

April 17, 2015

RE: Weekly Policy Update

Municipal Clerk: Please forward a copy to all Governing Body Members

Dear Mayor:

Here's a recap of major policy issues of interest to local governments.

I. Mobile Recording System (Body & Dash Camera) Regulations Still Not Promulgated by the Attorney General's Office

On March 1, 2015 P.L. 2015, c. 54 went into effect. Thereafter, all new "police cruiser[s]... primarily used for traffic stops" purchased by New Jersey municipalities, must be outfitted with a "mobile recording system." The law defines "mobile recording system" as either a dash camera or a police officer's body camera. The law also requires that, "[t]he Attorney General shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the provisions of this act."

While the League has urged the Attorney General's office to adopt regulations to provide uniformity and guidance to municipalities, to date none have been promulgated. Among the issues which need clarification are: 1) when these devices must start and stop recording; 2) how these recordings will be treated under OPRA; 3) privacy concerns regarding the recording of third parties; 4) how this data will be stored and archived; and 5) the law's definition of "police cruiser[s]... primarily used for traffic stops."

Assemblyman John Burzichelli raised this issue with Acting Attorney General Hoffman, when the latter appeared before the Assembly Budget Committee on April 15th. Regrettably, General Hoffman stated that his office was still determining "whether and to what degree regulations are appropriate." He did, however, make it clear that his office has the authority to promulgate such regulations under current law.

The League has, and will continue to, urge the Attorney General's Office to adopt regulations that provide guidance and uniformity on the use of mobile recording systems. We will keep you updated on any developments.

Contact: Ed Purcell Esq., (609) 695-3481 x.137 or epurcell@njslom.org

II. "Uber/Lyft" Bill Would Preempt Local Over-sight

Since 1917, in order to protect passengers and the general public, and to preserve order, municipalities have been empowered by statute to license and regulate ride-for-hire businesses. While no level of regulation is perfect, municipalities have clearly demonstrated their effectiveness in this area for close to 100 years.

Throughout that period, in order to protect the public, local governing bodies have established reasonable standards for companies and contractors. Local government has been responsive to concerns raised by passengers, pedestrians, local merchants and other drivers. Local first responders have attended to accidents.

The Assembly Committee Substitute for [A-3765](#), et al., which has been released by the Assembly Transportation and Independent Authorities Committee, would preempt municipal regulation of certain entities engaged in the sale of passenger transportation services, via motor vehicle. This bill would create a new class of taxis, exempt from local oversight. As amended and reported, the substitute establishes State-level safety and insurance requirements for “transportation network companies” that conduct business in this State.

A “transportation network company” (TNC) means an individual, corporation, partnership, sole proprietorship, or other entity that uses a digital network or software application to connect a passenger to a transportation network driver for the purpose of providing transportation to the passenger for profit by the TNC. A “transportation network driver” (driver) is a person who operates a private passenger automobile to provide transportation to a passenger who requests transportation through a TNC’s digital network or software application which results in a fare being owed by the passenger.

The manner in which the service is dispatched and provided does not materially alter the responsibilities that local governments will bear. Nor will the manner of dispatch obviate the concerns of local elected officials in ensuring the public’s legitimate interests. Further, enactment of this bill could motivate traditional taxi and limousine businesses to, similarly, avoid local over-sight, either by a change in their business models or through legislation.

On that basis, the League of Municipalities cannot support this initiative, which awaits a floor vote in the Assembly. Please urge your legislators to oppose the ACS for A-3765, et al.

Contact: Jon Moran, (609) 695-3481 x. 121, jmoran@njslom.org

III. User Friendly Budgets

Implementing a 2007 law, the Division of Local Government Services has released Local Finance Notice 2015-09 setting forth the procedure and an excel based “user-friendly” budget form. Commencing with adopted Calendar Year 2015 budgets, each municipality must complete the User-Friendly Budget form as part of the annual municipal budget. Calendar Year municipalities are encouraged but not obligated to complete the form for their introduced (approved) 2015 budgets, but must do so for each introduced as well as adopted budget moving forward. If your municipality has not already adopted its CY2015 budget, please submit the User-Friendly Budget form to the Division with the adopted budget. For those CY2015 municipalities that adopt their budgets by April 10, 2015, the User-Friendly Budget Form shall be submitted to the Division after transmittal of the adopted CY2015 budget, but NO LATER than May 10, 2015. For more information please see our April 14 Dear Mayor letter available at <http://njslom.org/letters/2015-0414-budget-forms.html>.

Very truly yours,

William G. Dressel, Jr.
Executive Director