

39:4-97.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 75
NJSA: 39:4-97.2 (New motor vehicle offenses)
BILL NO: A2465 (Substituted for S1236)
SPONSOR(S): Bateman and Cohen
DATE INTRODUCED: May 22, 2000
COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: ----
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 26, 2000
SENATE: June 29, 2000
DATE OF APPROVAL: July 24, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: (Assembly Committee Substitute for A2465/2466 enacted)
(Amendments during passage denoted by superscript numbers)

A2465

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

A2466

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

S1410

SPONSORS STATEMENT: Yes
(Bill and sponsor's statement identical to A2465)
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1236

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes
Identical to Assembly Committee Statement for ACS for A2465/2466

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

FINAL VERSION (Senate Committee Substitute) Yes
(Identical to ACS for A2465/2466)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes
(Also attached: **Directive** by the Administrative Office of the Courts mentioned in the press release)

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 2465

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman DAVID C. RUSSO

District 40 (Bergen and Passaic)

SYNOPSIS

Creates new motor vehicle offense; clarifies municipal prosecutors' duties concerning plea agreements.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal court and supplementing Title 2B of
2 the New Jersey Statutes and Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Notwithstanding any other provision of law to the contrary,
8 it shall be unlawful for any person to drive or operate a motor vehicle
9 in an unsafe manner likely to endanger a person or property.

10 b. A person convicted of a first offense under subsection a. shall
11 be subject to a fine of not less than \$50.00 or more than \$150.00 and
12 shall not be assessed any motor vehicle penalty points pursuant to
13 section 1 of P.L.1982, c.43 (C.39:5-30.5).

14 c. A person convicted of a second offense under subsection a. shall
15 be subject to a fine of not less than \$100.00 or more than \$250.00 and
16 shall not be assessed any motor vehicle penalty points pursuant to
17 section 1 of P.L.1982, c.43 (C.39:5-30.5).

18 d. A person convicted of a third or subsequent offense under
19 subsection a. shall be subject to a fine of not less than \$200.00 or
20 more than \$500.00 and may be assessed motor vehicle penalty points
21 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

22
23 2. Notwithstanding any other provision of law to the contrary, a
24 municipal prosecutor may at any time move before the municipal court
25 to accept a plea to a lesser or other offense than originally charged,
26 whether or not the plea is to a lesser included offense.

27
28 3. Notwithstanding any other provision of law to the contrary, a
29 municipal prosecutor may at any time move before the municipal court
30 to amend the original charge.

31
32 4. This act shall take effect immediately.

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STATEMENT

36

37 This bill creates a new motor vehicle violation offense. This bill
38 makes it unlawful for any person to drive a motor vehicle in an unsafe
39 manner likely to endanger a person or property. A person convicted
40 for a first offense under the bill would be subject to a fine of not less
41 than \$50.00 or more than \$150.00. The fine for a second offense
42 would be not less than \$100.00 or more than \$250.00. No motor
43 vehicle penalty points would be assessed for a first or second offense.

44 A person convicted of a third or subsequent offense would be subject
45 to a fine of not less than \$200.00 or more than \$500.00 and may be

1 assessed motor vehicle penalty points.

2 In addition, this bill would also supplement recently enacted
3 P.L.1999, c.349 (C.2B:25-1et.seq.) concerning the duties and
4 responsibilities of municipal prosecutors to clarify that a prosecutor
5 may at any time move before the municipal court to accept a plea to
6 a lesser or other offense than was originally charged, whether or not
7 the plea is to a lesser included offense. The bill also provides that the
8 municipal prosecutor may make a motion to amend the original
9 charge.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2465 and 2466**

STATE OF NEW JERSEY

DATED: JUNE 8, 2000

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 2465 and 2466.

This substitute creates a new motor vehicle offense. This bill makes it unlawful for any person to drive a motor vehicle in an unsafe manner likely to endanger a person or property. A person convicted for a first offense under the substitute would be subject to a fine of not less than \$50.00 or more than \$150.00. The fine for a second offense would be not less than \$100.00 or more than \$250.00. No motor vehicle penalty points would be assessed for a first or second offense. A person convicted of a third or subsequent offense would be subject to a fine of not less than \$200.00 or more than \$500.00 and shall be assessed motor vehicle penalty points. The substitute does provide that an offense committed under its provisions which occurs more than five years after the prior offense would not be considered a subsequent offense within the meaning of subsection d. of section 1 of the substitute for the purpose of assessing motor vehicle penalty points.

In addition, this substitute would clarify that a prosecutor may recommend to the court to accept a plea to a lesser or other offense in accordance with the Rules of Court. The substitute also provides that the municipal prosecutor may make a motion to amend the original charge in accordance with the Rules of Court.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2465 and 2466

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED JUNE 8, 2000

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman DAVID C. RUSSO

District 40 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman LeFevre, Senators Bucco, Cafiero and Matheussen

SYNOPSIS

Creates new motor vehicle offense; clarifies municipal prosecutors' duties concerning plea agreements.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Judiciary Committee.



(Sponsorship Updated As Of: 6/30/2000)

1 AN ACT concerning municipal court and supplementing Title 2B of
2 the New Jersey Statutes and Title 39 of the Revised Statutes.

3

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

6

7 1. a. Notwithstanding any other provision of law to the contrary,
8 it shall be unlawful for any person to drive or operate a motor vehicle
9 in an unsafe manner likely to endanger a person or property.

10 b. A person convicted of a first offense under subsection a. shall
11 be subject to a fine of not less than \$50.00 or more than \$150.00 and
12 shall not be assessed any motor vehicle penalty points pursuant to
13 section 1 of P.L.1982, c.43 (C.39:5-30.5).

14 c. A person convicted of a second offense under subsection a.
15 shall be subject to a fine of not less than \$100.00 or more than
16 \$250.00 and shall not be assessed any motor vehicle penalty points
17 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

18 d. A person convicted of a third or subsequent offense under
19 subsection a. shall be subject to a fine of not less than \$200.00 or
20 more than \$500.00 and shall be assessed motor vehicle penalty points
21 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

22 e. An offense committed under this section that occurs more than
23 five years after the prior offense shall not be considered a subsequent
24 offense for the purpose of assessing motor vehicle penalty points under
25 subsection d. of this section.

26

27 2. In accordance with the Rules of Court adopted by the Supreme
28 Court of New Jersey, a municipal prosecutor may recommend to the
29 court to accept a plea to a lesser or other offense.

30

31 3. In accordance with the Rules of Court adopted by the Supreme
32 Court of New Jersey, a municipal prosecutor may move before the
33 municipal court to amend the original charge.

34

35 4. This act shall take effect immediately.

P.L. 2000, CHAPTER 75, *approved July 24, 2000*
Assembly Committee Substitute for
Assembly, Nos. 2465 and 2466

1 AN ACT concerning municipal court and supplementing Title 2B of
2 the New Jersey Statutes and Title 39 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Notwithstanding any other provision of law to the contrary,
8 it shall be unlawful for any person to drive or operate a motor vehicle
9 in an unsafe manner likely to endanger a person or property.

10 b. A person convicted of a first offense under subsection a. shall
11 be subject to a fine of not less than \$50.00 or more than \$150.00 and
12 shall not be assessed any motor vehicle penalty points pursuant to
13 section 1 of P.L.1982, c.43 (C.39:5-30.5).

14 c. A person convicted of a second offense under subsection a.
15 shall be subject to a fine of not less than \$100.00 or more than
16 \$250.00 and shall not be assessed any motor vehicle penalty points
17 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

18 d. A person convicted of a third or subsequent offense under
19 subsection a. shall be subject to a fine of not less than \$200.00 or
20 more than \$500.00 and shall be assessed motor vehicle penalty points
21 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

22 e. An offense committed under this section that occurs more than
23 five years after the prior offense shall not be considered a subsequent
24 offense for the purpose of assessing motor vehicle penalty points under
25 subsection d. of this section.

26

27 2. In accordance with the Rules of Court adopted by the Supreme
28 Court of New Jersey, a municipal prosecutor may recommend to the
29 court to accept a plea to a lesser or other offense.

30

31 3. In accordance with the Rules of Court adopted by the Supreme
32 Court of New Jersey, a municipal prosecutor may move before the
33 municipal court to amend the original charge.

34

35 4. This act shall take effect immediately.

36

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40 _____
41 Creates new motor vehicle offense; clarifies municipal prosecutors'
duties concerning plea agreements.

CHAPTER 75

AN ACT concerning municipal court and supplementing Title 2B of the New Jersey Statutes and Title 39 of the Revised Statutes.

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

C.39:4-97.2 Driving, operating a motor vehicle in an unsafe manner, offense created; fines.

1. a. Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.

b. A person convicted of a first offense under subsection a. shall be subject to a fine of not less than \$50.00 or more than \$150.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

c. A person convicted of a second offense under subsection a. shall be subject to a fine of not less than \$100.00 or more than \$250.00 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

d. A person convicted of a third or subsequent offense under subsection a. shall be subject to a fine of not less than \$200.00 or more than \$500.00 and shall be assessed motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

e. An offense committed under this section that occurs more than five years after the prior offense shall not be considered a subsequent offense for the purpose of assessing motor vehicle penalty points under subsection d. of this section.

C.2B:25-11 Acceptance of plea to lesser offense.

2. In accordance with the Rules of Court adopted by the Supreme Court of New Jersey, a municipal prosecutor may recommend to the court to accept a plea to a lesser or other offense.

C.2B:25-12 Motion to amend original charge.

3. In accordance with the Rules of Court adopted by the Supreme Court of New Jersey, a municipal prosecutor may move before the municipal court to amend the original charge.

4. This act shall take effect immediately.

Approved July 24, 2000.

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

Richard J. Williams, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex
PO Box 037
Trenton New Jersey 08625-0037
(609) 984-0275
FAX: (609)292-3320

April 24, 2000

TO: Presiding Judges-Municipal Courts

FROM: Richard J. Williams

RE: Municipal Court Plea Agreements – Implementation of R. 7:6-2

The Conference of Assignment Judges has asked that I enlist your assistance to eliminate practices in some municipal courts that threaten the integrity of the plea agreement process. Specifically, it has come to the Conference's attention that in some municipal courts, pleas are being offered and accepted without careful adherence to the requirements of R. 7:6-2 (Pleas, Plea Agreements), and the "Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey." (Appendix to Part VII of the Rules.) Rule 7:6-2(d) requires that the terms and the factual basis that support a proposed plea agreement be set forth fully on the record. The Rule also mandates that any sentence recommendations are not to circumvent minimum sentences required by law.

An example that has come to light is the offer of a plea to a violation of N.J.S.A. 39:4-215 (failure to obey signals, signs or directions posted in response to an emergency declared by the Attorney General) in lieu of another Title 39 offense that was initially charged. In a plea agreement involving a violation of that statute, the factual basis must always include identification of the emergency condition declared by the Attorney General that existed at the time and at the location of the offense. Absent a record containing that key information, there would be no clear basis for a judge to accept a proposed plea to that violation and, as set forth in R. 7:6-2(d), the court should consider rejecting the plea and informing the defendant of the right to withdraw the plea if already entered.

I understand that the issues related to plea agreements were addressed at the April 6-7, 2000, Municipal Division Retreat and that you are developing plans to more closely oversee and mentor the municipal court judges in your vicinages to better insure compliance with the plea agreement rules. As a part of that process, each judge should be reminded that the Supreme Court has established a Standing Subcommittee of the Supreme Court Committee on Municipal Courts to monitor the plea agreement process and to recommend changes to R. 7:6-2 and the Guidelines. Suggestions for improving the process should be passed on to that Subcommittee.

The plea agreement process must be conducted strictly in accordance with the rules. Each of you must see to it that every judge in your vicinage understands and carefully applies every technical requirement of the plea agreement process, especially the requirement for a factual basis. The Assignment Judges and I are counting on your support to end any practices that are inconsistent with the rules, wherever they exist in the municipal courts.

cc: Chief Justice Deborah T. Poritz
Assignment Judges
Theodore J. Fetter
Dennis L. Bliss
Trial Court Administrators
Municipal Division Managers

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: July 24, 2000

Governor Christie Whitman today signed the following legislation:

A-2465, sponsored by Assemblymen Christopher Bateman (R-Morris/Somerset), Neil M. Cohen (D-Union), John S. Wisniewski (D-Middlesex), David C. Russo (R-Bergen/Passaic), and Senators Anthony R. Bucco (R-Morris), and James S. Cafiero (R-Cape May/Atlantic/Cumberland), creates a new traffic violation for which no motor vehicle penalty points are assessed for a first or second offense.

The bill makes it unlawful for any person "to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property." A person convicted of a first offense under the bill would be subject to a fine of not less than \$50.00 or more than \$150.00. The fine for a second offense would be not less than \$100.00 or more than \$250.00. A person convicted of a third or subsequent offense would be subject to a fine of not less than \$200.00 or more than \$500.00 and may be assessed motor vehicle penalty points, if the offense occurs within five years of the prior offense.

Finally, this bill supplements recently enacted legislation concerning the duties and responsibilities of municipal prosecutors to clarify that a prosecutor may at any time move before the municipal court to accept a plea to a lesser or other offense that was originally charged. The bill also provides that the municipal prosecutor may make a motion to amend the original charge.

The bill is a response to an April 24, 2000 directive by the Administrative Office of the Courts clarifying that municipal prosecutors may not accept plea agreements that downgrade traffic offenses unless a factual basis can be shown to support the lesser offense.

A-2414, sponsored by Assemblyman Alan M. Augustine (R-Middlesex/Morris/Somerset/Union) and Senator John O. Bennett (R-Monmouth), revises the law concerning the award of State contracts to multiple bidders. The law currently contains three exceptions to the general rule that a contract award must be made to one vendor. This bill adds two new exceptions to provide for additional flexibility in appropriate circumstances.

The first new exception allows the award of a contract to multiple vendors when necessary to provide for standardization of equipment, interchangeability, of parts or continuation of services.

The second new exception allows the Director of Purchase and Property to award a contract to more than one bidder to meet the collective safety, environmental or technological needs of participants in the State's Cooperative Purchasing Program. The bill also provides that when determining whether multiple awards are appropriate, the Division of Purchase and Property may consider whether the anticipated use of a contract by members of the cooperative purchase program justifies such an award. This will allow the Division of Purchase and Property to factor in, for example, the needs of local public entities when deciding to award to more than one vendor for reasons of supplying necessary quantities or to provide for local deliveries.

Lastly, the bill provides that any multiple award will be made only to the number of contractors necessary to serve the needs of using agencies and cooperative purchasers for the service, item or group of items that is the subject of the award.