

40A: 9-154.7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:9-154.7 ("Parking Enforcement officers--  
establish position)

LAWS OF: 1987 CHAPTER: 260

Bill No: A4106

Sponsor(s): Farragher and others

Date Introduced: May 21, 1987

Committee: Assembly: Municipal Government  
Senate: -----

Amended during passage: NO

Date of Passage: Assembly: June 25, 1987  
Senate: August 6, 1987

Date of Approval: September 4, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes  
Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 4106

**STATE OF NEW JERSEY**

INTRODUCED MAY 21, 1987

By Assemblywomen FARRAGHER, RANDALL, Assemblymen  
Kamin and Bennett

AN ACT concerning municipal parking enforcement officers and  
supplementing chapter 14 of Title 40A of the New Jersey  
Statutes.

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

1 1. The governing body of any municipality may, as it deems  
2 necessary, appoint parking enforcement officers to enforce State,  
3 county or municipal statutes, resolutions, ordinances or regulations  
4 related to the parking of vehicles within the municipality. A park-  
5 ing enforcement officer possesses the power and authority, in the  
6 manner and to the extent granted by the municipality, to:

7 a. Issue a parking ticket for a parking offense, as those two terms  
8 are defined in the "Parking Offenses Adjudication Act," P. L. 1985,  
9 c. 14 (C. 39:4-139.2 et seq.);

10 b. Serve and execute all process for any parking offense issuing  
11 out of the court in the municipality having jurisdiction over the  
12 complaint; and

13 c. Cause any vehicle parked, stored or abandoned in the munici-  
14 pality in violation of a statute, resolution, ordinance or regulation  
15 to be towed away from the scene of the violation and to collect from  
16 the vehicle owner or the owner's agent, on behalf of the munici-  
17 pality, the costs of the towing and subsequent storage of the  
18 vehicle before surrendering the vehicle to the owner or agent.

1 2. For purposes of this act, "parking enforcement officer" in-  
2 cludes, but is not limited to, such similar titles as "parking control

3 officer" and "parking violation officer" if the appointment, func-  
 4 tions and authority of persons holding these titles are in compliance  
 5 with the provisions of this act. A parking enforcement officer is  
 6 not a special law enforcement officer within the meaning of the  
 7 "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C.  
 8 40A:14-146.8 et seq.) and is not a member of the police force of the  
 9 municipality in which he is employed as a parking enforcement  
 10 officer. No parking enforcement officer may carry or use a firearm  
 11 while on duty. A parking enforcement officer is deemed to be on  
 12 duty while the officer is performing the public safety functions  
 13 enumerated in section 1 of this act and for which the officer is  
 14 receiving compensation, if any, from the municipality at the rates  
 15 or stipends as established by ordinance.

16 A parking enforcement officer is not eligible for membership in  
 17 the Police and Firemen's Retirement System established pursuant  
 18 to P. L. 1944, c. 255 (C. 43:16A-1 et seq.).

1 3. No person may be appointed as a parking enforcement officer  
 2 unless, at a minimum, the person:

3 a. Is a resident of this State during the term of appointment;

4 b. Is able to read, write and speak the English language well and  
 5 intelligently;

6 c. Is of sound mind and in good health;

7 d. Is of good moral character; and

8 e. Has not been convicted of any offense involving dishonesty or  
 9 which would make the person unfit to perform the duties of his  
 10 office.

1 4. a. An applicant for the position of parking enforcement  
 2 officer appointed pursuant to this act shall have fingerprints taken,  
 3 which fingerprints shall be filed with the Division of State Police  
 4 and the Federal Bureau of Investigation.

5 b. Before any parking enforcement officer is appointed pursuant  
 6 to this act, the chief of police or other chief law enforcement officer  
 7 of the municipality shall ascertain the eligibility and qualifications  
 8 of the applicant and report these determinations in writing to the  
 9 appointing authority.

1 5. No person appointed after the effective date of this act may  
 2 commence duties as a parking enforcement officer unless that per-  
 3 son has successfully completed a training course conducted or  
 4 approved by the municipality. The appointing authority may waive  
 5 this training requirement for any person otherwise eligible to be  
 6 appointed as a parking enforcement officer under this act if the  
 7 person possesses substantially equivalent training and background,  
 8 as determined by the chief of police or other chief law enforcement  
 9 officer.

1 6. a. Prior to the commencement of duties, every parking enforce-  
2 ment officer shall be furnished with a uniform which shall clearly  
3 identify the officer's function. The uniform shall include, but not be  
4 limited to, a hat and appropriate badges which shall bear an  
5 identification number or name tag and the name of the municipality  
6 in which the officer is employed. The uniform shall also include an  
7 insignia issued by the municipality which clearly indicates the  
8 officer's status as a parking enforcement officer. The uniform shall  
9 be distinct in color from the uniform of a regular police officer or  
10 special law enforcement officer.

11 b. A municipality shall issue permanent insignia not later than  
12 90 days following its first appointment of a parking enforcement  
13 officer or not later than 90 days following the effective date of this  
14 act for persons designated as parking enforcement officers under  
15 the provisions of section 8 of this act. The municipality may issue  
16 temporary insignia for use prior to the issuance of permanent  
17 insignia.

1 7. The municipality may charge a responsible fee, as determined  
2 by the appointing authority, for uniforms supplied pursuant to  
3 this act, but shall not charge a fee for the costs of required training  
4 or the issuance of a certificate of appointment.

1 8. Except as provided in section 9 of this act, all persons em-  
2 ployed by a municipality, other than regular police officers and  
3 special law enforcement officers, who are performing the functions  
4 enumerated in section 1 of this act on the effective date of this act,  
5 are hereby designated as parking enforcement officers and are  
6 deemed to be governed by the provisions of this act.

1 9. The provisions of this act do not apply to persons appointed  
2 pursuant to subsection (3) (d) of section 22 of P. L. 1948, c. 198  
3 (C. 40:11A-22(3) (d)) who perform under the supervision and  
4 direction of a municipal parking authority.

1 10. This act shall take effect immediately.

---

#### STATEMENT

The purpose of this bill is to authorize the creation of a new municipal position entitled "parking enforcement officer" and to permit municipalities to appoint persons to this title. The primary function of a parking enforcement officer is to enforce State and local parking laws, resolutions, ordinances and regulations and to issue tickets and summonses for violations thereof. A parking enforcement officer would also be able to arrange for the towing of an unlawfully parked car if permitted by municipal ordinance.

Many municipalities have for years employed civilian (i.e., non-police) personnel to enforce parking regulations. Since the enactment of the "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et seq.) there has been considerable confusion on the part of some local officials as to whether these civilian employees are subject to reclassification as special law enforcement officers. Under P. L. 1985, c. 439, special law enforcement officers (formerly special police) may have comprehensive duties and authority related to police work and therefore are required to have more extensive training and experience than is pertinent for the issuance of summonses for parking violations.

The bill makes it clear that parking enforcement officers are not special law enforcement officers within the meaning of P. L. 1985, c. 439, or members of the regular police force. Their functions are strictly delineated and they are not permitted to carry or use a fire-arm while on duty. The bill also establishes appointment and training criteria for parking enforcement officers which are appropriate for the position.

---

#### LOCAL OFFICERS AND EMPLOYEES

Creates the title of "parking enforcement officer" and permits municipalities to appoint persons as such.

---

1 6. a. Prior to the commencement of duties, every parking enforce-  
2 ment officer shall be furnished with a uniform which shall clearly  
3 identify the officer's function. The uniform shall include, but not be  
4 limited to, a hat and appropriate badges which shall bear an  
5 identification number or name tag and the name of the municipality  
6 in which the officer is employed. The uniform shall also include an  
7 insignia issued by the municipality which clearly indicates the  
8 officer's status as a parking enforcement officer. The uniform shall  
9 be distinct in color from the uniform of a regular police officer or  
10 special law enforcement officer.

11 b. A municipality shall issue permanent insignia not later than  
12 90 days following its first appointment of a parking enforcement  
13 officer or not later than 90 days following the effective date of this  
14 act for persons designated as parking enforcement officers under  
15 the provisions of section 8 of this act. The municipality may issue  
16 temporary insignia for use prior to the issuance of permanent  
17 insignia.

1 7. The municipality may charge a reasonable fee, as determined  
2 by the appointing authority, for uniforms supplied pursuant to  
3 this act, but shall not charge a fee for the costs of required training  
4 or the issuance of a certificate of appointment.

1 8. Except as provided in section 9 of this act, all persons em-  
2 ployed by a municipality, other than regular police officers and  
3 special law enforcement officers, who are performing the functions  
4 enumerated in section 1 of this act on the effective date of this act,  
5 are hereby designated as parking enforcement officers and are  
6 deemed to be governed by the provisions of this act.

1 9. The provisions of this act do not apply to persons appointed  
2 pursuant to subsection (3) (d) of section 22 of P. L. 1948, c. 198  
3 (C. 40:11A-22(3) (d)) who perform under the supervision and  
4 direction of a municipal parking authority.

1 10. This act shall take effect immediately.

---

#### STATEMENT

The purpose of this bill is to authorize the creation of a new municipal position entitled "parking enforcement officer" and to permit municipalities to appoint persons to this title. The primary function of a parking enforcement officer is to enforce State and local parking laws, resolutions, ordinances and regulations and to issue tickets and summonses for violations thereof. A parking enforcement officer would also be able to arrange for the towing of an unlawfully parked car if permitted by municipal ordinance.

Many municipalities have for years employed civilian (i.e., non-police) personnel to enforce parking regulations. Since the enactment of the "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et seq.) there has been considerable confusion on the part of some local officials as to whether these civilian employees are subject to reclassification as special law enforcement officers. Under P. L. 1985, c. 439, special law enforcement officers (formerly special police) may have comprehensive duties and authority related to police work and therefore are required to have more extensive training and experience than is pertinent for the issuance of summonses for parking violations.

The bill makes it clear that parking enforcement officers are not special law enforcement officers within the meaning of P. L. 1985, c. 439, or members of the regular police force. Their functions are strictly delineated and they are not permitted to carry or use a firearm while on duty. The bill also establishes appointment and training criteria for parking enforcement officers which are appropriate for the position.

---

#### LOCAL OFFICERS AND EMPLOYEES

Creates the title of "parking enforcement officer" and permits municipalities to appoint persons as such.

---

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4106**

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1987

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 4106.

This bill creates a new municipal position entitled "parking enforcement officer" and permits municipalities to appoint persons to this title. The primary function of a parking enforcement officer is to enforce State and local parking laws, resolutions, ordinances and regulations and to issue tickets and summonses for violations thereof. A parking enforcement officer would also be able to arrange for the towing of an unlawfully parked car if permitted by municipal ordinance.

Many municipalities have for years employed civilian (i.e., non-police) personnel to enforce parking regulations. Since the enactment of the "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et al.) there has been considerable confusion on the part of some local officials as to whether these civilian employees are subject to reclassification as special law enforcement officers. Under P. L. 1985, c. 439, special law enforcement officers (formerly special police) may have comprehensive duties and authority related to police work and therefore are required to have more extensive training and experience than is pertinent for the issuance of summonses for parking violations.

The bill makes it clear that parking enforcement officers are not special law enforcement officers within the meaning of P. L. 1985, c. 439, or members of the regular police force. Their functions are strictly delineated and they are not permitted to carry or use a firearm while on duty. The bill also establishes appointment and training criteria for parking enforcement officers which are appropriate for the position.