

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH 6/28/08

P.L. 2007, CHAPTER 348, *approved January 13, 2008*
Assembly, No. 4314 (*Second Reprint*)

1 AN ACT concerning ²**[automated traffic law enforcement]** traffic
2 control signal monitoring systems² and supplementing Title 39 of
3 the Revised Statutes.

4

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

7

8 1. The Legislature finds:

9 The disregard of traffic control devices at intersections impedes
10 the efficient flow of traffic, and more importantly, dramatically
11 increases the likelihood of accidents that endanger the safety and
12 well being of motor vehicle occupants and pedestrians.

13 The installation and use of a traffic control signal ¹**[monitor]**
14 monitoring¹ system, which complements the efforts of local law
15 enforcement, could serve as an effective tool in encouraging drivers
16 to strictly obey traffic control devices at intersections, facilitating
17 the flow of traffic and protecting the safety and well being of motor
18 vehicle occupants and pedestrians.

19 The Legislature, therefore, declares:

20 It is altogether fitting and proper, and within the public interest,
21 to require the Commissioner of Transportation to establish a pilot
22 program to determine the effectiveness of the installation and
23 utilization of traffic control signal monitoring systems in this State
24 and to approve applications from municipalities where such systems
25 may be installed.

26

27 2. As used in this act:

28 ¹**[“Automated traffic law enforcement” means the utilization of**
29 **an automated traffic control monitoring system to issue summonses**
30 **for traffic control signal violations.]**¹

31 “Recorded image” means a digital image recorded by a traffic
32 control signal monitoring system ¹**[that shows the rear view of a**
33 **motor vehicle]**¹.

34 “Summons” means a citation alleging a violation of a traffic
35 control signal.

36 “Traffic control signal” means a device, whether manually,
37 electrically, mechanically^{1, 1} or otherwise controlled ^{1, 1} by which
38 traffic is alternatively directed to stop and to proceed ^{1, and}¹ which
39 has been approved by the Commissioner of Transportation in

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 June 14, 2007.

²Assembly floor amendments adopted December 13, 2007.

1 accordance with the "Manual on Uniform Traffic Control Devices
2 for Streets and Highways."

3 "Traffic control signal monitoring system" means an integrated
4 system or device utilizing ¹[a camera] ²[multiple, synchronized
5 digital] a² camera ²[units¹] , or a multiple camera system,² and
6 vehicle sensors which work in conjunction with a traffic control
7 signal and is capable of producing:

8 a. high resolution color digital recorded images that show: (1)
9 the traffic control signal while it is displaying a red light; (2) a
10 motor vehicle unlawfully ¹[in] entering and continuing through¹
11 the intersection while the traffic control signal is displaying a red
12 light; and (3) a portion of the rear of the motor vehicle unlawfully
13 in the intersection sufficient to clearly reveal the vehicle's license
14 plate and the make and model of the vehicle ²[; provided, however,
15 that the license plate image used to issue a summons for a violation
16 shall be ¹[extracted as a sub-image] a unique close-up image¹
17 obtained ¹[entirely from an original scene image captured at the
18 same time from the same camera] from an independent camera,
19 integrated as part of the traffic control signal monitoring system
20 that has been installed, resulting in a series of synchronized
21 images¹]² ; and

22 b. a video recording of the violation ²[¹that is integrated with
23 the still images at the point of violation¹] that shows the violation
24 occurring² .

25 A digital camera may be used as part of a traffic control signal
26 monitoring system provided the violation images are captured by
27 ¹[a single,] ²[multiple, synchronized¹] a² digital camera ¹[unit]
28 ²[units¹] , or a multiple camera system,² which ¹[produces a set of
29 two] ²[produce no less than three¹] produces a set of at least two²
30 images for each violation. At least one of the ¹[two] ²[three¹]²
31 digital color images shall contain the following: (1) the scene of
32 the location where the violation occurred; (2) the violating motor
33 vehicle; (3) ¹[sufficient resolution to show a cropped, close-up
34 view of the rear license plate which shall be extracted from one of
35 the two original images and shall not be captured by a separate
36 image capturing device; (4)]¹ the license plate numbers, letters ²,²
37 and issuing jurisdiction ²[¹, which¹ shall be identified from]² ¹[one
38 of the two original images and may not be identified through the
39 use of a separate image capturing device] ²[an image produced by
40 a unique and multiple, synchronized digital camera unit¹]²; ¹[(5)]
41 (4)¹ the day, month¹,¹ and year of the violation; ¹[(6)] (5)¹ the time
42 of the violation in hours, minutes¹,¹ and seconds; ¹[(7)] (6)¹ the
43 amount of time that had passed between the time the light turned
44 red and the violation occurred; and ¹[(8)] (7)¹ the frame sequence
45 ²[number] code² . This information shall be imprinted along the

1 bottom or top edge of the image frame so as not to obstruct the
2 violation image.

3

4 3. a. The Commissioner of Transportation shall establish a
5 ²~~['two-year']~~ five-year² pilot program to determine the
6 effectiveness of the installation and utilization of traffic control
7 signal monitoring systems in this State. A municipality desiring to
8 participate in the program shall submit an application to the
9 Commissioner of Transportation. The application shall include:

10 (1) The intersection or intersections in the municipality at which
11 it is desired to install and utilize a traffic control signal monitoring
12 system;

13 (2) Data which indicate that the intersection or intersections in
14 question have a high number of violations of the traffic control
15 signals, and any additional safety data the municipality deems
16 appropriate;

17 (3) A certification by the municipal engineer that (a) the
18 intersection or intersections in question have a minimum duration of
19 the amber light at the traffic control signal of three seconds if at
20 least 85 percent of the vehicular traffic approaching the signal is
21 traveling at a speed of 25 miles per hour or less; and (b) for each
22 five mile increase in the speed of vehicular traffic referred to in
23 subparagraph (a) of this paragraph above 30 miles per hour this
24 minimum duration of the amber light shall be increased by one-half
25 second.

26 (4) Such other information as the Commissioner of
27 Transportation may require.

28 The commissioner may approve ¹~~['no more than two of the']~~ as
29 many¹ municipalities making application ¹~~['as he deems appropriate,']~~
30 and shall indicate which of the intersections in those applications
31 are approved for the installation and utilization of traffic control
32 signal monitoring systems.

33 b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
34 103.1 et seq.), the governing body of a municipality, by ordinance,
35 may determine to install and utilize a traffic control signal
36 monitoring system to facilitate the lawful observance of and
37 compliance with traffic control signals governing the flow of traffic
38 at intersections under its jurisdiction approved by the Commissioner
39 of Transportation pursuant to subsection a. of this section.

40 c. A traffic control signal monitoring system installed and
41 utilized pursuant to this section shall be of a type approved by the
42 governing body of the municipality.

43 d. In any municipality where the governing body has authorized
44 the installation and use of a traffic control signal monitoring system
45 pursuant to subsection b. of this section, a sign notifying drivers
46 that such a monitoring system is being utilized shall be placed on
47 each street converging into the affected intersection. The sign shall
48 be of a design and ¹~~['shall be']~~ placed in accordance with

1 specifications approved by the municipal engineer. The
2 specifications so approved shall conform with the uniform system
3 set forth in the "Manual on Uniform Traffic Control Devices for
4 Streets and Highways."

5 e. A traffic control signal monitoring system shall be inspected
6 and certified at least once every ²[two] ~~six~~² months by the
7 ¹[municipality] municipal engineer¹ from the date of its installation
8 ²[for a period of one year] for the duration of the five-year pilot
9 program prescribed by P.L. , c. (C.) (pending before the
10 Legislature as this bill)².

11

12 4. a. ¹In any municipality where the governing body has
13 authorized the installation and use of a traffic control signal
14 monitoring system, ²[the] a² law enforcement ²[agency] official²
15 of such municipality shall review the recorded images produced by
16 the traffic control signal monitoring system. In conducting such
17 review, the law enforcement ²[agency] official² shall determine
18 whether there is sufficient evidence to conclude that a traffic
19 control signal violation has occurred and shall issue a summons
20 where it is deemed appropriate.¹ A traffic control signal violation
21 summons issued pursuant to a traffic control signal monitoring
22 system established in accordance with this act shall be ²[sent]²
23 ¹[by certified mail, return receipt requested, or by personal service
24 to the owner of the motor vehicle within 30 days of the date of
25 violation] ²served by a law enforcement official² in accordance
26 with the Rules of Court¹. ²Except as otherwise provided in this
27 subsection, the recorded images produced by the traffic control
28 signal monitoring system shall be available for the exclusive use of
29 any law enforcement official for the purposes of discharging the
30 official's duties pursuant to P.L. , c. (C.) (pending before
31 the Legislature as this bill). Any recorded image or information
32 produced in connection with the traffic control signal monitoring
33 system shall not be deemed a public record under P.L.1963, c.73
34 (C.47:1A-1 et seq.) or the common law concerning access to public
35 records. The recorded images shall not be discoverable as a public
36 record by any person, entity, or governmental agency, except upon
37 a subpoena issued by a grand jury or a court order in a criminal
38 matter, nor shall they be offered in evidence in any civil or
39 administrative proceeding not directly related to a traffic control
40 signal violation.

41 Any recorded image or information produced in connection with
42 the traffic control signal monitoring system pertaining to a specific
43 violation shall be purged and not retained later than 60 days after
44 the collection of any fine or penalty. If a law enforcement official
45 does not issue a summons for a traffic control signal violation
46 within 40 business days, all recorded images and information
47 collected pertaining to that alleged violation shall be purged within

1 two business days. Any municipality operating a traffic control
2 signal monitoring system shall certify compliance with this
3 subsection in the report required to be filed with the Commissioner
4 of Transportation pursuant to section 6 of P.L. , c. (C.)
5 (pending before the Legislature as this bill).²

6 b. Except as provided in subsection c. of this section, the owner
7 and operator shall be jointly liable for a traffic control signal
8 violation summons issued pursuant to a traffic control signal
9 monitoring system established in accordance with this act, unless
10 the owner can show that the vehicle was used without his consent,
11 express or implied. ²[¹For the purposes of this subsection, there
12 shall be a permissive inference that the owner of the motor vehicle
13 involved in a violation occurring under the provisions of this act
14 was also the operator of the motor vehicle at time the violation
15 occurred.]² An owner who pays any fine, penalty, civil judgment,
16 costs or administrative fees in connection with a traffic control
17 signal violation issued pursuant to a traffic control signal
18 monitoring system shall have the right to recover that sum from the
19 operator in a court of competent jurisdiction.

20 c. The owner of a motor vehicle who is a lessor shall not be
21 liable for a traffic control signal violation summons issued pursuant
22 to this act when the motor vehicle is under the control or in the
23 possession of the lessee, if upon notice of a traffic control signal
24 violation, the owner of the motor vehicle which was leased at the
25 time of the offense notifies the clerk of the court where the case is
26 pending, by ²[a notarized statement] an affidavit² of the name and
27 address of the lessee. The ²[notarized statement] affidavit² shall be
28 in a form prescribed by the Administrative Director of the Courts.

29 After providing the name and address of the lessee, the owner
30 shall not be required to attend a hearing of the offense, unless
31 otherwise notified by the court.

32 ¹d. In no case shall motor vehicle points or automobile insurance
33 eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-
34 14) be assessed against any person for a violation occurring under
35 the provisions of this act.¹

36 ²e. It shall not be a defense to any traffic control signal violation
37 that the signs required to be posted pursuant to subsection c. of
38 section 3 of P.L. , c. (C.) (pending before the Legislature as
39 this bill), notifying drivers that a traffic control signal monitoring
40 system is being utilized, are not posted or are improperly posted.²

41
42 ¹[5. There shall be included in the fines and penalties imposed
43 by the court on a person whose license has been suspended pursuant
44 to a violation of this act a fee of \$3 which shall be transferred by the
45 court to the municipality within which the violation occurred.]¹

1 '[6.] 5.' The Commissioner of Transportation, the Chief
2 Administrator of the Motor Vehicle Commission, and the
3 Superintendent of the State Police¹ [, working as needed in
4 conjunction with the Administrative Office of the Courts,]¹ may, in
5 accordance with the "Administrative Procedure Act," P.L.1968,
6 c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to
7 effectuate the purposes of this act. 'The Supreme Court of New
8 Jersey may adopt Rules of Court appropriate or necessary to
9 effectuate the purposes of this act.¹

10
11 '[7.] 6.' The municipalities whose applications have been
12 approved for the pilot program established pursuant to this act shall
13 submit reports 'every ²[six] 12² months after a traffic control
14 signal monitoring system has been installed¹ to the Commissioner
15 of Transportation detailing increases or decreases in violations and
16 accidents at intersections where traffic control signal monitoring
17 systems have been installed. ¹[Not later than 18 months after the
18 installation of such systems, the] The¹ Commissioner of
19 Transportation shall prepare and submit '[a report] ²[two] an²
20 annual ²[reports¹] report² to the Governor, the President of the
21 Senate, the Speaker of the General Assembly, and the Senate
22 Transportation Committee and the Assembly Transportation and
23 Public Works Committee or their successor committees describing
24 the pilot program developed pursuant to this act, including accident
25 and violation information reported by the affected municipalities ² [,
26 evaluating the program's effectiveness, and discussing its extension
27 to other intersections in the State]² . 'The first such report shall be
28 submitted no later than one year after the installation of the first
29 traffic control signal monitoring system authorized pursuant to this
30 act ² [, and the second report shall be submitted no later than two
31 years after the installation of such system]² .¹ ²Thereafter,
32 subsequent reports shall be submitted annually for the duration of
33 the five-year pilot program prescribed by P.L. _____, c. (C. _____)
34 (pending before the Legislature as this bill), with the fifth and final
35 report providing a comprehensive review of the pilot program,
36 including but not limited to, an evaluation of the program's
37 effectiveness, a discussion of extending the program to other
38 intersections in the State, and any other information relevant to the
39 report.²

40
41 '[8.] 7.' This act shall take effect ninety days following
42 enactment 'and shall expire upon the submission of the
43 Commissioner of Transportation's ²[second] fifth² and final report
44 to the appropriate parties pursuant to section 6 of this act¹ .

A4314 [2R]

7

1

2

3

Establishes pilot program for traffic control signal monitoring

4

system.

ASSEMBLY, No. 4314

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 11, 2007

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Establishes pilot program for traffic control signal monitoring system.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2007)

1 AN ACT concerning automated traffic law enforcement and
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. The Legislature finds:

8 The disregard of traffic control devices at intersections impedes
9 the efficient flow of traffic, and more importantly, dramatically
10 increases the likelihood of accidents that endanger the safety and
11 well being of motor vehicle occupants and pedestrians.

12 The installation and use of a traffic control signal monitor
13 system, which complements the efforts of local law enforcement,
14 could serve as an effective tool in encouraging drivers to strictly
15 obey traffic control devices at intersections, facilitating the flow of
16 traffic and protecting the safety and well being of motor vehicle
17 occupants and pedestrians.

18 The Legislature, therefore, declares:

19 It is altogether fitting and proper, and within the public interest,
20 to require the Commissioner of Transportation to establish a pilot
21 program to determine the effectiveness of the installation and
22 utilization of traffic control signal monitoring systems in this State
23 and to approve applications from municipalities where such systems
24 may be installed.

25

26 2. As used in this act:

27 "Automated traffic law enforcement" means the utilization of an
28 automated traffic control monitoring system to issue summonses for
29 traffic control signal violations.

30 "Recorded image" means a digital image recorded by a traffic
31 control signal monitoring system that shows the rear view of a
32 motor vehicle.

33 "Summons" means a citation alleging a violation of a traffic
34 control signal.

35 "Traffic control signal" means a device, whether manually,
36 electrically, mechanically or otherwise controlled by which traffic
37 is alternatively directed to stop and to proceed which has been
38 approved by the Commissioner of Transportation in accordance
39 with the "Manual on Uniform Traffic Control Devices for Streets
40 and Highways."

41 "Traffic control signal monitoring system" means an integrated
42 system or device utilizing a camera and vehicle sensors which work
43 in conjunction with a traffic control signal and is capable of
44 producing:

45 a. high resolution color digital recorded images that show: (1)
46 the traffic control signal while it is displaying a red light; (2) a
47 motor vehicle unlawfully in the intersection while the traffic control
48 signal is displaying a red light; and (3) a portion of the rear of the

1 motor vehicle unlawfully in the intersection sufficient to clearly
2 reveal the vehicle's license plate and the make and model of the
3 vehicle; provided, however, that the license plate image used to
4 issue a summons for a violation shall be extracted as a sub-image
5 obtained entirely from an original scene image captured at the same
6 time from the same camera; and

7 b. a video recording of the violation.

8 A digital camera may be used as part of a traffic control signal
9 monitoring system provided the violation images are captured by a
10 single, digital camera unit which produces a set of two images for
11 each violation. At least one of the two digital color images shall
12 contain the following: (1) the scene of the location where the
13 violation occurred; (2) the violating motor vehicle; (3) sufficient
14 resolution to show a cropped, close-up view of the rear license plate
15 which shall be extracted from one of the two original images and
16 shall not be captured by a separate image capturing device; (4) the
17 license plate numbers, letters and issuing jurisdiction shall be
18 identified from one of the two original images and may not be
19 identified through the use of a separate image capturing device; (5)
20 the day, month and year of the violation; (6) the time of the
21 violation in hours, minutes and seconds; (7) the amount of time that
22 had passed between the time the light turned red and the violation
23 occurred; and (8) the frame sequence number. This information
24 shall be imprinted along the bottom or top edge of the image frame
25 so as not to obstruct the violation image.

26

27 3. a. The Commissioner of Transportation shall establish a pilot
28 program to determine the effectiveness of the installation and
29 utilization of traffic control signal monitoring systems in this State.
30 A municipality desiring to participate in the program shall submit
31 an application to the Commissioner of Transportation. The
32 application shall include:

33 (1) The intersection or intersections in the municipality at which
34 it is desired to install and utilize a traffic control signal monitoring
35 system;

36 (2) Data which indicate that the intersection or intersections in
37 question have a high number of violations of the traffic control
38 signals, and any additional safety data the municipality deems
39 appropriate;

40 (3) A certification by the municipal engineer that (a) the
41 intersection or intersections in question have a minimum duration of
42 the amber light at the traffic control signal of three seconds if at
43 least 85 percent of the vehicular traffic approaching the signal is
44 traveling at a speed of 25 miles per hour or less; and (b) for each
45 five mile increase in the speed of vehicular traffic referred to in
46 subparagraph (a) of this paragraph above 30 miles per hour this
47 minimum duration of the amber light shall be increased by one-half
48 second.

1 (4) Such other information as the Commissioner of
2 Transportation may require.

3 The commissioner may approve no more than two of the
4 municipalities making application and shall indicate which of the
5 intersections in those applications are approved for the installation
6 and utilization of traffic control signal monitoring systems.

7 b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
8 103.1 et seq.), the governing body of a municipality, by ordinance,
9 may determine to install and utilize a traffic control signal
10 monitoring system to facilitate the lawful observance of and
11 compliance with traffic control signals governing the flow of traffic
12 at intersections under its jurisdiction approved by the Commissioner
13 of Transportation pursuant to subsection a. of this section.

14 c. A traffic control signal monitoring system installed and
15 utilized pursuant to this section shall be of a type approved by the
16 governing body of the municipality.

17 d. In any municipality where the governing body has authorized
18 the installation and use of a traffic control signal monitoring system
19 pursuant to subsection b. of this section, a sign notifying drivers
20 that such a monitoring system is being utilized shall be placed on
21 each street converging into the affected intersection. The sign shall
22 be of a design and shall be placed in accordance with specifications
23 approved by the municipal engineer. The specifications so
24 approved shall conform with the uniform system set forth in the
25 "Manual on Uniform Traffic Control Devices for Streets and
26 Highways."

27 e. A traffic control signal monitoring system shall be inspected
28 and certified at least once every two months by the municipality
29 from the date of its installation for a period of one year.

30
31 4. a. A traffic control signal violation summons issued pursuant
32 to a traffic control signal monitoring system established in
33 accordance with this act shall be sent by certified mail, return
34 receipt requested, or by personal service to the owner of the motor
35 vehicle within 30 days of the date of violation.

36 b. Except as provided in subsection c. of this section, the owner
37 and operator shall be jointly liable for a traffic control signal
38 violation summons issued pursuant to a traffic control signal
39 monitoring system established in accordance with this act, unless
40 the owner can show that the vehicle was used without his consent,
41 express or implied. An owner who pays any fine, penalty, civil
42 judgment, costs or administrative fees in connection with a traffic
43 control signal violation issued pursuant to a traffic control signal
44 monitoring system shall have the right to recover that sum from the
45 operator in a court of competent jurisdiction.

46 c. The owner of a motor vehicle who is a lessor shall not be
47 liable for a traffic control signal violation summons issued pursuant
48 to this act when the motor vehicle is under the control or in the

1 possession of the lessee, if upon notice of a traffic control signal
2 violation, the owner of the motor vehicle which was leased at the
3 time of the offense notifies the clerk of the court where the case is
4 pending, by a notarized statement of the name and address of the
5 lessee. The notarized statement shall be in a form prescribed by the
6 Administrative Director of the Courts.

7 After providing the name and address of the lessee, the owner
8 shall not be required to attend a hearing of the offense, unless
9 otherwise notified by the court.

10

11 5. There shall be included in the fines and penalties imposed by
12 the court on a person whose license has been suspended pursuant to
13 a violation of this act a fee of \$3 which shall be transferred by the
14 court to the municipality within which the violation occurred.

15

16 6. The Commissioner of Transportation, the Chief Administrator
17 of the Motor Vehicle Commission, and the Superintendent of the
18 State Police, working as needed in conjunction with the
19 Administrative Office of the Courts, may, in accordance with the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), promulgate rules and regulations to effectuate the purposes of
22 this act.

23

24 7. The municipalities whose applications have been approved
25 for the pilot program established pursuant to this act shall submit
26 reports to the Commissioner of Transportation detailing increases or
27 decreases in violations and accidents at intersections where traffic
28 control signal monitoring systems have been installed. Not later
29 than 18 months after the installation of such systems, the
30 Commissioner of Transportation shall prepare and submit a report
31 to the Governor, the President of the Senate, the Speaker of the
32 General Assembly, and the Senate Transportation Committee and
33 the Assembly Transportation and Public Works Committee or their
34 successor committees describing the pilot program developed
35 pursuant to this act, including accident and violation information
36 reported by the affected municipalities, evaluating the program's
37 effectiveness, and discussing its extension to other intersections in
38 the State.

39

40 8. This act shall take effect ninety days following enactment.

41

42

43

STATEMENT

44

45 This bill would authorize the Commissioner of Transportation to
46 establish a pilot program to determine the effectiveness of traffic
47 control signal monitoring systems in this State. Municipalities
48 would be permitted to apply to the commissioner for approval of

1 intersections in their municipalities at which these systems would
2 be installed. The municipalities would supply data to the
3 commissioner indicating that the intersections in question have a
4 high number of violations of the traffic control signals, as well as
5 any additional safety data the municipality deems appropriate. In
6 addition, the municipal engineer would have to certify as to the
7 minimum duration of amber lights at affected traffic signals,
8 increasing from a three second interval at traffic speeds of 25 miles
9 per hours or less to longer durations at higher traffic speeds.

10 Under the provisions of the bill, municipal governing bodies
11 would be permitted to install traffic control signal monitoring
12 systems at approved intersections under their jurisdiction. These
13 systems, which must be of a type approved by the municipal
14 governing body, must be capable of providing high resolution color
15 digital recorded images of motor vehicles that are unlawfully in an
16 intersection when the traffic control signal is displaying a red light.
17 The images must display only a portion of the rear of the vehicle
18 sufficient to clearly reveal the vehicle's license plate and the make
19 and model of the vehicle.

20 Both the owner and operator of the vehicle are jointly liable for a
21 violation. The owner, however, is not liable if the owner can show
22 the vehicle was used without his consent, express or implied.

23 Upon providing the name and address of the lessee or renter of
24 the vehicle at the time of the violation, the lessor of a motor vehicle
25 or rental agency is also free of any liability.

26 Violators who fail to pay the fines, penalties and civil judgments
27 associated with a traffic control signal violation case decided as the
28 result of a recorded image provided by a traffic control signal
29 monitoring system are subject to driver's license suspensions. For
30 such violators, a fee of \$3 shall be added to the fines and penalties
31 and transferred by the court to the municipality within which the
32 violation occurred.

33 The commissioner shall report on the progress of the pilot
34 program to the Governor and the Legislature within 18 months of
35 installation of the monitoring systems, including data from the
36 municipalities as to increases or decreases in accidents and
37 violations at the affected intersections.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4314

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Assembly Transportation and Public Works Committee reports favorably and with amendments Assembly Bill No. 4314.

As reported, this amended bill would authorize the Commissioner of Transportation to establish a pilot program to determine the effectiveness of traffic control signal monitoring systems in this State. Municipalities would be permitted to apply to the commissioner for approval of intersections in their municipalities at which these systems would be installed. The municipalities would supply data to the commissioner indicating that the intersections in question have a high number of violations of the traffic control signals, as well as any additional safety data the municipality deems appropriate. In addition, the municipal engineer would have to certify as to the minimum duration of amber lights at affected traffic signals, increasing from a three second interval at traffic speeds of 25 miles per hours or less to longer durations at higher traffic speeds.

Under the provisions of the bill, municipal governing bodies would be permitted to install traffic control signal monitoring systems at approved intersections under their jurisdiction. These systems, which must be of a type approved by the municipal governing body, must be capable of providing high resolution color digital recorded images of: (1) the traffic control signal while it is displaying a red light, (2) motor vehicles that unlawfully enter and continue through an intersection when the traffic control signal is displaying a red light, and (3) a portion of the rear of the vehicle sufficient to clearly reveal the vehicle's license plate and the make and model of the vehicle.

Both the owner and operator of the vehicle are jointly liable for a violation. However, there shall be a permissive inference that the owner of a motor vehicle involved in a violation occurring under this act was also the operator of such motor vehicle at the time the violation occurred. The owner is not liable if the owner can show the vehicle was used without his consent, express or implied.

Upon providing the name and address of the lessee or renter of the vehicle at the time of the violation, the lessor of a motor vehicle or rental agency is also free of any liability.

The commissioner shall submit two annual reports on the progress of the pilot program to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Transportation Committee, and the Assembly Transportation and Public Works Committee, including data submitted to the Commissioner from municipalities detailing increases or decreases in accidents and violations at the affected intersections.

COMMITTEE AMENDMENTS

The committee amended the bill to require a traffic control signal monitoring system to utilize multiple, synchronized digital camera units. The camera must be able to produce recorded images that show a motor vehicle unlawfully entering and continuing through an intersection while the traffic control signal is displaying a red light, rather than while the motor vehicle is simply in the intersection when the signal is red. Additionally, the amendments provide that the license plate image used to issue a summons for a violation shall be a unique close-up image obtained from an independent camera, integrated with the cameras located at the intersection where the traffic control signal monitoring system has been installed, resulting in a series of synchronized images.

The committee amended the bill to increase the number of images that must be captured for each violation from two to three. The committee removed the requirement that one of the digital color images captured by a camera used as part of a traffic control monitoring system must provide sufficient resolution to show a cropped, close-up view of the rear license plate.

The committee amended the bill to clarify that the Commissioner of Transportation may approve as many applications from municipalities for traffic control signal monitoring systems as he deems appropriate.

The committee amended the bill to provide law enforcement agencies in municipalities utilizing traffic control signal monitoring devices with the duty to review recorded images produced by such systems, and to determine whether there is sufficient evidence to conclude that a traffic control signal violation has occurred before issuing a summons. The committee further amended the bill to require that a summons issued pursuant to this act to be sent in accordance with the Rules of Court, rather than by certified mail or personal service.

The committee amended the bill to provide that there is a permissive inference that the owner of the motor vehicle involved in a violation occurring under this act was also the operator of the vehicle at the time the violation occurred. The committee further amended the

bill to clarify that no motor vehicle points or automobile insurance eligibility points are to be assessed for a violation occurring under the provisions of this act.

The committee removed the provision allowing a court to impose a \$3 fee on a person whose license has been suspended pursuant to a violation of this act.

The committee amended the bill to provide the Supreme Court with the authority to adopt Rules of Court necessary to effectuate the purposes of this act.

The committee amended the bill to require municipalities to submit reports to the Commissioner of Transportation every six months after a traffic control signal monitoring system has been installed. The committee further amended the bill to require the commissioner to submit an initial report on the progress of the pilot program no later than one year after the installation of the first traffic control signal monitoring system, and a second and final report shall be issued no later than two years after such installation. The bill is to expire upon the submission of the second and final report.

The committee also amended the bill to make technical corrections.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4314

with Assembly Floor Amendments
(Proposed By Assemblyman WISNIEWSKI)

ADOPTED: DECEMBER 13, 2007

These amendments make changes to the technology required to be used by a traffic control signal monitoring system. Specifically, the amendments delete the provisions requiring the use of multiple, synchronized digital camera units and require the use of a camera or multiple camera system instead. The amendments delete the provisions requiring that the license plate image used to issue a summons for a violation shall be a unique close-up image obtained from an independent camera, integrated with the cameras located at the intersection where the traffic control signal monitoring system has been installed, resulting in a series of synchronized images. The amendments decrease the number of images that must be captured for each violation from three to two.

The amendments increase the duration of the pilot program from two years to five years and require that traffic control signal monitoring systems be inspected and certified every six months from the date of installation for the duration of the pilot program.

The amendments provide that the recorded images produced by a traffic control signal monitoring system shall be available for the exclusive use of any law enforcement official for the purposes of discharging the official's duties pursuant to the bill's provisions. Any recorded image or information produced in connection with the traffic control signal monitoring system is not deemed a public record under State statute or the common law concerning access to public records. The recorded images are not discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, nor shall they be offered in evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

Any recorded image or information produced in connection with the traffic control signal monitoring system pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any fine or penalty. If a law enforcement official does not issue a summons for a traffic control signal violation within 40 business days, all recorded images and information collected pertaining to that alleged violation shall be purged within two business days. Any municipality operating a traffic control signal monitoring system shall certify compliance in a report filed with the Commissioner of Transportation ("the commissioner").

The amendments delete from the bill a provision for the permissive inference that the owner of the motor vehicle involved in the traffic control signal violation was also the operator of the vehicle.

The amendments provide that is not a defense to a traffic control signal violation that the signs required to be posted, which notify drivers that a traffic control signal monitoring system is being utilized, are not posted or are improperly posted.

The amendments require municipalities to submit reports to the commissioner every 12 months, rather than six, after a traffic control signal monitoring system has been installed. The amendments further require the commissioner to submit an annual report describing the pilot program and including accident and violations information reported by the affected municipalities no later than one year after the installation of the first traffic control signal monitoring system. Subsequent reports are to be submitted annually for the duration of the five-year pilot program. The fifth and final report is to provide a comprehensive review of the pilot program, including an evaluation of the program's effectiveness, a discussion of extending the program to other intersections in the State, and any other information the commissioner determines relevant to the report.

The amendments make changes to the bill's effective date to provide that the bill shall expire upon the submission of the commissioner's fifth and final report to the Governor and the Legislature.

SENATE, No. 2123

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 7, 2006

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Authorizes local governments to use traffic control signal monitoring systems.

CURRENT VERSION OF TEXT

As introduced.



S2123 CONIGLIO

2

1 AN ACT concerning automated traffic law enforcement and
2 supplementing Title 39 of the Revised Statutes.

3

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

6

7 1. The Legislature finds:

8 The disregard of traffic control devices at intersections impedes
9 the efficient flow of traffic, and more importantly, dramatically
10 increases the likelihood of accidents that endanger the safety and
11 well being of motor vehicle occupants and pedestrians.

12 The installation and use of a traffic control signal monitor
13 system, which complements the efforts of local law enforcement,
14 can serve as an effective tool in encouraging drivers to strictly obey
15 traffic control devices at intersections, facilitating the flow of traffic
16 and protecting the safety and well being of motor vehicle occupants
17 and pedestrians.

18 The Legislature, therefore, declares:

19 It is altogether fitting and proper, and within the public interest,
20 to authorize the counties and municipalities of this State to install
21 and use traffic control signal monitoring systems at the intersections
22 under their particular jurisdictions.

23

24 2. As used in this act:

25 “Automated traffic law enforcement” means the utilization of an
26 automated traffic control monitoring system to issue summonses or
27 notices to appear for traffic control signal violations.

28 “Recorded image” means a digital image recorded by a traffic
29 control signal monitoring system that shows the rear view of a
30 motor vehicle.

31 “Summons or notice to appear” means a citation alleging a
32 violation of a traffic control signal.

33 “Traffic control signal” means an electrically operated device
34 which, in compliance with the “Manual on Uniform Traffic Control
35 Devices for Streets and Highways,” displays alternating red, amber
36 and green lights to indicate when traffic should stop and when it
37 should proceed into an intersection.

38 “Traffic control signal monitoring system” means an integrated
39 system or device utilizing a camera and vehicle sensors which work
40 in conjunction with a traffic control signal and is capable of
41 producing:

42 a. high resolution color digital recorded images that show: (1)
43 the traffic control signal while it is displaying a red light; (2) a
44 motor vehicle unlawfully in the intersection while the traffic control
45 signal is displaying a red light; and (3) a portion of the rear of the
46 motor vehicle unlawfully in the intersection sufficient to clearly
47 reveal the vehicle’s license plate and the make and model of the
48 vehicle; provided, however, that the license plate image used to

S2123 CONIGLIO

1 issue a summons or notice to appear for a violation shall be
2 extracted as a sub-image obtained entirely from an original scene
3 image captured at the same time from the same camera; and

4 b. a video recording of the violation.

5 A digital camera may be used as part of a traffic control signal
6 monitoring system provided the violation images are captured by a
7 single, digital camera unit which produces a set of two images for
8 each violation. At least one of the two digital color images shall
9 contain the following: (1) the scene of the location where the
10 violation occurred; (2) the violating motor vehicle; (3) sufficient
11 resolution to show a cropped, close-up view of the rear license plate
12 which shall be extracted from one of the two original images and
13 shall not be captured by a separate image capturing device; (4) the
14 license plate numbers, letters and issuing jurisdiction shall be
15 identified from one of the two original images and may not be
16 identified through the use of a separate image capturing device; (5)
17 the day, month and year of the violation; (6) the time of the
18 violation in hours, minutes and seconds; (7) the amount of time that
19 had passed between the time the light turned red and the violation
20 occurred; and (8) the frame sequence number. This information
21 shall be imprinted along the bottom or top edge of the image frame
22 so as not to obstruct the violation image.

23

24 3. a. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
25 103.1), the governing body of any county, by ordinance or
26 resolution, as appropriate, may determine to install and utilize a
27 traffic control signal monitoring system to facilitate the
28 enforcement of the provisions of chapter 4 of Title 39 of the
29 Revised Statutes relating to the lawful observance of traffic control
30 signals governing the flow of traffic at intersections under their
31 particular jurisdiction.

32 b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
33 103.1), the governing body of any municipality, by ordinance, may
34 determine to install and utilize a traffic control signal monitoring
35 system to facilitate the enforcement of the provisions of chapter 4
36 of Title 39 of the Revised Statutes relating to the lawful observance
37 of traffic control signals governing the flow of traffic at
38 intersections under their particular jurisdiction.

39 c. A traffic control signal monitoring system installed and
40 utilized pursuant to this section shall be of a type approved by the
41 Chief Administrator of the Motor Vehicle Commission, after
42 consultation with the Superintendent of State Police.

43 d. In any county or municipality where the governing body has
44 authorized the installation and use of a traffic control signal
45 monitoring system pursuant to this section, a sign notifying drivers
46 that such a monitoring system is being utilized shall be placed on
47 each street converging into the affected intersection. The sign shall
48 be of a design and shall be placed in accordance with specifications

S2123 CONIGLIO

1 issued by the Commissioner of Transportation. The specifications
2 so issued shall conform with the uniform system set forth in the
3 “Manual on Uniform Traffic Control Devices for Streets and
4 Highways.”

5
6 4. a. A summons or notice to appear alleging a traffic control
7 signal violation issued pursuant to a traffic control signal
8 monitoring system shall be a uniform traffic ticket in the form
9 prescribed by the Administrative Director of the Courts and shall
10 contain information advising the owner of the vehicle of the manner
11 in which and the time within which an answer to the offense alleged
12 is required. The summons or notice to appear also shall advise that
13 penalties may result from a failure to answer, that the failure to
14 answer or appear shall be considered an admission of liability, and
15 that a default judgment may be entered against the owner of the
16 motor vehicle.

17 b. A summons or notice to appear alleging a traffic control
18 signal violation issued pursuant to a traffic control signal
19 monitoring system shall be mailed to the registered owner of the
20 motor vehicle and shall contain sufficient information to inform the
21 owner of the date, time and location of the alleged offense, and the
22 amount of fines, penalties and costs due. Recorded images of the
23 alleged violation shall accompany the summons or notice to appear.

24 c. If a summons or notice to appear is mailed to the registered
25 owner at the address appearing on the records of the motor vehicle
26 commission, the failure to receive the notice shall not be considered
27 a defense unless the owner can prove that the commission was
28 advised of the owner's correct address prior to the date of the traffic
29 control signal violation.

30 A failure to comply to a summons or notice to appear by a
31 person who is the holder of a driver's license issued by another
32 jurisdiction shall be reported to that jurisdiction in accordance with
33 the provisions of the “Nonresident Violator Compact,” P.L.1983,
34 c.46 (C.39:5F-1 et seq.).

35
36 5. a. Except as provided in subsection b. of this section, the
37 owner and operator shall be jointly liable for a traffic control signal
38 violation summons or notice to appear issued pursuant to a traffic
39 control signal monitoring system established in accordance with
40 this act, unless the owner can show that the vehicle was used
41 without his consent, express or implied. An owner who pays any
42 fine, penalty, civil judgment, costs or administrative fees in
43 connection with a traffic control signal violation issued pursuant to
44 a traffic control signal monitoring system shall have the right to
45 recover that sum from the operator in a court of competent
46 jurisdiction.

47 b. The owner of a motor vehicle who is a lessor shall not be
48 liable for a traffic control signal violation summons or notice to

S2123 CONIGLIO

1 appear issued pursuant to this act when the motor vehicle is under
2 the control or in the possession of the lessee, if upon notice of a
3 traffic control signal violation, the owner of the motor vehicle
4 which was leased at the time of the offense notifies the clerk of the
5 court where the case is pending, by a notarized statement of the
6 name and address of the lessee. The notarized statement shall be in
7 a form prescribed by the Administrative Director of the Courts.

8 After providing the name and address of the lessee, the owner
9 shall not be required to attend a hearing of the offense, unless
10 otherwise notified by the court.

11

12 6. a. With respect to residents of New Jersey, the municipal
13 court shall immediately upon expiration of the time to answer or
14 appear, follow the procedures set forth in R. 7:8-9 of the Rules
15 Governing the Courts of the State of New Jersey. These procedures
16 include the mailing of a notice of offense or a failure to appear
17 notice to defendant. That notice shall be on a form approved by the
18 Administrative Director of the Courts and shall inform the
19 defendant of the traffic control signal violation; the time and date of
20 the offense; the amount of fines, penalties and costs due; of his right
21 to have a hearing; that a civil judgment may be entered against him
22 for failure to appear or pay the amount due; and that his driver's
23 license may be suspended; that his driving privileges may be
24 revoked; and that a warrant may be issued for his arrest.

25 b. In the case of a nonresident, the procedures set forth in R.
26 7:8-9 of the Rules Governing the Courts of the State of New Jersey
27 shall be followed.

28 c. The notices authorized under subsection a. and b. of this
29 section shall include a recorded image of the alleged violation.

30

31 7. a. In answer to a summons or notice to appear alleging a
32 traffic control signal violation issued pursuant to a traffic control
33 signal monitoring system authorized under this act or a failure to
34 appear notice, a person to whom a traffic control signal violation
35 summons or notice to appear, or a failure to appear notice was
36 issued may:

37 (1) Admit the commission of the offense by payment of the fine
38 and penalty due; or

39 (2) Deny liability and appear in court in accordance with the
40 instructions on the summons or as otherwise as provided by court
41 rule.

42 b. A person to whom a traffic control signal violation summons
43 or notice to appear, or a failure to appear notice, was issued may
44 answer by personal appearance, by mail or in accordance with any
45 other instructions on the summons.

46 c. A person who admits the commission of a traffic control
47 signal violation shall, at the same time he submits his answer, pay
48 the civil fine and any additional penalties established pursuant to

S2123 CONIGLIO

1 local ordinance or regulation, which may be due for failure to
2 answer within the time required.

3

4 8. a. Recorded images of the offense and a video recording of
5 the violation shall be made available to the court. No law
6 enforcement officer shall be required to appear at the hearing of a
7 case unless so required by the court. Evidence other than the
8 recorded image of the offense, the video recording of the violation
9 and information from the motor vehicle commission identifying the
10 owner of the vehicle need not be submitted to the court.

11 Such documentation, in proper form, shall constitute a
12 permissive inference that the registered owner of the vehicle that
13 was involved in the traffic control signal violation was the person
14 operating the vehicle at the time of the violation; provided,
15 however, if the vehicle is owned by a rental car company or is a
16 leased vehicle, there shall be a permissive inference that the renter
17 or authorized driver pursuant to a rental car contract or the lessee,
18 and not the owner of the vehicle, was the person operating the
19 vehicle at the time of the violation.

20 It shall not be a defense that a sign notifying drivers that the
21 governing body has authorized the installation and use of a traffic
22 control signal monitoring system pursuant to this act was not
23 posted, improperly posted, wrongfully removed or stolen, or that
24 signs or devices were not placed in compliance with the most
25 current "Manual on Uniform Traffic Control Devices for Streets
26 and Highways."

27 b. If a person to whom a failure to appear notice has been
28 issued fails to answer or fails to appear at a hearing when he is
29 required to do so, or, having admitted commission of the traffic
30 control signal offense, fails to pay the fine and penalties assessed by
31 the court, the court may, in addition to all other remedies and
32 penalties currently available to the court for failure to appear, enter
33 a judgment by default sustaining the charges, fix the appropriate
34 fine and assess appropriate penalties and costs, if any.

35 c. A judgment by default may be vacated by the court within one
36 year after its entry only upon written application setting forth both a
37 sufficient defense to the charge and an excusable neglect as to the
38 respondent's failure to attend the hearing. If a failure to appear
39 notice was mailed to the registered owner at the address appearing
40 on the records of the motor vehicle commission, the failure to
41 receive the notice shall not be considered a defense unless the
42 owner can prove that the commission was advised of the owner's
43 correct address prior to the date of the traffic control signal
44 violation.

45 d. If payment is not made within 10 days after entry of a default
46 judgment for a traffic control signal violation, the order of the court
47 may be filed in the office of the clerk of the Superior Court and,
48 when filed, shall have the effect of a civil money judgment.

S2123 CONIGLIO

1 Judgments for traffic control signal violations rendered pursuant to
2 this section shall be maintained in a separate judgment roll from
3 other civil judgments. Execution may be levied and other measures
4 may be taken for the collection of the judgment which are
5 authorized for the collection of an unpaid civil judgment. The court
6 may assess costs against a judgment debtor, not to exceed \$25 for
7 each violation, to be paid upon satisfaction of the judgment.

8 e. If a notice of appeal is filed by the person against whom
9 judgment is entered within 10 days after entry of the judgment and
10 the payment of costs which the court shall require, a hearing de
11 novo shall be held in accordance with the rules of the court.
12 Service of a notice of appeal shall not stay the enforcement of a
13 judgment appealed from unless the appellant shall have posted a
14 bond in the amount of the judgment plus court costs at or before
15 service of the notice of appeal.

16 f. A default judgment under this act may be filed by the court at
17 any time within three years after the summons or notice to appear
18 for the traffic control signal violation was issued.

19

20 9. a. If a person has failed to respond to a failure to appear
21 notice or has failed to pay a judgment for a traffic control signal
22 violation rendered pursuant to this act, the municipal court may
23 give notice of that fact to the motor vehicle commission in a manner
24 prescribed by the chief administrator. If notice has been given
25 under this section of a person's failure to respond to a failure to
26 appear notice or to pay a judgment for a traffic control signal
27 violation rendered pursuant to this act and if the fines and penalties
28 are paid or if the case is dismissed or otherwise disposed of, the
29 municipal court shall promptly give notice to that effect to the
30 motor vehicle commission.

31 b. The judge or the motor vehicle commission may suspend the
32 driver's license of an owner, lessee, or operator who has not
33 answered or appeared in response to a failure to appear notice or
34 has not paid or otherwise satisfied outstanding fines or penalties for
35 a traffic control signal violation. If an owner, lessee or operator has
36 been found guilty of a traffic control signal violation, the court shall
37 provide notice and an opportunity to appear before a judge prior to
38 suspending that person's driver's license. If the owner, lessee or
39 operator is found by the court to be indigent or is participating in a
40 government-based income maintenance program, that person shall
41 be permitted to pay the fine and other penalties associated with the
42 traffic control signal violation in installments in accordance with
43 section 1 of P.L.1981, c.365 (C.39:4-203.1).

44 c. The motor vehicle commission shall keep a record of a
45 suspension ordered by the court pursuant to subsection b. of this
46 section.

S2123 CONIGLIO

1 violation. An owner is absolved of liability upon revealing the
2 operator of the vehicle at the time of the violation.

3 Lessors and rental agencies are afforded the same protections.
4 Upon providing the name and address of the lessee or renter of the
5 vehicle at the time of the violation, the lessor or rental agency is
6 free of any liability.

7 Violators who fail to pay the fines, penalties and civil judgments
8 associated with a traffic control signal violation case decided as the
9 result of a recorded image provided by a traffic control signal
10 monitoring system are subject to driver's license suspensions.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2123

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Transportation Committee reports without recommendation Senate Bill No. 2123 with committee amendments.

This amended bill would authorize the Commissioner of Transportation to establish a pilot program to determine the effectiveness of traffic control signal monitoring systems in this State. Municipalities would be permitted to apply to the commissioner for approval of intersections in their municipalities at which these systems would be installed. The municipalities would supply data to the commissioner indicating that the intersections in question have a high number of violations of the traffic control signals, as well as any additional safety data the municipality deems appropriate. In addition, the municipal engineer would have to certify as to the minimum duration of amber lights at affected traffic signals, increasing from a three second interval at traffic speeds of 25 miles per hours or less to longer durations at higher traffic speeds. No more than two municipalities could be chosen for the pilot program.

Under the provisions of the bill, municipal governing bodies would be permitted to install traffic control signal monitoring systems at approved intersections under their jurisdiction. These systems, which must be of a type approved by the municipal governing body, must be capable of providing high resolution color digital recorded images of motor vehicles that are unlawfully in an intersection when the traffic control signal is displaying a red light. The images must display only a portion of the rear of the vehicle sufficient to clearly reveal the vehicle's license plate and the make and model of the vehicle.

Both the owner and operator of the vehicle are jointly liable for a violation. The owner, however, is not liable if the owner can show the vehicle was used without his consent, express or implied.

Upon providing the name and address of the lessee or renter of the vehicle at the time of the violation, the lessor of a motor vehicle or rental agency is also free of any liability.

Violators who fail to pay the fines, penalties and civil judgments associated with a traffic control signal violation case decided as the result of a recorded image provided by a traffic control signal monitoring system are subject to driver's license suspensions. For

such violators, a fee of \$3 shall be added to the fines and penalties and transferred by the court to the municipality within which the violation occurred.

The commissioner shall report on the progress of the pilot program to the Governor and the Legislature within 18 months of installation of the monitoring systems, including data from the municipalities as to increases or decreases in accidents and violations at the affected intersections.

The committee approved amendments requiring the Commissioner of Transportation to establish the pilot program and approve the participating municipalities. The amendments specify the criteria necessary to be included in the application by the municipality, such as increasing amber light intervals for increased traffic speeds at the affected intersections. The amendments also provide that the monitoring system must be inspected and certified every two months and that summons for violation must be sent within 30 days of the violation.

The committee also approved amendments to the bill limiting the purpose of a traffic control signal monitoring system to facilitate the lawful observance of and compliance with traffic control signals governing the flow of traffic at intersections, deleting various provisions already contained in existing law, deleting the provision that the absence of the sign notifying drivers of the traffic control monitoring system is not a defense, providing that additional fee monies are to be remitted to the municipality within which the violations was committed, and providing that the Commissioner of Transportation “may” rather than “shall,” promulgate rules and regulations, working as needed with the Superintendent of State Police and chief administrator of the Motor Vehicle Commission in conjunction with the Administrative Office of the Courts.

STATEMENT TO

[First Reprint]

SENATE, No. 2123

with Senate Floor Amendments
(Proposed By Senator CONIGLIO)

ADOPTED: DECEMBER 17, 2007

These amendments make changes to the technology required to be used by a traffic control signal monitoring system. Specifically, the amendments clarify that the photographic component of the system may consist either of a camera or a multiple camera system. The amendments delete the provisions requiring that the license plate image used to issue a summons for a violation shall be extracted as sub-image obtained entirely from an original scene image captured at the same time from the same camera.

The amendments establish the duration of the pilot program as five years and clarify that the Commissioner of Transportation (“the commissioner”) may approve as many applications from municipalities for traffic control signal monitoring systems as the commissioner deems appropriate. The amendments reduce the frequency with which traffic control signal monitoring systems are required to be inspected and certified from every two months to every six months from the date of installation, but add a requirement that the inspections continue for the duration of the pilot program.

The amendments require law enforcement officials in municipalities utilizing traffic control signal monitoring devices to review recorded images produced by such systems, and to determine whether there is sufficient evidence to conclude that a traffic control signal violation has occurred before issuing a summons. The amendments require that a summons issued pursuant to this bill be served by a law enforcement official in accordance with the Rules of Court, rather than by certified mail or personal service.

The amendments provide that the recorded images produced by a traffic control signal monitoring system shall be available for the exclusive use of any law enforcement official for the purposes of discharging the official’s duties pursuant to the bill’s provisions. Any recorded image or information produced in connection with the traffic control signal monitoring system is not to be deemed a public record under State statute or the common law concerning access to public records. The recorded images are not to be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, nor shall they be offered in evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

Any recorded image or information produced in connection with the traffic control signal monitoring system pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any fine or penalty. If a law enforcement official does not issue a summons for a traffic control signal violation within 40 business days, all recorded images and information collected pertaining to that alleged violation shall be purged within two business days. Any municipality operating a traffic control signal monitoring system shall certify compliance in a report filed with the commissioner.

The amendments also provide that no motor vehicle points or automobile insurance eligibility points are to be assessed for a violation occurring under the provisions of this bill. The amendments provide that it shall not be a defense to a traffic control signal violation that the signs required to be posted, which notify drivers that a traffic control signal monitoring system is being utilized, are not posted or are improperly posted.

The amendments delete a provision for the inclusion, in court-imposed fines and penalties against a person whose license is suspended for violation of the legislation, of a \$3 fee to be remitted to the municipality in which the violation occurred.

The amendments provide that the reports of violation and accident data that municipalities are required to make to the commissioner shall be submitted every 12 months after a traffic control signal monitoring system has been installed. The amendments further provide that the report that the commissioner must make to the Governor and Legislature, describing the pilot program and including accident and violations information reported by the affected municipalities, shall be made annually starting no later than one year after the installation of the first traffic control signal monitoring system. Subsequent reports are to be submitted annually for the duration of the five-year pilot program. The fifth and final report is to provide a comprehensive review of the pilot program, including an evaluation of the program's effectiveness, a discussion of extending the program to other intersections in the State, and any other information the commissioner determines relevant to the report.

Finally, the amendments advance the bill's effective date from the seventh month to 90 days following enactment and provide that the bill shall expire upon the submission of the commissioner's fifth and final report to the Governor and the Legislature.

Jan-15-08 Governor Corzine Takes Action on Legislation

NEWS RELEASE

Governor Jon S. Corzine
January 15, 2008

FOR MORE INFORMATION:

Press Office
609-777-2600

GOVERNOR CORZINE TAKES ACTION ON LEGISLATION

TRENTON- Governor Jon S. Corzine signed the following bills into law on Sunday, January 13, with related statements:

S-502/A-1011 w/Statement (Gill/Prieto, Stack, Cohen, Panter) - Requires health benefits coverage by health insurers and SHBP for orthotic and prosthetic appliances and provides reimbursement therefore.

"I commend the sponsors of Senate Bill No. 502 (First Reprint), which I signed today, for recognizing the importance of making sure that persons in need of orthotic or prosthetic appliances obtain them.

"While I have signed this measure in light of the critical nature of the issue for persons who need these appliances, I do have several concerns about elements of the bill which would have led me to conditionally veto the bill had it been presented to me in other circumstances. First, I have a general concern with bills that mandate specific insurance coverage. These bills deal piecemeal with issues of cost and coverage that might better be addressed more comprehensively. In that regard, I commend the work of the New Jersey Mandated Health Insurance Advisory Commission, and I will continue to read its reports with interest.

"In addition, I am concerned that the bill will be read as deviating from standard practice in the health care delivery system by precluding utilization review, which is designed to ensure the medical necessity for such appliances and thereby prevent unnecessary costs. Accordingly, I have asked the Departments of Health and Senior Services and Human Services to periodically review the utilization of orthotic or prosthetic appliances statewide to ensure that those who need such devices obtain them and that the public is bearing no unnecessary costs.

"Finally, I am concerned that the bill sets the reimbursement level for these services at that set by Medicare. While I appreciate the importance of assuring that these appliances are readily available for those who require them, I am

concerned that this aspect of the bill will limit insurers' ability to negotiate price reductions under circumstances that will not reduce access. Accordingly, I am requesting the Departments of Health and Senior Services and Human Services, consulting with the Department of Banking and Insurance, to monitor the effects of this aspect of the bill and report periodically to me."

S-3043/A-4666 w/Statement (Codey, Rice/Pou) - "Urban Transit Hub Tax Credit Act"; allows tax credits to certain businesses for certain capital investments in urban transit hubs.

"Senate Bill No. 3043 (First Reprint), which I approved today, establishes a new tax credit program to spur new capital investment and increased employment in targeted urban rail transit hubs and to catalyze economic development in those areas. The bill supports the revitalization of New Jersey's urban centers by leveraging valuable transit assets that provide a strong foundation for economic growth, while encouraging increased transit ridership.

"This bill provides one more tool to promote economic development in the State. I intend that the bill will serve as a model for our economic development efforts by focusing our resources on targeted, well-defined areas with express job-creation requirements. Because I believe this approach can work in other areas as well, I am asking the Office of Economic Growth to work with the Legislature and craft similar approaches for other appropriate areas in the State."

ACS for A-3572/SCS for SCS for SS for S-554 w/Statement (Gusciora, Barnes, McKeon, Chivukula, Gordon/B.Smith) - "Electronic Waste Recycling Act."

"Assembly Committee Substitute for Assembly Bill No. 3572, which I signed today, establishes a new program for the disposal of electronic devices, including televisions, computers, and related components and subcomponents in New Jersey.

"I commend the sponsors of this bill for putting forward legislation that is designed to address a significant and growing problem, both in New Jersey and nationally. The type of waste generated by televisions and computers, while relatively small in volume, accounts for a significant percentage of this nation's toxic waste. The electronic waste stream that will be required to be recycled

under this bill can contain significant and dangerous levels of a wide variety of materials, including lead, mercury, cadmium, and PCBs.

"In signing this bill, I am cognizant of its impact on a variety of manufacturers, both situated in New Jersey and located elsewhere. It is my understanding and expectation that technical concerns with this legislation, which I would have addressed through a conditional veto had that option been available, will be addressed in the coming session. Notwithstanding these concerns, I know the sponsors share with me a desire not only to move forward on this difficult issue but also to ensure fairness and equity in the application and administration of this important environmental initiative. In this connection, I have asked the Department of Environmental Protection to work with this bill's sponsors in order to further craft and refine this measure."

A-4314/S-2123 w/Statement (Wisniewski, Stack, Vas/Coniglio) - Establishes pilot program for traffic control signal monitoring system.

"Assembly Bill No. 4314 (Second Reprint), which I approved today, establishes a pilot program for traffic control signal monitoring systems. Supporters of this measure point to research showing that traffic control monitoring systems have been successfully employed in numerous other jurisdictions around the country. Many local officials in New Jersey, particularly mayors of our largest municipalities, believe these systems will help reduce traffic accidents at dangerous intersections.

"In light of this support, I believe that it is appropriate to initiate this pilot program to determine the extent to which these systems advance public safety. In doing so, however, I believe that it is important that this be done in a fashion that allows us to assess its value. In particular, I believe that the test should be whether these systems reduce traffic accidents rather than whether they generate local revenue from fines and penalties.

"To that end, I have asked the Commissioner of Transportation to implement the program in a careful and deliberate manner. It is appropriate that implementation be undertaken in a staged fashion so that the number of jurisdictions that utilize these systems may be limited at the outset until we have further information to assess their utility. In addition, I expect that that the

Commissioner of Transportation will evaluate the effectiveness of these systems on a periodic basis and include the status of such evaluations in the annual reports he will be submitting. Finally, I have asked the Commissioner to develop the program so that appropriate action can be taken in the event that operation of the system no longer serves to promote public safety."

Governor Corzine signed the following bills into law on Monday, January 14, with statements:

S-507/A-2730 w/Statement (Gill/Gusciora) - Requires mandatory audit of election results in randomly selected election districts.

"Today, I am signing into law this measure because it furthers the public confidence in the accuracy and conduct of our election process. There is no more important element in our democratic system than the integrity of our elections, and I wholeheartedly support the establishment of an audit team to review the accuracy and conduct of elections in the state. This law contains many critical elements, including (a) that the audit team include independent individuals and professionals capable of ensuring an appropriate statistical approach, (b) that the audits cover federal and statewide elections as well as a selected number of county and municipal elections, and (c) that the audits not prevent or compromise the ability of candidates or other applicant from requesting a recount.

"While I firmly believe that this measure is intended to and will further the integrity of our election system, I do have a number of concerns which I will work with the legislative leadership and sponsors to address, and which would have led me to conditionally veto the bill had it been presented to me in other circumstances. Most significantly, I believe it is important to review the most appropriate method of sampling and selection of election districts to best realize the purposes of election auditing. While cost is not a determinative factor here, it is important that we expend our resources in those races where there is the greatest need to review the integrity of the electoral process. To this end, it will be important to assess whether the approach undertaken by this measure requires sampling at a level that exceeds what is necessary to provide confidence in the electoral result. Finally, it appears that further refinement may

be appropriate to ensure that the audit process can be completed in a timely fashion and not cause problems related to the certification of election results.

"In raising these concerns, I note that no other state has provided an independent audit team with the level of responsibilities and expectations set forth in this legislation. Given that New Jersey will be the first to do so, it is particularly appropriate that we commit to reexamining the approach taken in this legislation, and I will work with the Legislature to do so after we have had an opportunity to learn from the experience of the audit team in at least one statewide primary and general election. In this regard, I also observe that in light of my recent signing of Senate Bill No. 2949 (First Reprint) the deadline for the State to provide voting machines that shall produce an individual permanent paper record for each vote cast has been extended until June 3, 2008, and thus the application of this measure is unlikely to be possible at least until that date.

"Again, I applaud the sponsors and the Legislature for their commitment to ensuring public confidence in the integrity of the electoral process and look forward to working with them to ensure that New Jersey is a leader in this area."

A-2135/S-2748 w/Statement (Cohen/Scutari, Gill) - Increases judicial salaries and prosecutors' salaries.

"Assembly Bill No. 2135 (First Reprint), which I signed today, represents the completion of a three-step increase in judicial salaries that first began with provisions of the FY 2008 Appropriations Act, which was approved last year. Under the legislation I signed today, judicial salaries would increase by five percent effective January 1, 2008, and five percent effective January 1, 2009.

"The bill also would have the effect of increasing the salaries of Administrative Law Judges, Workers' Compensation Judges, and County Sheriffs, Clerks, Surrogates, and Registers of Deeds and Mortgages because the salaries of these officials are statutorily set at a percentage of the salary of a Judge of the Superior Court. This bill also would increase the annual salaries of County Prosecutors. Those salaries would increase from \$141,000 to \$153,000 effective January 1, 2008, and to \$165,000 effective January 1, 2009.

"I support increasing judicial salaries and commend the Legislature for approving an increase in those salaries. As noted in the recent report of the Public Officers Salary Review Commission, which is the statutory body created to study these issues every four years and which recommended an increase in judicial salaries, this increase is vital to ensuring the continued exceptional quality of our Judiciary and the retention of our experienced judges.

"I also recognize that we need to attract and retain high quality professionals to serve as County Prosecutors. Though the additional cost of the salary increase for County Prosecutors is relatively modest, I am concerned that this salary increase will create greater unfairness in the overall compensation structure for State and local government. I note that County Prosecutors now will have salaries that exceed those of State government cabinet officers, including the Attorney General, who is charged under statute with oversight of County Prosecutor offices. This salary differential has the potential over time of making it more difficult to attract and retain high quality prosecutors to serve in the Division of Criminal Justice. I would have tried to address this problem through a conditional veto had circumstances permitted that approach.

"Along with the problem of salary differential among similarly situated officials is the problem created by the fact that salaries of cabinet-level and sub-cabinet officials have remained unchanged for five years. This issue is undermining the stability of leadership of the cabinet departments of State government. We should be addressing this problem, and we would be addressing it now were it not for the financial emergency now confronting State government.

"In the interim, with regard to the specific issues facing the Department of Law and Public Safety, I have asked the Attorney General to work with the Department of the Treasury to develop appropriate recommendations to address those issues."

Governor Corzine signed the following bill on Tuesday, January 15:

S-2040/A-3280 (Sarlo, Sweeney/Cryan, Gregg) - Provides for special licenses to serve alcoholic beverages to smart growth development projects; allows for sale of certain plenary retail consumption licenses for use in such projects.

In addition, Governor Corzine decided not to sign the following bills, which are therefore pocket vetoed, and issued related statements:

SCS for S-176/AS for A-1511 (Doria, Scutari/Oliver, Greenstein, Cruz-Perez, Bramnick) - **POCKET VETO** - Expands wrongful death act to allow recovery for mental anguish, emotional pain and suffering, loss of society and loss of companionship.

"I am filing Senate Committee Substitute for Senate Bill No. 176 in the Division of Archives and Records Management without my approval.

"Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

"Senate Committee Substitute for Senate Bill No. 176 would expand the types of damages allowed in wrongful death actions beyond "pecuniary" losses to include injuries resulting from 'mental anguish, emotional pain and suffering, loss of society and loss of companionship.'"

"I commend the sponsors for recognizing the need to ensure that the lives of minors, parents who do not work outside the home, and the elderly are not significantly undervalued by a system that limits an individual's worth to his or her financial contribution to the family. On the other hand, unlimited damages based on emotional anguish or pain and suffering could have a significant impact on state and local budgets, since government entities are not infrequently named as defendants in wrongful death suits, and there are similar concerns as the State undertakes efforts to attract and grow businesses here.

"Unfortunately, I do not believe that this bill in its current form strikes a fair balance that would avoid using a strict monetary valuation of a person's life while also addressing the adverse effect of allowing unlimited and unpredictable damages.

"I encourage the Legislature to promptly revisit this important issue. Further, I recommend that the Legislature consider alternative means of striking an appropriate balance, especially by granting more flexibility for courts to reduce excessive non-pecuniary damage awards and defining non-pecuniary damages less expansively.

"Accordingly, I must file Senate Committee Substitute for Senate Bill No. 176 without my approval."

A-3153/S-2209 (Schaer, Scalera/Sarlo) - **POCKET VETO** - Provides certain law enforcement officers cannot be suspended without pay for more than 120 calendar days.

"I am filing Assembly Bill No. 3153 (Third Reprint) in the Division of Archives and Records Management without my approval.

Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

"This bill would require State and local government agencies to pay salary to certain law enforcement officers and paid firefighters in their employ who have been suspended pending a determination of disciplinary charges against them after certain time periods have passed. Specifically, the bill would require such payment of salary to begin 181 days after the charge resulting in suspension. It further would require repayment from an employee against whom a charge was sustained. Moreover, the 180-day time period would be tolled during any period of postponement that occurs at the request of an employee covered by the bill.

"I certainly understand and agree with the intent of the sponsors of this bill, which is to ensure that law enforcement officers and paid firefighters do not suffer severe financial hardship or dire economic consequences due to the loss of their regular salary during the sometimes lengthy period of time required to determine disciplinary charges that ultimately were dismissed. I also agree that

the procedures currently in place for resolving these cases must be changed to reduce median processing times that in some cases now total nearly two years, and I am committed to working to bring about those changes.

"However, I also understand that cases in which a law enforcement officer or firefighter has been suspended without pay generally involve serious matters with serious implications for the employer and the career of the officer or firefighter. For these reasons, these cases legitimately require sufficient time in order for the appropriate outcome to be reached. I believe that imposition of the 180-day deadline called for in this bill would make it far more difficult to arrive at an appropriate resolution given the complexity of these matters and the stakes involved. I would support legislation that creates a more workable and realistic deadline, such as 365 days."

A-4393/S-2878 (Wisniewski, Cohen/Adler) - **POCKET VETO** - Requires certain public contract bid advertisements to contain certified cost estimates or estimate ranges of projected contract costs and specifies grounds for rejection of all bids.

"I am filing Assembly Bill No. 4393 (Second Reprint) in the Division of Archives and Records Management without my approval.

"Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

"Assembly Bill No. 4393 would make significant changes to the current statutes governing the contracting process for public construction projects. While the bill has many strong proponents, it has generated a significant volume of passionate opposition from a broad spectrum of State and local government officials, entities, and organizations. These include, but are by no means limited to, the State Comptroller, the Attorney General, the League of Municipalities, the Association of Counties, the Governmental Purchasing Association of New Jersey, and many dozens of counties, municipalities, colleges, universities, school

districts, and other entities that passed resolutions or contacted my office to express serious concerns about this bill.

"While I generally support the sponsors' goals of making our public contracting processes more efficient and transparent, I am advised that this bill, as currently drafted, includes apparent technical errors and other flaws that I have no opportunity to address by way of a conditional veto because the bill was not passed by either House of the 212th Legislature until the last voting session. It is my hope that the proponents of similar future legislation will be willing to work in coordination with the Office of State Comptroller and the Division of Local Government Services in the Department of Community Affairs, as well as with affected public entities and their representatives, to craft an appropriate bill that addresses the concerns that motivated this bill while avoiding the problems associated with this bill.

"Accordingly, I must file Assembly Bill No. 4393 (Second Reprint) without my approval."