PARKING

39A:PKG-1. Definitions

a. "Parking offense" means a violation of a State statute, an ordinance or resolution adopted by a county, municipality or authority or a regulation issued by a State authority which regulates the parking of vehicles. For purposes of this chapter, violations of ordinances or regulations will be within the civil jurisdiction of the court.

b. "Parking ticket" means the summons issued alleging that a parking offense has occurred.

Source: 39:4-139.3.

COMMENT
This section contains the substance of the original.

39A:PKG-2. Parking

a. The operator of a vehicle shall not stop, stand or park the vehicle in a highway other than parallel with the edge of the highway headed in the direction of traffic, on the right-hand side of the road and with the curb side of the vehicle within six inches of the edge of the highway, except:

(1) Upon streets which have been designated by ordinance and marked or signed for angle parking, vehicles shall be parked at the angle to the curb designated and indicated by the ordinance and marks or signs.

(2) Upon one-way streets, local authorities may permit parking of vehicles parallel with the left-hand edge of the highway headed in the direction of traffic, on the left-hand side of the road and with the curb side of the vehicle within six inches of the edge of the highway.

b. A person shall not park or leave standing a vehicle, whether attended or unattended, upon the highway, outside of a business or residence district, when it is practicable to park or leave it standing off the highway. In no event shall a person park or leave standing a vehicle whether attended or unattended, upon a highway, unless a clear and unobstructed width of not less than fifteen feet upon the highway opposite the standing vehicle is left for free passage of other vehicles, or unless a clear view of the vehicle may be obtained from a distance of 200 feet in each direction upon the highway.

c. If a vehicle is disabled or otherwise unable to proceed while on a highway, the driver or person in charge of such vehicle shall immediately, by the quickest means of communication, notify the nearest police authority.

d. A person having control of a motor vehicle shall not allow it to stand on a highway unattended without first effectively setting the brakes and stopping the motor, and, when standing on a grade, without turning the wheels to the curb or side of the highway.

e. A driver of a vehicle shall not stand or park the vehicle for a period of time longer than is necessary for the loading or unloading of passengers or materials or longer
than is provided in this chapter. The loading or unloading of passengers shall not consume more than three minutes in an alley or at a curb adjacent to the entrance of a school, church, theatre, hotel, hospital or any other place of public assemblage during hours designated by official signs.

f. A vehicle upon a highway, which is disabled to the extent that the operator cannot move it, or an unoccupied vehicle parked or standing in violation of this chapter, shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and a peace officer may provide for the removal of the vehicle. The owner shall pay the reasonable costs of the removal and storage that may result from such removal, before regaining possession of the vehicle.

Source: 39:4-135; 39:4-136; 39:4-137; 39:4-139.

COMMENT

This section contains the substance of the original sections and has been consolidated.

It has been informally suggested to the Commission that requiring parking in the direction of traffic on certain residential streets is unnecessary.

39A:PKG-3. Places where parking prohibited

a. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign or signal, the operator of a vehicle shall not stand or park the vehicle in any of the following places:

(1) Within an intersection;
(2) On a crosswalk;
(3) Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;
(4) In front of a public or private driveway;
(5) Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys;
(6) On a sidewalk;
(7) In any appropriately marked "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;
(8) Within 50 feet of a "stop" sign;
(9) Within 10 feet of a fire hydrant;
(10) Within 50 feet of the nearest rail of a railroad crossing;
(11) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;
(12) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;
(13) On the highway side of any vehicle stopped or parked at the edge or curb of a street;

(14) Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

(15) In a space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to 39:4-197.5, 52:27D-119 et seq. or any other applicable law unless the vehicle is authorized by law to be parked there and a handicapped person is either the driver or a passenger in that vehicle. State, county or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property. It shall not be a defense to the unauthorized use of a parking space reserved for the handicapped that the penalties set forth in 39:4-197 were not posted or were improperly posted.

b. A person shall not move a vehicle not lawfully under that person’s control into any such prohibited area or away from a curb such distance as is unlawful.


COMMENT
This section contains the substance of the source sections.

The final sentence in (a)(5) is taken from 39:4-198.

39A:PKG-4. “No parking” zones

The Chief Administrator, by regulations, shall have authority to establish and maintain "no parking" zones on portions of State highways where parking is deemed hazardous or inimical to the proper flow of traffic. "No parking" zones so established shall be clearly marked by appropriate signs of a type and design according to specifications adopted by the Chief Administrator.

Source: 39:4-138.1.

COMMENT
This section contains the substance of the original.

39A:PKG-5. Parking in front of driveways

a. Notwithstanding the provisions of 39:4-138 to the contrary, a municipality may, by ordinance, permit the parking of motor vehicles in front of private driveways when both the motor vehicle and driveway involved are owned by the same person, when the motor vehicle is owned by a member of the same household as the owner of the private driveway, or when the owner of the private driveway authorizes the parking of a motor vehicle in front of the private driveway; and where such parking is not otherwise prohibited and would not interfere with the normal flow of traffic.
b. A motor vehicle may not be parked in front of a private driveway unless the owner of the private driveway or a member of the owner's household has been issued a valid permit and the permit is properly displayed, or unless the owner has authorized another party to use and display the owner's permit for parking in front of the private driveway, and the permit is valid and properly displayed. A municipality may, by ordinance, establish a fee for these permits.

c. A municipality enacting an ordinance pursuant to subsection (a) shall provide for the issuance of permits which authorize the parking of motor vehicles in front of private driveways and identify the location of the driveway in front of which the parking of a motor vehicle is permitted. The permits shall be issued to owners of private driveways and to members of the same household as the owner of a private driveway provided that a completed application for a permit has been filed as required by the municipality.

d. An owner of a private driveway shall be eligible to apply for up to three permits for his or her own motor vehicles or for use by other parties authorized by the owner to park in front of the private driveway. Each member of the owner's household who owns a motor vehicle shall also be eligible to apply for a permit. The permit shall be 5 ½ inches by 8 ½ inches in size, shall bear an appropriate certification of authenticity and shall be displayed prominently within the vehicle when it is parked so as to be seen from the middle of the street.

Source: 39:4-138.3; 39:4-138.4; 39:4-138.5.

COMMENT
This section contains the substance of the original sections and has been consolidated.

39APKG-6. Uniform traffic ticket for parking offenses

a. The complaint and summons for a parking offense shall be a uniform traffic ticket in the form prescribed by the Administrative Director of the Courts and shall contain information advising the person to whom it is issued of the manner in which and the time within which an answer to the offense alleged is required. The parking ticket shall also advise that penalties may result from a failure to answer, that the failure to answer or appear shall be considered an admission of liability, and that a default judgment may be entered against the owner of the vehicle. A parking ticket shall also contain sufficient information to inform the person of the nature, date, time and location of the offense alleged.

b. A parking ticket shall be served personally upon the operator of a vehicle who is present at the time of service, and the operator’s name recorded on the parking ticket, together with the plate number and type as shown by the registration plates of the vehicle and the make or model of the vehicle. If the operator is not present, the parking ticket shall be served upon the owner of the vehicle by affixing the parking ticket to the vehicle in a conspicuous place, or by any other method approved by the New Jersey Court Rules. Service by affixation shall have the same effect as if the parking ticket was personally served on the owner or operator of the vehicle.
c. The original parking ticket shall be signed by the complainant, who shall certify to the truth of the facts set forth therein. The original parking ticket or a true copy of the parking ticket shall be considered a record kept in the ordinary business of the enforcement agency and shall be prima facie evidence of the facts contained therein.

e. An operator of a vehicle who is not the owner, but who operates the vehicle with the express or implied permission of the owner, shall be considered the agent of the owner to receive service of parking tickets. The owner and operator shall be jointly liable for parking offenses, unless the owner can show that the vehicle was used without express or implied consent. An owner who pays any fine, penalty, civil judgment, costs or administrative fees in connection with a parking offense may recover that sum from the operator in a court of competent jurisdiction.

f. The owner of a leased motor vehicle is not liable for a parking offense committed when the motor vehicle is under the control or in the possession of the lessee if, upon notice of a parking offense, the owner notifies the clerk of the proper court, by a form notarized statement prescribed by the Administrative Director of the Courts, of the name and address of the lessee. If the owner fails to properly notify the clerk of the lessee, the court may take any action the interests of justice require, including finding the owner of the motor vehicle liable for the parking offense. After providing the name and address of the lessee, the owner shall not be required to attend a hearing on the offense, unless notified that the offense may have been caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle. The lessee of the motor vehicle who intends to claim the offense resulted from the owner's failure to maintain the vehicle shall notify the clerk of the court where the case is pending and the owner of the vehicle of this claim within five days after receiving notice of the offense or at least seven days prior to the date the case will be heard by the court, whichever is later.

Source: 39:4-139.4; 39:4-139.5; 39:4-139.6.

COMMENT

This section contains the substance of the original sections and has been consolidated.

39A:PKG-7. Answering parking ticket or failure to appear notice

a. In answer to a parking ticket or failure to appear notice, a person to whom one was issued may admit the commission of the parking offense by payment of the fine and penalty due; or deny liability and appear in court in accordance with the instructions on the summons or otherwise as provided by court rule.
b. A person to whom a parking ticket or failure to appear notice has been issued may answer by personal appearance or by mail in accordance with instructions on the summons.

c. A person who admits the commission of a parking offense shall, at the same time the answer is submitted, pay the civil fine and any additional penalties established pursuant to local ordinance or regulation, which may be due for failure to answer within the time required.

Source: 39:4-139.7.

COMMENT

This section is substantially identical to the source section.

39A:PKG_8. Hearing and judgment in parking ticket matters

a. The officer issuing the ticket is not required to appear at the hearing of a case unless the defendant has denied that the parking offense occurred by defendant’s commission and the court determines that the officer's presence is required. The court may grant a reasonable adjournment if the officer is not available at the time of hearing. Evidence other than the parking ticket and information from the MVC identifying the owner of the vehicle shall not be required to be submitted to the court, and that documentation in proper form shall be considered prima facie evidence that the registered owner of the vehicle was the person who committed the parking offense.

b. If a person to whom a failure to appear notice has been issued fails to answer or fails to appear at a hearing when required to do so, or, having admitted commission of the parking offense, fails to pay the fine and penalties assessed by the court, the court may, in addition to other remedies and penalties available to the court for failure to appear, enter a judgment by default sustaining the charges, fix the appropriate fine and assess appropriate penalties and costs, if any.

c. A judgment by default may be vacated by the court within one year after its entry only upon written application setting forth both a sufficient defense to the charge and an excusable neglect as to the defendant's failure to attend the hearing. If a failure to appear notice was mailed to the registered owner at the address appearing on the records of the MVC, failure to receive the notice shall not be considered a defense unless the owner can prove the Commission was advised of the owner's correct address prior to the date of the parking offense.

d. If payment is not made within 10 days after entry of a default judgment for a parking offense, the order of the court may be filed in the office of the clerk of the Superior Court and, when filed, shall have the effect of a civil money judgment. Judgments for parking offenses shall be maintained in a separate judgment roll from other civil judgments. Execution may be levied and other measures taken for the collection of the judgment as authorized for the collection of an unpaid civil judgment. The court may assess costs against a judgment debtor, not to exceed $25 for each violation, to be paid upon satisfaction of the judgment.

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

f. A default judgment under this act may be filed by the court at any time within three years after the parking ticket was issued.

g. Out of each parking penalty assessed and disbursed to the municipality where a failure to appear notice was issued, $2 shall be distributed to the municipal court by the municipality to provide for the operating costs to administer this chapter. These funds shall be in addition to the municipal court's normal budget allocation but shall not exceed the additional costs to the court as a result of this chapter. If a defendant defaults in the payment of a fine, penalty or costs, or of an installment, the court may require the respondent to show cause why the default should not be treated as a civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the respondent's appearance. The officers of a corporation or the partners, directors or officers of an association may be held in contempt upon a default by the corporation or association.

Source: 39:4-139.8; 39:4-139.9.

COMMENT

This section contains the substance of the original sections and has been consolidated.

39A:PKG-9. Failure to respond or to pay parking judgment

a. If a person fails to respond to a failure to appear notice or to pay a parking judgment, the municipal court may give notice of that fact to the MVC as prescribed by the Chief Administrator. If notice has been given under this section of a person's failure to respond or to pay and if the fines and penalties are paid or if the case is dismissed or otherwise disposed of, the municipal court shall promptly give notice to that effect to the MVC.

b. The judge or the MVC may suspend the driver's license of an owner, lessee, or operator who has not answered or appeared in response to a failure to appear notice or has not paid or otherwise satisfied outstanding parking fines or penalties. If an owner, lessee or operator has been found guilty of a parking offense, the court shall provide notice and an opportunity to appear before a judge prior to suspending that person's driver's license. If the owner, lessee or operator is found by the court to be indigent or is participating in a government-based income maintenance program, that person shall be permitted to pay the parking fine and other penalties in installments in accordance with C.39:4-203.1. The MVC shall keep a record of a suspension ordered by the court.

c. There shall be included in the fines and penalties imposed by the court on a person whose license has been suspended pursuant to this section a fee of $3 which shall be transferred by the court to the MVC. Fees so transferred shall be deposited in a fund established to effectuate the purposes of this chapter.

Source: 39:4-139.10; 39:4-139.12.
This section contains the substance of the source sections and has been consolidated.

39A:PKG-10. Restoration of license

a. When a person whose license has been suspended as a result of a parking offense satisfies the fines and penalties imposed by the court, the court shall forward to the MVC a notice to restore the person's driver's license.

b. Upon receiving a notice to restore, the MVC shall record the restoration and notify the person of the restoration.

Source: 39:4-139.11.

COMMENT
This section contains the substance of the original section.

39A:PKG-11. Vehicle with outstanding warrants

a. The governing body of a municipality may make, amend, repeal and enforce an ordinance authorizing the impoundment or immobilization of a vehicle with outstanding warrants found within the jurisdiction of that municipality.

b. Except for vehicles owned by lessors who properly supplied the name and address of the lessee, if outstanding warrants are not paid by midnight on the 30th day following the day on which the vehicle was impounded or immobilized, the vehicle may be sold at a public auction. The municipality shall give notice of the sale by certified mail to the owner, if the owner's name and address are known, to the holder of a security interest filed with the Chief Administrator, and by publication in a form to be prescribed by the Chief Administrator by one insertion, at least five days before the date of the sale, in at least one newspaper published in this State and circulating in the municipality in which the motor vehicle has been impounded or immobilized.

c. At any time prior to the sale, the owner of the motor vehicle or other person entitled to it may reclaim possession upon payment of the reasonable costs of removal and storage of the motor vehicle, any fine or penalty and court costs assessed for a violation that gave rise to the impoundment or immobilization of the motor vehicle, and any outstanding warrants against the vehicle; however, the owner-lessee of a motor vehicle who properly supplied the name and address of the lessee may reclaim possession without payment and the lessee shall be liable for any fine, penalty, court costs and outstanding warrants against the vehicle.

d. Any proceeds obtained from the sale of a vehicle at public auction pursuant to this section in excess of the amount owed to the municipality for the reasonable costs of removal and storage of the motor vehicle, any fine or penalty and court costs assessed against him for a violation that gave rise to the impoundment or immobilization of the motor vehicle, and any outstanding warrants against the vehicle, shall be returned to the owner of the vehicle, if his name and address are known.

Source: 39:4-139.13.

COMMENT
This section contains the substance of the original.
39A:PKG-12. Dismissal of parking cases

In a parking case, if the municipal court fails, within three years of the date of the violation, to either issue a warrant for the defendant's arrest, or to order a suspension of the defendant's driving privileges or the defendant's non-resident reciprocity privileges or prohibit the person from receiving or obtaining driving privileges, the matter shall be dismissed and shall not be reopened.

Source: 39:4-139.10a.

COMMENT
This section contains the substance of the original.

39A:PKG-13. Municipal contracts to process parking offenses

A municipality may enter into a contract with a public agency or private organization for services to be rendered in the processing of parking offenses. A municipality which contracts for processing services shall submit a plan to the Supreme Court describing the services to be provided and the procedures to be used. The Supreme Court shall approve a plan submitted by a municipality prior to the implementation of that plan.


COMMENT
This section contains the substance of the original.