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[Second Reprint]

**ASSEMBLY, No. 3304**

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

INTRODUCED OCTOBER 16, 2008

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Co-Sponsored by:**

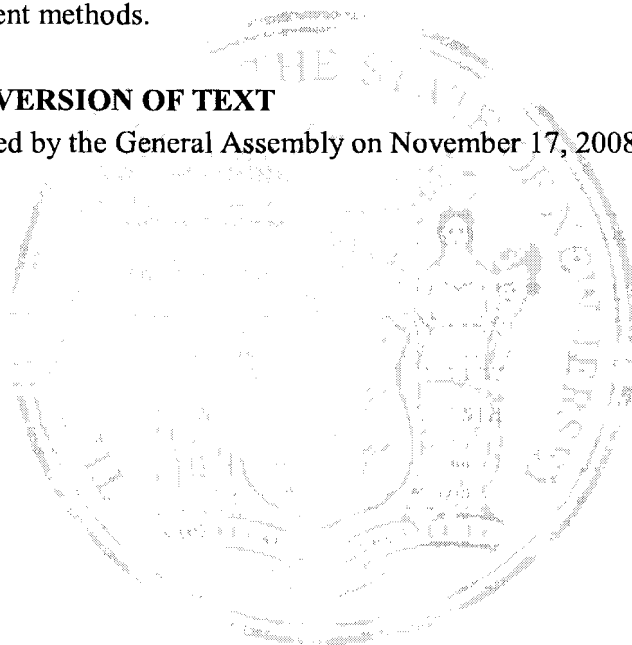
**Senators Stack and O'Toole**

**SYNOPSIS**

Provides increased time frame for issuing summons pursuant to traffic control signal monitoring systems and for destruction of records; establishes certain payment methods.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on November 17, 2008.



**(Sponsorship Updated As Of: 3/17/2009)**

A3304 [2R] WISNIEWSKI, RAMOS

2

1 AN ACT concerning traffic control signal monitoring systems <sup>1</sup>,  
2 amending R.S.39:5-3,<sup>1</sup> and amending and supplementing  
3 P.L.2007, c.348.

4

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

7

8 <sup>1</sup>1. R.S.39:5-3 is amended to read as follows:

9 39:5-3. a. When a person has violated a provision of this  
10 subtitle, the judge may, within 30 days after the commission of the  
11 offense, issue process directed to a constable, police officer <sup>2</sup><sub>1</sub><sup>2</sup> or  
12 the <sup>2</sup>**[director]** chief administrator<sup>2</sup> for the appearance or arrest of  
13 the person so charged <sup>2</sup>and for a violation of R.S.39:4-81, issue  
14 process within 90 days after the commission of the offense<sup>2</sup>. In the  
15 case of a violation enumerated in subsection b. of this section, this  
16 period shall commence upon the filing of a complaint.

17 b. A complaint may be made to a judge for a violation of  
18 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-  
19 24 at any time within one year after the commission of the offense;  
20 for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-  
21 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 16 of  
22 P.L.1990, c.103 (C.39:3-10.24), section 3 of P.L.1952, c.157  
23 (C.12:7-46), **[or]** section 9 of P.L.1986, c.39 (C.12:7-57) **[at any**  
24 **time within 90 days after the commission of the offense; and for a**  
25 **violation of]** , R.S.39:3-40, **[or]** <sup>2</sup>or<sup>2</sup> section 1 of P.L.1942, c.192  
26 (C.39:4-128.1), <sup>2</sup>**[or R.S.39:4-81]**<sup>2</sup> at any time within 90 days after  
27 the commission of the offense.

28 c. All proceedings shall be brought before a judge having  
29 jurisdiction in the municipality in which it is alleged that the  
30 violation occurred, but when a violation occurs on a street through  
31 which the boundary line of two or more municipalities runs or  
32 crosses, then the proceeding may be brought before the judge  
33 having jurisdiction in any one of the municipalities divided by said  
34 boundary line, and in the event there shall be no judge or should no  
35 judge having such jurisdiction be available for the acceptance of  
36 bail and disposition of the case, or should the judges having such  
37 jurisdiction be disqualified because of personal interest in the  
38 proceedings, or for any other legal cause, said proceeding shall be  
39 brought before a judge having jurisdiction in the nearest  
40 municipality to the one in which it is alleged such a violation  
41 occurred.<sup>1</sup>

42 (cf: P.L.2002, c.56, s.1)

**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:**

<sup>1</sup>Assembly ATR committee amendments adopted November 13, 2008.

<sup>2</sup>Assembly floor amendments adopted November 17, 2008.

1       <sup>1</sup>2. Section 3 of P.L.2007, c.348 (C.39:4-8.14) is amended to  
2 read as follows:

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

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

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

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

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

27       The commissioner may approve as many municipalities making  
28 application as he deems appropriate, and shall indicate which of the  
29 intersections in those applications are approved for the installation  
30 and utilization of traffic control signal monitoring systems.

31       b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-  
32 103.1), the governing body of a municipality, by ordinance, may  
33 determine to install and utilize a traffic control signal monitoring  
34 system to facilitate the lawful observance of and compliance with  
35 traffic control signals governing the flow of traffic at intersections  
36 under its jurisdiction approved by the Commissioner of  
37 Transportation pursuant to subsection a. of this section.

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

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

1 set forth in the "Manual on Uniform Traffic Control Devices for  
2 Streets and Highways."

3 e. A traffic control signal monitoring system shall be inspected  
4 and certified at least once every six months by the municipal  
5 engineer from the date of its installation for the duration of the five-  
6 year pilot program prescribed by P.L.2007, c.348 (C.39:4-8.12 et  
7 seq.).

8 f. In any municipality in which the governing body has  
9 authorized the installation and use of a traffic control signal  
10 monitoring system pursuant to subsection b. of this section, a  
11 vendor contracting with that municipality concerning the  
12 installation and use of such system shall establish a public  
13 awareness campaign to notify the public of the intersection at which  
14 the system will be installed and of the date on which the system will  
15 be activated. The public awareness campaign shall, at a minimum,  
16 utilize electronic and print media and shall make available  
17 electronically on an Internet website the information required under  
18 this subsection.<sup>1</sup>

19 (cf: P.L.2007, c.348, s.3)

20

21 <sup>1</sup>[1.] 3.<sup>1</sup> Section 4 of P.L.2007, c.348 (C.39:4-8.15) is amended  
22 to read as follows:

23 4. a. In any municipality where the governing body has  
24 authorized the installation and use of a traffic control signal  
25 monitoring system, a law enforcement official of such municipality  
26 shall review the recorded images produced by the traffic control  
27 signal monitoring system. In conducting such review, the law  
28 enforcement official shall determine whether there is sufficient  
29 evidence to conclude that a traffic control signal violation has  
30 occurred and shall issue , within <sup>1</sup>[60] 90 <sup>2</sup>[business<sup>1</sup>]<sup>2</sup> days from  
31 the date on which the violation occurred, a summons where it is  
32 deemed appropriate. A traffic control signal violation summons  
33 issued pursuant to a traffic control signal monitoring system  
34 established in accordance with this act shall be served by a law  
35 enforcement official in accordance with the Rules of Court. Except  
36 as otherwise provided in this subsection, the recorded images  
37 produced by the traffic control signal monitoring system shall be  
38 available for the exclusive use of any law enforcement official for  
39 the purposes of discharging the official's duties pursuant to  
40 P.L.2007, c.348 (C.39:4-8.12 et seq.). Any recorded image or  
41 information produced in connection with the traffic control signal  
42 monitoring system shall not be deemed a public record under  
43 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning  
44 access to public records. The recorded images shall not be  
45 discoverable as a public record by any person, entity, or  
46 governmental agency, except upon a subpoena issued by a grand  
47 jury or a court order in a criminal matter, nor shall they be offered

1 in evidence in any civil or administrative proceeding not directly  
2 related to a traffic control signal violation.

3 Any recorded image or information produced in connection with  
4 the traffic control signal monitoring system pertaining to a specific  
5 violation shall be purged and not retained later than 60 days after  
6 the collection of any fine or penalty. If a law enforcement official  
7 does not issue a summons for a traffic control signal violation  
8 within [40] <sup>1</sup>[60] <sup>2</sup>90<sup>1</sup> <sup>2</sup>[business]<sup>2</sup> days, all recorded images and  
9 information collected pertaining to that alleged violation shall be  
10 purged within [two] <sup>2</sup>three <sup>2</sup>[business]<sup>2</sup> days. Any municipality  
11 operating a traffic control signal monitoring system shall certify  
12 compliance with this subsection in the report required to be filed  
13 with the Commissioner of Transportation pursuant to section 6 of  
14 P.L.2007, c.348 (C.39:4-8.17).

15 b. Except as provided in subsection c. of this section, the owner  
16 and operator shall be jointly liable for a traffic control signal  
17 violation summons issued pursuant to a traffic control signal  
18 monitoring system established in accordance with this act, unless  
19 the owner can show that the vehicle was used without his consent,  
20 express or implied. An owner who pays any fine, penalty, civil  
21 judgment, costs or administrative fees in connection with a traffic  
22 control signal violation issued pursuant to a traffic control signal  
23 monitoring system shall have the right to recover that sum from the  
24 operator in a court of competent jurisdiction.

25 c. The owner of a motor vehicle who is a lessor shall not be  
26 liable for a traffic control signal violation summons issued pursuant  
27 to this act when the motor vehicle is under the control or in the  
28 possession of the lessee, if upon notice of a traffic control signal  
29 violation, the owner of the motor vehicle which was leased at the  
30 time of the offense notifies the clerk of the court where the case is  
31 pending, by an affidavit of the name and address of the lessee. The  
32 affidavit shall be in a form prescribed by the Administrative  
33 Director of the Courts.

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

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

41 <sup>2</sup>[e. It shall not be a defense to any traffic control signal  
42 violation that the signs required to be posted pursuant to subsection  
43 d. of section 3 of P.L.2007, c.348 (C.39:4-8.14), notifying drivers  
44 that a traffic control signal monitoring system is being utilized, are  
45 not posted or are improperly posted.] (Deleted by amendment,  
46 P.L. , c. ) (pending before the Legislature as this bill)<sup>2</sup>  
47 (cf: P.L.2007, c.348, s.4)

1       <sup>1</sup>[2.(New section) The governing board or body of any county,  
2 wherein a municipality whose application to participate in the pilot  
3 program has been approved by the commissioner is located, shall  
4 receive its statutory share, pursuant to R.S.39:5-41, of any fine  
5 imposed pursuant to a traffic control signal monitoring system after  
6 that municipality has made payment for any costs associated with  
7 the administration and utilization of the traffic control signal  
8 monitoring system.]<sup>1</sup>

9  
10       <sup>1</sup>4. (New section) a. Notwithstanding the provisions of  
11 R.S.39:5-41, in the case of a violation of R.S.39:4-81, the evidence  
12 of which was captured by a traffic control signal monitoring system  
13 installed pursuant to section 3 of P.L.2007, c.348, the full amount of  
14 a fine assessed by a municipal court shall be paid to the financial  
15 officer of the municipality in which the offense occurred, unless the  
16 governing body of the county has elected to pay one-half of the cost  
17 of the installation, maintenance, and administration of the traffic  
18 control signal monitoring system, in which case, one-half of the fine  
19 amount shall be distributed to the financial officer of the county  
20 where the offense occurred. Any change in this distribution of  
21 revenue shall be applicable only to fines attributable to complaints  
22 filed with the municipal court after the date on which applicable  
23 notice under subsection b. of this section shall have been received  
24 by the Administrative Office of the Courts.

25       b. A municipality that has installed a traffic control signal  
26 monitoring system shall notify the Administrative Office of the  
27 Courts when the governing body of a county has agreed to  
28 participate in a traffic control signal monitoring system program  
29 within its jurisdiction. Such notice shall be applicable to any  
30 violation of R.S.39:4-81, evidence of which shall have been  
31 captured by a traffic control signal monitoring system within the  
32 municipality's jurisdiction.<sup>1</sup>

33  
34       <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect on the <sup>1</sup>[30<sup>th</sup>] 60th<sup>1</sup> day  
35 following enactment.



1 SPONSOR'S STATEMENT

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This bill would provide law enforcement officials with 60 days to issue a summons pursuant to a traffic control signal monitoring system after determining that, upon review of images produced by such system, there is sufficient evidence to conclude that a traffic control signal violation has occurred.

This bill also makes the allotted time frames concerning the destruction of records associated with a traffic control signal monitoring system consistent with the time frame law enforcement officials are provided to issue a summons for a traffic control signal violation pursuant to a traffic control signal monitoring system. Specifically, the bill provides that law enforcement officials would have three business days to purge all recorded images and information pertaining to an alleged traffic control signal violation if a summons has not been issued within 60 days, rather than 40 days as provided under current law.

Finally, this bill would also provide that the governing board or body of any county, wherein a municipality whose application to participate in the traffic control signal monitoring pilot program has been approved by the commissioner is located, shall receive its statutory share of any fine imposed pursuant to a traffic control signal monitoring system after that municipality has made payment for any costs associated with the administration and utilization of the traffic control signal monitoring system.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3304**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 13, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3304.

As reported, this amended bill would provide law enforcement officials with 90 days to issue a summons for a violation of a traffic control device, including violations evidenced by a traffic control signal monitoring system. The bill incorporates this 90-day time frame into the existing statutory requirement that records associated with a violation captured by such a system shall be destroyed after a given period of time has elapsed without issuance of a summons; currently, that period is 40 days. In addition, the bill lengthens the time allowed for such record destruction after expiration of the period from two days to three days.

The bill, as amended, requires that a vendor contracting with a municipality concerning the installation and use of a traffic control signal monitoring system shall establish a public awareness campaign to notify the public of the intersection at which the system will be installed and the date on which it will be activated. The public awareness campaign is to utilize electronic and print media and shall make available electronically on an Internet website the information required under the bill.

The amended bill would also provide that, in the case of violations of which evidence was captured by a traffic control signal monitoring system, the full amount of the fine assessed by a municipal court shall be paid to the financial officer of the municipality in which the offense occurred, unless the governing body of the county has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount shall be distributed to the financial officer of the county in which the offense occurred.

Any municipality that has installed a traffic control signal monitoring system is required to notify the Administrative Office of the Courts when the governing body of a county has agreed to

participate in a traffic control signal monitoring system program within its jurisdiction. The notice is applicable to any violation of R.S.39:4-81, the evidence of which shall have been captured by a traffic control signal monitoring system within the municipality's jurisdiction. Any change in the distribution of fine revenue under this rule shall be applicable only to complaints of a violation of R.S.39:4-81 captured by a traffic control signal monitoring system that are filed with the municipal court after the date on which notice is received by the Administrative Office of the Courts.

This amended bill shall take effect on the 60<sup>th</sup> day following enactment.

#### COMMITTEE AMENDMENTS

The committee amended the bill to increase the time frame for issuing a summons for a violation of a traffic control signal from 60 days to 90 days and to require the vendor contracting for installation and use of the traffic control monitoring system to establish a public awareness campaign. The committee amendments incorporated the provision for the allocation of fines assessed for a traffic control signal violation captured by a traffic control signal monitoring system and the provision for notice of the impending installation of that system to the Administrative Office of the Courts.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3304**

with Assembly Floor Amendments  
(Proposed By Assemblyman WISNIEWSKI)

ADOPTED: NOVEMBER 17, 2008

This amendment establishes a 90-day time frame for law enforcement to issue and serve process for a violation of a traffic control device, including for violations of traffic control signal monitoring systems. This amendment also deletes a provision of current law which provides that failure to post or improperly posting the statutorily required sign at an intersection, notifying drivers that a traffic control signal monitoring system is being used is not a defense to a violation of that system.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 3304

### STATE OF NEW JERSEY 213th LEGISLATURE

DATED: DECEMBER 22, 2008

#### SUMMARY

- Synopsis:** Provides increased time frame for issuing summons pursuant to traffic control signal monitoring systems and for destruction of records; establishes certain payment methods.
- Type of Impact:** Net local cost increase offset by net revenue.
- Agencies Affected:** Municipalities, counties

#### Office of Legislative Services Estimate

| <b>Fiscal Impact</b> | <b>Year 1</b>                      | <b>Year 2</b> | <b>Year 3</b> |
|----------------------|------------------------------------|---------------|---------------|
| <b>Local Cost</b>    | Indeterminate - See comments below |               |               |
| <b>Local Revenue</b> | Indeterminate - See comments below |               |               |

- The Office of Legislative Services cannot determine and quantify the fiscal impact this bill will have on municipalities and counties upon implementation, and throughout the five-year term of the pilot program. The cost of implementation to municipalities cannot be projected, although it is expected to be covered by revenue generated by fines assessed by the municipal courts.
- P.L.2007, c.348 authorized the Commissioner of Transportation to establish a pilot program to determine the effectiveness of traffic control signal monitoring systems in the State. The pilot program is designed to determine whether a traffic control signal monitoring system may be an effective long-term tool to increase safety at specific locations that have a history of violations and accidents related to crossing against a red light that has not been reduced by previous engineering, enforcement, and education efforts.
- A fine in the amount of \$85 assessed by a municipal court would be paid to the financial officer of the municipality in which the offense occurred, unless the governing body of the county has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount is distributed to the financial officer of the county in which the offense occurred.

## BILL DESCRIPTION

Assembly Bill No. 3304 (2R) of 2008 provides law enforcement officials with 90 days to issue and serve process for a violation of a traffic control device, including violations of a traffic control signal monitoring system. The bill deletes a provision of current law which provides that failure to post or improperly posting the statutorily required sign at an intersection, notifying drivers that a traffic control signal monitoring system is being used is not a defense to a violation of that system.

The bill provides that the full amount of a fine assessed by a municipal court for a violation of a traffic control device, the evidence of which was captured by a traffic control signal monitoring system, shall be paid to the municipality in which the offense occurred, unless the governing body of the county where the offense occurred has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount is distributed to the county.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The Office of Legislative Services is unable to quantify the fiscal impact this legislation will have on local revenue and expenditures. However, according to information informally provided by the Administrative Office of the Courts, municipalities and counties that participate will not receive a financial net benefit after implementation of the traffic control signal monitoring system. The Administrative Office of the Courts projects that initial costs incurred with implementation, administration, and maintenance of the system will be offset with revenue generated by fines, and after the first year of implementation, revenue generated from fines will decrease due to driver awareness of the system.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

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

**FISCAL NOTE**  
 [Second Reprint]  
**ASSEMBLY, No. 3304**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: FEBRUARY 4, 2009

**SUMMARY**

**Synopsis:** Provides increased time frame for issuing summons pursuant to traffic control signal monitoring systems and for destruction of records; establishes certain payment methods.

**Type of Impact:** Increased State cost  
 Net local cost increase offset by net revenue

**Agencies Affected:** Administrative Office of the Courts  
 Municipalities, counties

**Executive Estimate**

| <b>Fiscal Impact</b> | <b>Year 1</b>                      | <b>Year 2</b> | <b>Year 3</b> |
|----------------------|------------------------------------|---------------|---------------|
| <b>State Cost</b>    | \$100,000                          | Unknown       | Unknown       |
| <b>State Revenue</b> | Indeterminate – See comments below |               |               |
| <b>Local Cost</b>    | Indeterminate – See comments below |               |               |
| <b>Local Revenue</b> | Indeterminate – See comments below |               |               |

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS notes that this fiscal note supersedes a prior fiscal estimate on this bill. This fiscal note incorporates an estimate of the approximate cost to the State to implement the legislation, and the caveat that there may be some additional costs to the State in subsequent years if the Judiciary modifies its automated traffic and complaint systems.
- The OLS cannot quantify the fiscal impact this bill will have on municipalities and counties upon implementation, and throughout the five-year term of the pilot program. The cost of implementation to municipalities cannot be projected, although it is expected to be covered by revenue generated by fines assessed by the municipal courts.

## **BILL DESCRIPTION**

P.L.2007, c.348 authorized the Commissioner of Transportation to establish a pilot program to determine the effectiveness of traffic control signal monitoring systems in the State. The pilot program is designed to determine whether a traffic control signal monitoring system may be an effective long-term tool to increase safety at specific locations that have a history of violations and accidents related to crossing against a red light that has not been reduced by previous engineering, enforcement, and education efforts.

Assembly Bill No. 3304 (2R) of 2008 provides law enforcement officials with 90 days to issue process for a violation of a traffic control device, including violations of a traffic control signal monitoring system.

The bill deletes a provision of current law which provides that failure to post or improperly posting the statutorily required sign at an intersection, notifying drivers that a traffic control signal monitoring system is being used, is not a defense to a violation of that system.

The bill provides that the full amount of a fine assessed by a municipal court for a violation of a traffic control device, the evidence of which was captured by a traffic control signal monitoring system, shall be paid to the municipality in which the offense occurred, unless the governing body of the county where the offense occurred has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount is distributed to the county.

Finally, the bill requires any vender that installs a traffic control signal monitoring system in a municipality to establish an awareness campaign to notify the public of where and when the system will be activated.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts (AOC) estimates it will cost the State approximately \$100,000 to implement a pilot program for the traffic control signal monitoring system. It will require reprogramming and modification to the Judiciary's automated traffic and complaint systems, and additional modifications on an ongoing basis when a community is approved as a pilot participant, or a governing body of a county agrees to participate in a program within its jurisdiction.

According to the AOC, because the designation of the approved pilot program communities occurred only recently, the Judiciary has no basis or historical data to accurately project what fiscal impact the introduction of this system will have on revenue of the individual communities approved by the State.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Executive estimate and is unable to quantify the fiscal impact this legislation will have on local revenue and expenditures. However, according to information informally provided by the AOC, municipalities and counties that participate will not receive a financial net benefit after implementation of the traffic control signal monitoring system. The AOC projects that initial costs incurred with implementation, administration, and maintenance of the system will be offset with revenue generated by fines, and after the first year of



implementation, revenue generated from fines will decrease due to driver awareness of the system.

A fine in the amount of \$85 assessed by a municipal court would be paid to the financial officer of the municipality in which the offense occurred, unless the governing body of the county has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount is distributed to the financial officer of the county in which the offense occurred. Under current regulation, the fine that is imposed and collected by a municipal court for a violation of a traffic control device is evenly divided between the municipality and county where the violation occurred, within the jurisdiction of that court. However, if the complaining witness is a county or State police officer the entire fine is forwarded to the county or State respectively.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

1 to this act when the motor vehicle is under the control or in the  
2 possession of the lessee, if upon notice of a traffic control signal  
3 violation, the owner of the motor vehicle which was leased at the  
4 time of the offense notifies the clerk of the court where the case is  
5 pending, by an affidavit of the name and address of the lessee. The  
6 affidavit shall be in a form prescribed by the Administrative  
7 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 d. Any person found to have committed a violation of a traffic  
12 control signal pursuant to a traffic control signal monitoring system  
13 shall be subject to the penalty as provided in R.S.39:4-81. In  
14 addition to the penalty that may be assessed by a court having  
15 jurisdiction for a violation of a traffic control signal, a court shall  
16 require the person found to have violated a traffic control signal  
17 pursuant to a traffic control monitoring system to pay the  
18 reasonable administrative fee established by the municipality  
19 wherein the violation occurred. Following collection and  
20 distribution of the fees set forth in section 11 of P.L.1953, c.22  
21 (C.22A:3-4), any administrative fee imposed and collected by the  
22 court for a violation of a traffic control signal pursuant to a traffic  
23 control signal monitoring system shall be promptly remitted to the  
24 municipality by the court. In no case shall motor vehicle points or  
25 automobile insurance eligibility points pursuant to section 26 of  
26 P.L.1990, c.8 (C.17:33B-14) be assessed against any person for a  
27 violation occurring under the provisions of this act.

28 e. It shall not be a defense to any traffic control signal violation  
29 that the signs required to be posted pursuant to subsection d. of  
30 section 3 of P.L.2007, c.348 (C.39:4-8.14), notifying drivers that a  
31 traffic control signal monitoring system is being utilized, are not  
32 posted or are improperly posted.

33 (cf: P.L.2007, c.348, s.4)

34  
35 3. This act shall take effect immediately.

36  
37  
38 *SPONSOR'S* STATEMENT

39  
40 This bill would permit the governing body of the municipality or  
41 its agent to send an advisory and payment notice within 7 days of  
42 the date of a violation of a traffic control signal monitoring system  
43 to the owner of the vehicle. Such notice shall be sent by regular  
44 mail at the address of record for that owner with the New Jersey  
45 Motor Vehicle Commission or with any other motor vehicle  
46 licensing authority of another jurisdiction, providing the owner with  
47 the opportunity to resolve the matter prior to the issuance of a  
48 summons and complaint that charges a violation of a traffic control

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6

1 signal pursuant to a traffic control signal monitoring system. The  
2 advisory and payment request shall contain sufficient information to  
3 inform the owner of the nature, date, time, and location of the  
4 alleged violation. The governing body of the municipality or its  
5 agent may require, as part of the advisory and payment request, the  
6 owner to pay to the municipality or its agent, the requisite payment  
7 and a reasonable administrative fee established by the municipality  
8 and based upon the actual cost of processing and collecting the  
9 payment. If the owner fails to pay the proper payment and  
10 administrative fee within 30 days of the date the advisory and  
11 payment request was sent, the owner shall be subject to liability on  
12 the 31<sup>st</sup> day following the date the advisory and payment request  
13 was sent pursuant to the issuance of a complaint and summons.

14 This bill also provides that any person found to have committed  
15 a violation of a traffic control signal pursuant to a traffic control  
16 signal monitoring system shall be subject to the same penalty as  
17 provided for in current law for failure to observe a traffic signal. In  
18 addition to the penalty that may be assessed by a court having  
19 jurisdiction for a violation of a traffic control signal pursuant to a  
20 traffic control signal monitoring system, a court shall require the  
21 person found to have violated a traffic control signal pursuant to the  
22 traffic control signal monitoring system to pay the reasonable  
23 administrative fee established by the municipality wherein the  
24 violation occurred. Following collection and distribution of the fees  
25 set forth in section 11 of P.L.1953, c.22 (C.22A:3-4), any  
26 administrative fee imposed and collected by the court for a violation  
27 of a traffic control signal pursuant to a traffic control signal  
28 monitoring system shall be promptly remitted to the municipality by  
29 the court.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2064**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 13, 2008

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 2064.

This substitute bill increases the time frame, following expiration of the 40-day period allowed for issuance of a summons for the violation of a traffic control signal as captured by a traffic control signal monitoring system, within which all recorded images and information collected pertaining to the alleged violation are to be purged to three days, rather than the two days currently allowed.

The bill requires that a vendor contracting with a municipality concerning the installation and use of a traffic control signal monitoring system shall establish a public awareness campaign to notify the public of the intersection at which the system will be installed and the date on which it will be activated. The public awareness campaign is to utilize electronic and print media and shall make available electronically on an Internet website that information.

The substitute bill also provides that, in the case of violations of which evidence was captured by a traffic control signal monitoring system, the full amount of the fine assessed by a municipal court shall be paid to the financial officer of the municipality in which the offense occurred, unless the governing body of the county has elected to pay one-half of the cost of the installation, maintenance, and administration of the traffic control signal monitoring system, in which case, one-half of the fine amount shall be distributed to the financial officer of the county in which the offense occurred.

Any municipality that has installed a traffic control signal monitoring system is required to notify the Administrative Office of the Courts when the governing body of a county has agreed to participate in a traffic control signal monitoring system program within its jurisdiction. The notice is applicable to any violation of R.S.39:4-81, the evidence of which shall have been captured by a traffic control signal monitoring system within the municipality's jurisdiction. Any change in the distribution of fine revenue under this rule shall be applicable only to complaints of a violation of R.S.39:4-81 captured by a traffic control signal monitoring system that are filed

with the municipal court after the date on which notice is received by the Administrative Office of the Courts.

The bill deletes a provision of current law which provides that failure to post or improperly posting the statutorily required sign at an intersection, notifying drivers that a signal monitoring system is being used is not a defense to a traffic control signal violation.

This bill shall take effect on the 60<sup>th</sup> day following enactment.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2064**

with Senate Floor Amendments  
(Proposed By Senator STACK)

ADOPTED: NOVEMBER 24, 2008

This amendment establishes a 90-day time frame for law enforcement to issue and serve process for a violation of a traffic control device, including for violations of traffic control signal monitoring systems. This amendment makes consistent this 90-day time frame throughout the bill. This amendment makes this bill identical to Assembly Bill No. 3304(2R).