

ASSEMBLY, No. 5226

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Assemblywoman AURA K. DUNN

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

1 15 days in such form and on such terms as the court shall deem
2 appropriate, (3) or both for the first offense, and a fine not less than
3 **【\$250.00】** \$250 , imprisonment for not more than 15 days, or both
4 for each subsequent offense. The penalties shall be enforced and
5 recovered pursuant to the provisions of chapter 5 of Title 39 of the
6 Revised Statutes. There shall be a rebuttable presumption that the
7 registered owner of the vehicle which was involved in the violation
8 of this section was the person who committed the act. Any person
9 who suppresses, by way of concealment or destruction, any
10 evidence of a violation of this section or who suppresses the
11 identity of the 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.
25
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27 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.