

[First Reprint]

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)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 31, 2018, with amendments.



(Sponsorship Updated As Of: 6/19/2018)

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:

¹Senate SLP committee amendments adopted May 31, 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 commencing when the vehicle enters the parking space,
7 during which an expired meter violation shall not be recorded; and

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

12 c. There shall be integrated into the digital parking meter or
13 other electronic parking compliance device a mobile application
14 allowing the owner or operator of the motor vehicle to use a
15 smartphone or tablet to:

16 (1) pay meter or device fees;

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

19 (3) replenish the time on the meter or device to the maximum
20 allowable.

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

24 e. A digital parking meter or other electronic parking
25 compliance device capable of capturing a digital photograph or
26 video shall not be installed or engineered for the sole purpose of
27 taking a photograph or video of any occupant of a motor vehicle.

28 f. A digital parking meter or other electronic parking
29 compliance device shall not be used to enforce any parking space
30 alignment violations.

31

32 3. A \$2 surcharge shall be added to the amount of each fine
33 imposed and collected by a court resulting from the use of a digital
34 parking meter or other electronic parking compliance device pursuant
35 to the provisions of ¹subsection b. of section 2 of¹ this act. The \$2
36 surcharge shall be forwarded by the court to the State Treasurer. The
37 State Treasurer annually shall deposit these moneys in the "Designated
38 Driver Fund to Prevent Drunk Driving Fatalities" established in
39 section 4 of this act.

40

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

1 Highway Traffic Safety in the Department of Law and Public
2 Safety.

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

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

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

20

21 5. This act shall take effect on the first day of the **¹【seventh】**
22 fourth¹ month next following enactment, but the Director of the
23 Division of Highway Traffic Safety may take any anticipatory action
24 necessary to implement the provisions of this act.