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ASSEMBLY, No. 4135

STATE OF NEW JERSEY

218th LEGISLATURE

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SYNOPSIS
Concerns use of digital parking meters to monitor parking compliance; establishes fund to encourage designated drivers.

CURRENT VERSION OF TEXT
As amended by the General Assembly on September 27, 2018.

AN ACT concerning electronic parking compliance devices and supplementing Title 39 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in this act, "digital parking meter or other electronic parking compliance device" or "meter or device" means a parking meter or other electronic device that is installed in a fixed location to electronically monitor compliance with metered parking spaces using sensors, video, and photo capture capabilities. The term shall not include a digital handheld parking citation writer used by a law enforcement or parking code enforcement officer to facilitate the issuance of a complaint-summons after the officer personally observes a violation and subsequently electronically processes the complaint-summons through a State or local court automated system.

2. A State, county, or municipal department, board, bureau, commission, or agency, or a parking authority may use a digital parking meter or other electronic parking compliance device in accordance with the provisions of this act to monitor parking compliance within its jurisdiction.

   a. A digital parking meter or other electronic parking compliance device may be used to alert a law enforcement or parking code enforcement officer of a parking violation. Any complaint-summons for a parking violation that may be issued by an officer receiving an alert from a meter or device shall comply with the provisions of "The Parking Offenses Adjudication Act," P.L. 1985, c.14 (C.39:4-139.2 et seq.).

   b. A digital parking meter or other electronic parking compliance device shall not electronically process, issue, or serve upon an owner or operator of a motor vehicle a complaint-summons for a parking violation or interface with a State or local court automated system to process, issue, or serve a complaint-summons for a parking violation unless the:

      (1) violation identified by the meter or device is reviewed and issued by an official authorized to issue violations in accordance with statutory law and the Rules of Court prior to the service of the complaint-summons in accordance with the Parking Offenses Adjudication Act, P.L. 1985, c.14 (C.39:4-139.2 et seq.);

      (2) meter or device can produce evidence of the violation, including the time the motor vehicle entered the parking space, the time the violation occurred, and a photograph of the vehicle and the license plate number, which can be provided to the defendant with the complaint-summons;

      (3) meter or device can produce evidence of the violation necessary to prosecute the complaint-summons;

      (4) meter or device provides a minimum three minute grace period determined by the municipality, but which shall be a minimum of five minutes commencing when the vehicle enters the parking space and a minimum of five minutes commencing upon the expiration of the time on the meter, during which an expired meter violation shall not be recorded; and

      (5) parking violation based on a photo, video, and other information generated by the meter or device complies with rules and procedures established by the Administrative Office of the Courts.

   c. There shall be integrated into the digital parking meter or other electronic parking compliance device an open application programing interface (API) allowing the owner or operator of the motor vehicle to use a mobile application on a smartphone or tablet to:

      (1) pay meter or device fees;

      (2) receive advanced notice of the expiration of the time on a meter or device; and

      (3) replenish the time on the meter or device to the maximum allowable.

   d. During the initial 30 days of the operation of a meter or device, a warning notice shall be issued to the violator in lieu of a complaint-summons.

   e. A digital parking meter or other electronic parking compliance device capable of capturing a digital photograph or video shall not be installed or engineered for the sole purpose of taking a photograph or video of any occupant of a motor vehicle.

   f. A digital parking meter or other electronic parking compliance device shall not be used to enforce any parking space alignment violations.
g. Prominently displayed on or affixed to each digital parking meter or other electronic device via signs, stickers, electronic display, or other method shall be:

(1) notice that the parking fee may be paid through use of a mobile application on a smartphone or tablet as provided in paragraph (1) of subsection c. of this section; and

(2) a reference to information on how to download a mobile application for this purpose.

3. A $2 surcharge shall be added to the amount of each fine imposed and collected by a court resulting from the use of a digital parking meter or other electronic parking compliance device pursuant to the provisions of subsection b. of section 2 of this act. The $2 surcharge shall be forwarded by the court to the State Treasurer. The State Treasurer annually shall deposit these moneys in the "Designated Driver Fund to Prevent Drunk Driving Fatalities" established in section 4 of this act.

4. a. There is created in the Division of Highway Traffic Safety in the Department of Law and Public Safety a separate, nonlapsing, dedicated account to be known as the "Designated Drivers to Prevent Drunk Driving Fatalities Fund." All surcharges imposed and collected for parking violations pursuant to section 3 of this act shall be forwarded to the State Treasurer for deposit in the "Designated Drivers to Prevent Drunk Driving Fatalities Fund" account. The fund shall be administered by the Division of Highway Traffic Safety in the Department of Law and Public Safety.

b. Moneys in the account shall be exclusively used for the following purposes:

(1) to establish a public awareness campaign to prevent drunk driving fatalities and injuries by promoting the use of designated drivers in this State; the campaign shall include the use of advertising through billboards, cable television, social media, print media, public relations articles, and any other appropriate means through contracts and grants with qualified vendors and non-profit organizations; and

(2) to provide grants for the purposes of promoting designated driving; the purposes for which the grants may be used include, but are not limited to, sponsoring special community events, serving free non-alcoholic beverages to designated drivers, promoting student-produced video messages, distributing window decals and bumper stickers, and collecting designated driver pledges in partnership with schools and colleges, law enforcement, bars and taverns, and professional sports teams and stadiums.

5. This act shall take effect on the first day of the seventh month next following enactment, but the Director of the Division of Highway Traffic Safety may take any anticipatory action necessary to implement the provisions of this act.