

SENATE, No. 503

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

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SYNOPSIS

Permits municipalities and school districts to contract for video monitoring systems to assist in enforcing law against unlawfully passing a school bus.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/12/2015)

1 AN ACT concerning school bus passenger safety, supplementing
2 Title 39 of the Revised Statutes, 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) The Legislature finds:

8 a. Motorists who illegally pass a school bus that is stopped to
9 pick up or discharge children dramatically increase the likelihood of
10 accidents that endanger the safety and well-being of bus riding
11 children. The installation and use of a school bus monitoring
12 system, which complements the efforts of local law enforcement,
13 could serve as an effective public safety tool.

14 b. The Legislature, therefore, declares:

15 It is altogether fitting and proper, and within the public interest,
16 to permit municipalities and school districts which operate or
17 provide Type I or Type II school buses to transport students to
18 contract with a private vendor to provide for the installation,
19 operation, and maintenance of school bus monitoring systems on
20 school buses to assist in the enforcement of section 1 of P.L. 1942,
21 c.192 (C.39:4-128.1).

22

23 2. (New section) As used in this act:

24 "Recorded image" means a digital image recorded by a school
25 bus monitoring system.

26 "School bus monitoring system" means a system with one or
27 more cameras and computers that produces live digital and recorded
28 video images of motor vehicles being operated in violation of
29 section 1 of P.L.1942, c.192 (C.39:4-128.1) and capable of
30 producing:

31 a. High resolution color digital recorded images that show:

32 (1) the school bus displaying a flashing red light as required
33 under section 1 of P.L.1942, c.192 (C.39:4-128.1);

34 (2) a motor vehicle unlawfully passing the school bus while it is
35 exhibiting a flashing red light in violation of section 1 of P.L.1942,
36 c.192 (C.39:4-128.1);

37 (3) a portion of the rear of the motor vehicle unlawfully passing
38 the school bus in violation of section 1 of P.L.1942, c.192 (C.39:4-
39 128.1) sufficient to clearly reveal the vehicle's license plate and the
40 make and model of the vehicle; and

41 (4) the date, time and location of the violation.

42 b. A video recording of the violation that shows the violation
43 occurring.

44 A digital analog or camera system may be used as part of a
45 school bus monitoring system provided the violation images are

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 captured by such camera system, or a multiple camera system,
2 producing a recorded color image of the following:

- 3 (1) the school bus exhibiting a flashing red light or an electronic
4 indicator that the red lights have been activated, noted along the
5 bottom edge of the image;
6 (2) the violating motor vehicle;
7 (3) the vehicle's license plate, make, and model;
8 (4) the day, month, and year of the violation; and
9 (5) the time of the violation in hours and minutes.

10 "Summons" means a citation alleging a violation of section 1 of
11 P.L.1942, c.192 (C.39:4-128.1).

12

13 3. (New section) Any municipality or school district which
14 owns and operates, or otherwise provides, Type I or Type II school
15 buses to transport students may contract with a private vendor to
16 provide for the installation, operation, and maintenance of school
17 bus monitoring systems on those school buses to assist in the
18 enforcement of section 1 of P.L. 1942, c.192 (C.39:4-128.1).

19

20 4. (New section) a. Alleged violations of section 1 of
21 P.L.1942, c.192 (C.39:4-128.1) captured by a school bus monitoring
22 system, and displaying all the elements required under the
23 provisions of section 2 of P.L. , c. (C.) (pending before the
24 Legislature as this bill), shall be compiled into an evidence file and
25 forwarded to the chief law enforcement officer of the municipality
26 in which the alleged violation occurred.

27 The chief law enforcement officer shall assign a law enforcement
28 official of the municipality to review the recorded images produced
29 by the school bus monitoring system. In conducting the review, the
30 law enforcement official shall determine whether there is sufficient
31 evidence to conclude that a violation of section 1 of P.L.1942, c.192
32 (C.39:4-128.1) occurred and shall issue, within 90 days from the
33 date on which the violation occurred, a summons where it is
34 deemed appropriate. A summons issued pursuant to this section
35 shall be served by a law enforcement official in accordance with the
36 Rules of Court. Except as otherwise provided in this subsection, the
37 recorded images produced by the school bus monitoring system
38 shall be available for the exclusive use of any law enforcement
39 official for the purposes of discharging the official's enforcement
40 duties under section 1 of P.L.1942, c.192 (C.39:4:128.1). Any
41 recorded image or information produced in connection with a
42 school bus monitoring system shall not be deemed a public record
43 under P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law
44 concerning access to public records. The recorded images shall not
45 be discoverable as a public record by any person, entity, or
46 governmental agency, except upon a subpoena issued by a grand
47 jury or a court order in a criminal matter, nor shall they be offered

1 in evidence in any civil or administrative proceeding not directly
2 related to a violation of section 1 of P.L.1942, c.192 (C.39:4-128.1).

3 Any recorded image or information produced in connection with
4 a school bus monitoring system pertaining to a specific violation
5 shall be purged and not retained later than 60 days after the
6 collection of any fine or penalty. If a law enforcement official does
7 not issue a summons based on the recorded images provided by a
8 school bus monitoring system within 90 days, all recorded images
9 and information collected pertaining to that alleged violation shall
10 be purged within three days.

11 b. Except as provided in subsection c. of this section, the owner
12 and operator of the motor vehicle shall be jointly liable for a
13 summons issued for a violation of section 1 of P.L.1942, c.192
14 (C.39:4-128.1) pursuant to a school bus monitoring system installed
15 and used in accordance with this act, unless the owner can show
16 that the vehicle was used without his consent, express or implied.
17 An owner who pays any fine, penalty, civil judgment, costs, or
18 administrative fees in connection with a violation issued pursuant to
19 a school bus monitoring system shall have the right to recover that
20 sum from the operator in a court of competent jurisdiction.

21 c. The owner of a motor vehicle who is a lessor shall not be
22 liable for a summons issued pursuant to this act when the motor
23 vehicle is under the control or in the possession of the lessee, if
24 upon notice of a violation of section 1 of P.L.1942, c.192 (C.39:4-
25 128.1), the owner of the motor vehicle which was leased at the time
26 of the offense notifies the clerk of the court where the case is
27 pending by an affidavit. The affidavit shall set forth the name and
28 address of the lessee and shall be in a form prescribed by the
29 Director of the Administrative Office of the Courts.

30 After providing the name and address of the lessee, the owner
31 shall not be required to attend any hearing for the offense, unless
32 otherwise notified by the court.

33
34 5. (New section) The Commissioner of Education, the
35 Superintendent of State Police, and the Chief Administrator of the
36 Motor Vehicle Commission shall promulgate, pursuant to the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), rules and regulations to effectuate the purposes of this act,
39 including, but not limited to, specifications and certification
40 procedures for the school bus monitoring systems and devices that
41 may be installed under the provisions of this act. The Supreme
42 Court of New Jersey may adopt Rules of Court appropriate or
43 necessary to effectuate the purposes of this act.

44
45 6. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to
46 read as follows:

1 1. a. On highways having roadways not divided by safety
2 islands or physical traffic separation installations, the driver of a
3 vehicle approaching or overtaking a bus, which is being used solely
4 for the transportation of children to or from school or a summer day
5 camp or any school connected activity and which has stopped for
6 the purpose of receiving or discharging any child, shall stop such
7 vehicle not less than 25 feet from such school bus and keep such
8 vehicle stationary until such child has entered said bus or has
9 alighted and reached the side of such highway and until a flashing
10 red light is no longer exhibited by the bus; provided, such bus is
11 designated as a school bus by one sign on the front and one sign on
12 the rear, with each letter on such signs at least four inches in height.

13 On highways having dual or multiple roadways separated by
14 safety islands or physical traffic separation installations, the driver
15 of a vehicle overtaking a school bus, which has stopped for the
16 purpose of receiving or discharging any child, shall stop such
17 vehicle not less than 25 feet from such school bus and keep such
18 vehicle stationary until such child has entered said bus or has
19 alighted and reached the side of the highway and until a flashing red
20 light is no longer exhibited by the bus.

21 On highways having dual or multiple roadways separated by
22 safety islands or physical traffic separation installations, the driver
23 of a vehicle on another roadway approaching a school bus, which
24 has stopped for the purpose of receiving or discharging any child,
25 shall reduce the speed of his vehicle to not more than 10 miles per
26 hour and shall not resume normal speed until the vehicle has passed
27 the bus and has passed any child who may have alighted therefrom
28 or be about to enter said bus.

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

33 Whenever a school bus is parked at the curb for the purpose of
34 receiving children directly from a school or a summer day camp or
35 any school connected activity or discharging children to enter a
36 school, or a summer day camp or any school connected activity,
37 which is located on the same side of the street as that on which the
38 bus is parked, drivers of vehicles shall be permitted to pass said bus
39 without stopping, but at a speed not in excess of 10 miles per hour.

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

45 Any person who shall violate any provision of this act shall be
46 subject to **[(1)]** a fine of not less than **[\$100.00]**, (2) imprisonment
47 for 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,
3 imprisonment for not more than 15 days, or both for each
4 subsequent offense] \$300 or more than \$500 and be assessed,
5 pursuant to the provisions of P.L.1982, c.43 (C.39:5-30.5) five
6 penalty points. The penalties shall be enforced and recovered
7 pursuant to the provisions of chapter 5 of Title 39 of the Revised
8 Statutes. There shall be a rebuttable presumption that the registered
9 owner of the vehicle which was involved in the violation of this
10 section was the person who committed the act. Any person who
11 suppresses, by way of concealment or destruction, any evidence of a
12 violation of this section or who suppresses the identity of the
13 violator shall be subject to a fine of \$100.

14 Notwithstanding any provisions of R.S.39:5-41 to the contrary,
15 in any municipality where the municipality or school district has
16 contracted with a private vendor for the installation, operation, and
17 maintenance of a school bus monitoring system pursuant to P.L. ,
18 c. (C.) (pending before the Legislature as this bill) to assist
19 in the enforcement of section 1 of P.L.1942, c.192 (C.39:4-128.1),
20 all fines, penalties, and forfeitures imposed and collected for a
21 violation of section 1 of P.L.1942, c.192 (C.39:4-128.1) that are
22 based upon the recorded images provided by that school bus
23 monitoring system shall be forwarded by the person to whom they
24 have been paid to the financial officer of that municipality and used
25 for general municipal and school district purposes, including efforts
26 to improve the monitoring and enforcement of violations of section
27 1 of P.L.1942, c.192 (C.39:4-128.1) through the utilization of
28 school bus monitoring systems and the provision of associated
29 public education safety programs.

30 The **【Director of the Division of Motor Vehicles】** Chief
31 Administrator of the Motor Vehicle Commission may also revoke
32 the license to drive a motor vehicle of any person who shall have
33 been guilty of such willful violation of any of the provisions of this
34 act as shall, in the discretion of the director, justify such revocation,
35 but the director shall, at all times, have power to validate such a
36 license which has been revoked, or to grant a new license to any
37 person whose license to drive a motor vehicle shall have been
38 revoked pursuant to this act.

39 b. Whenever the municipal prosecutor makes or agrees to a
40 negotiated plea for a violation of section 1 of P.L.1942, c.192
41 (C.39:4-128.1), based upon the recorded images provided by a
42 school bus monitoring system pursuant to the provisions of P.L. ,
43 c. (C.) (pending before the Legislature as this bill), the court,
44 in addition to any fine, fee or other charge imposed pursuant to law,
45 shall assess a surcharge of \$300, which shall be collected by the
46 court and paid to the financial officer of the municipality wherein
47 the violation occurred and used for general municipal and school

1 district purposes, including efforts to improve the monitoring and
2 enforcement of violations of section 1 of P.L.1942, c.192 (C.39:4-
3 128.1) through the utilization of school bus monitoring systems and
4 the provision of associated public education safety programs.
5 (cf: P.L.2000, c.85, s.2)

6

7 7. Sections 1 through 5 of this act shall take effect on the first
8 day of the seventh month following enactment; section 6 shall take
9 effect immediately.

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11

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STATEMENT

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14 This bill permits municipalities and school districts that own,
15 operate or otherwise provide Type I or Type II school buses to
16 transport students to contract with private vendors to install, operate
17 and maintain school bus monitoring systems on their school buses
18 to assist in the enforcement of section 1 of P.L.1942, c.192 (C.39:4-
19 128.1), the law which prohibits motor vehicles from passing a
20 school bus while it is stopped to pick up or discharge students.

21 Alleged school bus passing violations captured by a monitoring
22 system are to be compiled into an evidence file and forwarded to
23 the chief law enforcement officer of the municipality. If law
24 enforcement determines that a violation has occurred, a summons is
25 to be issued.

26 Except in cases where the owner of the motor vehicle which
27 unlawfully passed a school bus is a lessor, the owner and operator
28 of the vehicle jointly liable for the summons, unless the owner can
29 establish that another person was the operator at the time of the
30 violation.

31 The bill also amends section 1 of P.L.1942, c.192 (C.39:4-128.1)
32 to upgrade the penalties for the unlawful passing of a school bus.
33 As amended, violators would be subject to a fine of not less than
34 \$300 or more than \$500, and be assessed five penalty points.
35 Currently, a first time offender is subject to a fine of \$100, and up
36 to 15 days of imprisonment or community service. For a second, or
37 subsequent, violation, a violator is subject to a fine of not less than
38 \$250, and imprisonment for a term of not more than 15 days.

39 All fine moneys and penalties that are imposed based on
40 recorded images provided by a monitoring system are to be
41 collected by the court and paid to the financial officer of the
42 municipality wherein the violation occurred and are to be used by
43 the municipality for its general municipal and school district
44 purposes, including efforts to improve the monitoring and
45 enforcement of the unlawful passing of a school bus through the
46 utilization of school bus monitoring systems and the provision of
47 associated public education safety programs.

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1 Finally, the bill provides that whenever a municipal prosecutor
2 makes or agrees to a negotiated plea with an individual who is
3 alleged to have committed a school bus passing violation based
4 upon the recorded images provide by a school bus monitoring
5 system, the court is to assess, in addition to any other fine, fee or
6 other charge imposed by law, a surcharge of \$300. This surcharge
7 is to be collected by the court and paid to the financial officer of the
8 municipality wherein the alleged violation is to have occurred and
9 used by the municipality for general municipal purposes.

10 It is the sponsor's understanding that the enactment of this bill
11 will have no fiscal impact on the State, any county, or any
12 participating municipality or school district.