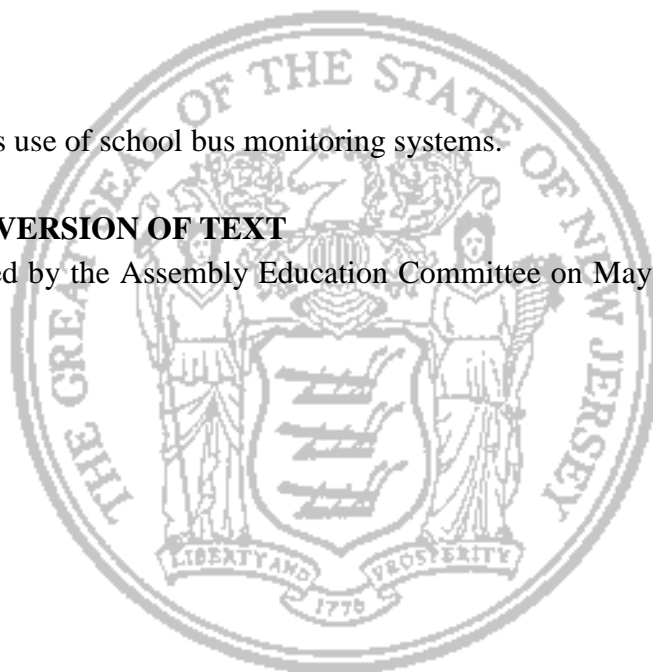
**Assemblymen McGuckin, Wolfe, Dancer, Giblin, Assemblywoman Jones,
Assemblyman Barclay, Assemblywomen McKnight, Jasey and Jimenez**

SYNOPSIS

Authorizes use of school bus monitoring systems.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on May 18, 2017, with amendments.



(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning school bus safety, amending P.L.1942, c.192,
2 and supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to
8 read as follows:

9 1. a. On highways having roadways not divided by safety
10 islands or physical traffic separation installations, the driver of a
11 vehicle approaching or overtaking a bus, which is being used for the
12 transportation of children to or from school or a summer day camp
13 or any school connected activity, or which is being used for the
14 transportation of a person who has a developmental disability, and
15 which has stopped for the purpose of receiving or discharging any
16 child or a person who has a developmental disability, shall stop
17 **【such】** the vehicle not less than 25 feet from **【such】** the school bus
18 and keep **【such】** the vehicle stationary until **【such】** any child or
19 person who has a developmental disability has entered **【said】** the
20 bus or has alighted and reached the side of **【such】** the highway and
21 until a flashing red light is no longer exhibited by the bus; provided,
22 **【such】** the bus is designated as a school bus by one sign on the
23 front and one sign on the rear, with each letter on **【such signs】** any
24 sign at least four inches in height.

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

35 On highways having dual or multiple roadways separated by
36 safety islands or physical traffic separation installations, the driver
37 of a vehicle on another roadway approaching a school bus, which
38 has stopped for the purpose of receiving or discharging any child, or
39 any person who has a developmental disability shall reduce the
40 speed of his vehicle to not more than 10 miles per hour and shall
41 not resume normal speed until the vehicle has passed the bus and
42 has passed any child who may have alighted therefrom or be about
43 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted May 18, 2017.

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

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

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

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

24 **【Any】** b. A person who **【shall violate】** violates any provision

25 of **【this act】** subsection a. of this section shall be subject to (1) a
26 fine of ¹**【not less than **【\$100.00】** \$100 \$250**¹, (2) ¹**【imprisonment**

27 **for not more than 15 days or】**¹ community service for ¹**not more**
28 **than**¹ 15 days in **【such】** the form and on **【such】** terms as the court
29 shall deem appropriate, (3) or both for the first offense, and a fine
30 ¹**【not less than **【\$250.00】** \$250, imprisonment】** of \$500 and
31 community service¹ for not ¹**【more】** less¹ than 15 days ¹**【, or both】**
32 in the form and on the terms as the court shall deem appropriate¹

33 for each subsequent offense. The penalties shall be enforced and
34 recovered pursuant to the provisions of chapter 5 of Title 39 of the
35 Revised Statutes. There shall be a rebuttable presumption that the
36 registered owner of the vehicle which was involved in the violation
37 of this section was the person who committed the act. Any person
38 who suppresses, by way of concealment or destruction, any
39 evidence of a violation of this section or who suppresses the
40 identity of the violator shall be subject to a fine of \$100.

41 The Chief Administrator of the New Jersey Motor Vehicle
42 Commission may also revoke the license to drive a motor vehicle of
43 any person who shall have been guilty of **【such】** the willful
44 violation of any of the provisions of this act as shall, in the
45 discretion of the chief administrator, justify **【such】** the revocation,
46 but the chief administrator shall, at all times, have power to validate
47 **【such】** a license which has been revoked, or to grant a new license

1 to any person whose license to drive a motor vehicle shall have
2 been revoked pursuant to this act.

3 c. ¹[A] Notwithstanding any provision of this section to the
4 contrary, a¹ person who violates any provision of subsection a. of
5 this section where the evidence of the violation is captured by a
6 school bus monitoring system administered pursuant to section 4 of
7 P.L. , c. (C.) (pending before the Legislature as this bill),
8 shall be subject ¹solely¹ to a ¹[fine of not less than \$300 or more
9 than \$500, but] civil penalty of \$250, which shall be collected in a
10 summary proceeding pursuant to the “Penalty Enforcement Law of
11 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). A person found
12 liable¹ shall not be assessed any penalty points pursuant to the
13 provisions of section 1 of P.L.1982, c.43 (C.39:5-30.5) ¹, and shall
14 not be subject to automobile insurance eligibility points pursuant to
15 section 26 of P.L.1990, c.8 (C.17:33B-14)¹. Notwithstanding any
16 provisions of R.S.39:5-41 to the contrary, wherever a municipality
17 or school district installs, operates, and maintains a school bus
18 monitoring system, or contracts with a private vendor for a system
19 and those services, any ¹[fine] civil penalty¹ imposed and
20 collected ¹[for a violation of subsection a. of] pursuant to¹ this
21 ¹[section] subsection¹ that is based upon recorded images captured
22 by the school bus monitoring system shall be forwarded to the
23 financial officer of that municipality and used for general municipal
24 and school district purposes, including efforts to improve the
25 monitoring and enforcement of subsection a. of this section through
26 the utilization of a school bus monitoring system and other public
27 education safety programs. There shall be a rebuttable presumption
28 that the registered owner of the vehicle which was involved in the
29 violation of this section was the operator of the vehicle at the time
30 the violation occurred. A person who suppresses, by way of
31 concealment or destruction, any evidence of a violation of this
32 section or who suppresses the identity of the violator shall be
33 subject to a fine of \$100.

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

35

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

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

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

45 c. It is altogether fitting and proper, and within the public
46 interest, to authorize a program to permit municipalities and school
47 districts operating or providing Type I or Type II school buses that

1 transport students to contract with private vendors to provide for the
2 installation, operation, and maintenance of school bus monitoring
3 systems on school buses in order to assist in the enforcement of
4 section 1 of P.L.1942, c.192 (C.39:4-128.1).

5
6 3. (New section) As used in this act:

7 “Recorded image” means a digital image or video recorded by a
8 school bus monitoring system.

9 “School bus” means a “School Vehicle Type I” and “School
10 Vehicle Type II” as defined in R.S.39:1-1.

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

16 ¹“School district” means a local school district, regional school
17 district, consolidated school district, county vocational school
18 district, jointure commission, county special services school
19 district, or educational services commission.¹

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

22
23 4. (New section) a. A municipality or school district which
24 operates or provides school buses that transport students may
25 contract with a private vendor to provide for the installation,
26 operation, and maintenance of a school bus monitoring system on
27 any school bus to assist in the enforcement of subsection a. of
28 section 1 of P.L.1942, c.192 (C.39:4-128.1).

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

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

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

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

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

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

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

4 (b) the motor vehicle passing the school bus;

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

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

8
9 5. (New section) a. ¹**[A]** If a school district or municipality
10 enters into a contract with a private vendor to provide for the
11 installation, operation, and maintenance of a school bus monitoring
12 system pursuant to section 4 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), a¹ recorded image of a ¹'suspected¹
14 violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-
15 128.1) captured by a school bus monitoring system shall be
16 ¹**[compiled into an evidence file and forwarded]** ¹made available¹
17 to the chief law enforcement officer of the municipality in which the
18 violation occurred.

19 Each chief law enforcement officer shall assign a law
20 enforcement officer of the municipality to review the recorded
21 images ¹**[produced]** of a suspected violation of subsection a. of
22 section 1 of P.L.1942, c.192 (C.39:4-128.1) made available¹ by any
23 school bus monitoring system. In conducting the review, the law
24 enforcement officer shall determine whether there is sufficient
25 evidence to conclude that a violation of subsection a. of section 1 of
26 P.L.1942, c.192 (C.39:4-128.1) occurred and shall issue, within 90
27 days of the date on which the violation occurred, a summons if
28 appropriate. A summons shall not be issued for a violation
29 occurring more than 90 days from the date of the violation.

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

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

46 Any recorded image or information produced in connection with
47 a school bus monitoring system pertaining to a specific violation
48 shall not be retained for more than 60 days after the collection of

1 any ¹**[[fine]]** civil penalty¹ imposed, and shall be purged. All
2 recorded images and information collected and not resulting in the
3 issuance of a summons shall be purged within 95 days of the
4 recording.

5 c. Except as provided in subsection d. of this section, the
6 owner of a motor vehicle shall be liable for a summons issued for a
7 violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-
8 128.1) as evidenced by a recorded image captured by a school bus
9 monitoring system installed and used in accordance with P.L. ,
10 c. (C.) (pending before the Legislature as this bill).

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

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

19 (2) the lessee was operating or in possession of the motor
20 vehicle at the time of the alleged violation of subsection a. of
21 section 1 of P.L.1942, c.192 (C.39:4-128.1). The lessor at the time
22 of the offense shall notify the clerk of the court where the case is
23 pending by a notarized affidavit of the circumstances of the
24 exception by providing the name and address of the lessee, after
25 which the lessor shall not be required to attend any hearing for the
26 offense unless directed by the court; or

27 (3) the owner, lessor, or lessee demonstrates that the motor
28 vehicle was stolen at the time the violation occurred. The owner or
29 lessee shall notify the clerk of the court where the case is pending
30 by a notarized affidavit of the circumstances of the exception by
31 providing a copy of the police report regarding the theft of the
32 motor vehicle.

33 Any notarized affidavit submitted pursuant to this subsection
34 shall be in a form prescribed by the Administrative Director of the
35 Courts.

36 e. An owner or lessor of a motor vehicle who pays any ¹**[[fine]]**
37 civil penalty¹ or fee for a violation issued in connection with a
38 recorded image captured by a school bus monitoring system shall
39 have the right to recover that sum from the operator of the motor
40 vehicle in a court of competent jurisdiction.

41
42 6. (New section) a. The Commissioner of Education, the
43 Superintendent of State Police, and the Chief Administrator of the
44 New Jersey Motor Vehicle Commission shall adopt, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), rules and regulations to effectuate the purposes of this act,
47 including, but not limited to, specifications and certification

1 procedures for the school bus monitoring systems and devices that
2 may be installed under the provisions of this act.

3 b. The Supreme Court of New Jersey may adopt Rules of Court
4 as appropriate or necessary to effectuate the purposes of this act.

5
6 7. This act shall take effect on the first day of the seventh
7 month next following enactment, but the Commissioner of
8 Education, the Superintendent of State Police, and the Chief
9 Administrator of the New Jersey Motor Vehicle Commission may
10 take any anticipatory administrative action in advance of that date
11 as shall be necessary for the implementation of this act.