

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3798**

# **STATE OF NEW JERSEY**

DATED: JUNE 1, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3798 (1R).

This bill authorizes the use of a school bus monitoring system to enforce section 1 of P.L.1942, c.192 (C.39:4-128.1), the State law governing passing a school bus. A school bus monitoring system is defined as a system meeting certain requirements set forth in the bill and having at least one camera and computer that captures and records a digital video or image of any motor vehicle operating near a school bus.

Under current law, school buses are required to exhibit flashing red lights when the bus has stopped for the purpose of receiving or discharging any person with a developmental disability or a child. Drivers of vehicles approaching or overtaking the school bus are required to stop at least 25 feet from a school bus that has activated its flashing lights. The penalty for violating this law, for a first offense, is: 1) a fine of no less than \$100; 2) imprisonment for no more than 15 days or community service; or 3) both. For subsequent offenses, the penalty is: 1) a fine of no less than \$250; 2) imprisonment for no less than 15 days; or 3) both. This bill provides that the penalty for violating the law, when the violation is not evidenced by the recorded images captured by a school bus monitoring system, would be: 1) a fine of \$250; 2) 15 days of community service; or 3) both, in the case of a first offense. For each subsequent offense, the penalty would be a fine of \$500 and no less than 15 days of community service.

Under the bill, a civil penalty of \$250 would be imposed on a person who passes a school bus in violation of current law if the violation is evidenced by the recorded images captured by a school bus monitoring system. Under these circumstances, any civil penalty imposed and collected for this violation is to be forwarded to the financial officer of the municipality in which the violation occurred and used for general municipal and school district purposes, including efforts to improve the monitoring and enforcement of this law through the utilization of a school bus monitoring system and other public education safety programs. A violation that is evidenced by the recorded images captured by a school bus monitoring system would

not result in penalty points or automobile insurance eligibility points being assessed on the violator.

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

- if the school bus is exhibiting its flashing light;
- if a motor vehicle passes a school bus;
- the license plate, make, and model of the violating vehicle; and
- the date, time, and location of the violation.

The bill requires any violation captured in a recorded image produced by a school bus monitoring system to be made available to the chief law enforcement officer of the municipality in which the violation occurred. A law enforcement officer is to issue a summons within 90 days of determining that a violation occurred. A summons may not be issued for a violation occurring more than 90 days from date of the violation.

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

The bill provides that recorded images or information produced in connection with a school bus monitoring system pertaining to a specific violation are not to be retained for more than 60 days after the collection of any civil penalty imposed, and are then to be purged. All recorded images and information collected but not resulting in the issuance of a summons are to be purged within 95 days of the recording.

The bill provides that the owner of a motor vehicle is liable for a summons for illegally passing a school bus as evidenced by a recorded image captured by a school bus monitoring system. However, a lessor or owner of a motor vehicle is not liable for a summons if:

- the lessor demonstrates that the vehicle was used without the lessor's express or implied consent, and provides the name and address of the vehicle operator or registrant;
- the lessee was operating or in possession of the vehicle at the time of the violation and the lessor provides the name and address of the lessee; or

-- the owner, lessor, or lessee demonstrates that the vehicle was stolen at the time the violation occurred and provides a copy of the police report regarding the vehicle theft.

The bill permits the Commissioner of Education, the Superintendent of State Police, and the Chief Administrator of the New Jersey Motor Vehicle Commission to adopt rules and regulations to effectuate the purposes of the bill, including specifications and certification procedures for the school bus monitoring systems and devices that may be installed. The bill also permits the Supreme Court of New Jersey to adopt Rules of Court as appropriate or necessary to effectuate the purposes of the substitute.

The bill will take effect on the first day of the seventh month next following enactment, but permits the Commissioner of Education, the Superintendent of State Police, and the Chief Administrator of the New Jersey Motor Vehicle Commission to take anticipatory administrative actions in advance of the bill's effective date.

As reported, this bill is identical to Senate Bill No. 211 (SCS/1R), as also reported by the committee.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) concludes that the bill could result in indeterminate expenditure increases to the State, municipal governments, and school districts that have established school bus video monitoring programs. Increases may be incurred by municipalities or school districts that already operate monitoring systems not in compliance with the bill's minimum monitoring system standards. The State and municipal law enforcement agencies may experience increased expenditures related to the requirement that images of violations be forwarded to the municipal police department, or to the Division of State Police for review. Law enforcement agencies would be required to issue any summons within 90 days of the violation.

In addition, counties, municipal governments, and school districts may experience indeterminate revenue gains from increased fines for improperly passing a school bus, and from a new \$250 civil penalty imposed when improperly passing a school bus is proven by evidence obtained by the school bus monitoring system. For first offenses, the bill increases fines for improperly passing a school bus from no less than \$100 to a fixed fine of \$250. For subsequent offenses, the bill increases the fine from no less than \$250 to a fixed fine of \$500. New civil penalty collections are required to be forwarded to the municipality in which the violation occurred and used for general municipal and school district purposes. These revenue impacts might not be significant in amount.