

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2579

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 31, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2579.

As amended and reported by the committee, this bill authorizes a State or local government entity or parking authority to use a digital parking meter or other electronic parking compliance device to monitor parking compliance within its jurisdiction. The bill also establishes the "Designated Drivers to Prevent Drunk Driving Fatalities Fund."

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

The use of a digital parking meter or other electronic parking compliance device is authorized under the provisions of the bill only if the violation is reviewed and issued by an authorized official; the meter or device produces evidence of the violation, including the time the motor vehicle entered the parking space and the time the violation occurred, as well as a photograph of the vehicle and the license plate number, and the evidence is provided to the defendant with the complaint-summons; the meter or device can produce evidence required to prosecute the complaint-summons; the meter or device provides a minimum three minute grace period during which a violation is not to be recorded; and the parking violation based on a photo, video, and other information generated by the meter or device complies with rules and procedures established by the Administrative Office of the Courts.

The bill also requires a mobile application to be integrated into the digital parking meter or other electronic parking compliance device that would allow parking violators to use a smartphone or tablet to pay meter or device fees; receive advanced notice of the expiration of the time on a meter or device; and replenish the time on the meter or device to the maximum allowable. To publicize the

meters or devices and provide effective notice to the public, during the initial 30 days of the operation of a meter or device, a warning notice is to be issued to the violator in lieu of a complaint-summons.

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

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

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

As amended, the bill's effective date is the first day of the fourth month after enactment.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) change the effective date from six months to three months; and
- (2) clarify that the \$2 surcharge is limited to parking tickets meeting the criteria set forth in subsection b. of section 2 of the act.