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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 12/27/2023

VETO MESSAGE: No

GOVERNOR’S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Philip S. Carchman, “Notice to the Bar Amendments to Guideline 4 of Guidelines for Operation of Plea Agreements in the Municipal Courts” 15 June 2005
Glenn A. Grant, Memmo 16 Feb 2024

Charles Toutant, “Not Losing Sleep’: Judges Won’t Enforce This Law in Their Courtrooms”, *Law.com*, 21 Feb 2021

Joey Fox, “Court administrative director ordered judges to ignore new law”, *NJ Globe*, 21 Feb 2024

CL/JA

§1
Note to
R.S.39:4-50,
C.39:4-50.4a,
C.39:4-50.16a,
C.39:4-50.17,
C.39:4-50.17b,
and
C.39:4-50.18
§6
Note to
C.39:3-10.13
§7
C.39:4-50.21a
§8
C.39:4-50c and
Note to
C.39:3-10.13
§9
Note to §§7,8,
C.39:3-10.20,
R.S.39:4-50,
C.39:4-50.4a,
C.39:4-50.16a,
C.39:4-50.17,
C.39:4-50.17b,
and
C.39:4-50.18

P.L. 2023, CHAPTER 191, *approved December 21, 2023*
Senate, No. 3011 (*Fifth Reprint*)

1 AN ACT concerning certain drunk driving offenses ³**[and]** ³
2 amending ¹**[P.L.2019, c.248]** various sections of the statutory
3 law^{1 3}, and supplementing Title 39 of the Revised Statutes³.
4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7
8 1. Section 7 of P.L.2019, c.248 is amended to read as follows:
9 7. This act shall take effect on the first day of the fourth month
10 after enactment and shall apply to any offense occurring on or after

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:

¹Senate SLP committee amendments adopted May 18, 2023.

²Senate floor amendments adopted June 26, 2023.

³Senate floor amendments adopted June 30, 2023.

⁴Assembly AAP committee amendments adopted December 18, 2023.

⁵Senate floor amendments adopted December 21, 2023.

1 that date; the **act** amendments to R.S.39:4-50 ¹enacted by
2 P.L.2019, c.248¹; section 2 of P.L.1981, c.512 (C.39:4-50.4a)
3 ¹enacted by P.L.2019, c.248¹; section 2 of P.L.1999, c.417
4 (C.39:4-50.17) ¹enacted by P.L.2019, c.248¹; section 3 of P.L.1999,
5 c.417 (C.39:4-50.18) ¹enacted by P.L.2019, c.248¹; and
6 supplemental sections 1 and 6 ¹enacted by P.L.2019, c.248¹ shall
7 expire on the first day of the **fifth** tenth year next following the
8 effective date. The Chief Administrator of the New Jersey Motor
9 Vehicle Commission may take any anticipatory administrative
10 action in advance of the date as shall be necessary to implement the
11 provisions of this act.

12 (cf: P.L.2019, s.248, s.7)

13

14 ¹2. R.S.39:4-50 is amended to read as follows:

15 39:4-50. (a) A person who operates a motor vehicle while under
16 the influence of intoxicating liquor, narcotic, hallucinogenic or
17 habit-producing drug, or operates a motor vehicle with a blood
18 alcohol concentration of 0.08% or more by weight of alcohol in the
19 defendant's blood or permits another person who is under the
20 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
21 producing drug to operate a motor vehicle the person owns or which
22 is in the person's custody or control or permits another to operate a
23 motor vehicle with a blood alcohol concentration of 0.08% or more
24 by weight of alcohol in the defendant's blood shall be subject:

25 (1) For the first offense:

26 (i) if the person's blood alcohol concentration is 0.08% or
27 higher but less than 0.10%, or the person operates a motor vehicle
28 while under the influence of intoxicating liquor, or the person
29 permits another person who is under the influence of intoxicating
30 liquor to operate a motor vehicle owned by him or in his custody or
31 control or permits another person with a blood alcohol
32 concentration of 0.08% or higher but less than 0.10% to operate a
33 motor vehicle, to a fine of not less than \$250 nor more than \$400
34 and a period of detainment of not less than 12 hours nor more than
35 48 hours spent during two consecutive days of not less than six
36 hours each day and served as prescribed by the program
37 requirements of the Intoxicated Driver Resource Centers established
38 under subsection (f) of this section and, in the discretion of the
39 court, a term of imprisonment of not more than 30 days. In addition,
40 the court shall order the person to forfeit the right to operate a
41 motor vehicle over the highways of this State until the person
42 installs an ignition interlock device in one motor vehicle the person
43 owns, leases, or principally operates, whichever the person most
44 often operates, for the purpose of complying with the provisions of
45 P.L.1999, c.417 (C.39:4-50.16 et al.). A person who ²**was** ²**has**
46 been arrested for a violation of this section whose blood alcohol
47 concentration was at least 0.08% but less than 0.10% or who was
48 otherwise under the influence of intoxicating liquor may, upon

1 arrest and prior to any conviction, voluntarily install an ignition
2 interlock device in one motor vehicle the person owns, leases, or
3 principally operates, whichever the person most often operates, and
4 request from the New Jersey Motor Vehicle Commission a driver's
5 license with a notation stating that the person shall not operate a
6 motor vehicle unless it is equipped with an ignition interlock device
7 pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-
8 50.18). ⁴The request shall include a copy of the interlock installer's
9 certification and ⁵[a copy of a court order indicating the date of
10 installation and the related charges,] documentation of pending
11 charges as determined by the Chief Administrator of the Motor
12 Vehicle Commission⁵ to be submitted no later than seven days after
13 ⁵[the date of the court order] receipt of the documentation⁵ .⁴ A
14 person who installs an ignition interlock device and obtains a
15 driver's license with the appropriate notation pursuant to this
16 subparagraph shall not be subject to a fine pursuant to this
17 subparagraph ⁴if the person possessed a valid New Jersey driver's
18 license in good standing at the time of the offense and maintained a
19 license in good standing until the date of conviction⁴;

20 (ii) if the person's blood alcohol concentration is 0.10% or
21 higher, or the person operates a motor vehicle while under the
22 influence of a narcotic, hallucinogenic or habit-producing drug, or
23 the person permits another person who is under the influence of a
24 narcotic, hallucinogenic or habit-producing drug to operate a motor
25 vehicle owned by him or in his custody or control, or permits
26 another person with a blood alcohol concentration of 0.10% or more
27 to operate a motor vehicle, to a fine of not less than \$300 nor more
28 than \$500 and a period of detainment of not less than 12 hours nor
29 more than 48 hours spent during two consecutive days of not less
30 than six hours each day and served as prescribed by the program
31 requirements of the Intoxicated Driver Resource Centers established
32 under subsection (f) of this section and, in the discretion of the
33 court, a term of imprisonment of not more than 30 days. A person
34 who has been arrested for a violation of this section whose blood
35 alcohol concentration was 0.10% or higher may, upon arrest and
36 prior to any conviction, voluntarily install an ignition interlock
37 device in one motor vehicle the person owns, leases, or principally
38 operates, whichever the person most often operates, and request
39 from the Motor Vehicle Commission a driver's license with a
40 notation stating that the person shall not operate a motor vehicle
41 unless it is equipped with an ignition interlock device pursuant to
42 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The
43 request shall include a copy of the interlock installer's certification
44 and ⁵[a copy of a court order indicating the date of installation and
45 the related charges,] documentation of pending charges as
46 determined by the Chief Administrator of the New Jersey Motor
47 Vehicle Commission⁵ to be submitted no later than seven days after
48 ⁵[the date of the court order] receipt of the documentation⁵ .⁴ A

1 person who installs an ignition interlock device and obtains a
2 driver's license with the appropriate notation pursuant to this
3 subparagraph shall not be subject to a fine pursuant to this
4 subparagraph ⁴if the person possessed a valid New Jersey driver's
5 license in good standing at the time of the offense and maintained a
6 license in good standing until the date of conviction⁴;

7 in the case of a person who is convicted of operating a motor
8 vehicle while under the influence of a narcotic, hallucinogenic or
9 habit-producing drug or permitting another person who is under the
10 influence of a narcotic, hallucinogenic or habit-producing drug to
11 operate a motor vehicle owned by the person or under the person's
12 custody or control, the person shall forfeit the right to operate a
13 motor vehicle over the highways of this State for a period of not
14 less than seven months nor more than one year;

15 in the case of a person whose blood alcohol concentration is
16 0.10% or higher but less than 0.15%, the person shall forfeit the
17 right to operate a motor vehicle over the highways of this State until
18 the person installs an ignition interlock device in one motor vehicle
19 the person owns, leases, or principally operates, whichever the
20 person most often operates, for the purpose of complying with the
21 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

22 in the case of a person whose blood alcohol concentration is
23 0.15% or higher, the person shall forfeit the right to operate a motor
24 vehicle over the highways of this State for a period of ~~not less than~~
25 ~~four~~ three months ~~or more than six months~~ following
26 installation of an ignition interlock device in one motor vehicle the
27 person owns, leases, or principally operates, whichever the person
28 most often operates, for the purpose of complying with the
29 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A person who
30 has been arrested for a violation of this section whose blood alcohol
31 concentration was 0.15% or higher may, upon arrest and prior to
32 any conviction, voluntarily install an ignition interlock device in
33 one motor vehicle the person owns, leases, or principally operates,
34 whichever the person most often operates, and request from the
35 Motor Vehicle Commission a driver's license with a notation
36 stating that the person shall not operate a motor vehicle unless it is
37 equipped with an ignition interlock device pursuant to subsection b.
38 of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The request shall
39 include a copy of the interlock installer's certification and ⁵[a copy
40 of a court order indicating the date of installation and the related
41 charges,] documentation of pending charges as determined by the
42 Chief Administrator of the New Jersey Motor Vehicle Commission⁵
43 to be submitted no later than seven days after ⁵[the date of the court
44 order] receipt of the documentation⁵ . ⁴ A person who installs an
45 ignition interlock device and obtains a driver's license with the
46 appropriate notation pursuant to this subparagraph shall receive a
47 ²one day² credit ²against the period that the person is required to
48 forfeit the right to operate a motor vehicle over the highways of this

1 State pursuant to this subparagraph² for ²[each day] every two
2 days² that the person has an ignition interlock device installed and a
3 driver's license with the appropriate notation ²[against the period
4 that the person is required to forfeit the right to operate a motor
5 vehicle over the highways of this State pursuant to this
6 subparagraph] and shall not be subject to a fine pursuant to this
7 subparagraph ⁴if the person possessed a valid New Jersey driver's
8 license in good standing at the time of the offense and maintained a
9 license in good standing until the date of conviction⁴. A person
10 shall not be entitled to a credit against the period that the person is
11 required to forfeit the right to operate a motor vehicle over the
12 highways of this State pursuant to this subparagraph if the violation
13 of this section resulted in serious bodily injury as defined in
14 N.J.S.2C:11-1 to another person²;

15 (iii) (Deleted by amendment, P.L.2019, c.248)

16 (2) For a second violation, a person shall be subject to a fine of
17 not less than \$500 nor more than \$1,000, and shall be ordered by
18 the court to perform community service for a period of 30 days,
19 which shall be of such form and on terms the court shall deem
20 appropriate under the circumstances, and shall be sentenced to
21 imprisonment for a term of not less than 48 consecutive hours,
22 which shall not be suspended or served on probation, or more than
23 90 days, and shall forfeit the right to operate a motor vehicle over
24 the highways of this State for a period of not less than one year or
25 more than two years upon conviction. A person who has been
26 arrested for a second violation of this section may, upon arrest and
27 prior to any conviction, voluntarily install an ignition interlock
28 device in one motor vehicle the person owns, leases, or principally
29 operates, whichever the person most often operates, and request
30 from the Motor Vehicle Commission a driver's license with a
31 notation stating that the person shall not operate a motor vehicle
32 unless it is equipped with an ignition interlock device pursuant to
33 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The
34 request shall include a copy of the interlock installer's certification
35 and ⁵[a copy of a court order indicating the date of installation and
36 the related charges,] documentation of pending charges as
37 determined by the Chief Administrator of the New Jersey Motor
38 Vehicle Commission⁵ to be submitted no later than seven days after
39 ⁵[the date of the court order] receipt of the documentation⁵. ⁴A
40 person who installs an ignition interlock device and obtains a
41 driver's license with the appropriate notation pursuant to this
42 paragraph shall receive a ²one day² credit ²against the period that
43 the person is required to forfeit the right to operate a motor vehicle
44 over the highways of this State pursuant to this paragraph² for
45 ²[each day] every two days² that the person has an ignition
46 interlock device installed and a driver's license with the appropriate
47 notation ²[against the period that the person is required to forfeit

1 the right to operate a motor vehicle over the highways of this State
2 pursuant to this paragraph]² and shall not be subject to a fine
3 pursuant to this paragraph ⁴if the person possessed a valid New
4 Jersey driver's license in good standing at the time of the offense
5 and maintained a license in good standing until the date of
6 conviction⁴. ²A person shall not be entitled to a credit against the
7 period that the person is required to forfeit the right to operate a
8 motor vehicle over the highways of this State pursuant to this
9 paragraph if the violation of this section resulted in serious bodily
10 injury as defined in N.J.S.2C:11-1 to another person.²

11 After the expiration of the license forfeiture period, the person
12 may make application to the Chief Administrator of the New Jersey
13 Motor Vehicle Commission for a license to operate a motor vehicle,
14 which application may be granted at the discretion of the chief
15 administrator, consistent with subsection (b) of this section. For a
16 second violation, a person also shall be required to install an
17 ignition interlock device under the provisions of P.L.1999, c.417
18 (C.39:4-50.16 et al.).

19 (3) For a third or subsequent violation, a person shall be subject
20 to a fine of \$1,000, and shall be sentenced to imprisonment for a
21 term of not less than 180 days in a county jail or workhouse, except
22 that the court may lower such term for each day, not exceeding 90
23 days, served participating in a drug or alcohol inpatient
24 rehabilitation program approved by the Intoxicated Driver Resource
25 Center and shall thereafter forfeit the right to operate a motor
26 vehicle over the highways of this State for eight years. A person
27 who has been arrested for a third or subsequent violation of this
28 section may, upon arrest and prior to any conviction, voluntarily
29 install an ignition interlock device in one motor vehicle the person
30 owns, leases, or principally operates, whichever the person most
31 often operates ^{2,2} and request from the Motor Vehicle Commission
32 a driver's license with a notation stating that the person shall not
33 operate a motor vehicle unless it is equipped with an ignition
34 interlock device pursuant to subsection b. of section 3 of P.L.1999,
35 c.417 (C.39:4-50.18). ⁴The request shall include a copy of the
36 interlock installer's certification and ⁵[a copy of a court order
37 indicating the date of installation and the related charges,]
38 documentation of pending charges as determined by the Chief
39 Administrator of the New Jersey Motor Vehicle Commission⁵ to be
40 submitted no later than seven days after ⁵[the date of the court
41 order] receipt of the documentation⁵. ⁴ A person who installs an
42 ignition interlock device and obtains a driver's license with the
43 appropriate notation pursuant to this paragraph shall receive a ²one
44 day² credit ²against the period that the person is required to forfeit
45 the right to operate a motor vehicle over the highways of this State
46 pursuant to this paragraph² for ²[each day] every two days² that the
47 person has an ignition interlock device installed and a driver's

1 license with the appropriate notation ²[against the period that the
2 person is required to forfeit the right to operate a motor vehicle over
3 the highways of this State pursuant to this paragraph]² and shall not
4 be subject to a fine pursuant to this paragraph ⁴if the person
5 possessed a valid New Jersey driver's license in good standing at
6 the time of the offense and maintained a license in good standing
7 until the date of conviction⁴. ²A person shall not be entitled to a
8 credit against the period that the person is required to forfeit the
9 right to operate a motor vehicle over the highways of this State
10 pursuant to this paragraph if the violation of this section resulted in
11 serious bodily injury as defined in N.J.S.2C:11-1 to another
12 person.²

13 For a third or subsequent violation, a person also shall be
14 required to install an ignition interlock device under the provisions
15 of P.L.1999, c.417 (C.39:4-50.16 et al.).

16 ²**[Upon]** Notwithstanding any judicial directive to the contrary,
17 upon² recommendation by the prosecutor, a plea agreement under
18 this section is ²[specifically]² authorized under the appropriate
19 factual basis ²consistent with any other violation of Title 39 of the
20 Revised Statutes or offense under Title 2C of the New Jersey
21 Statutes² ⁴; provided, however, that if a person is convicted of
22 operating a motor vehicle while under the influence of a narcotic,
23 hallucinogenic, or habit-producing drug or permitting another
24 person who is under the influence of a narcotic, hallucinogenic, or
25 habit-producing drug to operate a motor vehicle owned by the
26 person or under the person's custody or control pursuant to the
27 provisions of R.S.39:4-50 or a person is convicted of operating a
28 commercial motor vehicle under the influence of a controlled
29 substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13),
30 the person shall forfeit the right to operate a motor vehicle over the
31 highways of this State for a period of not less than six months⁴.

32 As used in this section, the phrase "narcotic, hallucinogenic or
33 habit-producing drug" includes an inhalant or other substance
34 containing a chemical capable of releasing any toxic vapors or
35 fumes for the purpose of inducing a condition of intoxication, such
36 as any glue, cement or any other substance containing one or more
37 of the following chemical compounds: acetone and acetate, amyl
38 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
39 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
40 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
41 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
42 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
43 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
44 any other chemical substance capable of causing a condition of
45 intoxication, inebriation, excitement, stupefaction or the dulling of
46 the brain or nervous system as a result of the inhalation of the
47 fumes or vapors of such chemical substance.

1 Whenever an operator of a motor vehicle has been involved in an
2 accident resulting in death, bodily injury or property damage, a
3 police officer shall consider that fact along with all other facts and
4 circumstances in determining whether there are reasonable grounds
5 to believe that person was operating a motor vehicle in violation of
6 this section.

7 A conviction of a violation of a law of a substantially similar
8 nature in another jurisdiction, regardless of whether that jurisdiction
9 is a signatory to the Interstate Driver License Compact pursuant to
10 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
11 conviction under this subsection unless the defendant can
12 demonstrate by clear and convincing evidence that the conviction in
13 the other jurisdiction was based exclusively upon a violation of a
14 proscribed blood alcohol concentration of less than 0.08%.

15 If the driving privilege of any person is under revocation or
16 suspension for a violation of any provision of this Title or Title 2C
17 of the New Jersey Statutes at the time of any conviction for a
18 violation of this section, the revocation or suspension period
19 imposed shall commence as of the date of termination of the
20 existing revocation or suspension period. In the case of any person
21 who at the time of the imposition of sentence is less than 17 years
22 of age, the forfeiture, suspension or revocation of the driving
23 privilege imposed by the court under this section shall commence
24 immediately, run through the offender's seventeenth birthday and
25 continue from that date for the period set by the court pursuant to
26 paragraphs (1) through (3) of this subsection. A court that imposes
27 a term of imprisonment for a first or second offense under this
28 section may sentence the person so convicted to the county jail, to
29 the workhouse of the county wherein the offense was committed, to
30 an inpatient rehabilitation program or to an Intoxicated Driver
31 Resource Center or other facility approved by the chief of the
32 Intoxicated Driving Program Unit in the Division of Mental Health
33 and Addiction Services in the Department of Health. For a third or
34 subsequent offense a person shall not serve a term of imprisonment
35 at an Intoxicated Driver Resource Center as provided in subsection
36 (f).

37 A person who has been convicted of a previous violation of this
38 section need not be charged as a second or subsequent offender in
39 the complaint made against him in order to render him liable to the
40 punishment imposed by this section on a second or subsequent
41 offender, but if the second offense occurs more than 10 years after
42 the first offense, the court shall treat the second conviction as a first
43 offense for sentencing purposes and if a third offense occurs more
44 than 10 years after the second offense, the court shall treat the third
45 conviction as a second offense for sentencing purposes.

46 (b) A person convicted under this section must satisfy the
47 screening, evaluation, referral, program and fee requirements of the
48 Division of Mental Health and Addiction Services' Intoxicated
49 Driving Program Unit, and of the Intoxicated Driver Resource

1 Centers and a program of alcohol and drug education and highway
2 safety, as prescribed by the chief administrator. The sentencing
3 court shall inform the person convicted that failure to satisfy such
4 requirements shall result in a mandatory two-day term of
5 imprisonment in a county jail and a driver license revocation or
6 suspension and continuation of revocation or suspension until such
7 requirements are satisfied, unless stayed by court order in
8 accordance with the Rules Governing the Courts of the State of
9 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
10 forward to the Division of Mental Health and Addiction Services'
11 Intoxicated Driving Program Unit a copy of a person's conviction
12 record. A fee of \$100 shall be payable to the Alcohol Education,
13 Rehabilitation and Enforcement Fund established pursuant to
14 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
15 Intoxicated Driving Program Unit.

16 (c) Upon conviction of a violation of this section, the court shall
17 collect forthwith the New Jersey driver's license or licenses of the
18 person so convicted and forward such license or licenses to the
19 chief administrator. The court shall inform the person convicted
20 that if he is convicted of personally operating a motor vehicle
21 during the period of license suspension imposed pursuant to
22 subsection (a) of this section, he shall, upon conviction, be subject
23 to the penalties established in R.S.39:3-40. The person convicted
24 shall be informed orally and in writing. A person shall be required
25 to acknowledge receipt of that written notice in writing. Failure to
26 receive a written notice or failure to acknowledge in writing the
27 receipt of a written notice shall not be a defense to a subsequent
28 charge of a violation of R.S.39:3-40. In the event that a person
29 convicted under this section is the holder of any out-of-State
30 driver's license, the court shall not collect the license but shall
31 notify forthwith the chief administrator, who shall, in turn, notify
32 appropriate officials in the licensing jurisdiction. The court shall,
33 however, revoke the nonresident's driving privilege to operate a
34 motor vehicle in this State, in accordance with this section. Upon
35 conviction of a violation of this section, the court shall notify the
36 person convicted, orally and in writing, of the penalties for a
37 second, third or subsequent violation of this section. A person shall
38 be required to acknowledge receipt of that written notice in writing.
39 Failure to receive a written notice or failure to acknowledge in
40 writing the receipt of a written notice shall not be a defense to a
41 subsequent charge of a violation of this section.

42 (d) The chief administrator shall promulgate rules and
43 regulations pursuant to the "Administrative Procedure Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
45 of alcohol education and highway safety, as prescribed by this act.

46 (e) Any person accused of a violation of this section who is
47 liable to punishment imposed by this section as a second or
48 subsequent offender shall be entitled to the same rights of discovery

1 as allowed defendants pursuant to the Rules Governing the Courts
2 of the State of New Jersey.

3 (f) The counties, in cooperation with the Division of Mental
4 Health and Addiction Services and the commission, but subject to
5 the approval of the Division of Mental Health and Addiction
6 Services, shall designate and establish on a county or regional basis
7 Intoxicated Driver Resource Centers. These centers shall have the
8 capability of serving as community treatment referral centers and as
9 court monitors of a person's compliance with the ordered treatment,
10 service alternative or community service. All centers established
11 pursuant to this subsection shall be administered by a counselor
12 certified by the Addiction Professionals Certification Board of New
13 Jersey or other professional with a minimum of five years'
14 experience in the treatment of alcoholism. All centers shall be
15 required to develop individualized treatment plans for all persons
16 attending the centers; provided that the duration of any ordered
17 treatment or referral shall not exceed one year. It shall be the
18 center's responsibility to establish networks with the community
19 alcohol and drug education, treatment and rehabilitation resources
20 and to receive monthly reports from the referral agencies regarding
21 a person's participation and compliance with the program. Nothing
22 in this subsection shall bar these centers from developing their own
23 education and treatment programs; provided that they are approved
24 by the Division of Mental Health and Addiction Services.

25 Upon a person's failure to report to the initial screening or any
26 subsequent ordered referral, the Intoxicated Driver Resource Center
27 shall promptly notify the sentencing court of the person's failure to
28 comply.

29 Required detention periods at the Intoxicated Driver Resource
30 Centers shall be determined according to the individual treatment
31 classification assigned by the Intoxicated Driving Program Unit.
32 Upon attendance at an Intoxicated Driver Resource Center, a person
33 shall be required to pay a per diem fee of \$75 for the first offender
34 program or a per diem fee of \$100 for the second offender program,
35 as appropriate. Any increases in the per diem fees after the first full
36 year shall be determined pursuant to rules and regulations adopted
37 by the Commissioner of Health in consultation with the Governor's
38 Council on Alcoholism and Drug Abuse pursuant to the
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
40 seq.).

41 The centers shall conduct a program of alcohol and drug
42 education and highway safety, as prescribed by the chief
43 administrator.

44 The Commissioner of Health shall adopt rules and regulations
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), in order to effectuate the purposes of this
47 subsection.

48 (g) (Deleted by amendment, P.L.2019, c.248)

1 (h) A court also may order a person convicted pursuant to
2 subsection (a) of this section, to participate in a supervised
3 visitation program as either a condition of probation or a form of
4 community service, giving preference to those who were under the
5 age of 21 at the time of the offense. Prior to ordering a person to
6 participate in such a program, the court may consult with any
7 person who may provide useful information on the defendant's
8 physical, emotional and mental suitability for the visit to ensure that
9 it will not cause any injury to the defendant. The court also may
10 order that the defendant participate in a counseling session under
11 the supervision of the Intoxicated Driving Program Unit prior to
12 participating in the supervised visitation program. The supervised
13 visitation program shall be at one or more of the following facilities
14 which have agreed to participate in the program under the
15 supervision of the facility's personnel and the probation department:

16 (1) a trauma center, critical care center or acute care hospital
17 having basic emergency services, which receives victims of motor
18 vehicle accidents for the purpose of observing appropriate victims
19 of drunk drivers and victims who are, themselves, drunk drivers;

20 (2) a facility which cares for advanced alcoholics or drug
21 abusers, to observe persons in the advanced stages of alcoholism or
22 drug abuse; or

23 (3) if approved by a county medical examiner, the office of the
24 county medical examiner or a public morgue to observe appropriate
25 victims of vehicle accidents involving drunk drivers.

26 As used in this section, "appropriate victim" means a victim
27 whose condition is determined by the facility's supervisory
28 personnel and the probation officer to be appropriate for
29 demonstrating the results of accidents involving drunk drivers
30 without being unnecessarily gruesome or traumatic to the
31 defendant.

32 If at any time before or during a visitation the facility's
33 supervisory personnel and the probation officer determine that the
34 visitation may be or is traumatic or otherwise inappropriate for that
35 defendant, the visitation shall be terminated without prejudice to the
36 defendant. The program may include a personal conference after
37 the visitation, which may include the sentencing judge or the judge
38 who coordinates the program for the court, the defendant,
39 defendant's counsel, and, if available, the defendant's parents to
40 discuss the visitation and its effect on the defendant's future
41 conduct. If a personal conference is not practicable because of the
42 defendant's absence from the jurisdiction, conflicting time
43 schedules, or any other reason, the court shall require the defendant
44 to submit a written report concerning the visitation experience and
45 its impact on the defendant. The county, a court, any facility visited
46 pursuant to the program, any agents, employees, or independent
47 contractors of the court, county, or facility visited pursuant to the
48 program, and any person supervising a defendant during the
49 visitation, are not liable for any civil damages resulting from injury

1 to the defendant, or for civil damages associated with the visitation
2 which are caused by the defendant, except for willful or grossly
3 negligent acts intended to, or reasonably expected to result in, that
4 injury or damage.

5 The Supreme Court may adopt court rules or directives to
6 effectuate the purposes of this subsection.

7 (i) In addition to any other fine, fee, or other charge imposed
8 pursuant to law, the court shall assess a person convicted of a
9 violation of the provisions of this section a surcharge of \$125, of
10 which amount \$50 shall be payable to the municipality in which the
11 conviction was obtained, \$50 shall be payable to the Treasurer of
12 the State of New Jersey for deposit into the General Fund, and \$25
13 which shall be payable as follows: in a matter where the summons
14 was issued by a municipality's law enforcement agency, to that
15 municipality to be used for the cost of equipping police vehicles
16 with mobile video recording systems pursuant to the provisions of
17 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
18 summons was issued by a county's law enforcement agency, to that
19 county; and in a matter where the summons was issued by a State
20 law enforcement agency, to the General Fund.¹

21 (cf: P.L.2019, c.248, s.2)

22

23 ¹3. Section 2 of P.L.1999, c.417 (C.39:4-50.17) is amended to read
24 as follows:

25 2. a. (1) Except as provided in paragraph (2) of this subsection,
26 (a) in sentencing a first offender under subparagraph (i) of paragraph
27 (1) of subsection (a) of R.S.39:4-50, whose blood alcohol
28 concentration was at least 0.08% but less than 0.10%, or who was
29 otherwise under the influence of intoxicating liquor, the court shall
30 order, in addition to any other penalty imposed by that section, the
31 installation of an ignition interlock device in one motor vehicle owned,
32 leased, or principally operated by the offender, whichever the offender
33 most often operates, which shall remain installed for three months.

34 (b) In sentencing a first offender under subparagraph (ii) of
35 paragraph (1) of subsection (a) of R.S.39:4-50 whose blood alcohol
36 concentration was 0.10% or higher, but less than 0.15%, the court shall
37 order, in addition to any other penalty imposed, the installation of an
38 ignition interlock device in one motor vehicle owned, leased, or
39 principally operated by the offender, whichever the offender most
40 often operates, which shall remain installed for not less than seven
41 months or more than one year.

42 (2) If the first offender's blood alcohol concentration is 0.15% or
43 higher, or the offender violated section 2 of P.L.1981, c.512
44 (C.39:4-50.4a), the court shall order, in addition to any other penalty
45 imposed under R.S.39:4-50 or section 2 of P.L.1981, c.512
46 (C.39:4-50.4a), the installation of an ignition interlock device in one
47 motor vehicle owned, leased, or principally operated by the offender,
48 whichever the offender most often operates, during and following the
49 expiration of the period of license forfeiture imposed under those

1 sections. In addition to installation during the period of license
2 suspension, the device shall remain installed for not less than **[nine]**
3 12 months or more than 15 months in the case of a first offender
4 whose blood alcohol concentration is 0.15% or higher and shall remain
5 installed for not less than nine months or more than 15 months in the
6 case of an offender who violated section 2 of P.L.1981, c.512
7 (C.39:4-50.4a), commencing immediately upon installation of the
8 device and the return of the offender's driver's license pursuant to
9 section 3 of P.L.1999, c.417 (C.39:4-50.18) after the required period of
10 forfeiture has been served.

11 b. In sentencing a second or subsequent offender under R.S.39:4-
12 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the court shall
13 order, in addition to any other penalty imposed by that section, the
14 installation of an ignition interlock device in the motor vehicle
15 principally operated by the offender during and following the
16 expiration of the period of license forfeiture imposed under
17 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). In
18 addition to installation during the period of license forfeiture, the
19 device shall remain installed for not less than two years or more than
20 four years, commencing immediately upon installation of the device
21 and the return of the offender's driver's license pursuant to section 3 of
22 P.L.1999, c.417 (C.39:4-50.18) after the required period of forfeiture
23 has been served.

24 c. The court shall require that, for the duration of its order, an
25 offender shall not drive any vehicle other than one in which an ignition
26 interlock device has been installed pursuant to the order.

27 The offender shall provide to the court information identifying the
28 motor vehicle on which the ignition interlock is to be installed, and
29 any other information deemed relevant by the court, including, but not
30 limited to, the offender's complete name, address, date of birth, eye
31 color, and gender. An offender who does not own, lease, or operate a
32 motor vehicle shall attest to this to the court. A violation of this
33 provision shall constitute perjury pursuant to N.J.S.2C:28-1. An
34 offender immediately shall notify the court of the purchase, lease, or
35 access to operation of a motor vehicle and install an ignition interlock
36 device in the vehicle.

37 The driver's license of an offender who attests to not owning,
38 leasing, or operating a motor vehicle shall be forfeited for the ignition
39 interlock installation period required pursuant to subsections a. and b.
40 of this section.

41 d. As used in P.L.1999, c.417 (C.39:4-50.16 et al.), "ignition
42 interlock device" or "device" means a blood alcohol equivalence
43 measuring device which will prevent a motor vehicle from starting if
44 the operator's blood alcohol concentration exceeds a predetermined
45 level when the operator blows into the device.

46 e. The provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) and any
47 amendments and supplements thereto shall be applicable only to
48 violations of R.S.39:4-50 and section 2 of P.L.1981, c.512
49 (C.39:4-50.4a).

1 f. A person who does not possess a valid driver's license issued
2 by this State at the time of the imposition of a sentence pursuant to this
3 section shall be prohibited from obtaining a driver's license for the
4 duration of that sentence. Upon obtaining a driver's license, the person
5 shall be sentenced to a period of ignition interlock device installation
6 pursuant to the provisions of this section.¹
7 (cf: P.L.2019, c.248, s.4)
8

9 ¹4. Section 3 of P.L.1999, c.417 (C.39:4-50.18) is amended to
10 read as follows:

11 3. a. The court shall notify the Chief Administrator of the New
12 Jersey Motor Vehicle Commission when a person has been ordered
13 to install an ignition interlock device in a vehicle pursuant to the
14 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). The
15 commission shall require that the device be installed before
16 restoration of the person's driver's license that has been forfeited
17 pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-
18 50.4a).

19 A vendor may, without a court order, install an ignition interlock
20 device in a vehicle that a person owns, leases, or principally
21 operates if requested by a person who has been arrested for a
22 violation of R.S.39:4-50 as set forth in R.S.39:4-50. Upon proof
23 that the ignition interlock device has been installed, the
24 commission, upon request of the licensee, shall imprint a notation
25 on the person's driver's license pursuant to subsection b. of this
26 section. ⁴The licensee's request shall include a copy of the interlock
27 installer's certification and ⁵[a court order indicating the date of
28 installation and the related charges,] documentation of the pending
29 charges as determined by the Chief Administrator of the New Jersey
30 Motor Vehicle Commission⁵ to be submitted no later than seven
31 days after ⁵[the date of the court order] receipt of the
32 documentation⁵ .⁴

33 b. The commission shall imprint a notation on the driver's
34 license stating that the person shall not operate a motor vehicle
35 unless it is equipped with an ignition interlock device and shall
36 enter this requirement in the person's driving record. The expiration
37 date of the device requirement shall not be imprinted on the license.

38 c. Notwithstanding the provisions of section 2 of P.L.1999,
39 c.417 (C.39:4-50.17), an ignition interlock device shall be removed
40 on the date the person completes the installation period only if the
41 person submits to the chief administrator a certification from the
42 vendor that:

43 (1) during the final 30 days of the installation period there was
44 not more than one failure to take or pass a test with a blood alcohol
45 concentration of 0.08% or higher unless a re-test conducted within
46 five minutes of the initial test indicates a blood alcohol
47 concentration of less than 0.08%; and

1 (2) the person complied with all required maintenance, repair,
2 calibration, monitoring, and inspection requirements related to the
3 device.

4 d. If the vendor does not issue a certification to the person
5 because there were two or more violations of paragraph (1) of
6 subsection c. of this section, the vendor shall forward the violation
7 information to the chief administrator and the court. The court shall
8 decide whether to extend the period of ignition interlock device
9 installation for up to 90 days or issue the certification to the chief
10 administrator.¹

11 (cf: P.L.2019, c.248, s.5)

12

13 ¹5. Section 12 of P.L.1990, c.103 (C.39:3-10.20) is amended to
14 read as follows:

15 12. a. In addition to the imposition of any other penalty provided
16 by law, the chief administrator shall suspend for not less than one year
17 nor more than three years the commercial motor vehicle driving
18 privilege of a person convicted for a first violation of:

19 (1) R.S.39:4-50 if the motor vehicle was a commercial motor
20 vehicle or section 5 of P.L.1990, c.103 (C.39:3-10.13).

21 (2) R.S.39:4-129 if the motor vehicle was a commercial motor
22 vehicle operated by the person.

23 (3) Using a commercial motor vehicle in the commission of any
24 "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4, except in
25 circumstances where harsher penalties are provided by this section.

26 (4) Refusal to submit to a chemical test under section 2 of
27 P.L.1966, c.142 (C.39:4-50.2) or section 16 of P.L.1990, c.103
28 (C.39:3-10.24) if the motor vehicle was a commercial motor vehicle.

29 (5) Paragraph (1) of subsection b. of section 10 of P.L.1990, c.103
30 (C.39:3-10.18).

31 (6) A violation, arising in connection with a fatal accident, of State
32 or local law relating to motor vehicle traffic control, other than a
33 parking violation, regardless of whether the motor vehicle operated by
34 the person was a commercial motor vehicle or a non-commercial
35 motor vehicle.

36 b. If a first violation of any of the violations specified in
37 subsection a. of this section takes place while transporting hazardous
38 material or takes place in a vehicle displaying a hazardous material
39 placard, the chief administrator shall suspend the commercial motor
40 vehicle driving privilege of the person for three years.

41 c. Subject to the provisions of subsection d. of this section, the
42 chief administrator shall revoke for life the commercial motor vehicle
43 driving privilege of a person for a second or subsequent violation of
44 any of the offenses specified in subsections a. and j. of this section or
45 any combination of those offenses arising from two or more separate
46 incidents.

47 d. The chief administrator may issue rules and regulations
48 establishing guidelines, including conditions under which a revocation

1 of commercial motor vehicle driving privilege for life under
2 subsection c. may be reduced to a period of not less than 10 years.

3 e. Notwithstanding any other provision of law to the contrary, the
4 chief administrator shall revoke for life the commercial motor vehicle
5 driving privilege of a person who uses a commercial motor vehicle or
6 a non-commercial motor vehicle in the commission of a crime
7 involving the manufacture, distribution, or dispensing of a controlled
8 substance or controlled substance analog, or possession with intent to
9 manufacture, distribute, or dispense a controlled substance or
10 controlled substance analog.

11 Notwithstanding any other provision of law to the contrary, the
12 chief administrator shall revoke for life the commercial motor vehicle
13 driving privilege of a person who is convicted of a crime involving an
14 act or practice described in section 1 of P.L.2005, c.77 (C.2C:13-8) or
15 involving an act or practice of one or more of the severe forms of
16 trafficking in persons as described in paragraph (11) of
17 22 U.S.C. S.7102, the federal "Trafficking Victims Protection Act of
18 2000."

19 A revocation under this subsection shall not be subject to reduction
20 in accordance with subsection d. of this section.

21 f. (1) The chief administrator shall suspend the commercial motor
22 vehicle driving privilege of a person for a period of not less than 60
23 days if the person is convicted of a serious traffic violation, other than
24 a violation arising in connection with a fatal accident as set forth in
25 paragraph (6) of subsection a. of this section, and that conviction
26 constitutes the second serious traffic violation committed in a
27 commercial motor vehicle or non-commercial motor vehicle in this or
28 any other state arising from separate incidents occurring within a
29 three-year period. The chief administrator shall suspend the
30 commercial motor vehicle driving privilege for 120 days if the
31 conviction constitutes the third or subsequent serious traffic violation,
32 other than a violation arising in connection with a fatal accident as set
33 forth in paragraph (6) of subsection a. of this section, committed in a
34 commercial motor vehicle or non-commercial motor vehicle in this or
35 any other state arising from separate incidents occurring within a
36 three-year period.

37 (2) The chief administrator shall suspend the commercial motor
38 vehicle driving privilege of a person for a period of not less than 60
39 days if the person is convicted of a violation of R.S.39:4-128; section
40 68 of P.L.1951, c.23 (C.39:4-127.1); or section 10 of P.L.2005, c.147
41 (C.39:4-128.11). The chief administrator shall suspend the
42 commercial motor vehicle driving privilege for not less than 120 days
43 if the conviction constitutes the second violation of R.S.39:4-128;
44 section 68 of P.L.1951, c.23 (C.39:4-127.1); section 10 of P.L.2005,
45 c.147 (C.39:4-128.11) or any combination of such violations in this or
46 any other state arising from separate incidents occurring within a
47 three-year period. The chief administrator shall suspend the
48 commercial motor vehicle driving privilege for not less than one year
49 if the conviction constitutes the third or subsequent violation of

1 R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-127.1); section 10
2 of P.L.2005, c.147 (C.39:4-128.11) or any combination of such
3 violations in this or any other state arising from separate incidents
4 occurring within the past three years.

5 (3) The chief administrator shall suspend the commercial motor
6 vehicle driving privilege of a person for a period of not less than 180
7 days or more than one year if the person is convicted of violating a
8 driver, commercial motor vehicle, or motor carrier operation out-of-
9 service order while driving a commercial motor vehicle transporting
10 nonhazardous materials. The chief administrator shall suspend the
11 commercial motor vehicle driving privilege of a person for a period of
12 not less than two years or more than five years if the conviction
13 constitutes the second conviction in a separate incident in this or any
14 other state within a 10-year period of violating a driver, commercial
15 motor vehicle, or motor carrier operation out-of-service order while
16 driving a commercial motor vehicle transporting nonhazardous
17 materials. The chief administrator shall suspend the commercial motor
18 vehicle driving privilege of a person for a period of not less than three
19 years or more than five years if the conviction constitutes the third or
20 subsequent conviction in a separate incident in this or any other state
21 within a 10-year period of violating a driver, commercial motor
22 vehicle, or motor carrier operation out-of-service order while driving a
23 commercial motor vehicle transporting nonhazardous materials.

24 (4) The chief administrator shall suspend the commercial motor
25 vehicle driving privilege of a person for a period of not less than 180
26 days or more than two years if the person is convicted of violating a
27 driver, commercial motor vehicle, or motor carrier operation out-of-
28 service order while driving a commercial motor vehicle transporting
29 hazardous materials required to be placarded under Subpart F of 49
30 C.F.R. s.172, or while operating a vehicle designed to transport 16 or
31 more passengers, including the driver. The chief administrator shall
32 suspend the commercial motor vehicle driving privilege of a person for
33 a period of not less than three years or more than five years if the
34 conviction constitutes a second or subsequent conviction in a separate
35 incident within a 10-year period in this or any other state of violating a
36 driver, commercial motor vehicle, or motor carrier operation out-of-
37 service order while driving a commercial motor vehicle transporting
38 hazardous materials required to be placarded under Subpart F of 49
39 C.F.R. s.172, or while operating a vehicle designed to transport 16 or
40 more passengers, including the driver.

41 g. A court shall make a report to the chief administrator within
42 three days in such form as the chief administrator may require
43 concerning conviction for any violation or crime listed or described in
44 P.L.1990, c.103 (C.39:3-10.9 et seq.). The chief administrator shall
45 notify the Commercial Driver License Information System of the
46 suspension, revocation, or cancellation. In the case of non-residents,
47 the chief administrator also shall notify the licensing authority of the
48 state which issued the commercial driver license or the state where the
49 person is domiciled. The chief administrator shall provide these

1 notices within 10 days after the suspension, revocation, cancellation,
2 or disqualification.

3 h. The chief administrator shall in accordance with this section
4 suspend a commercial motor vehicle driving privilege of a person
5 holding, or required to hold, a commercial driver license issued by this
6 State if the person is convicted in another state or foreign jurisdiction
7 of an offense of a substantially similar nature to the offenses specified
8 in subsection a., e., f., g., h., i. or j. of this section. For purposes of this
9 section, a violation such as driving while intoxicated, driving under the
10 influence, or driving while ability is impaired shall be considered
11 substantially similar offenses. For purposes of this section, a violation
12 committed in another state but substantially similar to those
13 enumerated in subsection a., e., f., g., h., i. or j. of this section
14 committed in this State shall be included.

15 i. Notwithstanding any other provision of law to the contrary, a
16 conviction under this section, or section 5 or 16 of P.L.1990, c.103
17 (C.39:3-10.13 or C.39:3-10.24), shall not merge with a conviction for
18 a violation of R.S.39:4-50 or section 2 of P.L.1966, c.142
19 (C.39:4-50.2).

20 j. In addition to any other penalty provided by law, the chief
21 administrator shall suspend for one year the commercial motor vehicle
22 driving privilege of a person for a first violation of:

- 23 (1) R.S.39:4-50 while operating a non-commercial motor vehicle;
24 (2) R.S.39:4-129 while operating a non-commercial motor vehicle;
25 (3) Refusing to submit to a chemical test under section 2 of
26 P.L.1966, c.142 (C.39:4-50.2) while operating a non-commercial
27 motor vehicle; or
28 (4) Using a non-commercial motor vehicle in the commission of
29 any "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4.

30 k. The chief administrator shall in accordance with this section
31 suspend the commercial motor vehicle driving privilege of a person
32 holding, or required to hold, a commercial driver license issued by this
33 State if that person has been disqualified from operating a commercial
34 motor vehicle by the Federal Motor Carrier Safety Administration
35 pursuant to 49 C.F.R. s.383.52 because that person's driving has been
36 determined to constitute an imminent hazard.

37 l. The New Jersey Motor Vehicle Commission shall maintain
38 records of accidents, convictions, and disqualification for persons
39 holding, or required to hold, a commercial driver license in accordance
40 with 49 C.F.R. s.384.225 and the AAMVAnet, Inc.'s "Commercial
41 Driver License Information System State Procedures," as amended and
42 supplemented.

43 m. Any driver who is found to be in violation of the provisions of
44 paragraph (a) or (b) of 49 C.F.R. s.392.5, relating to the use of alcohol,
45 being under the influence of alcohol, having any measured alcohol
46 concentration or detected presence of alcohol, or possessing alcohol,
47 shall be placed out-of-service immediately for a period of 24 hours.

48 n. ²In addition to any penalty imposed under this section, in
49 sentencing a person convicted of a first violation of section 5 of

1 P.L.1990, c.103 (C.39:3-10.13) whose blood alcohol concentration
2 was at least 0.04% but less than 0.08%, the court shall order the
3 installation of an ignition interlock device in one motor vehicle owned,
4 leased, or principally operated by the offender, whichever the offender
5 most often operates, which shall remain installed for three to six
6 months. Notwithstanding the provisions of this section or any other
7 provision of law to the contrary, the chief administrator shall not
8 suspend the commercial motor vehicle driving privilege of an offender
9 who installs an ignition interlock device pursuant to this subsection.¹】

10 In sentencing a person convicted of a first violation of section 5 of
11 P.L.1990, c.103 (C.39:3-10.13) whose blood alcohol concentration
12 was at least 0.04% but less than 0.08%, the court shall not suspend the
13 person's basic driver's license, but shall order the installation of an
14 ignition interlock device in one non-commercial motor vehicle owned,
15 leased, or principally operated by the offender, whichever the offender
16 most often operates, which shall remain installed during the period that
17 the person's commercial motor vehicle driving privilege is
18 suspended.²

19 (cf: P.L.2022, c.11, s.1)

20
21 ¹6. Section 2 of P.L.1981, c.512 ²[(C:39:4-50.4a)]
22 (C.39:4-50.4a)² is amended to read as follows:

23 2. a. The municipal court shall order any person who, after being
24 arrested for a violation of R.S.39:4-50 or section 1 of P.L.1992, c.189
25 (C.39:4-50.14), refuses to submit, upon request, to a test provided for
26 in section 2 of P.L.1966, c.142 (C.39:4-50.2):

27 (1) if the refusal was in connection with a first offense under this
28 section, to forfeit the right to operate a motor vehicle over the
29 highways of this State until the person installs an ignition interlock
30 device in one motor vehicle owned, leased, or principally operated by
31 the person, whichever the person most often operates, for the purpose
32 of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
33 al.);

34 (2) if the refusal was in connection with a second offense under
35 this section, to forfeit the right to operate a motor vehicle over the
36 highways of this State for a period of not less than one year or more
37 than two years following the installation of an ignition interlock device
38 in one motor vehicle owned, leased, or principally operated by the
39 person, whichever the person most often operates, for the purpose of
40 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
41 al.);

42 (3) if the refusal was in connection with a third or subsequent
43 offense under this section, to forfeit the right to operate a motor
44 vehicle over the highways of this State for a period of eight years
45 following the installation of an ignition interlock device in one motor
46 vehicle owned, leased, or principally operated by the person,
47 whichever the person most often operates, for the purpose of
48 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et

1 al.). A conviction or administrative determination of a violation of a
2 law of a substantially similar nature in another jurisdiction, regardless
3 of whether that jurisdiction is a signatory to the Interstate Driver
4 License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall
5 constitute a prior conviction under this section.

6 The municipal court shall determine by a preponderance of the
7 evidence whether the arresting officer had probable cause to believe
8 that the person had been driving or was in actual physical control of a
9 motor vehicle on the public highways or quasi-public areas of this
10 State while the person was under the influence of intoxicating liquor or
11 a narcotic, hallucinogenic, or habit-producing drug, or marijuana or
12 cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33);
13 whether the person was placed under arrest, if appropriate, and
14 whether he refused to submit to the test upon request of the officer;
15 and if these elements of the violation are not established, no conviction
16 shall issue. In addition to any other requirements provided by law, a
17 person whose operator's license is revoked for refusing to submit to a
18 test shall be referred to an Intoxicated Driver Resource Center
19 established by subsection (f) of R.S.39:4-50 and shall satisfy the same
20 requirements of the center for refusal to submit to a test as provided
21 for in section 2 of P.L.1966, c.142 (C.39:4-50.2) in connection with a
22 first, second, third or subsequent offense under this section that must
23 be satisfied by a person convicted of a commensurate violation of this
24 section, or be subject to the same penalties as such a person for failure
25 to do so. For a first offense, the revocation may be concurrent with or
26 consecutive to any revocation imposed for a conviction under the
27 provisions of R.S.39:4-50 arising out of the same incident. For a
28 second or subsequent offense, the revocation shall be consecutive to
29 any revocation imposed for a conviction under the provisions of
30 R.S.39:4-50. In addition to issuing a revocation, the municipal court
31 shall fine a person convicted under this section, a fine of not less than
32 \$300 or more than \$500 for a first offense; a fine of not less than \$500
33 or more than \$1,000 for a second offense; and a fine of \$1,000 for a
34 third or subsequent offense.

35 ²【Upon】 Notwithstanding any judicial directive to the contrary,
36 upon² recommendation by the prosecutor, a plea agreement under this
37 section is authorized under the appropriate factual basis ²consistent
38 with any other violation of Title 39 of the Revised Statutes or offense
39 under Title 2C of the New Jersey Statutes^{2 4}; provided, however, that
40 if a person is convicted of operating a motor vehicle while under the
41 influence of a narcotic, hallucinogenic, or habit-producing drug or
42 permitting another person who is under the influence of a narcotic,
43 hallucinogenic, or habit-producing drug to operate a motor vehicle
44 owned by the person or under the person's custody or control pursuant
45 to the provisions of R.S.39:4-50 or a person is convicted of operating a
46 commercial motor vehicle under the influence of a controlled
47 substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13), the

1 person shall forfeit the right to operate a motor vehicle over the
 2 highways of this State for a period of not less than six months⁴.

3 b. (Deleted by amendment, P.L.2019, c.248)¹
 4 (cf: P.L.2021, c.16, s.82)

5
 6 ²7. Nothing in P.L. , c. (pending before the Legislature as this
 7 bill) shall be construed to preclude the installation of an ignition
 8 interlock device for a violation of Title 39 of the Revised Statutes
 9 under the appropriate factual basis.²

10
 11 ³8. (New section) ⁴【The】 Notwithstanding the⁴ provisions of
 12 ⁴【sections 2 through 7 of P.L. , c. (pending before the
 13 Legislature as this bill) shall not apply to】 R.S.39:4-50,⁴ a person
 14 who has been arrested or convicted of operating a motor vehicle
 15 while under the influence of a narcotic, hallucinogenic, or habit-
 16 producing drug or permitting another person who is under the
 17 influence of a narcotic, hallucinogenic, or habit-producing drug to
 18 operate a motor vehicle owned by the person or under the person's
 19 custody or control pursuant to the provisions of R.S.39:4-50 or a
 20 person who has been convicted of operating a commercial motor
 21 vehicle under the influence of a controlled substance pursuant to
 22 section 5 of P.L.1990, c.103 (C.39:3-10.13) ⁴shall not be eligible,
 23 based on the person's installation of an ignition interlock device, for
 24 any waiver of the fine or for any credit against the period that the
 25 person is required to forfeit the right to operate a motor vehicle on
 26 the highways of this State^{4, 3}.

27
 28 ¹【2.】 ²【7. ¹ This】 ³【8.】 ^{9. ³} Section 1 of this² act shall take
 29 effect immediately ², sections 2 through ³【7】 ^{8³} of this act shall
 30 take effect 60 days following enactment,^{2 1} and the amendments to
 31 R.S.39:4-50 pursuant to P.L. , c. (pending before the Legislature
 32 as this bill); section 2 of P.L.1981, c.512 (C.39:4-50.4a) pursuant to
 33 P.L. , c. (pending before the Legislature as this bill), section 2
 34 of P.L.1999, c.417 (C.39:4-50.17) pursuant to ²【P.L. c, ¹】
 35 P.L. , c. ²(pending before the Legislature as this bill); section 3
 36 of P.L.1999, c.417 (C.39:4-50.18) pursuant to P.L. , c. (pending
 37 before the Legislature as this bill); and section 12 of P.L.1990,
 38 c.103 (C.39:3-10.20) pursuant to P.L. , c. (pending before the
 39 Legislature as this bill) shall expire on January 1, 2029¹.

40
 41
 42
 43
 44 Concerns use of ignition interlock devices for drunk driving
 45 offenses.

SENATE, No. 3011

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Extends expiration date of P.L.2019, c.248 and clarifies provisions of law that will expire.

CURRENT VERSION OF TEXT

As introduced.



S3011 SCUTARI

2

1 AN ACT concerning certain drunk driving offenses and amending
2 P.L.2019, c.248.

3

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

6

7 1. Section 7 of P.L.2019, c.248 is amended to read as follows:

8 7. This act shall take effect on the first day of the fourth month
9 after enactment and shall apply to any offense occurring on or after
10 that date; the **[act]** amendments to R.S.39:4-50; section 2 of
11 P.L.1981, c.512 (C.39:4-50.4a); section 2 of P.L.1999, c.417
12 (C.39:4-50.17); section 3 of P.L.1999, c.417 (C.39:4-50.18); and
13 supplemental sections 1 and 6 shall expire on the first day of the
14 **[fifth]** tenth year next following the effective date. The Chief
15 Administrator of the New Jersey Motor Vehicle Commission may
16 take any anticipatory administrative action in advance of the date as
17 shall be necessary to implement the provisions of this act.
18 (cf: P.L.2019, s.248, s.7)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 P.L.2019, c.248 revised certain provisions of this State's drunk
26 driving statutes. This legislation: 1) reduced the length of driver's
27 license forfeiture for convictions of drunk driving and refusing to
28 submit to a breathalyzer and increased the period of required
29 ignition interlock device (IID) installation for these offenses; 2)
30 required the license of a drunk driver who attests to not owning,
31 leasing, or operating a motor vehicle to be forfeited during the
32 required period of IID installation; 3) imposed certain IID
33 compliance requirements to be met before an IID may be removed
34 after the required period of installation; and 4) removed enhanced
35 penalties for drunk driving and refusal convictions occurring in a
36 school zone. The legislation is scheduled to expire on the first day
37 of the fifth year after the effective date, which is January 1, 2024.

38 This bill extends the expiration date of P.L.2019, c.248 so that
39 the legislation will expire on the first day of the tenth year next
40 following the effective date. The bill also clarifies that only the
41 amendatory language and supplemental sections of P.L.2019, c.248
42 will expire, and the text of the statutes amended in that legislation
43 will return to the text that was in effect prior to the enactment of
44 P.L.2019, c.248.

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.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 3011

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3011 (3R).

As amended and reported by the committee, Senate Bill No. 3011 (3R) concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

The bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The amended bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the amended bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, the bill provides that a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates,

whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID. The bill provides that the request is required to include a copy of the interlock installer's certification and a copy of a court order indicating the date of installation and the related charges, to be submitted no later than seven days after the date of the court order.

The amended bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law.

Under the bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine. The bill provides that a person is not entitled to the credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law. A person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

Under the bill, the fine waiver for first, second, third, or subsequent offenses only applies if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction.

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following

installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the amended bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the amended bill provides that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes (the State's motor vehicle code) or offense under Title 2C of the New Jersey Statutes (the State's criminal code). The bill further provides that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months.

Under the bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one non-commercial motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed during the period that the person's commercial motor vehicle driving privilege is suspended.

Finally, the bill provides that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis.

As amended and reported by the committee, Senate Bill No. 3011 (3R) is identical to Assembly Bill No. 4800 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

1) provide that when a person requests a notated license from the MVC, the request is required to include a copy of the interlock installer's certification and a copy of a court order indicating the date of installation and the related charges, to be submitted no later than seven days after the date of the court order;

2) clarify that the fine waiver for a person who voluntarily installs an IID and obtains a driver's license with the appropriate notation only applies if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction;

- 3) provide that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months; and
- 4) make clarifying and technical changes.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3011

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3011.

As amended and reported by the committee, Senate Bill No. 3011 concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

As amended, this bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The amended bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the amended bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, under the amended bill, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a

notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

The amended bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law.

Under the amended bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law.

The amended bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law and is not to be subject to a fine as set forth under current law.

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the amended bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the amended bill provides that upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is specifically authorized under the appropriate factual basis.

Finally, under the amended bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often

operates, which is to remain installed for three to six months. Notwithstanding any provisions of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving privilege of an offender who installs an IID under this provision.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device (IID) in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID;

2) provide that a person who has been arrested for a first DWI offense whose BAC was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law;

3) provide that a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law;

4) provide that a person who has been arrested for a second, third, or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law and is not to be subject to a fine as set forth under current law;

5) provide that for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID and the IID is to remain installed for 12 to 15 months after the period of license forfeiture; under current law, the person is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID, and the IID is

to remain installed for nine to 15 months after the period of license forfeiture;

6) provide that a vendor may, without a court order, install an IID in a vehicle that a person owns, leases, or principally operates if requested by a person who has been arrested for a DWI offense;

7) provide that upon proof that the IID has been installed, the MVC, upon request of the licensee, is to imprint a notation on the person's driver's license stating that the person is not to operate a motor vehicle unless it is equipped with an IID as set forth under current law;

8) provide that upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is specifically authorized under the appropriate factual basis;

9) provide that in addition to any penalty imposed under current law, in sentencing a person who has been convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an IID in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates; the IID is to remain installed for three to six months; and notwithstanding any provision of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving privilege of an offender who installs an IID pursuant to this provision;

10) make clarifying and technical changes; and

11) provide that the amendatory language contained in this bill will expire on January 1, 2029.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3011

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3011 (1R).

This bill concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

This bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, under the bill, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that

the person is not to operate a motor vehicle unless it is equipped with an IID.

The bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is not to be subject to a fine as set forth under current law.

Under the bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law.

The bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law and is not to be subject to a fine as set forth under current law.

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the bill provides that upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is specifically authorized under the appropriate factual basis.

Finally, under the bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed for three to six months. Notwithstanding any provisions of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor

vehicle driving privilege of an offender who installs an IID under this provision.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

STATEMENT TO
[First Reprint]
SENATE, No. 3011

with Assembly Floor Amendments
(Proposed by Senator SCUTARI)

ADOPTED: JUNE 26, 2023

Senate Bill No. 3011 (1R) concerns the use of ignition interlock devices for drunk driving offenses.

Under the bill, as reported by the Senate Budget and Appropriations Committee, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device (IID) in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

The bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, or who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is not to be subject to a fine as set forth under current law. These Senate amendments clarify that this provision also applies to a person whose BAC was 0.15% or higher.

Under the bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher or who was arrested for a second, third, or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is to receive a credit for each day that the person has an IID installed and a driver's license with the appropriate notation against the period that the person is required to forfeit the right to operate a motor vehicle under current law.

These Senate amendments provide that a person who installs an IID and obtains a driver's license with the appropriate notation is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State for every two days that the person has an IID installed and a driver's license with the appropriate notation. The Senate amendments also provide that a person is not entitled to this credit if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The bill further provides that upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is specifically authorized under the appropriate

factual basis. These Senate amendments clarify that this provision is notwithstanding any judicial directive to the contrary and is consistent with any other violation of Title 39 of the Revised Statutes (the State's motor vehicle code) or offense under Title 2C (the State's criminal code) of the New Jersey Statutes.

In addition, the bill provides that in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed for three to six months. Under the bill, notwithstanding any provisions of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving privilege of an offender who installs an IID under this provision.

These Senate amendments remove this prohibition on suspending the commercial motor vehicle driving privilege of an offender who installs an IID. The amendments modify this provision to provide that in sentencing an offender as set forth above, the court is not to suspend the person's basic driver's license, but is required to order the installation of an ignition interlock device in one non-commercial motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed during the period that the person's commercial motor vehicle driving privilege is suspended.

In addition, these Senate amendments provide that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis.

Finally, these Senate amendments change the effective date of certain provisions in the bill to 60 days after enactment.

STATEMENT TO
[Second Reprint]
SENATE, No. 3011

with Senate Floor Amendments
(Proposed by Senator SCUTARI)

ADOPTED: JUNE 30, 2023

Senate Bill No. 3011 (2R) concerns the use of ignition interlock devices for drunk driving offenses.

Under the bill, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device (IID) in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

The bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, or who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is not to be subject to a fine as set forth under current law.

Under the bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher or who was arrested for a second, third, or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle over the highways of this State for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine. A person is not entitled to the credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The bill also provides that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes or offense under Title 2C of the New Jersey Statutes.

Further, the bill provides that in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose blood alcohol concentration was at least 0.04% but less than 0.08%, the court is not to suspend the person's basic

driver's license, but is to order the installation of an ignition interlock device in one non-commercial motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed during the period that the person's commercial motor vehicle driving privilege is suspended.

These Senate amendments provide that the provisions of this bill do not apply to a person who has been arrested or convicted of operating or permitting another person to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug pursuant to the provisions of R.S.39:4-50 or a person who is convicted of operating a commercial motor vehicle under the influence of a controlled substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13). However, under these Senate amendments, the provisions enacted by P.L.2019, c.248 that are being extended by this bill would continue to be applicable to these persons.

STATEMENT TO
[Fourth Reprint]
SENATE, No. 3011

with Senate Floor Amendments
(Proposed by Senator SCUTARI)

ADOPTED: DECEMBER 21, 2023

Senate Bill No. 3011 (4R) concerns the use of ignition interlock devices for drunk driving offenses.

Under the bill, a person who has been arrested for certain driving while intoxicated offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

These Senate amendments provide that the request to the MVC is required to include a copy of the interlock installer's certification and documentation of the pending charges as determined by the Chief Administrator of the Motor Vehicle Commission. Currently the bill requires the request to include a copy of the interlock installer's certification and a copy of a court order indicating the date of installation and the related charges.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3011

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2023

SUMMARY

- Synopsis:** Concerns use of ignition interlock devices for drunk driving offenses.
- Type of Impact:** Annual State and Municipal Revenue Loss from Elimination of Fines for Driving While Intoxicated.
- Agencies Affected:** State, County, and Municipal Law Enforcement Agencies and Prosecutors' Offices; Administrative Office of the Courts; Motor Vehicle Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2024 and Thereafter</u>
Combined Annual State and Municipal Revenue Decrease	Loss of annual fine revenue between \$3.9 million and \$15.7 million

- The Office of Legislative Services (OLS) estimates this bill will result in an annual loss of State and municipal revenue (combined) between \$3.9 million and \$15.7 million from the elimination of fines collected for driving while intoxicated offenses when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver's license noting the requirement for the device.
- The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner and would not affect the cases as they are currently processed.

BILL DESCRIPTION

This bill extends current law for an additional five years, until January 1, 2029, regarding the required use of ignition interlock devices associated with driving while intoxicated offenses. The bill eliminates the fines associated with these offenses in instances when an offender voluntarily

installs an ignition interlock device on their car after arrest, but prior to conviction, and obtains a driver's license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device. Current law, which expires on January 1, 2024, requires those convicted of driving while intoxicated to install ignition interlock devices and pay fines in accordance with the following schedule.

Level of Offense	Blood Alcohol Level (BAC)	Current Fines	Under S-3011 (2R)
First Offense			
	.08% but less than 0.10%	\$250 to \$400	\$0
	.10% or higher	\$300 to \$500	\$0
Second Offense		\$500 to \$1,000	\$0
Third and Subsequent Offense		\$1,000	\$0

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates this bill would reduce combined State and local revenues by \$3.9 million to \$15.7 million annually by eliminating the fines associated with convictions for driving while intoxicated when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver's license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device. The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner as the cases are currently.

The State, counties, and municipalities currently receive these fines; however, the location of the fine is dependent on the agency issuing the ticket. The fine for a Title 39 traffic ticket, if issued by a municipal officer, is split half-and-half by the municipality and the county. All fines from motor vehicle summonses issued by any State law enforcement officer, including a member of the State Police, are deposited into the General Fund.

DRIVING WHILE INTOXICATED CASES*		
ARRESTED AND CONVICTED FROM 2018 TO 2022		
YEAR	ARRESTS	CONVICTIONS
2018	34,906	18,414
2019	35,430	18,761
2020	23,777	10,701
2021	27,989	12,795
2022	29,966	15,721
TOTAL	152,068	76,392

**Administrative Office of the Courts 2023*

Although the Administrative Office of the Courts provided the OLS with the number of annual convictions, the data did not provide the level of offense for these cases, i.e., first offense, second offense, etc. As such only a minimum to maximum range could be calculated. If all 15,721

individuals arrested in 2022 opted to install the ignition interlock device prior to conviction, the State and municipal loss of fine revenues would be between \$3.9 million and \$15.7 million annually depending on the level of the offense. The number of arrests made by either the State or municipal law enforcement is not available so only a combined State/local revenue loss estimate can be made.

The OLS notes that the bill provides that upon the recommendation of the prosecutor, a person subject to a driving while intoxicated offense or a refusal to submit to a breathalyzer offense could plead guilty to a lesser offense and this may result in an indeterminate loss of additional fine revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
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.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3011

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2023

SUMMARY

- Synopsis:** Concerns use of ignition interlock devices for drunk driving offenses.
- Type of Impact:** Annual State and Municipal Revenue Loss from Elimination of Fines for Driving While Intoxicated.
- Agencies Affected:** State, County, and Municipal Law Enforcement Agencies and Prosecutors' Offices; Administrative Office of the Courts; Motor Vehicle Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2024 and Thereafter</u>
Combined Annual State and Municipal Revenue Decrease	Loss of annual fine revenue between \$3.9 million and \$15.7 million

- The Office of Legislative Services (OLS) estimates this bill will result in an annual loss of State and municipal revenue (combined) between \$3.9 million and \$15.7 million from the elimination of fines collected for driving while intoxicated offenses when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver's license noting the requirement for the device.
- The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner and would not affect the cases as they are currently processed.

BILL DESCRIPTION

This bill extends current law for an additional five years, until January 1, 2029, regarding the required use of ignition interlock devices associated with driving while intoxicated offenses. The bill eliminates the fines associated with these offenses in instances when an offender voluntarily

installs an ignition interlock device on their car after arrest, but prior to conviction, and obtains a driver's license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device. Current law, which expires on January 1, 2024, requires those convicted of driving while intoxicated to install ignition interlock devices and pay fines in accordance with the following schedule.

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Second Offense		\$500 to \$1,000	\$0
Third and Subsequent Offense		\$1,000	\$0

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates this bill would reduce combined State and local revenues by \$3.9 million to \$15.7 million annually by eliminating the fines associated with convictions for driving while intoxicated when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver's license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device. The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner as the cases are currently.

The State, counties, and municipalities currently receive these fines; however, the location of the fine is dependent on the agency issuing the ticket. The fine for a Title 39 traffic ticket, if issued by a municipal officer, is split half-and-half by the municipality and the county. All fines from motor vehicle summonses issued by any State law enforcement officer, including a member of the State Police, are deposited into the General Fund.

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*Administrative Office of the Courts 2023

Although the Administrative Office of the Courts provided the OLS with the number of annual convictions, the data did not provide the level of offense for these cases, i.e., first offense, second offense, etc. As such only a minimum to maximum range could be calculated. If all 15,721

individuals arrested in 2022 opted to install the ignition interlock device prior to conviction, the State and municipal loss of fine revenues would be between \$3.9 million and \$15.7 million annually depending on the level of the offense. The number of arrests made by either the State or municipal law enforcement is not available so only a combined State/local revenue loss estimate can be made.

The OLS notes that the bill provides that upon the recommendation of the prosecutor, a person subject to a driving while intoxicated offense or a refusal to submit to a breathalyzer offense could plead guilty to a lesser offense and this may result in an indeterminate loss of additional fine revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
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.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4800

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 20, 2022

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Extends expiration date of P.L.2019, c.248 and clarifies provisions of law that will expire.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain drunk driving offenses and amending
2 P.L.2019, c.248.

3

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

6

7 1. Section 7 of P.L.2019, c.248 is amended to read as follows:

8 7. This act shall take effect on the first day of the fourth month
9 after enactment and shall apply to any offense occurring on or after
10 that date; the **[act]** amendments to R.S.39:4-50; section 2 of
11 P.L.1981, c.512 (C.39:4-50.4a); section 2 of P.L.1999, c.417
12 (C.39:4-50.17); section 3 of P.L.1999, c.417 (C.39:4-50.18); and
13 supplemental sections 1 and 6 shall expire on the first day of the
14 **[fifth]** tenth year next following the effective date. The Chief
15 Administrator of the New Jersey Motor Vehicle Commission may
16 take any anticipatory administrative action in advance of the date as
17 shall be necessary to implement the provisions of this act.
18 (cf: P.L.2019, s.248, s.7)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 P.L.2019, c.248 revised certain provisions of this State's drunk
26 driving statutes. This legislation: 1) reduced the length of driver's
27 license forfeiture for convictions of drunk driving and refusing to
28 submit to a breathalyzer and increased the period of required
29 ignition interlock device (IID) installation for these offenses; 2)
30 required the license of a drunk driver who attests to not owning,
31 leasing, or operating a motor vehicle to be forfeited during the
32 required period of IID installation; 3) imposed certain IID
33 compliance requirements to be met before an IID may be removed
34 after the required period of installation; and 4) removed enhanced
35 penalties for drunk driving and refusal convictions occurring in a
36 school zone. The legislation is scheduled to expire on the first day
37 of the fifth year after the effective date, which is January 1, 2024.

38 This bill extends the expiration date of P.L.2019, c.248 so that
39 the legislation will expire on the first day of the tenth year next
40 following the effective date. The bill also clarifies that only the
41 amendatory language and supplemental sections of P.L.2019, c.248
42 will expire, and the text of the statutes amended in that legislation
43 will return to the text that was in effect prior to the enactment of
44 P.L.2019, c.248.

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.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4800

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No, 4800, with committee amendments.

As amended and reported by the committee, Assembly Bill No. 4800 concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

As amended, this bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The amended bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the amended bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, under the amended bill, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a

notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

The amended bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law.

Under the amended bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine. The amended bill provides that a person is not entitled to the credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The amended bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law. A person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the amended bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the amended bill provides that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual

basis consistent with any other violation of Title 39 of the Revised Statutes (the State's motor vehicle code) or offense under Title 2C of the New Jersey Statutes (the State's criminal code).

Under the amended bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed for three to six months. Notwithstanding any provisions of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving privilege of an offender who installs an IID under this provision.

Finally, the bill provides that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device (IID) in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID;

2) provide that a person who has been arrested for a first DWI offense whose BAC was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law;

3) provide that a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine; however, a person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the

violation of R.S.39:4-50 resulted in serious bodily injury to another person;

4) provide that a person who has been arrested for a second, third, or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law; however, the person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person;

5) provide that for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID and the IID is to remain installed for 12 to 15 months after the period of license forfeiture; under current law, the person is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID, and the IID is to remain installed for nine to 15 months after the period of license forfeiture;

6) provide that a vendor may, without a court order, install an IID in a vehicle that a person owns, leases, or principally operates if requested by a person who has been arrested for a DWI offense;

7) provide that upon proof that the IID has been installed, the MVC, upon request of the licensee, is to imprint a notation on the person's driver's license stating that the person is not to operate a motor vehicle unless it is equipped with an IID as set forth under current law;

8) provide that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes or offense under Title 2C of the New Jersey Statutes;

9) provide that in addition to any penalty imposed under current law, in sentencing a person who has been convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an IID in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates; the IID is to remain installed for three to six months; and notwithstanding any provision of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving

privilege of an offender who installs an IID pursuant to this provision;

10) provide that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis;

11) provide that the amendatory language contained in this bill will expire on January 1, 2029;

12) change the effective date of certain provisions in the bill to 60 days after enactment; and

13) make clarifying and technical changes.

FISCAL IMPACT:

Fiscal information is not currently available.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4800

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4800 (1R).

As amended and reported by the committee, Assembly Bill No. 4800 concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

The bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The amended bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the amended bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, the bill provides that a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates,

whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID. The bill provides that the request is required to include a copy of the interlock installer's certification and a copy of a court order indicating the date of installation and the related charges, to be submitted no later than seven days after the date of the court order.

The amended bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law.

Under the bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine. The bill provides that a person is not entitled to the credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law. A person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

Under the bill, the fine waiver for first, second, third, or subsequent offenses only applies if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following

installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the amended bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the amended bill provides that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes (the State's motor vehicle code) or offense under Title 2C of the New Jersey Statutes (the State's criminal code). The bill further provides that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months.

Under the bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one non-commercial motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed during the period that the person's commercial motor vehicle driving privilege is suspended.

Finally, the bill provides that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis.

As amended and reported by the committee, Assembly Bill No. 4800 (1R) is identical to Senate Bill No. 3011 (3R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments:

1) provide that when a person requests a notated license from the MVC, the request is required to include a copy of the interlock installer's certification and a copy of a court order indicating the date of installation and the related charges, to be submitted no later than seven days after the date of the court order;

2) clarify that the fine waiver for a person who voluntarily installs an IID and obtains a driver's license with the appropriate notation only applies if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintained a license in good standing until the date of conviction;

3) provide that in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one non-commercial motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed during the period that the person's commercial motor vehicle driving privilege is suspended;

4) provide that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months; and

5) make clarifying and technical changes.

FISCAL IMPACT:

Fiscal information is not currently available.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4800

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: DECEMBER 27, 2023

SUMMARY

- Synopsis:** Concerns use of ignition interlock devices for drunk driving offenses.
- Type of Impact:** Annual State and Municipal Revenue Loss from Elimination of Fines for Driving While Intoxicated.
- Agencies Affected:** State, County, and Municipal Law Enforcement Agencies and Prosecutors' Offices; Administrative Office of the Courts; Municipal Courts; Motor Vehicle Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2024 and Thereafter</u>
Combined Annual State and Municipal Revenue Decrease	Loss of annual fine revenue between \$3.9 million and \$15.7 million
Municipal Court Expenditures	Indeterminate

- The Office of Legislative Services (OLS) estimates this bill will result in an annual loss of State and municipal revenue (combined) between \$3.9 million and \$15.7 million from the elimination of fines collected for driving while intoxicated offenses when an offender voluntarily installs an ignition interlock device upon arrest and prior to any conviction and obtains a driver's license noting the requirement for the device.
- The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner and would not affect the cases as they are currently processed; however, the OLS does estimate there may be additional administrative costs to the municipal courts resulting from the requirement to provide a court order to the individual who was arrested prior to their conviction.

BILL DESCRIPTION

This bill extends current law for an additional five years, until January 1, 2029, regarding the required use of ignition interlock devices associated with driving while intoxicated offenses.

The bill eliminates the fines associated with these offenses in instances when an offender voluntarily installs an ignition interlock device on their car after arrest, but prior to conviction. The offender is required to obtain a driver's license from the Motor Vehicle Commission with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device and a copy of a court order indicating the date of installation and the related charges. This only applies if the person possessed a valid New Jersey driver's license in good standing at the time of the offense and maintains a license in good standing until the date of conviction.

Current law, which expires on January 1, 2024, requires those convicted of driving while intoxicated to install ignition interlock devices and pay fines in accordance with the following schedule.

Level of Offense	Blood Alcohol Level (BAC)	Current Fines	Under A-4800 (2R)
First Offense			
	.08% but less than 0.10%	\$250 to \$400	\$0
	.10% or higher	\$300 to \$500	\$0
Second Offense		\$500 to \$1,000	\$0
Third and Subsequent Offense		\$1,000	\$0

The bill further provides that a person who enters into a plea agreement for operating or permitting another to operate a motor vehicle while under the influence of a narcotic, hallucinogenic, or habit-producing drug will be required to forfeit the right to operate a motor vehicle for a period of not less than six months.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates this bill would reduce combined State and local revenues by \$3.9 million to \$15.7 million annually by eliminating the fines associated with convictions for driving while intoxicated when certain offenders voluntarily install an ignition interlock device upon arrest and prior to any conviction and obtain a driver's license with a notation stating the person is not to operate a motor vehicle unless it is equipped with an ignition interlock device.

The OLS does not anticipate additional expenditures to the State, county, or municipality as the arrests would be prosecuted in the same manner as the cases are currently processed; however, the OLS estimates there may be additional administrative costs to the municipal courts resulting from the requirement to provide a court order prior to conviction. Depending on the municipal court's resource allocation policies, the added initial workload may or may not augment administrative expenditures.

The State, counties, and municipalities currently receive these fines; however, the location of the fine is dependent on the agency issuing the ticket. The fine for a Title 39 traffic ticket, if issued

by a municipal officer, is split half-and-half by the municipality and the county. All fines from motor vehicle summonses issued by any State law enforcement officer, including a member of the State Police, are deposited into the General Fund.

DRIVING WHILE INTOXICATED CASES*		
ARRESTED AND CONVICTED FROM 2018 TO 2022		
YEAR	ARRESTS	CONVICTIONS
2018	34,906	18,414
2019	35,430	18,761
2020	23,777	10,701
2021	27,989	12,795
2022	29,966	15,721
TOTAL	152,068	76,392

**Administrative Office of the Courts 2023*

Although the Administrative Office of the Courts provided the OLS with the number of annual convictions, the data did not provide the level of offense for these cases, i.e., first offense, second offense, etc. As such, only a minimum to maximum range could be calculated. If all 15,721 individuals arrested in 2022 opted to install the ignition interlock device prior to conviction, the State and municipal loss of fine revenues would be between \$3.9 million and \$15.7 million annually depending on the level of the offense. The number of arrests made by either State or municipal law enforcement is not available so only a combined State/local revenue loss estimate can be made.

The OLS notes that the bill provides that upon the recommendation of the prosecutor, a person subject to a driving while intoxicated offense or a refusal to submit to a breathalyzer offense could plead guilty to a lesser offense and this may result in an indeterminate loss of additional fine revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
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.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

12/21/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

SCS for S-524wGR/ACS for A-1700 (Ruiz, Cunningham/Quijano, Mukherji, Atkins) - Creates Mental Health Diversion Program to divert eligible persons away from criminal justice system and into appropriate case management and mental health services

S-2818wGR/A-4394 (Turner/Kennedy) - Establishes "Working Group to Study Pricing of Motor Fuels by Retail Dealers"

SCS for S-2848wGR/A-4328 (Smith, Greenstein/DeAngelo, Karabinchak) - Revises criteria for remote net metering program established by BPU

S-3011/A-4800 (Scutari/Murphy, McKeon, Mukherji) - Concerns use of ignition interlock devices for drunk driving offenses

S-3044wGR/A-4716 (Diegnan, Greenstein/Stanley, Benson, Mukherji) - Makes supplemental appropriation of \$15 million to DEP for implementation of Electric School Bus Program

S-3153wGR/A-4548 (Codey/Kennedy, Haider, Stanley) - Authorizes schools to receive certain food waste from other schools, and provides exemption to such receiving schools for certain DEP permits, under certain conditions

S-3480wGR/A-5137 (Vitale, Pou/McKeon, Park, Murphy) – "The Small Business Health Insurance Affordability Act"; revises certain requirements for individual and small employer health benefits plans

SCS for -3756wGR/ACS for A-5363 (Scutari, Sarlo/Schaer, Wimberly) - Permits SHBP and SEHBP to award contracts for more claims administrators for each program plan; requires claims data and trend reports to be provided to certain persons

S-3839wGR/A-4061 (Greenstein, Steinhardt/Mukherji, Wirths, Space) - Requires Commissioner of Corrections to institute 10-minute shift overlap in State correctional facilities; appropriates \$13 million

S-4011wGR/A-5650 (Ruiz/Coughlin, Pintor Marin, Wimberly) - Modifies New Jersey Community-Anchored Development Program

A-5549/S-3960 (Lopez, Benson, McKnight/Vitale) - Extends eligibility for certain individuals for emergency assistance

ACS for A-5757/S-4127 (Conaway, Speight, Sumter/Gopal) - Extends certain pay parity regarding telemedicine and telehealth for one year