

# SENATE, No. 3347

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Allows municipality to use school bus video footage to ticket driver for illegally passing school bus.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning school buses, supplementing P.L.1965, c.119  
2 (C.39:3B-1 et seq.), and amending P.L.1942, c.192.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) a. A municipality may use school bus video  
8 camera footage to assist in the enforcement of section 1 of  
9 P.L.1942, c.192 (C.39:4-128.1).

10 b. In any municipality in which recorded images from a school  
11 bus video camera are used to assist in the enforcement of section 1  
12 of P.L.1942, c.192 (C.39:4-128.1), a law enforcement official of the  
13 municipality shall review the recorded images produced by the  
14 video camera. In conducting the review, the law enforcement  
15 official shall determine whether there is sufficient evidence to  
16 conclude that a violation of section 1 of P.L.1942, c.192 (C.39:4-  
17 128.1) has occurred and shall issue, within 90 days from the date on  
18 which the violation occurred, a summons when it is deemed  
19 appropriate. A school bus video camera summons issued pursuant  
20 to this section shall be served by a law enforcement official in  
21 accordance with the Rules of Court. Except as otherwise provided  
22 in this subsection, the recorded images produced by the school bus  
23 video camera shall be available for the exclusive use of any law  
24 enforcement official for the purposes of discharging the official's  
25 duties pursuant to P.L.2007, c.348 (C.39:4-8.12 et seq.). Any  
26 recorded image or information produced in connection with a  
27 school bus video camera shall not be deemed a public record under  
28 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning  
29 access to public records. The recorded images shall not be  
30 discoverable as a public record by any person, entity, or  
31 governmental agency, except upon a subpoena issued by a grand  
32 jury or a court order in a criminal matter, nor shall they be offered  
33 in evidence in any civil or administrative proceeding not directly  
34 related to a violation of section 1 of P.L.1942, c.192 (C.39:4-128.1).

35 Any recorded image or information produced by a school bus  
36 video camera in connection with a specific violation of section 1 of  
37 P.L.1942, c.192 (C.39:4-128.1) shall be purged and not retained for  
38 more than 60 days after the collection of any fine or penalty. If a  
39 law enforcement official does not issue a summons for a violation  
40 within 90 days, all recorded images and information collected  
41 pertaining to that alleged violation shall be purged within three  
42 days.

43 c. Except as provided in subsection d. of this section, the  
44 owner and operator shall be jointly liable for a summons issued  
45 pursuant to subsection a. of this section, unless the owner can show

**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.

1 that the vehicle was used without his consent, express or implied.  
2 An owner who pays any fine, penalty, costs or administrative fees  
3 in connection with a summons issued pursuant to subsection a. of  
4 this section shall have the right to recover that sum from the  
5 operator in a court of competent jurisdiction.

6 d. The owner of a motor vehicle who is a lessor shall not be  
7 liable for a summons issued pursuant to subsection a. of this section  
8 when the motor vehicle is under the control or in the possession of  
9 the lessee, if upon notice of a summons issued, the owner of the  
10 motor vehicle which was leased at the time of the offense notifies  
11 the clerk of the court where the case is pending, by an affidavit of  
12 the name and address of the lessee. The affidavit shall be in a form  
13 prescribed by the Administrative Director of the Courts.

14 After providing the name and address of the lessee, the owner  
15 shall not be required to attend a hearing of the offense, unless  
16 otherwise notified by the court.

17 e. In no case shall motor vehicle points or automobile  
18 insurance eligibility points pursuant to section 26 of P.L.1990, c.8  
19 (C.17:33B-14) be assessed against any person liable for a summons  
20 issued under the provisions of this section.

21 f. A person liable for a summons issued shall be subject to: (1)  
22 a fine of \$100 for a first offense, and (2) a fine of \$250 for each  
23 subsequent offense. The penalties shall be enforced and recovered  
24 pursuant to the provisions of chapter 5 of Title 39 of the Revised  
25 Statutes. There shall be a rebuttable presumption that the registered  
26 owner of the vehicle which was involved in the violation of this  
27 section was the person who committed the act. Any person who  
28 suppresses, by way of concealment or destruction, any evidence of a  
29 violation of this section or who suppresses the identity of the  
30 violator shall be subject to a fine of \$100.

31 g. For purposes of this section, "school bus" means any vehicle  
32 equipped with a crossing arm, pursuant to P.L.1996, c.96 (C.39:3B-  
33 1.1 et seq.).  
34

35 2. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to  
36 read as follows:

37 1. On highways having roadways not divided by safety islands  
38 or physical traffic separation installations, the driver of a vehicle  
39 approaching or overtaking a bus, which is being used for the  
40 transportation of children to or from school or a summer day camp  
41 or any school connected activity, or which is being used for the  
42 transportation of a person who has a developmental disability, and  
43 which has stopped for the purpose of receiving or discharging any  
44 child or a person who has a developmental disability, shall stop  
45 such vehicle not less than 25 feet from such school bus and keep  
46 such vehicle stationary until such child or person who has a  
47 developmental disability has entered said bus or has alighted and  
48 reached the side of such highway and until a flashing red light is no

1 longer exhibited by the bus; provided, such bus is designated as a  
2 school bus by one sign on the front and one sign on the rear, with  
3 each letter on such signs at least four inches in height.

4 On highways having dual or multiple roadways separated by  
5 safety islands or physical traffic separation installations, the driver  
6 of a vehicle overtaking a school bus, which has stopped for the  
7 purpose of receiving or discharging any child or any person who  
8 has a developmental disability, shall stop such vehicle not less than  
9 25 feet from such school bus and keep such vehicle stationary until  
10 such child or person who has a developmental disability has entered  
11 said bus or has alighted and reached the side of the highway and  
12 until a flashing red light is no longer exhibited by the bus.

13 On highways having dual or multiple roadways separated by  
14 safety islands or physical traffic separation installations, the driver  
15 of a vehicle on another roadway approaching a school bus, which  
16 has stopped for the purpose of receiving or discharging any child, or  
17 any person who has a developmental disability shall reduce the  
18 speed of his vehicle to not more than 10 miles per hour and shall  
19 not resume normal speed until the vehicle has passed the bus and  
20 has passed any child who may have alighted therefrom or be about  
21 to enter said bus.

22 For purposes of this section, "highway" means the entire width  
23 between the boundary lines of every way whether publicly or  
24 privately maintained when any part thereof is open to the public for  
25 purposes of vehicular travel.

26 Whenever a school bus is parked at the curb for the purpose of  
27 receiving children directly from a school or a summer day camp or  
28 any school connected activity or discharging children to enter a  
29 school, or a summer day camp or any school connected activity,  
30 which is located on the same side of the street as that on which the  
31 bus is parked, drivers of vehicles shall be permitted to pass said bus  
32 without stopping, but at a speed not in excess of 10 miles per hour.

33 Whenever a school bus is parked at the curb for the purpose of  
34 receiving or discharging a person who has a developmental  
35 disability on the same side of the street as that on which the bus is  
36 parked, drivers of vehicles shall be permitted to pass the bus  
37 without stopping, but at a speed not in excess of 10 miles per hour.

38 The driver of a bus which is being used for the transportation of  
39 children to or from school or a summer day camp or any school  
40 connected activity, or for the transportation of a person who has a  
41 developmental disability shall continue to exhibit a flashing red  
42 light and shall not start his bus until every child who may have  
43 alighted therefrom shall have reached a place of safety.

44 **【Any】** Except as otherwise provided in section 1 of P.L. \_\_\_\_\_, c.  
45 (C. \_\_\_\_\_) (pending before the Legislature as this bill), a person who  
46 **【shall violate】** violates any provision of this act shall be subject to  
47 (1) a fine of not less than **【\$100.00】** \$100 , (2) imprisonment for  
48 not more than 15 days or community service for 15 days in such

1 form and on such terms as the court shall deem appropriate, (3) or  
2 both for the first offense, and a fine not less than ~~【\$250.00】~~ \$250 ,  
3 imprisonment for not more than 15 days, or both for each  
4 subsequent offense. The penalties shall be enforced and recovered  
5 pursuant to the provisions of chapter 5 of Title 39 of the Revised  
6 Statutes. There shall be a rebuttable presumption that the registered  
7 owner of the vehicle which was involved in the violation of this  
8 section was the person who committed the act. Any person who  
9 suppresses, by way of concealment or destruction, any evidence of a  
10 violation of this section or who suppresses the identity of the  
11 violator shall be subject to a fine of \$100.

12 The Chief Administrator of the Motor Vehicle Commission may  
13 also revoke the license to drive a motor vehicle of any person who  
14 shall have been guilty of such willful violation of any of the  
15 provisions of this act as shall, in the discretion of the chief  
16 administrator, justify such revocation, but the chief administrator  
17 shall, at all times, have power to validate such a license which has  
18 been revoked, or to grant a new license to any person whose license  
19 to drive a motor vehicle shall have been revoked pursuant to this  
20 act.

21 (cf: P.L.2012, c.20, s.2)

22

23 3. This act shall take effect on the first day of the fourth month  
24 next following the date of enactment.

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#### STATEMENT

28

29 This bill permits a municipality to use school bus video camera  
30 footage to assist in the enforcement of section 1 of P.L.1942, c.192  
31 (C.39:4-128.1), which prohibits vehicles from passing a school bus  
32 while passengers are picked up or discharged.

33 The bill provides that in any municipality in which recorded  
34 images from a school bus video camera are used to assist in the  
35 enforcement of section 1 of P.L.1942, c.192 (C.39:4-128.1), a law  
36 enforcement official of the municipality is to review the recorded  
37 images produced by the video camera and issue a summons when it  
38 is deemed appropriate within 90 days from the date on which the  
39 violation occurred. The bill also provides that if a law enforcement  
40 official does not issue a summons for a violation within 90 days, all  
41 recorded images and information collected pertaining to that alleged  
42 violation is required to be purged.

43 Under the bill, a person liable for a summons issued based upon  
44 images captured from a school bus video camera would be subject  
45 to a fine of \$100 for a first offense and \$250 for each subsequent  
46 offense.