

ASSEMBLY, No. 1432

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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SYNOPSIS

Authorizes use of school bus monitoring systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/19/2024)

A1432 KARABINCHAK, STANLEY

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】 the** school bus and keep **【such】 the**
31 vehicle 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】** \$250, (2) **【imprisonment for not**
27 **more than 15 days or】** community service for not more than 15 days
28 **in 【such】** the form and on **【such】** terms as the court shall deem
29 appropriate, (3) or both for the first offense, and a fine **【not less**
30 **than \$250.00, imprisonment】** of \$500 and community service for
31 not **【more】** less than 15 days **【, or both】** in the form and on the
32 terms as the court shall deem appropriate for each subsequent
33 offense. The penalties shall be enforced and recovered pursuant to
34 the provisions of chapter 5 of Title 39 of the Revised Statutes.
35 There shall be a rebuttable presumption that the registered owner of
36 the vehicle which was involved in the violation of this section was
37 the person who committed the act. Any person who suppresses, by
38 way of concealment or destruction, any evidence of a violation of
39 this section or who suppresses the identity of the violator shall be
40 subject to a fine of \$100.

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47 **【such】** a license which has been revoked, or to grant a new license

1 to any person whose license to drive a motor vehicle shall have
2 been revoked pursuant to this act.

3 c. Notwithstanding any provision of this section to the
4 contrary, a person who violates any provision of subsection a. of
5 this section where the evidence of the violation is captured by a
6 school bus monitoring system administered pursuant to section 4 of
7 P.L. , c. (C.) (pending before the Legislature as this bill),
8 shall be subject solely to a civil penalty of \$250, which shall be
9 collected in a summary proceeding pursuant to the “Penalty
10 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
11 A person found liable shall not be assessed any penalty points
12 pursuant to the provisions of section 1 of P.L.1982, c.43
13 (C.39:5-30.5), and shall not be subject to automobile insurance
14 eligibility points pursuant to section 26 of P.L.1990, c.8
15 (C.17:33B-14). Notwithstanding any provisions of R.S.39:5-41 to
16 the contrary, wherever a municipality or school district installs,
17 operates, and maintains a school bus monitoring system, or
18 contracts with a private vendor for a system and those services, any
19 civil penalty imposed and collected pursuant to this subsection that
20 is based upon recorded images captured by the school bus
21 monitoring system shall be forwarded to the financial officer of that
22 municipality and used for general municipal and school district
23 purposes, including efforts to improve the monitoring and
24 enforcement of subsection a. of this section through the utilization
25 of a school bus monitoring system and other public education safety
26 programs. There shall be a rebuttable presumption that the
27 registered owner of the vehicle which was involved in the violation
28 of this section was the operator of the vehicle at the time the
29 violation occurred. A person who suppresses, by way of
30 concealment or destruction, any evidence of a violation of this
31 section or who suppresses the identity of the violator shall be
32 subject to a fine of \$100.

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

34

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

36 a. Motorists who illegally pass a school bus that is stopped to
37 pick up or discharge children dramatically increase the likelihood of
38 accidents that endanger the safety and well-being of bus riding
39 children.

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

44 c. It is altogether fitting and proper, and within the public
45 interest, to authorize a program to permit municipalities and school
46 districts operating or providing Type I or Type II school buses that
47 transport students to contract with private vendors to provide for the
48 installation, operation, and maintenance of school bus monitoring

1 systems on school buses in order to assist in the enforcement of
2 section 1 of P.L.1942, c.192 (C.39:4-128.1).

3

4 3. (New section) As used in P.L. , c. (C.) (pending
5 before the Legislature as this bill):

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

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

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

15 “School district” means a local school district, regional school
16 district, consolidated school district, county vocational school
17 district, jointure commission, county special services school
18 district, or educational services commission.

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

21

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

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

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

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

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

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

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

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

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

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

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

8
9 5. (New section) a. If a school district or municipality enters
10 into a contract with a private vendor to provide for the installation,
11 operation, and maintenance of a school bus monitoring system
12 pursuant to section 4 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), a recorded image of a suspected violation
14 of subsection a. of section 1 of P.L.1942, c.192 (C.39:4-128.1)
15 captured by a school bus monitoring system shall be made available
16 to the chief law enforcement officer of the municipality in which
17 the violation occurred.

18 Each chief law enforcement officer shall assign a law
19 enforcement officer of the municipality to review the recorded
20 images of a suspected violation of subsection a. of section 1 of
21 P.L.1942, c.192 (C.39:4-128.1) made available by any school bus
22 monitoring system. In conducting the review, the law enforcement
23 officer shall determine whether there is sufficient evidence to
24 conclude that a violation of subsection a. of section 1 of P.L.1942,
25 c.192 (C.39:4-128.1) occurred and shall issue, within 90 days of the
26 date on which the violation occurred, a summons if appropriate. A
27 summons shall not be issued for a violation occurring more than 90
28 days from the date of the violation.

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

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

45 Any recorded image or information produced in connection with
46 a school bus monitoring system pertaining to a specific violation
47 shall not be retained for more than 60 days after the collection of
48 any civil penalty imposed, and shall be purged. All recorded

1 images and information collected and not resulting in the issuance
2 of a summons shall be purged within 95 days of the recording.

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

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

11 (1) the lessor demonstrates that the motor vehicle was used
12 without the lessor's express or implied consent. The lessor shall
13 notify the clerk of the court where the case is pending by a
14 notarized affidavit of the circumstances of the exception by
15 providing the name and address of the motor vehicle operator or
16 registrant;

17 (2) the lessee was operating or in possession of the motor
18 vehicle at the time of the alleged violation of subsection a. of
19 section 1 of P.L.1942, c.192 (C.39:4-128.1). The lessor at the time
20 of the offense shall notify the clerk of the court where the case is
21 pending by a notarized affidavit of the circumstances of the
22 exception by providing the name and address of the lessee, after
23 which the lessor shall not be required to attend any hearing for the
24 offense unless directed by the court; or

25 (3) the owner, lessor, or lessee demonstrates that the motor
26 vehicle was stolen at the time the violation occurred. The owner or
27 lessee shall notify the clerk of the court where the case is pending
28 by a notarized affidavit of the circumstances of the exception by
29 providing a copy of the police report regarding the theft of the
30 motor vehicle.

31 Any notarized affidavit submitted pursuant to this subsection
32 shall be in a form prescribed by the Administrative Director of the
33 Courts.

34 e. An owner or lessor of a motor vehicle who pays any civil
35 penalty or fee for a violation issued in connection with a recorded
36 image captured by a school bus monitoring system shall have the
37 right to recover that sum from the operator of the motor vehicle in a
38 court of competent jurisdiction.

39
40 6. (New section) a. The Commissioner of Education and the
41 Superintendent of State Police shall adopt, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), rules and regulations to effectuate the purposes of this act,
44 including, but not limited to, specifications and certification
45 procedures for the school bus monitoring systems and devices that
46 may be installed under the provisions of this act.

47 b. The Chief Administrator of the New Jersey Motor Vehicle
48 Commission may adopt, as appropriate or necessary, pursuant to the

1 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
2 seq.), rules and regulations to effectuate the purposes of this act,
3 including, but not limited to, specifications and certification
4 procedures for the school bus monitoring systems and devices that
5 may be installed under the provisions of this act.

6 c. The Supreme Court of New Jersey may adopt Rules of Court
7 as appropriate or necessary to effectuate the purposes of this act.

8
9 7. This act shall take effect on the first day of the seventh
10 month next following enactment, but the Commissioner of
11 Education, the Superintendent of State Police, and the Chief
12 Administrator of the New Jersey Motor Vehicle Commission may
13 take any anticipatory administrative action in advance of that date
14 as shall be necessary for the implementation of this act.

15
16
17 STATEMENT

18
19 This bill authorizes the use of a school bus monitoring system to
20 enforce section 1 of P.L.1942, c.192 (C.39:4-128.1), the State law
21 governing passing a school bus. A school bus monitoring system is
22 defined as a system meeting certain requirements set forth in the bill
23 and having at least one camera and computer that captures and records
24 a digital video or image of any motor vehicle operating near a school
25 bus.

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

41 Under the bill, a civil penalty of \$250 would be imposed on a
42 person who passes a school bus in violation of current law if the
43 violation is evidenced by the recorded images captured by a school bus
44 monitoring system. Under these circumstances, any civil penalty
45 imposed and collected for this violation is to be forwarded to the
46 financial officer of the municipality in which the violation occurred
47 and used for general municipal and school district purposes, including
48 efforts to improve the monitoring and enforcement of this law through

1 the utilization of a school bus monitoring system and other public
2 education safety programs. A violation that is evidenced by the
3 recorded images captured by a school bus monitoring system would
4 not result in penalty points or automobile insurance eligibility points
5 being assessed on the violator.

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

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

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

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

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

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

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

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

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

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