

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 55, *approved May 8, 2023*
Assembly, No. 4935 (*First Reprint*)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:4-131 is amended to read as follows:

8 39:4-131. The ¹**【commission】** Department of Transportation¹
9 shall prepare and supply to police departments and other suitable
10 agencies, forms for accident reports calling for sufficiently detailed
11 information with reference to a motor vehicle accident, including the
12 cause, the conditions then existing, the persons and vehicles involved,
13 the compliance with P.L.1984, c.179 (C.39:3-76.2e et seq.) by the
14 operators and passengers of the vehicles involved in the accident,
15 whether the operator of the vehicle was using a cellular telephone
16 when the accident occurred, and such other information as the ¹**【chief**
17 **administrator】** Commissioner of Transportation¹ may require.

18 Every law enforcement officer who investigates a vehicle accident
19 of which report must be made as required in this Title, or who
20 otherwise prepares a written or an electronic report as a result of an
21 accident or thereafter by interviewing the participants or witnesses,
22 shall **【forward a written】** electronically transmit ¹**【an electronic】** a¹
23 report of such accident to the ¹**【commission】** department¹, on forms
24 furnished by **【it】** ¹**it**¹ and in the electronic format prescribed by the
25 ¹**【commission】** department¹, within five days after **【his】** the law
26 enforcement officer's investigation of the accident.

27 Such written or electronic reports required to be **【forwarded】**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and under
31 supervision, to inspect and copy such reports and shall also have the
32 right in person to purchase copies of the reports at the same fee
33 established by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of
34 reports are requested other than in person, an additional fee of up to
35 **【\$5.00】** \$5 may be added to cover the administrative costs of the
36 report. Upon request, a police department shall send an accident
37 report to a person through the mail or via fax **【as defined in section 2**
38 **of P.L.1976, c.23 (C.19:59-2)】**. The police department may require
39 the person requesting the report to provide a completed request form
40 and the appropriate fee prior to faxing or mailing the report. The

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted December 8, 2022.

1 police department shall provide the person requesting the report with
2 the option of submitting the form and providing the appropriate fee
3 either in person, through the mail, or via fax [as defined in section 2 of
4 P.L.1976, c.23 (C.19:59-2)].

5 The provisions of any other law or regulation to the contrary
6 notwithstanding, reports obtained pursuant to this act shall not be
7 subject to confidentiality requirements except as provided by section
8 28 of P.L.1960, c.52 (C.2A:84A-28).

9 When a motor vehicle accident results in the death or
10 incapacitation of the driver or any passenger, the law enforcement
11 officer responsible for notifying the next of kin that their relative is
12 deceased or incapacitated, also shall inform the relative, in writing,
13 how to obtain a copy of the accident report required by this section and
14 the name, address, and telephone number of the person storing the
15 motor vehicle pursuant to section 1 of P.L.1964, c.81 (C.39:10A-1).

16 The New Jersey Department of Transportation shall adopt,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), rules and regulations to require law enforcement
19 officers to electronically transmit crash reports required to be prepared
20 pursuant to this section.

21 (cf: P.L.2010, c.75, s.2)

22

23 2. This act shall take effect immediately.

24

25

26

27

28 _____
Concerns electronic transmission of crash reports.

ASSEMBLY, No. 4935

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

SYNOPSIS

Concerns electronic transmission of crash reports.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2022)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3

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

6

7 1. R.S. 39:4-131 is amended to read as follows:

8 39:4-131. The commission shall prepare and supply to police
9 departments and other suitable agencies, forms for accident reports
10 calling for sufficiently detailed information with reference to a
11 motor vehicle accident, including the cause, the conditions then
12 existing, the persons and vehicles involved, the compliance with
13 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
14 passengers of the vehicles involved in the accident, whether the
15 operator of the vehicle was using a cellular telephone when the
16 accident occurred, and such other information as the chief
17 administrator may require.

18 Every law enforcement officer who investigates a vehicle
19 accident of which report must be made as required in this Title, or
20 who otherwise prepares a written or an electronic report as a result
21 of an accident or thereafter by interviewing the participants or
22 witnesses, shall **[forward a written]** electronically transmit an
23 electronic report of such accident to the commission, on forms
24 furnished by **[it]** and in the electronic format prescribed by the
25 commission, within five days after **[his]** the law enforcement
26 officer's investigation of the accident.

27 Such written or electronic reports required to be **[forwarded]**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and
31 under supervision, to inspect and copy such reports and shall also
32 have the right in person to purchase copies of the reports at the
33 same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5).
34 If copies of reports are requested other than in person, an additional
35 fee of up to **[\$5.00]** \$5 may be added to cover the administrative
36 costs of the report. Upon request, a police department shall send an
37 accident report to a person through the mail or via fax **[as defined**
38 **in section 2 of P.L.1976, c.23 (C.19:59-2)]**. The police department
39 may require the person requesting the report to provide a completed
40 request form and the appropriate fee prior to faxing or mailing the
41 report. The police department shall provide the person requesting
42 the report with the option of submitting the form and providing the
43 appropriate fee either in person, through the mail, or via fax **[as**
44 **defined in section 2 of P.L.1976, c.23 (C.19:59-2)]**.

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 The provisions of any other law or regulation to the contrary
2 notwithstanding, reports obtained pursuant to this act shall not be
3 subject to confidentiality requirements except as provided by
4 section 28 of P.L.1960, c.52 (C.2A:84A-28).

5 When a motor vehicle accident results in the death or
6 incapacitation of the driver or any passenger, the law enforcement
7 officer responsible for notifying the next of kin that their relative is
8 deceased or incapacitated, also shall inform the relative, in writing,
9 how to obtain a copy of the accident report required by this section
10 and the name, address, and telephone number of the person storing
11 the motor vehicle pursuant to section 1 of P.L.1964, c.81
12 (C.39:10A-1).

13 The New Jersey Department of Transportation shall adopt,
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations to require law
16 enforcement officers to electronically transmit crash reports
17 required to be prepared pursuant to this section.

18 (cf: P.L.2010, c.75, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill requires crash reports to be transmitted electronically
26 and requires the Department of Transportation (department) to
27 adopt rules and regulations to require the electronic transmission of
28 crash reports. Under current law, law enforcement agencies are
29 required to submit crash reports, which are sent to the department.
30 These crash reports are often handwritten. According to an audit
31 report issued by the Office of the State Auditor of the Department
32 of Transportation, Bureau of Transportation Data, and Support
33 Crash Records Unit processing paper or digitally scanned reports is
34 labor intensive and cost the department \$2.2 million in the 2019
35 calendar year. This bill implements a recommendation made in the
36 audit report to provide the department with statutory authority to
37 implement new regulations requiring the electronic transmission of
38 crash reports.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4935

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2022

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 4935.

As amended and reported, this bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require the Department of Transportation, rather than the New Jersey Motor Vehicle Commission, to administer crash reports, including preparing and supplying police departments and agencies with crash report forms and receiving such crash reports;
- provide that the Commissioner of Transportation, rather than the Chief Administrator of the New Jersey Motor Vehicle Commission, may require additional information to be included in crash reports;
- clarify that all crash reports, whether written or electronic, are to be reported electronically to the department in the electronic format prescribed by the department; and
- provide that the department, rather than the commission, is required to prescribe the electronic format for the submission of crash reports.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4935

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4935 (1R).

This bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

As reported by the committee, Assembly Bill No. 4935 (1R) is identical to Senate Bill No. 3335 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.

By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.

The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4935

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 27, 2023

SUMMARY

- Synopsis:** Concerns electronic transmission of crash reports.
- Type of Impact:** Decrease in annual State expenditures; indeterminate impact on local expenditures.
- Agencies Affected:** Department of Transportation, New Jersey Motor Vehicle Commission, and law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Expenditure Decrease	Approximately \$2.2 million
Local Expenditures	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.
- By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.
- The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

BILL DESCRIPTION

This bill provides that the Department of Transportation would be responsible for the collection of motor vehicle accident reports. The bill also requires law enforcement agencies to electronically transmit all accident reports to the department. The department would also be required to adopt rules and regulations to effectuate the electronic transmission of these reports.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. As noted below, the bill would also impact the expenditures of local law enforcement agencies depending on the manner in which each agency processes and electronically transmits its motor vehicle accident reports.

Under current law, the New Jersey Motor Vehicle Commission is required to supply law enforcement agencies with the forms necessary to document motor vehicle accidents. After a law enforcement agency investigates a motor vehicle accident, the agency is required to prepare a written report of the accident using the forms supplied by the commission and forward the written report to the commission. Under current practice, the department is responsible for collecting accident reports from State and local law enforcement agencies. Under this bill, all accident reports would be forwarded to the department using forms developed by the department. Importantly, law enforcement agencies would also be required to electronically transmit all accident reports to the department using an electronic format prescribed by the department.

Impact on State Expenditure

This bill is expected to impact State expenditures associated with the processing of motor accident reports by: (1) transferring the responsibility for performing these functions from the commission to the department; and (2) requiring each accident report to be submitted and processed through electronic means. As mentioned, the OLS notes that the department already oversees a Crash Records Unit within the Bureau of Transportation Data and Support, which unit is currently responsible for collecting motor vehicle accident reports from law enforcement agencies. Because the department already possesses substantial experience in performing these functions, the transfer of administrative responsibility is not expected to impact total State expenditures.

Importantly, the electronic processing of motor vehicle accident reports is expected to reduce annual State expenditure by approximately \$2.2 million due to the elimination of certain contracted labor. According to an audit report completed by the Office of the State Auditor on the operations of the Crash Records Unit, which report was submitted on September 28, 2022, the State Auditor noted that the processing of written accident reports is labor-intensive and time-consuming. Specifically, the audit report stated that “[a]fter the unit manually sorts the crash reports received, they are sent to a state contract vendor ... [who] converts the data to an electronic format and scans the paper crash reports to create a digital image. These services cost the department \$2.2 million

in calendar year 2019.” Based on this finding, the OLS determines that the electronic transmittal of motor vehicle accident reports would eliminate the need for a contracted vendor to convert written accident reports into electronic form, which contracted labor currently costs roughly \$2.2 million per year.

Additionally, the State Auditor’s report also noted that the department launched the New Jersey Crash Records Portal in July 2021 to enable law enforcement agencies to submit electronic accident reports, free of charge, to the department. Accordingly, the department is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform to effectuate the requirements of the bill.

Impact on Local Expenditure

Subject to any rules and regulations that may be adopted by the department, a local law enforcement agency may satisfy the requirement to electronically transmit motor vehicle accident reports by: (1) continuing to prepare handwritten accident reports and converting these reports into an electronic form for transmittal to the department; or (2) preparing only electronic accident reports and transmitting these reports to the department.

Depending on the manner in which these accident reports are prepared and transmitted, the fiscal impact of the bill may vary by law enforcement agency. For example, the bill may result in marginal, short-term cost increases for any local law enforcement agency that currently does not submit electronic accident reports. However, for any law enforcement agency that already prepares or submits electronic accident reports, the bill would not be expected to increase expenditures. For context, the State Auditor’s report indicated that as of March 31, 2022, 18 of 536 law enforcement agencies submitted accident reports through the New Jersey Crash Records Portal.

Additionally, the OLS notes that law enforcement agencies that exclusively prepare and transmit electronic accident reports may experience annual expenditure decreases due to the elimination of labor costs associated with the conversion of handwritten reports into electronic form. However, without knowing how many law enforcement agencies will elect to implement this practice, the OLS is unable to predict the magnitude of these potential cost savings.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Pezzulo
Senior Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3335

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 14, 2022

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Concerns electronic transmission of crash reports.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/1/2022)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3

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

6

7 1. R.S.39:4-131 is amended to read as follows:

8 39:4-131. The commission shall prepare and supply to police
9 departments and other suitable agencies, forms for accident reports
10 calling for sufficiently detailed information with reference to a
11 motor vehicle accident, including the cause, the conditions then
12 existing, the persons and vehicles involved, the compliance with
13 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
14 passengers of the vehicles involved in the accident, whether the
15 operator of the vehicle was using a cellular telephone when the
16 accident occurred, and such other information as the chief
17 administrator may require.

18 Every law enforcement officer who investigates a vehicle
19 accident of which report must be made as required in this Title, or
20 who otherwise prepares a written or an electronic report as a result
21 of an accident or thereafter by interviewing the participants or
22 witnesses, shall **forward a written** electronically transmit an
23 electronic report of such accident to the commission, on forms
24 furnished by **it** and in the electronic format prescribed by the
25 commission, within five days after **his** the law enforcement
26 officer's investigation of the accident.

27 Such written or electronic reports required to be **forwarded**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and
31 under supervision, to inspect and copy such reports and shall also
32 have the right in person to purchase copies of the reports at the
33 same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5).
34 If copies of reports are requested other than in person, an additional
35 fee of up to **[\$5.00]** \$5 may be added to cover the administrative
36 costs of the report. Upon request, a police department shall send an
37 accident report to a person through the mail or via fax **as defined**
38 **in section 2 of P.L.1976, c.23 (C.19:59-2)**. The police department
39 may require the person requesting the report to provide a completed
40 request form and the appropriate fee prior to faxing or mailing the
41 report. The police department shall provide the person requesting
42 the report with the option of submitting the form and providing the
43 appropriate fee either in person, through the mail, or via fax **as**
44 **defined in section 2 of P.L.1976, c.23 (C.19:59-2)**.

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 The provisions of any other law or regulation to the contrary
2 notwithstanding, reports obtained pursuant to this act shall not be
3 subject to confidentiality requirements except as provided by
4 section 28 of P.L.1960, c.52 (C.2A:84A-28).

5 When a motor vehicle accident results in the death or
6 incapacitation of the driver or any passenger, the law enforcement
7 officer responsible for notifying the next of kin that their relative is
8 deceased or incapacitated, also shall inform the relative, in writing,
9 how to obtain a copy of the accident report required by this section
10 and the name, address, and telephone number of the person storing
11 the motor vehicle pursuant to section 1 of P.L.1964, c.81
12 (C.39:10A-1).

13 The New Jersey Department of Transportation shall adopt,
14 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations to require law
16 enforcement officers to electronically transmit crash reports
17 required to be prepared pursuant to this section.

18 (cf: P.L.2010, c.75, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill requires crash reports to be transmitted electronically
26 and requires the Department of Transportation (department) to
27 adopt rules and regulations to require the electronic transmission of
28 crash reports. Under current law, law enforcement agencies are
29 required to submit crash reports, which are sent to the department.
30 These crash reports are often handwritten. According to an audit
31 report issued by the Office of the State Auditor of the Department
32 of Transportation, Bureau of Transportation Data, and Support
33 Crash Records Unit processing paper or digitally scanned reports is
34 labor intensive and cost the department \$2.2 million in the 2019
35 calendar year. This bill implements a recommendation made in the
36 audit report to provide the department with statutory authority to
37 implement new regulations requiring the electronic transmission of
38 crash reports.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3335

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 12, 2023

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3335.

As amended and reported, this bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

The committee amended the bill to:

- require the department, rather than the New Jersey Motor Vehicle Commission (commission), to administer crash reports, including preparing and supplying police departments and agencies with crash report forms and receiving such crash reports;
- provide that the Commissioner of Transportation, rather than the chief administrator of the commission, may require additional information to be included in crash reports;
- clarify that all crash reports, whether written or electronic, are to be reported electronically to the department in the electronic format prescribed by the department; and
- provide that the department, rather than the commission, is required to prescribe the electronic format for the submission of crash reports.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3335

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3335 (1R).

This bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

As reported by the committee, Senate Bill No. 3335 (1R) is identical to Assembly Bill No. 4935 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.

By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.

The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3335 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 27, 2023

SUMMARY

- Synopsis:** Concerns electronic transmission of crash reports.
- Type of Impact:** Decrease in annual State expenditures; indeterminate impact on local expenditures.
- Agencies Affected:** Department of Transportation, New Jersey Motor Vehicle Commission, and law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Expenditure Decrease	Approximately \$2.2 million
Local Expenditures	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.
- By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.
- The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

BILL DESCRIPTION

This bill provides that the Department of Transportation would be responsible for the collection of motor vehicle accident reports. The bill also requires law enforcement agencies to electronically transmit all accident reports to the department. The department would also be required to adopt rules and regulations to effectuate the electronic transmission of these reports.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. As noted below, the bill would also impact the expenditures of local law enforcement agencies depending on the manner in which each agency processes and electronically transmits its motor vehicle accident reports.

Under current law, the New Jersey Motor Vehicle Commission is required to supply law enforcement agencies with the forms necessary to document motor vehicle accidents. After a law enforcement agency investigates a motor vehicle accident, the agency is required to prepare a written report of the accident using the forms supplied by the commission and forward the written report to the commission. Under current practice, the department is responsible for collecting accident reports from State and local law enforcement agencies. Under this bill, all accident reports would be forwarded to the department using forms developed by the department. Importantly, law enforcement agencies would also be required to electronically transmit all accident reports to the department using an electronic format prescribed by the department.

Impact on State Expenditure

This bill is expected to impact State expenditures associated with the processing of motor accident reports by: (1) transferring the responsibility for performing these functions from the commission to the department; and (2) requiring each accident report to be submitted and processed through electronic means. As mentioned, the OLS notes that the department already oversees a Crash Records Unit within the Bureau of Transportation Data and Support, which unit is currently responsible for collecting motor vehicle accident reports from law enforcement agencies. Because the department already possesses substantial experience in performing these functions, the transfer of administrative responsibility is not expected to impact total State expenditures.

Importantly, the electronic processing of motor vehicle accident reports is expected to reduce annual State expenditure by approximately \$2.2 million due to the elimination of certain contracted labor. According to an audit report completed by the Office of the State Auditor on the operations of the Crash Records Unit, which report was submitted on September 28, 2022, the State Auditor noted that the processing of written accident reports is labor-intensive and time-consuming. Specifically, the audit report stated that “[a]fter the unit manually sorts the crash reports received, they are sent to a state contract vendor ... [who] converts the data to an electronic format and scans the paper crash reports to create a digital image. These services cost the department \$2.2 million

in calendar year 2019.” Based on this finding, the OLS determines that the electronic transmittal of motor vehicle accident reports would eliminate the need for a contracted vendor to convert written accident reports into electronic form, which contracted labor currently costs roughly \$2.2 million per year.

Additionally, the State Auditor’s report also noted that the department launched the New Jersey Crash Records Portal in July 2021 to enable law enforcement agencies to submit electronic accident reports, free of charge, to the department. Accordingly, the department is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform to effectuate the requirements of the bill.

Impact on Local Expenditure

Subject to any rules and regulations that may be adopted by the department, a local law enforcement agency may satisfy the requirement to electronically transmit motor vehicle accident reports by: (1) continuing to prepare handwritten accident reports and converting these reports into an electronic form for transmittal to the department; or (2) preparing only electronic accident reports and transmitting these reports to the department.

Depending on the manner in which these accident reports are prepared and transmitted, the fiscal impact of the bill may vary by law enforcement agency. For example, the bill may result in marginal, short-term cost increases for any local law enforcement agency that currently does not submit electronic accident reports. However, for any law enforcement agency that already prepares or submits electronic accident reports, the bill would not be expected to increase expenditures. For context, the State Auditor’s report indicated that as of March 31, 2022, 18 of 536 law enforcement agencies submitted accident reports through the New Jersey Crash Records Portal.

Additionally, the OLS notes that law enforcement agencies that exclusively prepare and transmit electronic accident reports may experience annual expenditure decreases due to the elimination of labor costs associated with the conversion of handwritten reports into electronic form. However, without knowing how many law enforcement agencies will elect to implement this practice, the OLS is unable to predict the magnitude of these potential cost savings.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Pezzulo
Senior Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

05/8/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

- S-142/A-4341 (Diegnan, Pou/Freiman, Moriarty, Mosquera)** - Modernizes business filing statutes to include entity conversion and domestication
- S-435/A-392 (Smith, Greenstein/Danielsen)** - Authorizes certain local authorities to distribute live recordings of certain public hearings in lieu of transcript requirement
- S-660/A-2438 (Oroho, Gopal/Wirths, DeAngelo, Space)** - Establishes that "100 percent Disabled Veterans" are not required to submit to MVC certain documentation to renew park privileges
- S-1033/A-2682 (Vitale, Ruiz/Mukherji, Benson, McKnight)** - Establishes "Alzheimer's and Dementia Care Long-Term Advisory Commission" in DHS
- S-2396/A-3810 (Madden, Zwicker/Moen, Mosquera, Danielsen)** - Provides for oversight and improvement of administration of unemployment compensation
- S-2423/A-3746 (Pou/McKeon, Calabrese)** - Allows local government deferred compensation plans to invest in collective investment trusts
- A-179/S-752 (Carter, Moen, Sumter/Lagana, Greenstein)** - Requires DEP to make certain information regarding water purveyors available on its Internet website
- A-1463/S-1810 (Lopez, Speight, McKnight/Ruiz, Singleton)** - Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to v
- A-1791/S-3306 (DeAngelo, Verrelli, McKnight/Turner, Greenstein)** - Establishes "Career and Technical Education Scholar Awards" to annually recognize outstanding career and technical education students
- A-3494/S-2381 (Dancer, Moriarty, Haider/Diegnan)** - Allows license plate frame to obscure certain parts of permanent or temporary license plate under certain conditions
- A-3946/S-340 (Quijano, Calabrese, Carter/Singleton, Turner)** - Decouples State tax provisions from federal prohibition on cannabis business deductions
- A-4132/S-3426 (Stanley, Jaffer, Atkins/Cruz-Perez, Turner)** - Establishes NJ Agricultural Literacy Week
- A-4184/S-2827 (Tully/Greenstein, Turner)** - Requires DCA to allow hiring of information technology and cybersecurity professionals pursuant to shared service incentive programs
- ACS for A-4756/S-3262 (Spearman, Wimberly, Reynolds-Jackson/Burgess, Ruiz)** - Requires Division of Children's System of Care to establish training program for employees of emergency shelters for homeless
- A-4836/S-3417 (Speight, Atkins, Wimberly/Greenstein, Stanfield)** - Requires Office of Emergency Management to incorporate into State Emergency Operations Plan framework to address cybersecurity incidents
- A-4935/S-3335 (Benson, Spearman, Haider/Johnson, Diegnan)** - Concerns electronic transmission of crash reports
- Governor Murphy conditionally vetoed the following bill:
- S-3110/A-4783 (Smith, Codey/McKeon, Kennedy, Chaparro) - CONDITIONAL** - Requires sellers of real property and landlords to make certain notifications regarding flooding

P.L. 2023, CHAPTER 55, *approved May 8, 2023*
Assembly, No. 4935 (*First Reprint*)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:4-131 is amended to read as follows:

8 39:4-131. The ¹**【commission】** Department of Transportation¹
9 shall prepare and supply to police departments and other suitable
10 agencies, forms for accident reports calling for sufficiently detailed
11 information with reference to a motor vehicle accident, including the
12 cause, the conditions then existing, the persons and vehicles involved,
13 the compliance with P.L.1984, c.179 (C.39:3-76.2e et seq.) by the
14 operators and passengers of the vehicles involved in the accident,
15 whether the operator of the vehicle was using a cellular telephone
16 when the accident occurred, and such other information as the ¹**【chief**
17 **administrator】** Commissioner of Transportation¹ may require.

18 Every law enforcement officer who investigates a vehicle accident
19 of which report must be made as required in this Title, or who
20 otherwise prepares a written or an electronic report as a result of an
21 accident or thereafter by interviewing the participants or witnesses,
22 shall **【forward a written】** electronically transmit ¹**【an electronic】** a¹
23 report of such accident to the ¹**【commission】** department¹, on forms
24 furnished by **【it】** ¹**it**¹ and in the electronic format prescribed by the
25 ¹**【commission】** department¹, within five days after **【his】** the law
26 enforcement officer's investigation of the accident.

27 Such written or electronic reports required to be **【forwarded】**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and under
31 supervision, to inspect and copy such reports and shall also have the
32 right in person to purchase copies of the reports at the same fee
33 established by section 6 of P.L.2001, c.404 (C.47:1A-5). If copies of
34 reports are requested other than in person, an additional fee of up to
35 **【\$5.00】** \$5 may be added to cover the administrative costs of the
36 report. Upon request, a police department shall send an accident
37 report to a person through the mail or via fax **【as defined in section 2**
38 **of P.L.1976, c.23 (C.19:59-2)】**. The police department may require
39 the person requesting the report to provide a completed request form
40 and the appropriate fee prior to faxing or mailing the report. The

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted December 8, 2022.

1 police department shall provide the person requesting the report with
2 the option of submitting the form and providing the appropriate fee
3 either in person, through the mail, or via fax [as defined in section 2 of
4 P.L.1976, c.23 (C.19:59-2)].

5 The provisions of any other law or regulation to the contrary
6 notwithstanding, reports obtained pursuant to this act shall not be
7 subject to confidentiality requirements except as provided by section
8 28 of P.L.1960, c.52 (C.2A:84A-28).

9 When a motor vehicle accident results in the death or
10 incapacitation of the driver or any passenger, the law enforcement
11 officer responsible for notifying the next of kin that their relative is
12 deceased or incapacitated, also shall inform the relative, in writing,
13 how to obtain a copy of the accident report required by this section and
14 the name, address, and telephone number of the person storing the
15 motor vehicle pursuant to section 1 of P.L.1964, c.81 (C.39:10A-1).

16 The New Jersey Department of Transportation shall adopt,
17 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
18 (C.52:14B-1 et seq.), rules and regulations to require law enforcement
19 officers to electronically transmit crash reports required to be prepared
20 pursuant to this section.

21 (cf: P.L.2010, c.75, s.2)

22

23 2. This act shall take effect immediately.

24

25

26

27

28 _____
Concerns electronic transmission of crash reports.

ASSEMBLY, No. 4935

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

SYNOPSIS

Concerns electronic transmission of crash reports.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2022)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3

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

6

7 1. R.S. 39:4-131 is amended to read as follows:

8 39:4-131. The commission shall prepare and supply to police
9 departments and other suitable agencies, forms for accident reports
10 calling for sufficiently detailed information with reference to a
11 motor vehicle accident, including the cause, the conditions then
12 existing, the persons and vehicles involved, the compliance with
13 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
14 passengers of the vehicles involved in the accident, whether the
15 operator of the vehicle was using a cellular telephone when the
16 accident occurred, and such other information as the chief
17 administrator may require.

18 Every law enforcement officer who investigates a vehicle
19 accident of which report must be made as required in this Title, or
20 who otherwise prepares a written or an electronic report as a result
21 of an accident or thereafter by interviewing the participants or
22 witnesses, shall **[forward a written]** electronically transmit an
23 electronic report of such accident to the commission, on forms
24 furnished by **[it]** and in the electronic format prescribed by the
25 commission, within five days after **[his]** the law enforcement
26 officer's investigation of the accident.

27 Such written or electronic reports required to be **[forwarded]**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and
31 under supervision, to inspect and copy such reports and shall also
32 have the right in person to purchase copies of the reports at the
33 same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5).
34 If copies of reports are requested other than in person, an additional
35 fee of up to **[\$5.00]** \$5 may be added to cover the administrative
36 costs of the report. Upon request, a police department shall send an
37 accident report to a person through the mail or via fax **[as defined**
38 **in section 2 of P.L.1976, c.23 (C.19:59-2)]**. The police department
39 may require the person requesting the report to provide a completed
40 request form and the appropriate fee prior to faxing or mailing the
41 report. The police department shall provide the person requesting
42 the report with the option of submitting the form and providing the
43 appropriate fee either in person, through the mail, or via fax **[as**
44 **defined in section 2 of P.L.1976, c.23 (C.19:59-2)]**.

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 The provisions of any other law or regulation to the contrary
2 notwithstanding, reports obtained pursuant to this act shall not be
3 subject to confidentiality requirements except as provided by
4 section 28 of P.L.1960, c.52 (C.2A:84A-28).

5 When a motor vehicle accident results in the death or
6 incapacitation of the driver or any passenger, the law enforcement
7 officer responsible for notifying the next of kin that their relative is
8 deceased or incapacitated, also shall inform the relative, in writing,
9 how to obtain a copy of the accident report required by this section
10 and the name, address, and telephone number of the person storing
11 the motor vehicle pursuant to section 1 of P.L.1964, c.81
12 (C.39:10A-1).

13 The New Jersey Department of Transportation shall adopt,
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations to require law
16 enforcement officers to electronically transmit crash reports
17 required to be prepared pursuant to this section.

18 (cf: P.L.2010, c.75, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill requires crash reports to be transmitted electronically
26 and requires the Department of Transportation (department) to
27 adopt rules and regulations to require the electronic transmission of
28 crash reports. Under current law, law enforcement agencies are
29 required to submit crash reports, which are sent to the department.
30 These crash reports are often handwritten. According to an audit
31 report issued by the Office of the State Auditor of the Department
32 of Transportation, Bureau of Transportation Data, and Support
33 Crash Records Unit processing paper or digitally scanned reports is
34 labor intensive and cost the department \$2.2 million in the 2019
35 calendar year. This bill implements a recommendation made in the
36 audit report to provide the department with statutory authority to
37 implement new regulations requiring the electronic transmission of
38 crash reports.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4935

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2022

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 4935.

As amended and reported, this bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require the Department of Transportation, rather than the New Jersey Motor Vehicle Commission, to administer crash reports, including preparing and supplying police departments and agencies with crash report forms and receiving such crash reports;
- provide that the Commissioner of Transportation, rather than the Chief Administrator of the New Jersey Motor Vehicle Commission, may require additional information to be included in crash reports;
- clarify that all crash reports, whether written or electronic, are to be reported electronically to the department in the electronic format prescribed by the department; and
- provide that the department, rather than the commission, is required to prescribe the electronic format for the submission of crash reports.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4935

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4935 (1R).

This bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

As reported by the committee, Assembly Bill No. 4935 (1R) is identical to Senate Bill No. 3335 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.

By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.

The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4935

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 27, 2023

SUMMARY

- Synopsis:** Concerns electronic transmission of crash reports.
- Type of Impact:** Decrease in annual State expenditures; indeterminate impact on local expenditures.
- Agencies Affected:** Department of Transportation, New Jersey Motor Vehicle Commission, and law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Expenditure Decrease	Approximately \$2.2 million
Local Expenditures	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.
- By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.
- The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

BILL DESCRIPTION

This bill provides that the Department of Transportation would be responsible for the collection of motor vehicle accident reports. The bill also requires law enforcement agencies to electronically transmit all accident reports to the department. The department would also be required to adopt rules and regulations to effectuate the electronic transmission of these reports.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. As noted below, the bill would also impact the expenditures of local law enforcement agencies depending on the manner in which each agency processes and electronically transmits its motor vehicle accident reports.

Under current law, the New Jersey Motor Vehicle Commission is required to supply law enforcement agencies with the forms necessary to document motor vehicle accidents. After a law enforcement agency investigates a motor vehicle accident, the agency is required to prepare a written report of the accident using the forms supplied by the commission and forward the written report to the commission. Under current practice, the department is responsible for collecting accident reports from State and local law enforcement agencies. Under this bill, all accident reports would be forwarded to the department using forms developed by the department. Importantly, law enforcement agencies would also be required to electronically transmit all accident reports to the department using an electronic format prescribed by the department.

Impact on State Expenditure

This bill is expected to impact State expenditures associated with the processing of motor accident reports by: (1) transferring the responsibility for performing these functions from the commission to the department; and (2) requiring each accident report to be submitted and processed through electronic means. As mentioned, the OLS notes that the department already oversees a Crash Records Unit within the Bureau of Transportation Data and Support, which unit is currently responsible for collecting motor vehicle accident reports from law enforcement agencies. Because the department already possesses substantial experience in performing these functions, the transfer of administrative responsibility is not expected to impact total State expenditures.

Importantly, the electronic processing of motor vehicle accident reports is expected to reduce annual State expenditure by approximately \$2.2 million due to the elimination of certain contracted labor. According to an audit report completed by the Office of the State Auditor on the operations of the Crash Records Unit, which report was submitted on September 28, 2022, the State Auditor noted that the processing of written accident reports is labor-intensive and time-consuming. Specifically, the audit report stated that “[a]fter the unit manually sorts the crash reports received, they are sent to a state contract vendor ... [who] converts the data to an electronic format and scans the paper crash reports to create a digital image. These services cost the department \$2.2 million

in calendar year 2019.” Based on this finding, the OLS determines that the electronic transmittal of motor vehicle accident reports would eliminate the need for a contracted vendor to convert written accident reports into electronic form, which contracted labor currently costs roughly \$2.2 million per year.

Additionally, the State Auditor’s report also noted that the department launched the New Jersey Crash Records Portal in July 2021 to enable law enforcement agencies to submit electronic accident reports, free of charge, to the department. Accordingly, the department is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform to effectuate the requirements of the bill.

Impact on Local Expenditure

Subject to any rules and regulations that may be adopted by the department, a local law enforcement agency may satisfy the requirement to electronically transmit motor vehicle accident reports by: (1) continuing to prepare handwritten accident reports and converting these reports into an electronic form for transmittal to the department; or (2) preparing only electronic accident reports and transmitting these reports to the department.

Depending on the manner in which these accident reports are prepared and transmitted, the fiscal impact of the bill may vary by law enforcement agency. For example, the bill may result in marginal, short-term cost increases for any local law enforcement agency that currently does not submit electronic accident reports. However, for any law enforcement agency that already prepares or submits electronic accident reports, the bill would not be expected to increase expenditures. For context, the State Auditor’s report indicated that as of March 31, 2022, 18 of 536 law enforcement agencies submitted accident reports through the New Jersey Crash Records Portal.

Additionally, the OLS notes that law enforcement agencies that exclusively prepare and transmit electronic accident reports may experience annual expenditure decreases due to the elimination of labor costs associated with the conversion of handwritten reports into electronic form. However, without knowing how many law enforcement agencies will elect to implement this practice, the OLS is unable to predict the magnitude of these potential cost savings.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Pezzulo
Senior Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3335

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 14, 2022

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Concerns electronic transmission of crash reports.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/1/2022)

1 AN ACT requiring electronic transmission of crash reports and
2 amending R.S.39:4-131.

3

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

6

7 1. R.S.39:4-131 is amended to read as follows:

8 39:4-131. The commission shall prepare and supply to police
9 departments and other suitable agencies, forms for accident reports
10 calling for sufficiently detailed information with reference to a
11 motor vehicle accident, including the cause, the conditions then
12 existing, the persons and vehicles involved, the compliance with
13 P.L.1984, c.179 (C.39:3-76.2e et seq.) by the operators and
14 passengers of the vehicles involved in the accident, whether the
15 operator of the vehicle was using a cellular telephone when the
16 accident occurred, and such other information as the chief
17 administrator may require.

18 Every law enforcement officer who investigates a vehicle
19 accident of which report must be made as required in this Title, or
20 who otherwise prepares a written or an electronic report as a result
21 of an accident or thereafter by interviewing the participants or
22 witnesses, shall **forward a written** electronically transmit an
23 electronic report of such accident to the commission, on forms
24 furnished by **it** and in the electronic format prescribed by the
25 commission, within five days after **his** the law enforcement
26 officer's investigation of the accident.

27 Such written or electronic reports required to be **forwarded**
28 prepared by law enforcement officers and the information contained
29 therein shall not be privileged or held confidential. Every citizen of
30 this State shall have the right, during regular business hours and
31 under supervision, to inspect and copy such reports and shall also
32 have the right in person to purchase copies of the reports at the
33 same fee established by section 6 of P.L.2001, c.404 (C.47:1A-5).
34 If copies of reports are requested other than in person, an additional
35 fee of up to **[\$5.00]** \$5 may be added to cover the administrative
36 costs of the report. Upon request, a police department shall send an
37 accident report to a person through the mail or via fax **as defined**
38 **in section 2 of P.L.1976, c.23 (C.19:59-2)**. The police department
39 may require the person requesting the report to provide a completed
40 request form and the appropriate fee prior to faxing or mailing the
41 report. The police department shall provide the person requesting
42 the report with the option of submitting the form and providing the
43 appropriate fee either in person, through the mail, or via fax **as**
44 **defined in section 2 of P.L.1976, c.23 (C.19:59-2)**.

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 The provisions of any other law or regulation to the contrary
2 notwithstanding, reports obtained pursuant to this act shall not be
3 subject to confidentiality requirements except as provided by
4 section 28 of P.L.1960, c.52 (C.2A:84A-28).

5 When a motor vehicle accident results in the death or
6 incapacitation of the driver or any passenger, the law enforcement
7 officer responsible for notifying the next of kin that their relative is
8 deceased or incapacitated, also shall inform the relative, in writing,
9 how to obtain a copy of the accident report required by this section
10 and the name, address, and telephone number of the person storing
11 the motor vehicle pursuant to section 1 of P.L.1964, c.81
12 (C.39:10A-1).

13 The New Jersey Department of Transportation shall adopt,
14 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations to require law
16 enforcement officers to electronically transmit crash reports
17 required to be prepared pursuant to this section.

18 (cf: P.L.2010, c.75, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill requires crash reports to be transmitted electronically
26 and requires the Department of Transportation (department) to
27 adopt rules and regulations to require the electronic transmission of
28 crash reports. Under current law, law enforcement agencies are
29 required to submit crash reports, which are sent to the department.
30 These crash reports are often handwritten. According to an audit
31 report issued by the Office of the State Auditor of the Department
32 of Transportation, Bureau of Transportation Data, and Support
33 Crash Records Unit processing paper or digitally scanned reports is
34 labor intensive and cost the department \$2.2 million in the 2019
35 calendar year. This bill implements a recommendation made in the
36 audit report to provide the department with statutory authority to
37 implement new regulations requiring the electronic transmission of
38 crash reports.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3335

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 12, 2023

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3335.

As amended and reported, this bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

The committee amended the bill to:

- require the department, rather than the New Jersey Motor Vehicle Commission (commission), to administer crash reports, including preparing and supplying police departments and agencies with crash report forms and receiving such crash reports;
- provide that the Commissioner of Transportation, rather than the chief administrator of the commission, may require additional information to be included in crash reports;
- clarify that all crash reports, whether written or electronic, are to be reported electronically to the department in the electronic format prescribed by the department; and
- provide that the department, rather than the commission, is required to prescribe the electronic format for the submission of crash reports.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3335

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3335 (1R).

This bill requires crash reports to be transmitted electronically and requires the Department of Transportation (department) to adopt rules and regulations to require the electronic transmission of crash reports. This bill implements a recommendation made in an audit report issued by the Office of the State Auditor to provide the department with statutory authority to implement new regulations requiring the electronic transmission of crash reports.

As reported by the committee, Senate Bill No. 3335 (1R) is identical to Assembly Bill No. 4935 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.

By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.

The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3335 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 27, 2023

SUMMARY

- Synopsis:** Concerns electronic transmission of crash reports.
- Type of Impact:** Decrease in annual State expenditures; indeterminate impact on local expenditures.
- Agencies Affected:** Department of Transportation, New Jersey Motor Vehicle Commission, and law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Expenditure Decrease	Approximately \$2.2 million
Local Expenditures	Indeterminate Impact

- The Office of Legislative Services (OLS) concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. These cost savings would be realized from the elimination of certain contracted labor, which is currently needed to convert handwritten accident reports into electronic form.
- By requiring local law enforcement agencies to electronically transmit accident reports, the bill may result in marginal, short-term cost increases for law enforcement agencies that currently do not submit electronic accident reports. However, the OLS notes that the adoption of electronic reporting by law enforcement agencies may also reduce annual expenditures through the elimination of certain labor costs.
- The Department of Transportation is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform (i.e., the New Jersey Crash Records Portal) to effectuate the electronic transmittal of these reports.

BILL DESCRIPTION

This bill provides that the Department of Transportation would be responsible for the collection of motor vehicle accident reports. The bill also requires law enforcement agencies to electronically transmit all accident reports to the department. The department would also be required to adopt rules and regulations to effectuate the electronic transmission of these reports.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would reduce annual State expenditures associated with the processing of motor vehicle accident reports by approximately \$2.2 million. As noted below, the bill would also impact the expenditures of local law enforcement agencies depending on the manner in which each agency processes and electronically transmits its motor vehicle accident reports.

Under current law, the New Jersey Motor Vehicle Commission is required to supply law enforcement agencies with the forms necessary to document motor vehicle accidents. After a law enforcement agency investigates a motor vehicle accident, the agency is required to prepare a written report of the accident using the forms supplied by the commission and forward the written report to the commission. Under current practice, the department is responsible for collecting accident reports from State and local law enforcement agencies. Under this bill, all accident reports would be forwarded to the department using forms developed by the department. Importantly, law enforcement agencies would also be required to electronically transmit all accident reports to the department using an electronic format prescribed by the department.

Impact on State Expenditure

This bill is expected to impact State expenditures associated with the processing of motor accident reports by: (1) transferring the responsibility for performing these functions from the commission to the department; and (2) requiring each accident report to be submitted and processed through electronic means. As mentioned, the OLS notes that the department already oversees a Crash Records Unit within the Bureau of Transportation Data and Support, which unit is currently responsible for collecting motor vehicle accident reports from law enforcement agencies. Because the department already possesses substantial experience in performing these functions, the transfer of administrative responsibility is not expected to impact total State expenditures.

Importantly, the electronic processing of motor vehicle accident reports is expected to reduce annual State expenditure by approximately \$2.2 million due to the elimination of certain contracted labor. According to an audit report completed by the Office of the State Auditor on the operations of the Crash Records Unit, which report was submitted on September 28, 2022, the State Auditor noted that the processing of written accident reports is labor-intensive and time-consuming. Specifically, the audit report stated that “[a]fter the unit manually sorts the crash reports received, they are sent to a state contract vendor ... [who] converts the data to an electronic format and scans the paper crash reports to create a digital image. These services cost the department \$2.2 million

in calendar year 2019.” Based on this finding, the OLS determines that the electronic transmittal of motor vehicle accident reports would eliminate the need for a contracted vendor to convert written accident reports into electronic form, which contracted labor currently costs roughly \$2.2 million per year.

Additionally, the State Auditor’s report also noted that the department launched the New Jersey Crash Records Portal in July 2021 to enable law enforcement agencies to submit electronic accident reports, free of charge, to the department. Accordingly, the department is not expected to incur increased expenditures associated with the development of an electronic platform because the department has already developed a platform to effectuate the requirements of the bill.

Impact on Local Expenditure

Subject to any rules and regulations that may be adopted by the department, a local law enforcement agency may satisfy the requirement to electronically transmit motor vehicle accident reports by: (1) continuing to prepare handwritten accident reports and converting these reports into an electronic form for transmittal to the department; or (2) preparing only electronic accident reports and transmitting these reports to the department.

Depending on the manner in which these accident reports are prepared and transmitted, the fiscal impact of the bill may vary by law enforcement agency. For example, the bill may result in marginal, short-term cost increases for any local law enforcement agency that currently does not submit electronic accident reports. However, for any law enforcement agency that already prepares or submits electronic accident reports, the bill would not be expected to increase expenditures. For context, the State Auditor’s report indicated that as of March 31, 2022, 18 of 536 law enforcement agencies submitted accident reports through the New Jersey Crash Records Portal.

Additionally, the OLS notes that law enforcement agencies that exclusively prepare and transmit electronic accident reports may experience annual expenditure decreases due to the elimination of labor costs associated with the conversion of handwritten reports into electronic form. However, without knowing how many law enforcement agencies will elect to implement this practice, the OLS is unable to predict the magnitude of these potential cost savings.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Pezzulo
Senior Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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FISCAL ANALYSIS

EXECUTIVE BRANCH

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Importantly, the electronic processing of motor vehicle accident reports is expected to reduce annual State expenditure by approximately \$2.2 million due to the elimination of certain contracted labor. According to an audit report completed by the Office of the State Auditor on the operations of the Crash Records Unit, which report was submitted on September 28, 2022, the State Auditor noted that the processing of written accident reports is labor-intensive and time-consuming. Specifically, the audit report stated that “[a]fter the unit manually sorts the crash reports received, they are sent to a state contract vendor ... [who] converts the data to an electronic format and scans the paper crash reports to create a digital image. These services cost the department \$2.2 million

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Additionally, the OLS notes that law enforcement agencies that exclusively prepare and transmit electronic accident reports may experience annual expenditure decreases due to the elimination of labor costs associated with the conversion of handwritten reports into electronic form. However, without knowing how many law enforcement agencies will elect to implement this practice, the OLS is unable to predict the magnitude of these potential cost savings.

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Governor Murphy Takes Action on Legislation

05/8/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

- S-142/A-4341 (Diegnan, Pou/Freiman, Moriarty, Mosquera)** - Modernizes business filing statutes to include entity conversion and domestication
- S-435/A-392 (Smith, Greenstein/Danielsen)** - Authorizes certain local authorities to distribute live recordings of certain public hearings in lieu of transcript requirement
- S-660/A-2438 (Oroho, Gopal/Wirths, DeAngelo, Space)** - Establishes that "100 percent Disabled Veterans" are not required to submit to MVC certain documentation to renew park privileges
- S-1033/A-2682 (Vitale, Ruiz/Mukherji, Benson, McKnight)** - Establishes "Alzheimer's and Dementia Care Long-Term Advisory Commission" in DHS
- S-2396/A-3810 (Madden, Zwicker/Moen, Mosquera, Danielsen)** - Provides for oversight and improvement of administration of unemployment compensation
- S-2423/A-3746 (Pou/McKeon, Calabrese)** - Allows local government deferred compensation plans to invest in collective investment trusts
- A-179/S-752 (Carter, Moen, Sumter/Lagana, Greenstein)** - Requires DEP to make certain information regarding water purveyors available on its Internet website
- A-1463/S-1810 (Lopez, Speight, McKnight/Ruiz, Singleton)** - Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to v
- A-1791/S-3306 (DeAngelo, Verrelli, McKnight/Turner, Greenstein)** - Establishes "Career and Technical Education Scholar Awards" to annually recognize outstanding career and technical education students
- A-3494/S-2381 (Dancer, Moriarty, Haider/Diegnan)** - Allows license plate frame to obscure certain parts of permanent or temporary license plate under certain conditions
- A-3946/S-340 (Quijano, Calabrese, Carter/Singleton, Turner)** - Decouples State tax provisions from federal prohibition on cannabis business deductions
- A-4132/S-3426 (Stanley, Jaffer, Atkins/Cruz-Perez, Turner)** - Establishes NJ Agricultural Literacy Week
- A-4184/S-2827 (Tully/Greenstein, Turner)** - Requires DCA to allow hiring of information technology and cybersecurity professionals pursuant to shared service incentive programs
- ACS for A-4756/S-3262 (Spearman, Wimberly, Reynolds-Jackson/Burgess, Ruiz)** - Requires Division of Children's System of Care to establish training program for employees of emergency shelters for homeless
- A-4836/S-3417 (Speight, Atkins, Wimberly/Greenstein, Stanfield)** - Requires Office of Emergency Management to incorporate into State Emergency Operations Plan framework to address cybersecurity incidents
- A-4935/S-3335 (Benson, Spearman, Haider/Johnson, Diegnan)** - Concerns electronic transmission of crash reports
- Governor Murphy conditionally vetoed the following bill:
- S-3110/A-4783 (Smith, Codey/McKeon, Kennedy, Chaparro) - CONDITIONAL** - Requires sellers of real property and landlords to make certain notifications regarding flooding