

# SENATE, No. 211

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Senators Beach, Allen, Madden and Bateman**

**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.



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.

**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 A digital analog or camera system may be used as part of a  
2 school bus monitoring system provided the violation images are  
3 captured by such camera system, or a multiple camera system,  
4 producing a recorded color image of the following:

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

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

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

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

29 The chief law enforcement officer shall assign a law enforcement  
30 official of the municipality to review the recorded images produced  
31 by the school bus monitoring system. In conducting the review, the  
32 law enforcement official shall determine whether there is sufficient  
33 evidence to conclude that a violation of section 1 of P.L.1942, c.192  
34 (C.39:4-128.1) occurred and shall issue, within 90 days from the  
35 date on which the violation occurred, a summons where it is  
36 deemed appropriate. A summons issued pursuant to this section  
37 shall be served by a law enforcement official in accordance with the  
38 Rules of Court. The recorded images produced by the school bus  
39 monitoring system shall be available for the use of any law  
40 enforcement official for the purposes of discharging the official's  
41 enforcement duties under section 1 of P.L.1942, c.192  
42 (C.39:4:128.1).

43 Any recorded image or information produced in connection with  
44 a school bus monitoring system pertaining to a specific violation  
45 shall be purged and not retained later than 60 days after the  
46 collection of any fine or penalty. If a law enforcement official does  
47 not issue a summons based on the recorded images provided by a  
48 school bus monitoring system within 90 days, all recorded images

1 and information collected pertaining to that alleged violation shall  
2 be purged within three days.

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

13 c. The owner of a motor vehicle who is a lessor shall not be  
14 liable for a summons issued pursuant to this act when the motor  
15 vehicle is under the control or in the possession of the lessee, if  
16 upon notice of a violation of section 1 of P.L.1942, c.192 (C.39:4-  
17 128.1), the owner of the motor vehicle which was leased at the time  
18 of the offense notifies the clerk of the court where the case is  
19 pending by an affidavit. The affidavit shall set forth the name and  
20 address of the lessee and shall be in a form prescribed by the  
21 Director of the Administrative Office of the Courts.

22 After providing the name and address of the lessee, the owner  
23 shall not be required to attend any hearing for the offense, unless  
24 otherwise notified by the court.  
25

26 5. (New section) A recorded image captured by a school bus  
27 monitoring system shall be deemed sufficient proof of a violation of  
28 section 1 of P.L.1942, c.192 (C.39:4-128.1).  
29

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

41 7. Section 1 of P.L.1942, 192 (C.39:4-128.1) is amended to  
42 read as follows:

43 1. a. On highways having roadways not divided by safety  
44 islands or physical traffic separation installations, the driver of a  
45 vehicle approaching or overtaking a bus, which is being used for the  
46 transportation of children to or from school or a summer day camp  
47 or any school connected activity, or which is being used for the  
48 transportation of a person who has a developmental disability, and

1 which has stopped for the purpose of receiving or discharging any  
2 child or a person who has a developmental disability, shall stop  
3 such vehicle not less than 25 feet from such school bus and keep  
4 such vehicle stationary until such child or person who has a  
5 developmental disability has entered said bus or has alighted and  
6 reached the side of such highway and until a flashing red light is no  
7 longer exhibited by the bus; provided, such bus is designated as a  
8 school bus by one sign on the front and one sign on the rear, with  
9 each letter on such signs at least four inches in height.

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

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

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

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

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

44 The driver of a bus which is being used for the transportation of  
45 children to or from school or a summer day camp or any school  
46 connected activity, or for the transportation of a person who has a  
47 developmental disability shall continue to exhibit a flashing red

1 light and shall not start his bus until every child who may have  
2 alighted therefrom shall have reached a place of safety.

3 Any person who shall violate any provision of this act shall be  
4 subject to ~~[(1)]~~ a fine of not less than ~~[\$100.00,~~ (2) imprisonment  
5 for not more than 15 days or community service for 15 days in such  
6 form and on such terms as the court shall deem appropriate, (3) or  
7 both for the first offense, and a fine not less than \$250.00,  
8 imprisonment for not more than 15 days, or both for each  
9 subsequent offense] \$300 or more than \$500 and be assessed,  
10 pursuant to the provisions of P.L.1982, c.43 (C.39:5-30.5) five  
11 penalty points. The penalties shall be enforced and recovered  
12 pursuant to the provisions of chapter 5 of Title 39 of the Revised  
13 Statutes. There shall be a rebuttable presumption that the registered  
14 owner of the vehicle which was involved in the violation of this  
15 section was the person who committed the act. Any person who  
16 suppresses, by way of concealment or destruction, any evidence of a  
17 violation of this section or who suppresses the identity of the  
18 violator shall be subject to a fine of \$100.

19 Notwithstanding any provisions of R.S.39:5-41 to the contrary,  
20 in any municipality where the municipality or school district has  
21 contracted with a private vendor for the installation, operation, and  
22 maintenance of a school bus monitoring system pursuant to P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill) to assist  
24 in the enforcement of section 1 of P.L.1942, c.192 (C.39:4-128.1),  
25 all fines, penalties, and forfeitures imposed and collected for a  
26 violation of section 1 of P.L.1942, c.192 (C.39:4-128.1) that are  
27 based upon the recorded images provided by that school bus  
28 monitoring system shall be forwarded by the person to whom they  
29 have been paid to the financial officer of that municipality and used  
30 for general municipal and school district purposes, including efforts  
31 to improve the monitoring and enforcement of violations of section  
32 1 of P.L.1942, c.192 (C.39:4-128.1) through the utilization of  
33 school bus monitoring systems and the provision of associated  
34 public education safety programs.

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

44 b. Whenever the municipal prosecutor makes or agrees to a  
45 negotiated plea for a violation of section 1 of P.L.1942, c.192  
46 (C.39:4-128.1), based upon the recorded images provided by a  
47 school bus monitoring system pursuant to the provisions of P.L. ,  
48 c. (C. ) (pending before the Legislature as this bill), the court,

1 in addition to any fine, fee or other charge imposed pursuant to law,  
2 shall assess a surcharge of \$300, which shall be collected by the  
3 court and paid to the financial officer of the municipality wherein  
4 the violation occurred and used for general municipal and school  
5 district purposes, including efforts to improve the monitoring and  
6 enforcement of violations of section 1 of P.L.1942, c.192 (C.39:4-  
7 128.1) through the utilization of school bus monitoring systems and  
8 the provision of associated public education safety programs.

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

10  
11 8. Sections 1 through 5 of this act shall take effect on the first  
12 day of the seventh month following enactment; section 6 shall take  
13 effect immediately.

14  
15  
16 STATEMENT

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

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

29 Except in cases where the owner of the motor vehicle which  
30 unlawfully passed a school bus is a lessor, the owner and operator of  
31 the vehicle will be jointly liable for the summons, unless the owner  
32 can establish that the vehicle was used without his consent.

33 The bill provides that a recorded image captured by a school bus  
34 monitoring system will be deemed sufficient proof of a violation of the  
35 law prohibiting motor vehicles from passing a school bus.

36 The bill also amends section 1 of P.L.1942, c.192 (C.39:4-128.1)  
37 to upgrade the penalties for the unlawful passing of a school bus. The  
38 upgraded penalties provide that violators will be subject to a fine of  
39 not less than \$300 or more than \$500, and be assessed five penalty  
40 points.

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

**S211 HOLZAPFEL, WHELAN**

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