SYNOPSIS

Concerns use of digital parking meters to monitor parking compliance; establishes fund to encourage designated drivers.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 27, 2018.
AN ACT concerning electronic parking compliance devices and
supplementing Title 39 of the Revised Statutes.

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

1. As used in this act, “digital parking meter or other electronic
parking compliance device” or “meter or device” means a parking
meter or other electronic device that is installed in a fixed location
to electronically monitor compliance with metered parking spaces
using sensors, video, and photo capture capabilities. The term shall
not include a digital handheld parking citation writer used by a law
enforcement or parking code enforcement officer to facilitate the
issuance of a complaint-summons after the officer personally
observes a violation and subsequently electronically processes the
complaint-summons through a State or local court automated
system.

2. A State, county, or municipal department, board, bureau,
commission, or agency, or a parking authority may use a digital
parking meter or other electronic parking compliance device in
accordance with the provisions of this act to monitor parking
compliance within its jurisdiction.

   a. A digital parking meter or other electronic parking
compliance device may be used to alert a law enforcement or
parking code enforcement officer of a parking violation. Any
complaint-summons for a parking violation that may be issued by
an officer receiving an alert from a meter or device shall comply
with the provisions of “The Parking Offenses Adjudication Act,”
P.L. 1985, c.14 (C.39:4-139.2 et seq.).

   b. A digital parking meter or other electronic parking
compliance device shall not electronically process, issue, or serve
upon an owner or operator of a motor vehicle a complaint-summons
for a parking violation or interface with a State or local court
automated system to process, issue, or serve a complaint-summons
for a parking violation unless the:

      (1) violation identified by the meter or device is reviewed and
      issued by an official authorized to issue violations in accordance
      with statutory law and the Rules of Court prior to the service of the
      complaint-summons in accordance with the Parking Offenses
      Adjudication Act, P.L. 1985, c.14 (C.39:4-139.2 et seq.);

      (2) meter or device can produce evidence of the violation,
      including the time the motor vehicle entered the parking space, the
time the violation occurred, and a photograph of the vehicle and the

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 floor amendments adopted September 27, 2018.
1 license plate number, which can be provided to the defendant with
2 the complaint-summons;
3 (3) meter or device can produce evidence of the violation
4 necessary to prosecute the complaint-summons;
5 (4) meter or device provides a [minimum three minute] grace
6 period [determined by the municipality, but which shall be a
7 minimum of five minutes] commencing when the vehicle enters the
8 parking space [and a minimum of five minutes commencing upon
9 the expiration of the time on the meter], during which an expired
10 meter violation shall not be recorded; and
11 (5) parking violation based on a photo, video, and other
12 information generated by the meter or device complies with rules
13 and procedures established by the Administrative Office of the
14 Courts.
15 c. There shall be integrated into the digital parking meter or
16 other electronic parking compliance device [a mobile application]
17 an open application programing interface (API) allowing the owner
18 or operator of the motor vehicle to use a [mobile application on a]
19 smartphone or tablet to:
20 (1) pay meter or device fees;
21 (2) receive advanced notice of the expiration of the time on a
22 meter or device; and
23 (3) replenish the time on the meter or device to the maximum
24 allowable.
25 d. During the initial 30 days of the operation of a meter or
26 device, a warning notice shall be issued to the violator in lieu of a
27 complaint-summons.
28 e. A digital parking meter or other electronic parking
29 compliance device capable of capturing a digital photograph or
30 video shall not be installed or engineered for the sole purpose of
31 taking a photograph or video of any occupant of a motor vehicle.
32 f. A digital parking meter or other electronic parking
33 compliance device shall not be used to enforce any parking space
34 alignment violations.
35 g. Prominently displayed on or affixed to each digital parking
36 meter or other electronic device via signs, stickers, electronic
37 display, or other method shall be:
38 (1) notice that the parking fee may be paid through use of a
39 mobile application on a smartphone or tablet as provided in
40 paragraph (1) of subsection c. of this section; and
41 (2) a reference to information on how to download a mobile
42 application for this purpose.
43 3. A $2 surcharge shall be added to the amount of each fine
44 imposed and collected by a court resulting from the use of a digital
45 parking meter or other electronic parking compliance device
46 pursuant to the provisions of [subsection b. of section 2 of] this act.
The $2 surcharge shall be forwarded by the court to the State Treasurer. The State Treasurer annually shall deposit these moneys in the “Designated Driver Fund to Prevent Drunk Driving Fatalities” established in section 4 of this act.

4. a. There is created in the Division of Highway Traffic Safety in the Department of Law and Public Safety a separate, nonlapsing, dedicated account to be known as the "Designated Drivers to Prevent Drunk Driving Fatalities Fund." All surcharges imposed and collected for parking violations pursuant to section 3 of this act shall be forwarded to the State Treasurer for deposit in the "Designated Drivers to Prevent Drunk Driving Fatalities Fund" account. The fund shall be administered by the Division of Highway Traffic Safety in the Department of Law and Public Safety.

b. Moneys in the account shall be exclusively used for the following purposes:

   (1) to establish a public awareness campaign to prevent drunk driving fatalities and injuries by promoting the use of designated drivers in this State; the campaign shall include the use of advertising through billboards, cable television, social media, print media, public relations articles, and any other appropriate means through contracts and grants with qualified vendors and non-profit organizations; and

   (2) to provide grants for the purposes of promoting designated driving; the purposes for which the grants may be used include, but are not limited to, sponsoring special community events, serving free non-alcoholic beverages to designated drivers, promoting student-produced video messages, distributing window decals and bumper stickers, and collecting designated driver pledges in partnership with schools and colleges, law enforcement, bars and taverns, and professional sports teams and stadiums.

5. This act shall take effect on the first day of the [seventh] fourth month next following enactment, but the Director of the Division of Highway Traffic Safety may take any anticipatory action necessary to implement the provisions of this act.