

[Second 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)

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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 amended by the Senate on June 25, 2018.



(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.

²Senate floor amendments adopted June 25, 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 ²**[a mobile application]**
14 an open application programing interface (API)² allowing the owner
15 or operator of the motor vehicle to use a ²mobile application on a²
16 smartphone or tablet to:

17 (1) pay meter or device fees;

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

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

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

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

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

32 ²g. Prominently displayed on or affixed to each digital parking
33 meter or other electronic device via signs, stickers, electronic
34 display, or other method shall be:

35 (1) notice that the parking fee may be paid through use of a
36 mobile application on a smartphone or tablet as provided in
37 paragraph (1) of subsection c. of this section; and

38 (2) a reference to information on how to download a mobile
39 application for this purpose.²
40

41 3. A \$2 surcharge shall be added to the amount of each fine
42 imposed and collected by a court resulting from the use of a digital
43 parking meter or other electronic parking compliance device pursuant
44 to the provisions of ¹subsection b. of section 2 of¹ this act. The \$2
45 surcharge shall be forwarded by the court to the State Treasurer. The
46 State Treasurer annually shall deposit these moneys in the “Designated
47 Driver Fund to Prevent Drunk Driving Fatalities” established in
48 section 4 of this act.

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

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

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

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

28

29 5. This act shall take effect on the first day of the ¹**seventh**
30 fourth¹ month next following enactment, but the Director of the
31 Division of Highway Traffic Safety may take any anticipatory action
32 necessary to implement the provisions of this act.