

ASSEMBLY, No. 3798

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 23, 2016

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

**Assemblymen McGuckin, Wolfe, Dancer, Giblin, Assemblywoman Jones,
Assemblyman Barclay, Assemblywomen McKnight and Jasey**

SYNOPSIS

Authorizes use of school bus monitoring systems.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2017)

A3798 SINGLETON, WIMBERLY

2

1 AN ACT concerning school bus safety, amending P.L.1942, c.192,
2 and 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. Section 1 of P.L.1942, c.192 (C.39:4-128.1) is amended to
8 read as follows:

9 1. a. On highways having roadways not divided by safety
10 islands or physical traffic separation installations, the driver of a
11 vehicle approaching or overtaking a bus, which is being used for the
12 transportation of children to or from school or a summer day camp
13 or any school connected activity, or which is being used for the
14 transportation of a person who has a developmental disability, and
15 which has stopped for the purpose of receiving or discharging any
16 child or a person who has a developmental disability, shall stop
17 **【such】** the vehicle not less than 25 feet from **【such】** the school bus
18 and keep **【such】** the vehicle stationary until **【such】** any child or
19 person who has a developmental disability has entered **【said】** the
20 bus or has alighted and reached the side of **【such】** the highway and
21 until a flashing red light is no longer exhibited by the bus; provided,
22 **【such】** the bus is designated as a school bus by one sign on the
23 front and one sign on the rear, with each letter on **【such signs】** any
24 sign at least four inches in height.

25 On highways having dual or multiple roadways separated by
26 safety islands or physical traffic separation installations, the driver
27 of a vehicle overtaking a school bus, which has stopped for the
28 purpose of receiving or discharging any child or any person who
29 has a developmental disability, shall stop **【such】** the vehicle not
30 less than 25 feet from such school bus and keep **【such】** the vehicle
31 stationary until **【such】** any child or person who has a
32 developmental disability has entered **【said】** the bus or has alighted
33 and reached the side of the highway and until a flashing red light is
34 no longer exhibited by the bus.

35 On highways having dual or multiple roadways separated by
36 safety islands or physical traffic separation installations, the driver
37 of a vehicle on another roadway approaching a school bus, which
38 has stopped for the purpose of receiving or discharging any child, or
39 any person who has a developmental disability shall reduce the
40 speed of his vehicle to not more than 10 miles per hour and shall
41 not resume normal speed until the vehicle has passed the bus and
42 has passed any child who may have alighted therefrom or be about
43 to enter **【said】** the bus.

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 For purposes of this section, "highway" means the entire width
2 between the boundary lines of every way whether publicly or
3 privately maintained when any part **【thereof】** is open to the public
4 for purposes of vehicular travel.

5 Whenever a school bus is parked at the curb for the purpose of
6 receiving children directly from a school or a summer day camp or
7 any school connected activity or discharging children to enter a
8 school, or a summer day camp or any school connected activity,
9 which is located on the same side of the street as that on which the
10 bus is parked, drivers of vehicles shall be permitted to pass **【said】**
11 the bus without stopping, but at a speed not in excess of 10 miles
12 per hour.

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

18 The driver of a bus which is being used for the transportation of
19 children to or from school or a summer day camp or any school
20 connected activity, or for the transportation of a person who has a
21 developmental disability shall continue to exhibit a flashing red
22 light and shall not start **【his】** the bus until every child who may
23 have alighted therefrom shall have reached a place of safety.

24 **【Any】** b. A person who **【shall violate】** violates any provision
25 of **【this act】** subsection a. of this section shall be subject to (1) a
26 fine of not less than **【\$100.00】** \$100, (2) imprisonment for not more
27 than 15 days or community service for 15 days in **【such】** the form
28 and on **【such】** terms as the court shall deem appropriate, (3) or both
29 for the first offense, and a fine not less than **【\$250.00】** \$250,
30 imprisonment for not more than 15 days, or both for each
31 subsequent offense. The penalties shall be enforced and recovered
32 pursuant to the provisions of chapter 5 of Title 39 of the Revised
33 Statutes. There shall be a rebuttable presumption that the registered
34 owner of the vehicle which was involved in the violation of this
35 section was the person who committed the act. Any person who
36 suppresses, by way of concealment or destruction, any evidence of a
37 violation of this section or who suppresses the identity of the
38 violator shall be subject to a fine of \$100.

39 The Chief Administrator of the New Jersey Motor Vehicle
40 Commission may also revoke the license to drive a motor vehicle of
41 any person who shall have been guilty of **【such】** the willful
42 violation of any of the provisions of this act as shall, in the
43 discretion of the chief administrator, justify **【such】** the revocation,
44 but the chief administrator shall, at all times, have power to validate
45 **【such】** a license which has been revoked, or to grant a new license
46 to any person whose license to drive a motor vehicle shall have
47 been revoked pursuant to this act.

1 c. A person who violates any provision of subsection a. of this
2 section where the evidence of the violation is captured by a school
3 bus monitoring system program administered pursuant to section 4
4 of P.L. , c. (C.) (pending before the Legislature as this bill),
5 shall be subject to a fine of not less than \$300 or more than \$500,
6 but shall not be assessed any penalty points pursuant to the
7 provisions of section 1 of P.L.1982, c.43 (C.39:5-30.5).
8 Notwithstanding any provisions of R.S.39:5-41 to the contrary,
9 wherever a municipality or school district installs, operates, and
10 maintains a school bus monitoring system, or contracts with a
11 private vendor for a system and those services, any fine imposed
12 and collected for a violation of subsection a. of this section that is
13 based upon recorded images captured by the school bus monitoring
14 system shall be forwarded to the financial officer of that
15 municipality and used for general municipal and school district
16 purposes, including efforts to improve the monitoring and
17 enforcement of subsection a. of this section through the utilization
18 of a school bus monitoring system and other public education safety
19 programs. There shall be a rebuttable presumption that the
20 registered owner of the vehicle which was involved in the violation
21 of this section was the operator of the vehicle at the time the
22 violation occurred. A person who suppresses, by way of
23 concealment or destruction, any evidence of a violation of this
24 section or who suppresses the identity of the violator shall be
25 subject to a fine of \$100.

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

27
28 2. (New section) The Legislature finds and declares that:

29 a. Motorists who illegally pass a school bus that is stopped to
30 pick up or discharge children dramatically increase the likelihood of
31 accidents that endanger the safety and well-being of bus riding
32 children.

33 b. The installation and use of a school bus monitoring system,
34 which complements the efforts of local law enforcement, could
35 serve as an effective public safety tool to keep children safer while
36 entering, exiting, or riding a school bus.

37 c. It is altogether fitting and proper, and within the public
38 interest, to authorize a program to permit municipalities and school
39 districts operating or providing Type I or Type II school buses that
40 transport students to contract with private vendors to provide for the
41 installation, operation, and maintenance of school bus monitoring
42 systems on school buses in order to assist in the enforcement of
43 section 1 of P.L.1942, c.192 (C.39:4-128.1).

44
45 3. (New section) As used in this act:

46 “Recorded image” means a digital image or video recorded by a
47 school bus monitoring system.

1 “School bus” means a “School Vehicle Type I” and “School
2 Vehicle Type II” as defined in R.S.39:1-1.

3 “School bus monitoring system” means a system meeting the
4 requirements set forth in section 4 of P.L. , c. (C.) (pending
5 before the Legislature as this bill) and having at least one camera
6 and computer that captures and records a live digital video or image
7 of any motor vehicle operating near a school bus.

8 “Summons” means a citation alleging a violation of subsection a.
9 of section 1 of P.L.1942, c.192 (C.39:4-128.1).

10

11 4. (New section) a. A municipality or school district which
12 operates or provides school buses that transport students may
13 contract with a private vendor to provide for the installation,
14 operation, and maintenance of a school bus monitoring system on
15 any school bus to assist in the enforcement of subsection a. of
16 section 1 of P.L.1942, c.192 (C.39:4-128.1).

17 b. (1) A school bus monitoring system shall be capable of
18 capturing and producing a video record of any occurrence that may
19 be considered a violation of subsection a. of section 1 of P.L.1942,
20 c.192 (C.39:4-128.1) and high resolution color digital recorded
21 images that indicate:

22 (a) if the flashing light and crossing control arm of a school bus
23 are activated, as required pursuant to section 1 of P.L.1965, c.119
24 (C.39:3B-1);

25 (b) if a motor vehicle passes a school bus while the bus is
26 exhibiting a flashing light or crossing control arm;

27 (c) a sufficient portion of the rear of the motor vehicle that
28 passes the school bus in violation of subsection a. of section 1 of
29 P.L.1942, c.192 (C.39:4-128.1), to clearly reveal the license plate
30 and the make and model of the motor vehicle; and

31 (d) the date, time, and location of the violation.

32 (2) A digital analog or camera system may be used as part of a
33 school bus monitoring system provided the images of any violation
34 are captured by the system, or a multiple-camera system, and
35 produce a recorded image, in color, of:

36 (a) the school bus exhibiting a flashing light or an electronic
37 indicator that the flashing light is activated, noted along the bottom
38 edge of the image;

39 (b) the motor vehicle passing the school bus;

40 (c) the license plate, make, and model of the motor vehicle; and

41 (d) the date, time, and location of the violation, which shall
42 specify the minute, hour, day, month, and year.

43

44 5. (New section) a. A recorded image of a violation of
45 subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1)
46 captured by a school bus monitoring system shall be compiled into
47 an evidence file and forwarded to the chief law enforcement officer
48 of the municipality in which the violation occurred.

1 Each chief law enforcement officer shall assign a law
2 enforcement officer of the municipality to review the recorded
3 images produced by any school bus monitoring system. In
4 conducting the review, the law enforcement officer shall determine
5 whether there is sufficient evidence to conclude that a violation of
6 subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1)
7 occurred and shall issue, within 90 days of the date on which the
8 violation occurred, a summons if appropriate. A summons shall not
9 be issued for a violation occurring more than 90 days from the date
10 of the violation.

11 A summons issued pursuant to this section shall be served by a
12 law enforcement officer in accordance with the Rules of Court.
13 Except as otherwise provided in this subsection, any recorded image
14 produced by a school bus monitoring system shall be available for
15 the exclusive use of any law enforcement officer for the purpose of
16 discharging the officer's duties under subsection a. of section 1 of
17 P.L.1942, c.192 (C.39:4-128.1).

18 b. Any recorded image or information produced in connection
19 with a school bus monitoring system shall not be deemed to be a
20 public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). A
21 recorded image shall not be discoverable as a public record by any
22 person, entity, or governmental agency, except upon a subpoena
23 issued by a grand jury or a court order in a criminal matter, nor
24 shall it be offered in evidence in any civil or administrative
25 proceeding not directly related to a violation of subsection a. of
26 section 1 of P.L.1942, c.192 (C.39:4-128.1).

27 Any recorded image or information produced in connection with
28 a school bus monitoring system pertaining to a specific violation
29 shall not be retained for more than 60 days after the collection of
30 any fine imposed, and shall be purged. All recorded images and
31 information collected and not resulting in the issuance of a
32 summons shall be purged within 95 days of the recording.

33 c. Except as provided in subsection d. of this section, the
34 owner of a motor vehicle shall be liable for a summons issued for a
35 violation of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-
36 128.1) as evidenced by a recorded image captured by a school bus
37 monitoring system installed and used in accordance with P.L. ,
38 c. (C.) (pending before the Legislature as this bill).

39 d. A lessor or owner of a motor vehicle shall not be liable for a
40 summons issued pursuant to this section if:

41 (1) the lessor demonstrates that the motor vehicle was used
42 without the lessor's express or implied consent. The lessor shall
43 notify the clerk of the court where the case is pending by a
44 notarized affidavit of the circumstances of the exception by
45 providing the name and address of the motor vehicle operator or
46 registrant;

47 (2) the lessee was operating or in possession of the motor
48 vehicle at the time of the alleged violation of subsection a. of

1 section 1 of P.L.1942, c.192 (C.39:4-128.1). The lessor at the time
2 of the offense shall notify the clerk of the court where the case is
3 pending by a notarized affidavit of the circumstances of the
4 exception by providing the name and address of the lessee, after
5 which the lessor shall not be required to attend any hearing for the
6 offense unless directed by the court; or

7 (3) the owner, lessor, or lessee demonstrates that the motor
8 vehicle was stolen at the time the violation occurred. The owner or
9 lessee shall notify the clerk of the court where the case is pending
10 by a notarized affidavit of the circumstances of the exception by
11 providing a copy of the police report regarding the theft of the
12 motor vehicle.

13 Any notarized affidavit submitted pursuant to this subsection
14 shall be in a form prescribed by the Administrative Director of the
15 Courts.

16 e. An owner or lessor of a motor vehicle who pays any fine or
17 fee for a violation issued in connection with a recorded image
18 captured by a school bus monitoring system shall have the right to
19 recover that sum from the operator of the motor vehicle in a court
20 of competent jurisdiction.

21
22 6. (New section) a. The Commissioner of Education, the
23 Superintendent of State Police, and the Chief Administrator of the
24 New Jersey Motor Vehicle Commission shall adopt, pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), rules and regulations to effectuate the purposes of this act,
27 including, but not limited to, specifications and certification
28 procedures for the school bus monitoring systems and devices that
29 may be installed under the provisions of this act.

30 b. The Supreme Court of New Jersey may adopt Rules of Court
31 as appropriate or necessary to effectuate the purposes of this act.

32
33 7. This act shall take effect on the first day of the seventh
34 month next following enactment, but the Commissioner of
35 Education, the Superintendent of State Police, and the Chief
36 Administrator of the New Jersey Motor Vehicle Commission may
37 take any anticipatory administrative action in advance of that date
38 as shall be necessary for the implementation of this act.

39
40

41 STATEMENT

42
43 This bill authorizes the use of a school bus monitoring system to
44 enforce section 1 of P.L.1942, c.192 (C.39:4-128.1), the State law
45 governing passing a school bus. A school bus monitoring system is
46 defined as a system meeting certain requirements set forth in the
47 bill and having at least one camera and computer that captures and

1 records a digital video or image of any motor vehicle operating near
2 a school bus.

3 Under current law, school buses are required to exhibit flashing
4 red lights when the bus has stopped for the purpose of receiving or
5 discharging any person with a developmental disability or child.
6 Drivers of vehicles approaching or overtaking the school bus are
7 required to stop at least 25 feet from a school bus that has activated
8 its flashing lights. The law also provides that the bus driver is not
9 permitted to start the bus or discontinue the flashing lights until
10 every person who has alighted from the bus has reached a place of
11 safety.

12 Under the bill, a fine of between \$300 and \$500 would be
13 imposed on a person who passes a school bus in violation of current
14 law, as evidenced by the recorded images captured by a school bus
15 monitoring system. Under these circumstances, any fine imposed
16 and collected for this violation would be forwarded to the financial
17 officer of the municipality in which the violation occurred and used
18 for general municipal and school district purposes, including efforts
19 to improve the monitoring and enforcement of this law through the
20 utilization of a school bus monitoring system and other public
21 education safety programs.

22 The bill authorizes a municipality or school district operating or
23 providing Type I or Type II school buses that transport students to
24 contract with a private vendor to provide for the installation,
25 operation, and maintenance of a school bus monitoring system for
26 enforcement purposes. A school bus monitoring system would have
27 to be capable of capturing and producing a record of any occurrence
28 that may be considered illegal passing of a school bus, and include
29 in that recorded image:

- 30 (1) if the school bus is exhibiting its flashing light;
31 (2) if a motor vehicle passes a school bus;
32 (3) the license plate, make, and model of the violating vehicle;
33 and
34 (4) the date, time, and location of the violation.

35 Any violation captured in a recorded image produced by a school
36 bus monitoring system would be forwarded to the chief law
37 enforcement officer of the municipality in which the violation
38 occurred. A law enforcement officer would issue a summons within
39 90 days of determining that a violation occurred. No summons may
40 be issued for a violation occurring more than 90 days from date of
41 the violation.

42 The bill provides that any recorded image or information
43 produced in connection with a school bus monitoring system is not
44 a public record under New Jersey's "Open Public Records Act," is
45 not discoverable as a public record except upon a subpoena issued
46 by a grand jury or a court order in a criminal matter, and will not be
47 offered into evidence in any civil or administrative proceeding
48 unless directly related to illegally passing a school bus.

1 Recorded images or information produced in connection with a
2 school bus monitoring system pertaining to a specific violation are
3 not to be retained for more than 60 days after the collection of any
4 fine imposed, and are then to be purged. All recorded images and
5 information collected but not resulting in the issuance of a
6 summons are to be purged within 95 days of the recording.

7 The owner of a motor vehicle would be liable for a summons for
8 illegally passing a school bus. A lessor or owner would not be
9 liable if:

10 (1) the lessor demonstrates that the vehicle was used without the
11 lessor's express or implied consent, and provides the name and
12 address of the vehicle operator or registrant;

13 (2) the lessee was operating or in possession of the vehicle at
14 the time of the violation and the lessor provides the name and
15 address of the lessee; or

16 (3) the owner, lessor, or lessee demonstrates that the vehicle was
17 stolen at the time the violation occurred and provides a copy of the
18 police report regarding the vehicle theft.