

SENATE, No. 2579

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 14, 2018

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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
45 license plate number, which can be provided to the defendant with
46 the complaint-summons;

47 (3) meter or device can produce evidence of the violation
48 necessary to prosecute the complaint-summons;

1 (4) meter or device provides a minimum three minute grace
2 period commencing when the vehicle enters the parking space,
3 during which an expired meter violation shall not be recorded; and

4 (5) parking violation based on a photo, video, and other
5 information generated by the meter or device complies with rules
6 and procedures established by the Administrative Office of the
7 Courts.

8 c. There shall be integrated into the digital parking meter or
9 other electronic parking compliance device a mobile application
10 allowing the owner or operator of the motor vehicle to use a
11 smartphone or tablet to:

12 (1) pay meter or device fees;

13 (2) receive advanced notice of the expiration of the time on a
14 meter or device; and

15 (3) replenish the time on the meter or device to the maximum
16 allowable.

17 d. During the initial 30 days of the operation of a meter or
18 device, a warning notice shall be issued to the violator in lieu of a
19 complaint-summons.

20 e. A digital parking meter or other electronic parking
21 compliance device capable of capturing a digital photograph or
22 video shall not be installed or engineered for the sole purpose of
23 taking a photograph or video of any occupant of a motor vehicle.

24 f. A digital parking meter or other electronic parking
25 compliance device shall not be used to enforce any parking space
26 alignment violations.

27
28 3. A \$2 surcharge shall be added to the amount of each fine
29 imposed and collected by a court resulting from the use of a digital
30 parking meter or other electronic parking compliance device
31 pursuant to the provisions of this act. The \$2 surcharge shall be
32 forwarded by the court to the State Treasurer. The State Treasurer
33 annually shall deposit these moneys in the "Designated Driver Fund
34 to Prevent Drunk Driving Fatalities" established in section 4 of this
35 act.

36
37 4. a. There is created in the Division of Highway Traffic
38 Safety in the Department of Law and Public Safety a separate,
39 nonlapsing, dedicated account to be known as the "Designated
40 Drivers to Prevent Drunk Driving Fatalities Fund." All surcharges
41 imposed and collected for parking violations pursuant to section 3
42 of this act shall be forwarded to the State Treasurer for deposit in
43 the "Designated Drivers to Prevent Drunk Driving Fatalities Fund"
44 account. The fund shall be administered by the Division of
45 Highway Traffic Safety in the Department of Law and Public
46 Safety.

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

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

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

16
17 5. This act shall take effect on the first day of the seventh
18 month next following enactment, but the Director of the Division of
19 Highway Traffic Safety may take any anticipatory action necessary
20 to implement the provisions of this act.

21 22 23 24 STATEMENT

25
26 This bill authorizes a State or local government entity or parking
27 authority to use a digital parking meter or other electronic parking
28 compliance device to monitor parking compliance within its
29 jurisdiction. The bill also establishes the "Designated Drivers to
30 Prevent Drunk Driving Fatalities Fund."

31 Under the bill, a digital parking meter or other electronic parking
32 compliance device may be used to alert a law or parking code
33 enforcement officer of a parking violation. An officer who receives
34 an alert of a parking violation from the meter or device has the
35 discretion as to whether a complaint-summons should be issued.
36 The bill also clarifies that the complaint-summons, if issued, is to be in
37 compliance with the provisions of the State's Parking Offenses
38 Adjudication Act.

39 The use of a digital parking meter or other electronic parking
40 compliance device is authorized under the provisions of the bill
41 only if the violation is reviewed and issued by an authorized
42 official; the meter or device produces evidence of the violation,
43 including the time the motor vehicle entered the parking space and
44 the time the violation occurred, as well as a photograph of the
45 vehicle and the license plate number, and the evidence is provided
46 to the defendant with the complaint-summons; the meter or device
47 can produce evidence required to prosecute the complaint-
48 summons; the meter or device provides a minimum three minute
49 grace period during which a violation is not to be recorded; and the

1 parking violation based on a photo, video, and other information
2 generated by the meter or device complies with rules and
3 procedures established by the Administrative Office of the Courts.

4 The bill also requires a mobile application to be integrated into
5 the digital parking meter or other electronic parking compliance
6 device that would allow parking violators to use a smartphone or
7 tablet to pay meter or device fees; receive advanced notice of the
8 expiration of the time on a meter or device; and replenish the time
9 on the meter or device to the maximum allowable. To publicize the
10 meters or devices and provide effective notice to the public, during
11 the initial 30 days of the operation of a meter or device, a warning
12 notice is to be issued to the violator in lieu of a complaint-
13 summons.

14 The bill prohibits a digital parking meter or other electronic
15 parking compliance device from being installed or engineered for
16 the sole purpose of taking a photograph or video of any occupant of
17 a vehicle. The bill also prohibits the use of a meter or device to
18 enforce parking space alignment violations.

19 The bill further imposes a \$2 surcharge on parking violations
20 resulting from a digital parking meter or other electronic parking
21 compliance device. These surcharge moneys are to be deposited
22 into a separate, nonlapsing, dedicated account to be known as the
23 "Designated Drivers to Prevent Drunk Driving Fatalities Fund." The
24 fund is to be administered by the Division of Highway Traffic
25 Safety in the Department of Law and Public Safety. The division is
26 directed to use the moneys to establish a public awareness campaign
27 to prevent drunk driving fatalities and injuries by promoting the use
28 of designated drivers in this State. The campaign is to include the
29 use of advertising through billboards, cable television, social media,
30 print media, public relations articles, and any other appropriate
31 means through contracts and grants with qualified vendors and non-
32 profit organizations. The moneys also are to be used to provide
33 grants for the purposes of promoting designated driving, including
34 sponsoring special community events, serving free non-alcoholic
35 beverages to designated drivers, promoting student-produced video
36 messages, distributing window decals and bumper stickers, and
37 collecting designated driver pledges in partnership with schools and
38 colleges, law enforcement, bars and taverns, and professional sports
39 teams and stadiums.

40 The bill defines a "digital parking meter or other electronic
41 parking compliance device" as a parking meter or other electronic
42 device that is installed in a fixed location to electronically monitor
43 compliance with metered parking spaces using sensors, video and
44 photo capture capabilities. The term specifically excludes handheld
45 parking citation writers used by law enforcement or parking code
46 enforcement officers to facilitate the issuance of a complaint-
47 summons after an officer personally observes a violation and the
48 subsequent electronic processing of the complaint-summons
49 through State or local court automated systems.