

[First Reprint]

**ASSEMBLY, No. 4135**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED JUNE 11, 2018

**Sponsored by:**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

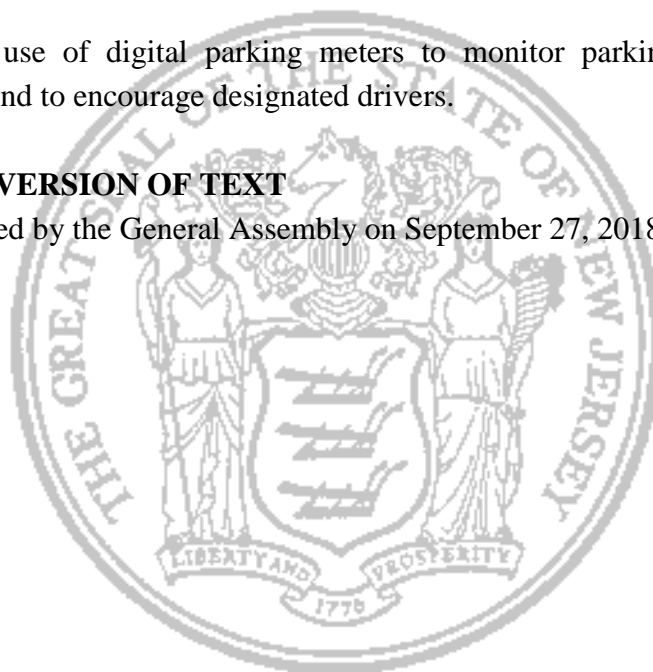
**Assemblymen Schaer, Mazzeo, Armato, Johnson, Freiman, Rooney and  
Senator Van Drew**

**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.



**(Sponsorship Updated As Of: 6/21/2019)**

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

18

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

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

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

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

42 (2) meter or device can produce evidence of the violation,  
43 including the time the motor vehicle entered the parking space, the  
44 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:

<sup>1</sup>Assembly 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 <sup>1</sup>~~【minimum three minute】~~<sup>1</sup> grace  
6 period <sup>1</sup>determined by the municipality, but which shall be a  
7 minimum of five minutes<sup>1</sup> commencing when the vehicle enters the  
8 parking space <sup>1</sup>and a minimum of five minutes commencing upon  
9 the expiration of the time on the meter<sup>1</sup>, 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 <sup>1</sup>~~【a mobile application】~~  
17 an open application programing interface (API)<sup>1</sup> allowing the owner  
18 or operator of the motor vehicle to use a <sup>1</sup>mobile application on a<sup>1</sup>  
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 <sup>1</sup>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.<sup>1</sup>

43

44 3. A \$2 surcharge shall be added to the amount of each fine  
45 imposed and collected by a court resulting from the use of a digital  
46 parking meter or other electronic parking compliance device  
47 pursuant to the provisions of <sup>1</sup>subsection b. of section 2 of<sup>1</sup> this act.

1 The \$2 surcharge shall be forwarded by the court to the State  
2 Treasurer. The State Treasurer annually shall deposit these moneys  
3 in the “Designated Driver Fund to Prevent Drunk Driving  
4 Fatalities” established in section 4 of this act.

5  
6 4. a. There is created in the Division of Highway Traffic  
7 Safety in the Department of Law and Public Safety a separate,  
8 nonlapsing, dedicated account to be known as the "Designated  
9 Drivers to Prevent Drunk Driving Fatalities Fund." All surcharges  
10 imposed and collected for parking violations pursuant to section 3  
11 of this act shall be forwarded to the State Treasurer for deposit in  
12 the "Designated Drivers to Prevent Drunk Driving Fatalities Fund"  
13 account. The fund shall be administered by the Division of  
14 Highway Traffic Safety in the Department of Law and Public  
15 Safety.

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

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

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

33  
34 5. This act shall take effect on the first day of the <sup>1</sup>~~seventh~~  
35 fourth month next following enactment, but the Director of the  
36 Division of Highway Traffic Safety may take any anticipatory  
37 action necessary to implement the provisions of this act.