

40:11A-22

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 40:11A-22 (Parking Enforcement Officers--  
clarify status and authority)

**LAWS OF:** 1987 **CHAPTER:** 291

**Bill No:** S2255

**Sponsor(s):** Lynch

**Date Introduced:** June 9, 1986

**Committee:** **Assembly:** Independent and Regional Authorities  
**Senate:** Independent authorities

**Amended during passage:** Yes Amendments during passage denoted  
by asterisks.

**Date of Passage:** **Assembly:** September 10, 1987  
**Senate:** October 23, 1986

**Date of Approval:** October 29, 1987

**Following statements are attached if available:**

<b>Sponsor statement:</b>		Yes
<b>Committee statement:</b>	<b>Assembly</b>	Yes
	<b>Senate</b>	Yes
<b>Fiscal Note:</b>		No
<b>Veto Message:</b>		No
<b>Message on Signing:</b>		No
<b>Following were printed:</b>		
<b>Reports:</b>		No
<b>Hearings:</b>		No

291 87  
10-29-87

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**SENATE, No. 2255**

**STATE OF NEW JERSEY**

INTRODUCED JUNE 9, 1986

By Senator LYNCH

Referred to Committee on Independent Authorities

AN ACT authorizing \***[parking authorities to appoint]**\* *the appointment of*\* parking enforcement officers, amending and supplementing P. L. 1948, c. 198 (C. 40:11A-1 et seq.).

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

1 1. Section 22 of P. L. 1948, c. 198 (C. 40:11A-22) is amended  
2 to read as follows:

3 22. (1) The municipality for which a parking authority shall  
4 have been created shall have the power from time to time, by or  
5 pursuant to ordinance duly adopted or by instruments or other  
6 action authorized by such an ordinance and for such period and  
7 upon such terms, with or without consideration, as may be pro-  
8 vided in such ordinance and accepted by the authority:

9 (a) To pledge to the authority, and covenant and agree with  
10 the authority to pay to or on the order of the authority, all or any  
11 part of any funds theretofore or thereafter received by the mu-  
12 nicipality for or with respect to the parking or storage of motor  
13 vehicles, in streets or otherwise, including funds collected in park-  
14 ing meters located in or along streets or otherwise;

15 (b) To sell, lease, lend, donate, grant or convey to the authority,  
16 or permit the authority to use, maintain or operate as part of its  
17 projects or to manage, any parking project or undertaking con-  
18 structed or owned by the municipality, or any meters, equipment  
19 or other real or personal property owned by the municipality,  
20 which may be necessary or useful and convenient for the purposes  
21 of the authority and accepted by the authority;

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted September 15, 1986.

21A (c) To appropriate money for all or any part of the cost of  
21B acquisition or construction of any parking project of the authority  
21C and, in accordance with the limitations and any exceptions thereto  
21D and in the manner or mode of procedure prescribed by the local  
21E bond law, to incur indebtedness, borrow money and issue its  
21F negotiable bonds for the purpose of financing such project and ap-  
21G propriation, and to pay the proceeds of such bonds to the authority;

22 (d) To covenant and agree with the authority to pay to or on  
23 the order of the authority annually or at shorter intervals as a  
24 subsidy for the promotion of its purposes not exceeding such sums  
25 of money as may be stated in such ordinance;

26 (e) To unconditionally guarantee the punctual payment of the  
27 principal of and interest on any bonds of the authority; and

28 (f) Upon authorization by it in accordance with law of the per-  
29 formance of any act or thing which it is empowered by law to  
30 authorize and perform and after appropriation of the moneys (if  
31 any) necessary for such performance, to covenant and agree with  
32 the authority to do and perform such act or thing and as to the  
33 time, manner and other details of its doing and performance.

34 (2) Any guaranty of bonds of an authority made pursuant to  
35 this section shall be evidenced by endorsement thereof on such  
36 bonds, executed in the name of the municipality and on its behalf  
37 by such officer thereof as may be designated in the ordinance autho-  
38 rizing such guaranty, and such municipality shall thereupon and  
39 thereafter be obligated to pay the principal of and interest on said  
40 bonds in the same manner and to the same extent as in the case of  
41 bonds issued by it. Any such guaranty of bonds of the authority  
42 may be made, and any ordinance authorizing such guaranty may  
43 be adopted, notwithstanding any statutory or other debt limita-  
44 tions, including particularly any limitation or requirement under  
45 or pursuant to the local bond law, but the principal amount of  
46 bonds guaranteed pursuant to said ordinance shall be included in  
47 the gross debt of such municipality for the purpose of determining  
48 the indebtedness of such municipality under or pursuant to the  
49 local bond law. The principal amount of bonds guaranteed pur-  
50 suant to said ordinance and included in gross debt shall be de-  
51 ducted and is hereby declared to be and to constitute a deduction  
52 from such gross debt under and for all the purposes of the local  
53 bond law (a) from and after the date of adoption of the ordinance  
54 authorizing such guaranty and until the end of the fifth fiscal year  
55 beginning next thereafter, and (b) in any annual debt statement  
56 filed pursuant to the local bond law as of the end of said fifth fiscal

57 year or any subsequent fiscal year if the municipality shall not  
58 have been required to make any payment in such fiscal year on  
59 account of the principal of or interest on any of the bonds guaran-  
60 teed pursuant to said ordinance.

61 (3) Any contract, covenant or agreement with an authority or  
62 pledge to an authority made by a municipality pursuant to this  
63 section regarding funds received by the municipality for or with  
64 respect to the parking or storage of motor vehicles in streets or  
65 otherwise as referred to in paragraph (1)(a) hereof, whether or  
66 not including funds collected in parking meters in or along streets  
67 or otherwise, may include or be supplemented with provisions, on  
68 such terms as may be authorized on behalf of the municipality and  
69 accepted by the authority, for or with respect to:

70 (a) The acquisition, installation, relocation, maintenance, repair,  
71 replacement, operation and disposition by the authority of all or  
72 any such parking meters in accordance with the applicable law,  
73 ordinances and regulations as to the parking of vehicles in the  
74 municipality;

75 (b) The collection by the authority of all or any funds generated  
76 in all or any such parking meters, and the accounting for, and  
77 deposit, custody, safeguarding, allocation, use, application and  
78 disposition of, any such funds;

79 (c) The enforcement by the authority, on behalf of the munici-  
80 pality or otherwise, of all or any of the applicable law, ordinances  
81 and regulations as to the parking of vehicles in the municipality,  
82 whether upon streets or on lands or other facilities owned or main-  
83 tained by the municipality or the authority or elsewhere;

84 (d) In order to implement such enforcement of applicable law,  
85 ordinances and regulations as aforesaid, the appointment by or on  
86 behalf of the municipality upon designation **["from time to time"]**  
87 *as required* by the authority of persons to serve, **["pursuant to**  
88 **N. J. S. 40A:14-146 but"]** under the supervision and direction of  
89 the authority, as **["special policemen"]** *parking enforcement officers*  
90 of the municipality with full power and authority, in such manner  
91 and to such extent as may be approved on behalf of such mu-  
92 nicipality, (1) to issue summonses for violations of any provision  
93 of said law, ordinances or regulations, (2) to serve and execute  
94 all process with respect to any such violation issuing out of  
95 the police court of the municipality by whatsoever name the same  
96 shall be known, and (3) to cause any vehicle parked, stored or  
97 abandoned in violation of any provision of said law, ordinances or  
98 regulations to be towed away from the scene of such violation and

99 collect from the owner of such vehicle the costs of the towing and  
 100 subsequent storage of said vehicle before surrendering said  
 101 vehicle to such owner; and

102 (e) The allocation and financing of the costs and expense of any  
 103 of the foregoing.

104 (4) Every municipality which shall make any contract, cove-  
 105 nant or agreement with an authority or pledge to an authority  
 106 pursuant to this section is hereby authorized and directed to do  
 107 and perform any and all acts or things necessary, convenient or  
 108 desirable to carry out and perform the same and to provide for the  
 109 payment or discharge of any obligation thereunder in the same  
 110 manner as other obligations of such municipality. Every authority  
 111 is hereby empowered to accept, and make and enter into, any of the  
 112 contracts, covenants, agreements or contractual provisions referred  
 113 to in this section and is hereby authorized and directed to do and  
 114 perform any and all acts and things necessary, convenient or de-  
 115 sirable to carry out and perform the same. Any such contract,  
 116 covenant, agreement, or pledge, and any instrument making or  
 117 evidencing the same, may be pledged or assigned by the authority  
 118 to secure its bonds and thereafter may not be modified except as  
 119 provided by the terms of such instrument or by the terms of such  
 120 pledge or assignment.

1 2. (New section) As used in this act, a parking enforcement of-  
 2 ficer means a person appointed pursuant to this act to exercise  
 3 the power and authority described in paragraph (d) of subsec-  
 4 tion **\*[3]\*** *\*(3)\** of section 22 of P. L. 1948, c. 198 (C. 40:11A-22(3)  
 5 (d)). Parking enforcement officers are not special law enforcement  
 6 officers within the meaning of P. L. 1985, c. 439 (C. 40A:14-146.8  
 7 et al.) and are not members of the police force of the municipality  
 8 for which the parking authority shall have been created. *\*Parking*  
 9 *enforcement officers are not eligible for membership in the Police*  
 10 *and Firemen's Retirement System established pursuant to P. L.*  
 11 *1944, c. 255 (C. 43:16A-1 et seq.)\**

1 3. (New section) No person may be appointed as a parking  
 2 enforcement officer unless 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  
 5 and intelligently;
- 6 c. is *\*of\** sound **\*[in body]\*** *\*mind\** and in good health;
- 7 d. is of good moral character;
- 8 e. has not been convicted of any offense involving dishonesty  
 9 or which would make him unfit to perform the duties of his office.

1 4. (New section) Every applicant for the position of parking  
2 enforcement officer appointed pursuant to this act shall have fin-  
3 gerprints taken, which fingerprints shall be filed with the Division  
4 of State Police and Federal Bureau of Investigation.

1 5. (New section) Before any parking enforcement officer is  
2 appointed pursuant to this act, the chief of police, or, in the  
3 absence of the chief, other chief law enforcement officer of the  
4 \***[local unit]**\* \*municipality\* shall ascertain the eligibility and  
5 qualifications of the applicant and report these determinations  
6 in writing to the appointing \***[parking]**\* authority.

1 6. (New section) No parking enforcement officer may carry a  
2 firearm while engaged in the actual performance of the officer's  
3 official duties. A parking enforcement officer shall be deemed to  
4 be on duty only while the officer is performing the public safety  
5 functions enumerated in paragraph (d) of subsection \***[3]**\* \*(3)\*  
6 of section 22 of P. L. 1948, c. 198 (C. 40:11A-22(3) (d)) on be-  
7 half of a parking authority and when that officer is receiving com-  
8 pensation, if any, from the parking authority at the rates or  
9 stipends as shall be established by ordinance.

1 7. (New section) No person appointed after the effective date  
2 of this act may commence his duties as a parking enforcement  
3 officer unless that person has successfully completed a training  
4 course conducted or approved by the municipality or parking  
5 authority.

1 8. (New section) The training requirements set forth in section 7  
2 of this act may be waived by the \***[parking]**\* \*appointing\* author-  
3 ity for any person eligible to be appointed as a parking enforce-  
4 ment officer under this act who has substantially equivalent training  
5 and background, as determined by the chief of police or, in his  
6 absence, other chief law enforcement officer of the municipality.

1 9. (New section) Every parking enforcement officer prior to the  
2 commencement of his duties shall be furnished with a uniform  
3 which shall identify the officer's function. The uniform shall in-  
4 clude, but not be limited to, a hat and appropriate badges which  
5 shall bear an identification number or name tag and the name of  
6 the parking authority \***[in]**\* \*with\* which the officer is employed.  
7 The uniform shall also include an insignia issued by the parking  
8 authority which clearly indicates the officer's status as a parking  
9 enforcement officer.

1 10. (New section) Within six months following the effective  
2 date of this act, parking authorities shall issue permanent insignia.  
3 The appointing \***[parking]**\* authority may issue temporary in-  
4 signia for use prior to the issuance of permanent insignia.

1 11. (New section) The parking authority may charge a re-  
2 sponsible fee for uniforms supplied pursuant to this act\***[**, but  
3 may**]**\* \*; *however, the appointing authority shall\** not charge a  
4 fee for the costs of training or issuing a certificate of appointment.

1 12. (New section) All persons currently employed under the  
2 supervision and direction of a parking authority as special law  
3 enforcement officers and who are exercising the power and au-  
4 thority described in paragraph (d) of subsection **\*[3]\*** *\*(3)\** of  
5 section 22 of P. L. 1948, c. 198 (C. 40:11A-22(3) (d)) on the  
6 effective date of this act are hereby designated parking enforce-  
7 ment officers.

1 13. This act shall take effect immediately.

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#### AUTHORITIES AND REGIONAL COMMISSIONS

Authorizes parking authorities to appoint parking enforcement  
officers to enforce local parking laws and ordinances.

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1 5. (New section) Before any parking enforcement officer is  
2 appointed pursuant to this act, the chief of police, or, in the  
3 absence of the chief, other chief law enforcement officer of the  
4 local unit shall ascertain the eligibility and qualifications of the  
5 applicant and report these determinations in writing to the ap-  
6 pointing parking authority.

1 6. (New section) No parking enforcement officer may carry a  
2 firearm while engaged in the actual performance of the officer's  
3 official duties. A parking enforcement officer shall be deemed to  
4 be on duty only while the officer is performing the public safety  
5 functions enumerated in paragraph (d) of subsection 3 of section  
6 22 of P. L. 1948, c. 198 (C. 40:11A-22(3)(d)) on behalf of a  
7 parking authority and when that officer is receiving compensation,  
8 if any, from the parking authority at the rates or stipends as shall  
9 be established by ordinance.

1 7. (New section) No person appointed after the effective date  
2 of this act may commence his duties as a parking enforcement  
3 officer unless that person has successfully completed a training  
4 course conducted or approved by the municipality or parking  
5 authority.

1 8. (New section) The training requirements set forth in sec-  
2 tion 7 of this act may be waived by the parking authority for  
3 any person eligible to be appointed as a parking enforcement  
4 officer under this act who has substantially equivalent training  
5 and background, as determined by the chief of police or, in his  
6 absence, other chief law enforcement officer of the municipality.

1 9. (New section) Every parking enforcement officer prior to the  
2 commencement of his duties shall be furnished with a uniform  
3 which shall identify the officer's function. The uniform shall in-  
4 clude, but not be limited to, a hat and appropriate badges which  
5 shall bear an identification number or name tag and the name of  
6 the parking authority in which the officer is employed. The uni-  
7 form shall also include an insignia issued by the parking authority  
8 which clearly indicates the officer's status as a parking enforce-  
9 ment officer.

1 10. (New section) Within six months following the effective  
2 date of this act, parking authorities shall issue permanent insignia.  
3 The appointing parking authority may issue temporary insignia  
4 for use prior to the issuance of permanent insignia.

1 11. (New section) The parking authority may charge a re-  
2 sponsible fee for uniforms supplied pursuant to this act, but may  
3 not charge a fee for the costs of training or issuing a certificate  
4 of appointment.



1 12. (New section) All persons currently employed under the  
2 supervision and direction of a parking authority as special law  
3 enforcement officers and who are exercising the power and au-  
4 thority described in paragraph (d) of subsection 3 of section 22  
5 of P. L. 1948, c. 198 (C. 40:11A-22(3)(d)) on the effective date  
6 of this act are hereby designated parking enforcement officers.

1 13. This act shall take effect immediately.

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#### STATEMENT

Presently in New Jersey for a parking authority to issue parking summonses and arrange for towing of unlawfully parked vehicles it must appoint special law enforcement officers under the "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et al). Special law enforcement officers 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. This bill creates a new enforcement category of parking enforcement officer for this purpose.

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#### AUTHORITIES AND REGIONAL COMMISSIONS

Authorizes parking authorities to appoint parking enforcement officers to enforce local parking laws and ordinances.

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ASSEMBLY INDEPENDENT AND REGIONAL  
AUTHORITIES COMMITTEE

STATEMENT TO

**SENATE, No. 2255**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1987

The Assembly Independent and Regional Authorities Committee reports favorably Senate Bill No. 2255 (OCR).

As reported, this bill amends and supplements the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.) to create a new classification of parking enforcement officers who are to be employed by municipal parking authorities. The bill prescribes certain training and qualification requirements for the appointment of such officers. Under current law, a municipal parking authority established pursuant to P. L. 1948, c. 198 is limited to employing special police officers whose hiring and training requirements and law enforcement responsibilities are substantially greater than is provided in this bill for parking enforcement officers.

A summary of the bill's provisions is as follows:

1. Section 1 of the bill redesignates special policemen as parking enforcement officers and retains the same enforcement authority regarding parking laws, ordinances and regulations as is presently exercised by special policemen.

2. Section 2 provides that parking enforcement officers are not special law enforcement officers within the meaning of P. L. 1985, c. 439 and are not to be considered as members of a municipal police force, thereby rendering them ineligible for membership in the Police and Firemen's Retirement System established under P. L. 1944, c. 255 (C. 43:16A-1 et seq.).

3. Sections 3 and 4 list the requirements for employment as a parking enforcement officer, including the taking of fingerprints of applicants for filing with the State Police and the Federal Bureau of Investigation. Section 5 requires the chief of police or other chief law enforcement officer to report on the qualifications and eligibility of applicants to the appointing authority.

4. Section 6 prohibits parking enforcement officers from carrying firearms in the performance of their duties, and limits their law en-

forcement authority to the performance of their duties for the parking authority.

5. Section 7 prohibits appointment of parking enforcement officer after the effective date of the act unless the person has completed an approved training course or obtains a waiver pursuant to section 8 of the bill.

6. Sections 9 through 11 deal with uniforms and insignia for parking enforcement officers and section 12 redesignates as parking enforcement officers all special law enforcement officers employed by the municipal parking authority upon enactment of this bill.

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SENATE INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**SENATE, No. 2255**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 1986

The Senate Independent Authorities Committee reports favorably, with Senate committee amendments, Senate Bill No. 2255.

PURPOSE:

As amended by the committee, Senate Bill No. 2255 creates a new classification of parking enforcement officers who are to be employed by municipal parking authorities established pursuant to the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.), and prescribes qualification and training requirements for the appointment of such officers. Currently, a municipal parking authority is limited to employing special police officers whose hiring and training requirements and law enforcement responsibilities are substantially greater than is provided in this bill for parking enforcement officers. Cf. P. L. 1985, c. 439 (C. 40A:14-146.8 et al.).

PROVISIONS:

Parking enforcement officers would retain the same enforcement authority regarding parking laws, ordinances and regulations as is currently exercised by special police officers (since redesignated as special law enforcement officers). However, section 2 of the bill provides that parking enforcement officers are not special law enforcement officers within the meaning of P. L. 1985, c. 439, nor are they to be members of the municipal police force, and therefore will not enjoy any additional powers exercised by such officers.

Sections 3 and 4 list the requirements for employment, which include the taking of fingerprints of applicants for filing with the State Police and the federal Bureau of Investigation. Section 5 requires the chief of police or other chief law enforcement officer of the local unit to ascertain and report on the eligibility and qualifications of applicants to the appointing authority.

Section 6 prohibits parking enforcement officers from carrying firearms in the performance of their duties, and limits their law enforcement authority to the performance of their duties for the parking authority.

Section 7 prohibits appointment of a parking enforcement officer after the bill's effective date unless he has completed a training course conducted or approved by the municipality or parking authority, or obtains a waiver pursuant to section 8 of the bill.

Sections 9 through 11 deal with uniforms and insignia. Section 12 redesignates as parking enforcement officers all special law enforcement officers employed by the municipal parking authority upon enactment of this bill.

**COMMITTEE AMENDMENTS:**

The committee amended the bill to make parking enforcement officers, as nonlaw enforcement personnel, ineligible for membership in the Police and Firemen's Retirement System. The other amendments are technical in nature and are designed to assure greater internal consistency in the language of the bill. Since, according to paragraph (d) of subsection (3) of section 22 of P. L. 1948, c. 198 (C. 40:11A-22(3)(d)), the appointing authority is the municipality or a designee of the municipality, reference to the parking authority as the appointing authority is deleted in sections 5 and 8. Also, in line 5 of section 5 "municipality" is substituted for "local unit" and "may" on line 2 of section 11 is replaced by "shall."

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