

[Third 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 BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

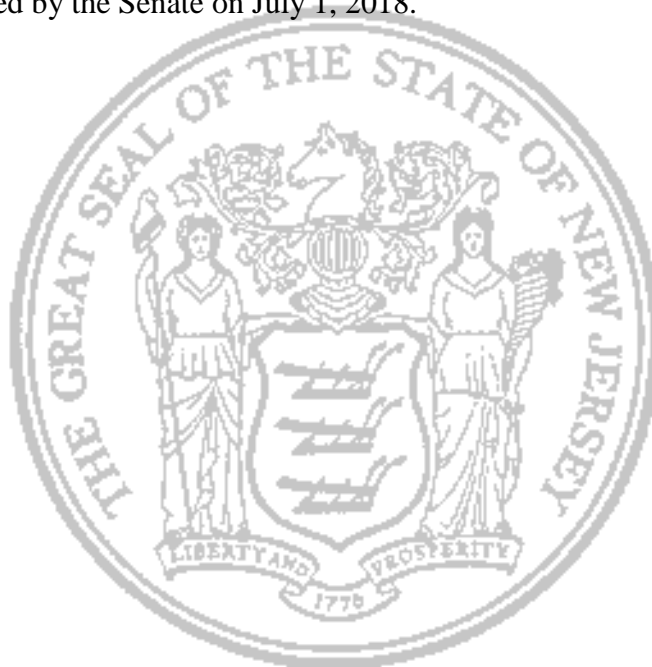
Senator Van Drew

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 Senate on July 1, 2018.



(Sponsorship Updated As Of: 5/14/2019)

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

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.

³Senate floor amendments adopted July 1, 2018.

1 time the violation occurred, and a photograph of the vehicle and the
2 license plate number, which can be provided to the defendant with
3 the complaint-summons;

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

6 (4) meter or device provides a ³**【minimum three minute】**³ grace
7 period ³determined by the municipality, but which shall be a
8 minimum of five minutes³ commencing when the vehicle enters the
9 parking space ³and a minimum of five minutes commencing upon
10 the expiration of the time on the meter³, during which an expired
11 meter violation shall not be recorded; and

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

16 c. There shall be integrated into the digital parking meter or
17 other electronic parking compliance device ²**【a mobile application】**
18 an open application programing interface (API)² allowing the owner
19 or operator of the motor vehicle to use a ²mobile application on a²
20 smartphone or tablet to:

21 (1) pay meter or device fees;

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

24 (3) replenish the time on the meter or device to the maximum
25 allowable.

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

29 e. A digital parking meter or other electronic parking
30 compliance device capable of capturing a digital photograph or
31 video shall not be installed or engineered for the sole purpose of
32 taking a photograph or video of any occupant of a motor vehicle.

33 f. A digital parking meter or other electronic parking
34 compliance device shall not be used to enforce any parking space
35 alignment violations.

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

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

42 (2) a reference to information on how to download a mobile
43 application for this purpose.²

44
45 3. A \$2 surcharge shall be added to the amount of each fine
46 imposed and collected by a court resulting from the use of a digital
47 parking meter or other electronic parking compliance device pursuant
48 to the provisions of ¹subsection b. of section 2 of¹ this act. The \$2

1 surcharge shall be forwarded by the court to the State Treasurer. The
2 State Treasurer annually shall deposit these moneys in the "Designated
3 Driver Fund to Prevent Drunk Driving Fatalities" established in
4 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 ¹~~seventh~~
35 fourth¹ month next following enactment, but the Director of the
36 Division of Highway Traffic Safety may take any anticipatory action
37 necessary to implement the provisions of this act.