

# 39:4-50.22

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                      **CHAPTER:** 69  
**NJSA:** 39:4-50.22      (John's law—DWI—impounding motor vehicles)  
**BILL NO:** S1587              (Substituted for A2755/2860 (ACS))

**SPONSOR(S):** Gormley and Cafiero

**DATE INTRODUCED:** September 21, 2000

**COMMITTEE:**                      **ASSEMBLY:** ----  
**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** March 29, 2001  
**SENATE:** February 15, 2001

**DATE OF APPROVAL:** April 19, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Senate committee substitute (1<sup>st</sup> reprint) enacted)  
(Amendments during passage denoted by superscript numbers)

#### S1587

**SPONSORS STATEMENT:** (Begins on page 3 of original bill)                      Yes  
**COMMITTEE STATEMENT:**    **ASSEMBLY:** No  
**SENATE:** Yes  
**FLOOR AMENDMENT STATEMENTS:**    Yes  
**LEGISLATIVE FISCAL ESTIMATE:**    No

#### A2755/2860

**SPONSORS STATEMENT (A2755):** (Begins on page 3 of original bill)                      Yes

**SPONSORS STATEMENT (A2860):** (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to S1587

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**FINAL VERSION** (Assembly Committee Substitute): Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"DiFrancesco signs DWI law," 4-20-2001 Home News, p. A3

"John's Law' bolsters state DWI initiatives" 4-20-2001 Star Ledger, p.17

"Mom uses a new law to sue killer of her child," 4-20-2001 The Record, p.A1

**SENATE, No. 1587**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Senator WILLIAM L. GORMLEY**

**District 2 (Atlantic)**

**SYNOPSIS**

Authorizes law enforcement agencies to impound vehicles of persons arrested for DWI and to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

**CURRENT VERSION OF TEXT**

As introduced.



S1587 GORMLEY

2

1 AN ACT concerning driving while intoxicated and supplementing  
2 chapter 4 of 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. Whenever a person is summoned by or on behalf of a person  
8 who has been arrested for a violation of R.S.39:4-50 or section 2 of  
9 P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the  
10 arrestee, the law enforcement agency shall provide that person with a  
11 written statement advising him of his potential criminal and civil  
12 liability for permitting or facilitating the arrestee's operation of a motor  
13 vehicle while the arrestee is intoxicated. The person to whom the  
14 statement is issued shall acknowledge, in writing, receipt of the  
15 statement. If the person to whom the statement is issued refuses to  
16 acknowledge receipt of the statement, the arrestee shall not be  
17 released.

18 The Attorney General shall establish the content and form of the  
19 written statement and acknowledgment to be used by law enforcement  
20 agencies throughout the State and may issue directives to ensure the  
21 uniform implementation of this act.

22

23 2. a. Whenever a person has been arrested for a violation of  
24 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the  
25 arresting law enforcement agency shall have the vehicle which the  
26 person was operating at the time of arrest impounded for a period of  
27 not more than 12 hours after the time of arrest if the agency  
28 determines that the release of the vehicle to the person who has been  
29 arrested represents a threat to public safety. The vehicle may,  
30 however, be released by the arresting agency prior to the end of the  
31 impoundment period if the vehicle is not owned by the person under  
32 arrest, the lawful owner requesting such release possesses a valid  
33 operator's license and presents proof of ownership and proof of valid  
34 motor vehicle insurance for that vehicle, the lawful owner would be  
35 able to operate the vehicle in a safe manner, and the lawful owner's  
36 operation of the motor vehicle would not be in violation of Title 39.

37 b. If in the process of impounding a vehicle pursuant to the  
38 provisions of this section the vehicle is towed, the law enforcement  
39 agency impounding the vehicle is authorized to charge a reasonable fee  
40 to cover the towing costs. The law enforcement agency is further  
41 authorized to retain custody of the vehicle until that fee is paid.

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43 3. This act shall take effect on the first day of the fourth month  
44 following enactment.

STATEMENT

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Recently, a person charged with driving while intoxicated (DWI) was picked up at the police station by a person who was to take the intoxicated person to his home. Instead, the intoxicated person was taken back to his vehicle which he then drove. An ensuing motor vehicle collision tragically claimed the life of a young man, John Elliott. John, who grew up in Egg Harbor Township, had just graduated from the United States Naval Academy in June 2000.

Current law provides that a person who permits another to drive while intoxicated violates R.S.39:4-50 (the DWI statute). This bill, which the sponsor has designated as "John's Law," provides that whenever a person is summoned by or on behalf of a person who has been arrested for DWI in order to transport or accompany the arrestee following release, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee is intoxicated. The bill requires the person to whom the statement is issued to acknowledge, in writing, receipt of the statement. If the person refuses to sign the acknowledgment, the person arrested shall not be released.

The bill provides that the Attorney General will establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State.

The written statement required by this bill will increase the awareness of a person picking up someone arrested for driving while intoxicated, warning them of the personal consequences they may suffer if they permit an intoxicated person to drive. Further, the statement and acknowledgment may assist in the prosecution of those individuals who disregard the warning and permit an intoxicated person to drive.

In addition to the responsibility warnings, the bill would authorize the arresting law enforcement agency to impound the vehicle operated by the person arrested for DWI for a period up to 12 hours following arrest if the agency determines that the release of the vehicle to the person arrested represents a threat to public safety.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1587**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED NOVEMBER 9, 2000

**Sponsored by:**

**Senator WILLIAM L. GORMLEY**

**District 2 (Atlantic)**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Senators Kosco, Bucco, Girgenti and Furnari**

**SYNOPSIS**

Requires law enforcement agencies to impound vehicles of persons arrested for DWI and to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Law and Public Safety Committee.



1 AN ACT concerning driving while intoxicated and supplementing  
2 chapter 4 of 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. Whenever a person is summoned by or on behalf of a person  
8 who has been arrested for a violation of R.S.39:4-50 or section 2 of  
9 P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the  
10 arrestee, the law enforcement agency shall provide that person with a  
11 written statement advising him of his potential criminal and civil  
12 liability for permitting or facilitating the arrestee's operation of a motor  
13 vehicle while the arrestee remains intoxicated. The person to whom  
14 the statement is issued shall acknowledge, in writing, receipt of the  
15 statement, or the law enforcement agency shall record the fact that the  
16 written statement was provided, but the person refused to sign an  
17 acknowledgment.

18 The Attorney General shall establish the content and form of the  
19 written statement and acknowledgment to be used by law enforcement  
20 agencies throughout the State and may issue directives to ensure the  
21 uniform implementation of this act.

22  
23 2. a. Whenever a person has been arrested for a violation of  
24 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the  
25 arresting law enforcement agency shall impound the vehicle that the  
26 person was operating at the time of arrest.

27 b. A vehicle impounded pursuant to this section shall be  
28 impounded for a period of 12 hours after the time of arrest or until  
29 such later time as the arrestee claiming the vehicle meets the  
30 conditions for release in subsection d. of this section.

31 c. A vehicle impounded pursuant to this section may be released  
32 to a person other than the arrestee prior to the end of the  
33 impoundment period only if:

34 (1) The vehicle is not owned or leased by the person under arrest  
35 and the person who owns or leases the vehicle claims the vehicle and  
36 meets the conditions for release in subsection d. of this section; or

37 (2) The vehicle is owned or leased by the arrestee, the arrestee  
38 gives permission to another person, who has acknowledged in writing  
39 receipt of the statement required in section 1 of P.L. , c. (C. )  
40 (now pending before the Legislature as this bill), to operate the vehicle  
41 and the conditions for release in subsection d. of this section are met.

42 d. A vehicle impounded pursuant to this section shall not be  
43 released unless the person claiming the vehicle:

44 (1) presents a valid operator's license, proof of ownership or  
45 lawful authority to operate the motor vehicle, and proof of valid motor  
46 vehicle insurance for that vehicle;

1       (2) is able to operate the vehicle in a safe manner and would not  
2 be in violation of Title 39 of the Revised Statutes; and

3       (3) meets any other conditions for release established by the law  
4 enforcement agency.

5       e. A law enforcement agency impounding a vehicle pursuant to  
6 this section is authorized to charge a reasonable fee for towing and  
7 storage of the vehicle. The law enforcement agency is further  
8 authorized to retain custody of the vehicle until that fee is paid.

9

10       3. This act shall take effect on the first day of the fourth month  
11 after enactment.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1587**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 9, 2000

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1587.

Currently, a person who permits another to drive while intoxicated (DWI) violates R.S.39:4-50 (the State drunk driving statute). This committee substitute provides that whenever a person is summoned by or on behalf of a person who has been arrested for DWI in order to transport or accompany the arrestee following release, the law enforcement agency is required to provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee is intoxicated. The committee substitute requires the person to whom the statement is issued to acknowledge, in writing, receipt of the statement. If the person refuses to sign the acknowledgment, the law enforcement agency is required to record that fact.

The committee substitute requires the Attorney General to establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State.

The written statement required by this committee substitute will increase the awareness of a person transporting someone arrested for DWI, warning them of the personal consequences they may suffer if they permit an intoxicated person to drive. Further, the statement and acknowledgment may assist in the prosecution of those individuals who disregard the warning and permit an intoxicated person to drive.

In addition to the responsibility warnings, the committee substitute requires the arresting law enforcement agency to impound the vehicle operated by the intoxicated driver for up to 12 hours following arrest.

Drunk drivers constitute a serious threat to the public safety. Recently, a person charged with DWI was picked up at the police station by a person who was to take the intoxicated person to his home. Instead, the intoxicated person was taken back to his vehicle which he then drove. An ensuing motor vehicle collision tragically

claimed the life of a young man, John Elliott. John, who grew up in Egg Harbor Township, had just graduated from the United States Naval Academy in May 2000. The sponsor has designated this bill as "John's Law."

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1587**

with Senate Floor Amendments  
(Proposed By Senator GORMLEY)

ADOPTED: JANUARY 9, 2001

The Senate Committee Substitute for Senate Bill No. 1587 provides that whenever a person is summoned by or on behalf of a person who has been arrested for DWI in order to transport or accompany the arrestee following release, the law enforcement agency is required to provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee is intoxicated.

These Senate Amendments clarify that the written statement concerning liability only has to be provided to persons transporting or accompanying the arrestee from the premises of a law enforcement agency. The amendments also clarify that the bill does not impose any obligation on physicians or health care providers who treat or evaluate a suspected drunk driver.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1587**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED NOVEMBER 9, 2000

**Sponsored by:**

**Senator WILLIAM L. GORMLEY**

**District 2 (Atlantic)**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

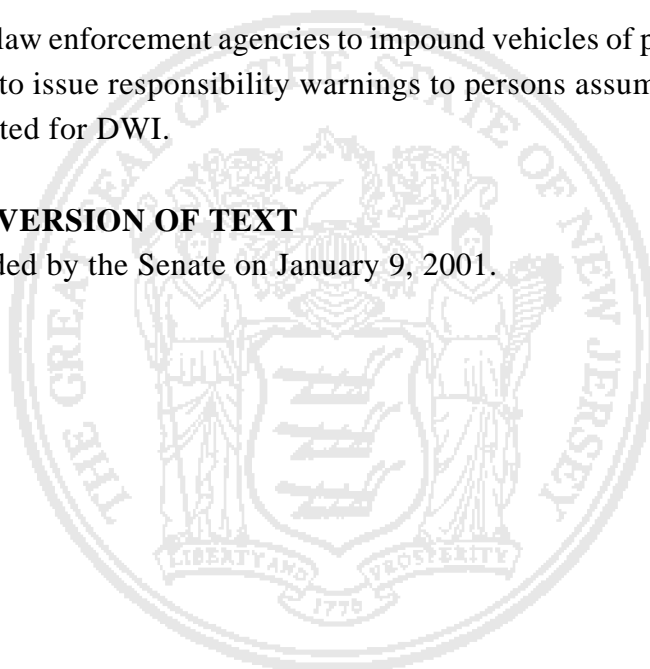
**Senators Kosco, Bucco, Girgenti, Furnari, Ciesla, Vitale, Inverso, Singer, Matheussen, Sinagra, Assemblymen Gibson, Blee, LeFevre, Cottrell, Assemblywoman Heck, Assemblymen Malone, Lance, Merkt, Asselta, Holzapfel, T.Smith, Weingarten, Barnes and R.Smtih**

**SYNOPSIS**

Requires law enforcement agencies to impound vehicles of persons arrested for DWI and to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 9, 2001.



**(Sponsorship Updated As Of: 3/30/2001)**

1 AN ACT concerning driving while intoxicated and supplementing chapter 4 of  
2 Title 39 of the Revised Statutes.

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

6  
7 1. Whenever a person is summoned by or on behalf of a person who has  
8 been arrested for a violation of R.S.39:4-50 or section 2 of P.L.1981, c.512  
9 (C.39:4-50.4a) in order to transport or accompany the arrestee <sup>1</sup>from the  
10 premises of a law enforcement agency<sup>1</sup>, the law enforcement agency shall  
11 provide that person with a written statement advising him of his potential  
12 criminal and civil liability for permitting or facilitating the arrestee's operation  
13 of a motor vehicle while the arrestee remains intoxicated. The person to whom  
14 the statement is issued shall acknowledge, in writing, receipt of the statement,  
15 or the law enforcement agency shall record the fact that the written statement  
16 was provided, but the person refused to sign an acknowledgment.

17 <sup>1</sup>Nothing in this section shall impose any obligation on a physician or other  
18 health care provider involved in the treatment or evaluation of the arrestee.<sup>1</sup>

19 The Attorney General shall establish the content and form of the written  
20 statement and acknowledgment to be used by law enforcement agencies  
21 throughout the State and may issue directives to ensure the uniform  
22 implementation of this act.

23  
24 2. a. Whenever a person has been arrested for a violation of R.S.39:4-50  
25 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the arresting law enforcement  
26 agency shall impound the vehicle that the person was operating at the time of  
27 arrest.

28 b. A vehicle impounded pursuant to this section shall be impounded for a  
29 period of 12 hours after the time of arrest or until such later time as the  
30 arrestee claiming the vehicle meets the conditions for release in subsection d.  
31 of this section.

32 c. A vehicle impounded pursuant to this section may be released to a  
33 person other than the arrestee prior to the end of the impoundment period only  
34 if:

35 (1) The vehicle is not owned or leased by the person under arrest and the  
36 person who owns or leases the vehicle claims the vehicle and meets the  
37 conditions for release in subsection d. of this section; or

38 (2) The vehicle is owned or leased by the arrestee, the arrestee gives  
39 permission to another person, who has acknowledged in writing receipt of the  
40 statement required in section 1 of P.L. , c. (C. ) (now pending before  
41 the Legislature as this bill), to operate the vehicle and the conditions for release  
42 in subsection d. of this section are met. d. A vehicle impounded pursuant

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted January 9, 2001.

1 to this section shall not be released unless the person claiming the vehicle:

2 (1) presents a valid operator's license, proof of ownership or lawful  
3 authority to operate the motor vehicle, and proof of valid motor vehicle  
4 insurance for that vehicle;

5 (2) is able to operate the vehicle in a safe manner and would not be in  
6 violation of Title 39 of the Revised Statutes; and

7 (3) meets any other conditions for release established by the law  
8 enforcement agency.

9 e. A law enforcement agency impounding a vehicle pursuant to this section  
10 is authorized to charge a reasonable fee for towing and storage of the vehicle.  
11 The law enforcement agency is further authorized to retain custody of the  
12 vehicle until that fee is paid.

13

14 3. This act shall take effect on the first day of the fourth month after  
15 enactment.

# ASSEMBLY, No. 2755

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED SEPTEMBER 25, 2000

**Sponsored by:**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

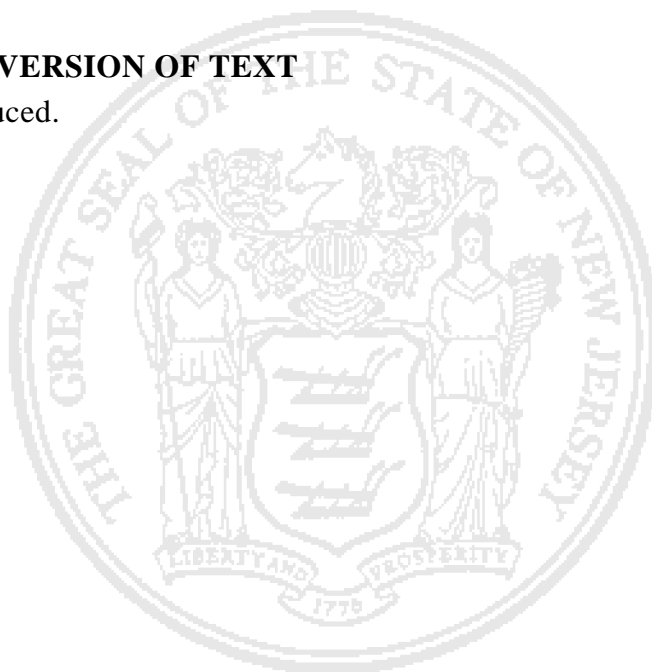
**Assemblymen Lance, Merkt, Asselta and LeFevre**

**SYNOPSIS**

Requires responsibility warnings to persons assuming custody of individuals charged with DUI; authorizes impounding of vehicles operated by persons charged with DUI.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning alleged violations of R.S.39:4-50 and  
2 supplementing chapter 4 of 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. Before releasing a person charged with a violation of  
8 R.S.39:4-50 to the custody or charge of another, the law enforcement  
9 agency shall deliver to the person assuming custody or charge of the  
10 alleged violator a warning statement. The warning shall state  
11 substantially the following:

12  
13 "YOU ARE RESPONSIBLE!  
14 IF YOU LET A PERSON UNDER THE INFLUENCE DRIVE A  
15 VEHICLE YOU ARE GUILTY OF VIOLATING NEW JERSEY'S  
16 DRUNK DRIVING LAW AND ARE SUBJECT TO ALL THE  
17 DRUNK DRIVING PENALTIES: LICENSE SUSPENSION,  
18 FINES AND POSSIBLE IMPRISONMENT.

19  
20 IF YOU LET A PERSON UNDER THE INFLUENCE DRIVE  
21 A VEHICLE AND THAT PERSON IS INVOLVED IN AN  
22 ACCIDENT WHICH RESULTS IN A DEATH OR INJURY, YOU  
23 MAY BE SUBJECT TO CRIMINAL CHARGES LEADING TO  
24 10 YEARS IMPRISONMENT AND A FINE OF \$150,000!"

25  
26 The person assuming custody or charge of an alleged violator shall  
27 sign a form affirming that the warning statement was delivered by the  
28 law enforcement agency. The law enforcement agency shall retain the  
29 signed form in a manner, and for the time, prescribed by the Attorney  
30 General.

31 b. The Attorney General shall establish guidelines to effectuate the  
32 purposes of this section and shall prepare and distribute copies of the  
33 statement and form required under subsection a. of this section.

34  
35 2. a. The motor vehicle operated by a person charged with a  
36 violation of R.S.39:4-50 shall be impounded for a period of not less  
37 than 12 hours or more than 48 hours. The law enforcement agency  
38 charging the violation shall provide for the towing and storage of the  
39 motor vehicle.

40 b. An impounded motor vehicle may be released to the owner,  
41 lessee, lessor, a member of the owner or lessee's family or, with proper  
42 authorization, a person known to the owner or lessee upon payment  
43 of the actual costs of removing and storing that motor vehicle.

44 c. If the owner does not redeem a motor vehicle impounded under  
45 the provisions of this section by midnight of the 30th day following the  
46 day on which the vehicle was impounded, the vehicle may be sold at



1 a public auction. The municipality shall give notice of the sale by  
2 certified mail to the owner, if his name and address are known, and to  
3 the holder of any security interest filed with the Director of the  
4 Division of Motor Vehicles, and by publication in a form to be  
5 prescribed by the Attorney General by one insertion, at least five days  
6 before the date of the sale, in one or more newspapers published in this  
7 State and circulating in the municipality in which the motor vehicle has  
8 been impounded.

9 d. At any time prior to the sale, the owner of the motor vehicle or  
10 other person entitled to the motor vehicle may reclaim possession of  
11 the motor vehicle upon payment of the actual costs of the removal and  
12 storage of the motor vehicle; however, the owner-lessor of a motor  
13 vehicle impounded pursuant to the provisions of this section shall be  
14 entitled to reclaim possession without payment and the lessee shall be  
15 liable for the actual costs of removing and storing the vehicle.

16 e. Any proceeds obtained from the sale of a vehicle at public  
17 auction pursuant to subsection c. of this section in excess of the  
18 amount owed to the municipality for the reasonable costs of removal  
19 and storage of the motor vehicle shall be returned to the owner of the  
20 vehicle, if his name and address are known.

21 f. The Attorney General shall establish guidelines to effectuate the  
22 purpose of this section.

23  
24 3. This act shall take effect on the first day of the third month  
25 following enactment.

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27  
28 STATEMENT

29  
30 This bill requires law enforcement agencies to give a warning  
31 statement to those individuals who come to police stations to pick up  
32 and assume the custody of persons charged with driving under the  
33 influence. The statement would advise these individuals that they can  
34 be charged under New Jersey's drunk driving law if they permit a  
35 person under the influence to operate a motor vehicle. Further, the  
36 warning would point out that if that impaired individual was involved  
37 in an accident which resulted in a death or injury, criminal charges  
38 could be filed against them and they could be sentenced to  
39 imprisonment for a term of up to 10 years and fines up to \$150,000.

40 The bill also provides for the impoundment of motor vehicles driven  
41 by individuals charged with driving under the influence. Under the  
42 provisions of the bill, a motor vehicle driven by a person charged with  
43 driving under the influence could be impounded for not less than 12  
44 hours or more than 48 hours. The owner, lessee, lessor, a member of  
45 the owner or lessee's family or, with appropriate authorization, a  
46 person known to the owner or lessee could redeem the vehicle by

**A2755 GIBSON, BLEE**

1 paying the actual costs of removing and storing it. The bill further  
2 provides that if a vehicle is not claimed within 30 days, it may to sold  
3 by the municipality to cover the costs of removal and storage. Any  
4 moneys from such a sale that exceed the amount due the municipality  
5 are to be returned to the owner. The bill preserves and protects the  
6 rights of vehicle lessors and the holders of security interests.

# ASSEMBLY, No. 2860

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

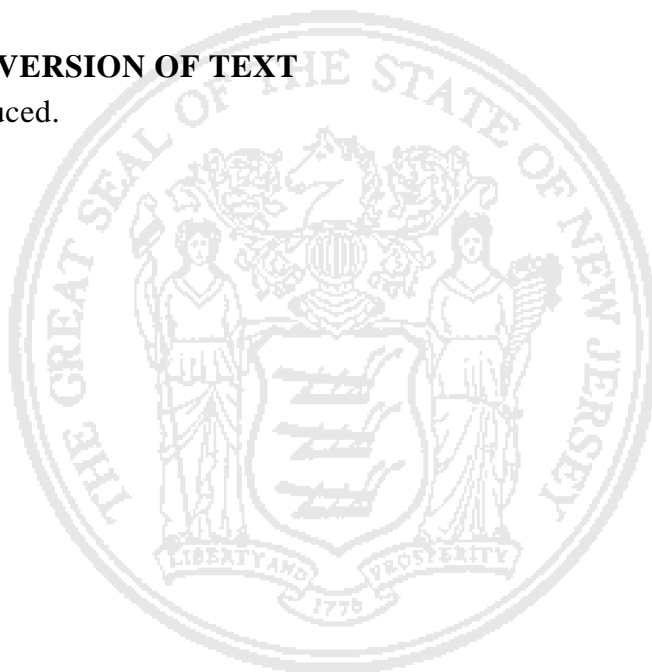
**Assemblyman Cottrell, Assemblywoman Heck, Assemblymen Malone,  
Holzapfel and Assemblywoman Weinberg**

**SYNOPSIS**

Authorizes law enforcement agencies to impound vehicles of persons arrested for DWI and to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/24/2001)**

1 AN ACT concerning driving while intoxicated and supplementing  
2 chapter 4 of 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. Whenever a person is summoned by or on behalf of a person  
8 who has been arrested for a violation of R.S.39:4-50 or section 2 of  
9 P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the  
10 arrestee, the law enforcement agency shall provide that person with a  
11 written statement advising him of his potential criminal and civil  
12 liability for permitting or facilitating the arrestee's operation of a motor  
13 vehicle while the arrestee is intoxicated. The person to whom the  
14 statement is issued shall acknowledge, in writing, receipt of the  
15 statement. If the person to whom the statement is issued refuses to  
16 acknowledge receipt of the statement, the arrestee shall not be  
17 released.

18 The Attorney General shall establish the content and form of the  
19 written statement and acknowledgment to be used by law enforcement  
20 agencies throughout the State and may issue directives to ensure the  
21 uniform implementation of this act.

22  
23 2. a. Whenever a person has been arrested for a violation of  
24 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the  
25 arresting law enforcement agency shall have the vehicle which the  
26 person was operating at the time of arrest impounded for a period of  
27 not more than 12 hours after the time of arrest if the agency  
28 determines that the release of the vehicle to the person who has been  
29 arrested represents a threat to public safety. The vehicle may,  
30 however, be released by the arresting agency prior to the end of the  
31 impoundment period if the vehicle is not owned by the person under  
32 arrest, the lawful owner requesting such release possesses a valid  
33 operator's license and presents proof of ownership and proof of valid  
34 motor vehicle insurance for that vehicle, the lawful owner would be  
35 able to operate the vehicle in a safe manner, and the lawful owner's  
36 operation of the motor vehicle would not be in violation of Title 39.

37 b. If in the process of impounding a vehicle pursuant to the  
38 provisions of this section the vehicle is towed, the law enforcement  
39 agency impounding the vehicle is authorized to charge a reasonable fee  
40 to cover the towing costs. The law enforcement agency is further  
41 authorized to retain custody of the vehicle until that fee is paid.

42  
43 3. This act shall take effect on the first day of the fourth month  
44 following enactment.

STATEMENT

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Recently, a person charged with driving while intoxicated (DWI) was picked up at the police station by a person who was to take the intoxicated person to his home. Instead, the intoxicated person was taken back to his vehicle which he then drove. An ensuing motor vehicle collision tragically claimed the life of a young man, John Elliott. John, who grew up in Egg Harbor Township, had just graduated from the United States Naval Academy in June 2000.

Current law provides that a person who permits another to drive while intoxicated violates R.S.39:4-50 (the DWI statute). This bill, which the sponsor has designated as "John's Law," provides that whenever a person is summoned by or on behalf of a person who has been arrested for DWI in order to transport or accompany the arrestee following release, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee is intoxicated. The bill requires the person to whom the statement is issued to acknowledge, in writing, receipt of the statement. If the person refuses to sign the acknowledgment, the person arrested shall not be released.

The bill provides that the Attorney General will establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State.

The written statement required by this bill will increase the awareness of a person picking up someone arrested for driving while intoxicated, warning them of the personal consequences they may suffer if they permit an intoxicated person to drive. Further, the statement and acknowledgment may assist in the prosecution of those individuals who disregard the warning and permit an intoxicated person to drive.

In addition to the responsibility warnings, the bill would authorize the arresting law enforcement agency to impound the vehicle operated by the person arrested for DWI for a period up to 12 hours following arrest if the agency determines that the release of the vehicle to the person arrested represents a threat to public safety.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 2755 and 2860**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED JANUARY 18, 2001

**Sponsored by:**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

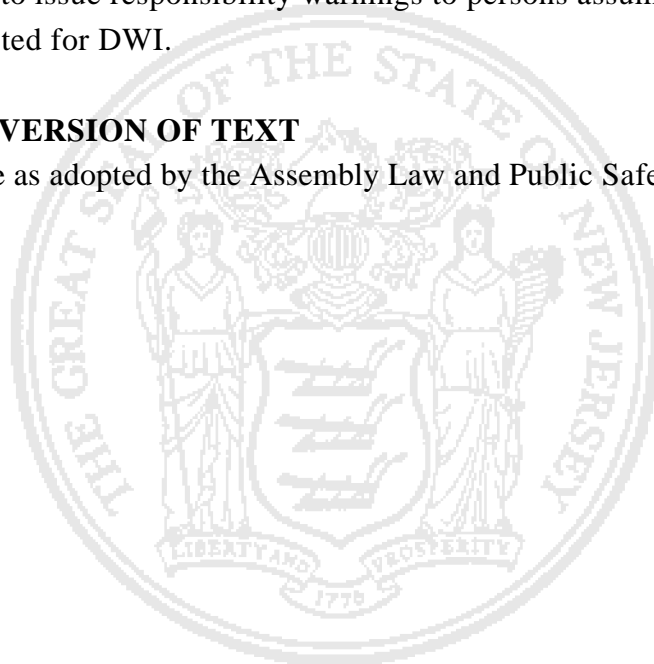
**Assemblyman Cottrell, Assemblywoman Heck, Assemblymen Malone,  
Lance, Merkt, Asselta, Holzapfel, T.Smith, Weingarten, Barnes and  
R.Smith**

**SYNOPSIS**

Requires law enforcement agencies to impound vehicles of persons arrested for DWI and to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Law and Public Safety Committee.



1 AN ACT concerning driving while intoxicated and supplementing  
2 chapter 4 of 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. Whenever a person is summoned by or on behalf of a person  
8 who has been arrested for a violation of R.S.39:4-50 or section 2 of  
9 P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the  
10 arrestee from the premises of a law enforcement agency, the law  
11 enforcement agency shall provide that person with a written statement  
12 advising him of his potential criminal and civil liability for permitting  
13 or facilitating the arrestee's operation of a motor vehicle while the  
14 arrestee remains intoxicated. The person to whom the statement is  
15 issued shall acknowledge, in writing, receipt of the statement, or the  
16 law enforcement agency shall record the fact that the written statement  
17 was provided, but the person refused to sign an acknowledgment.

18 Nothing in this section shall impose any obligation on a physician  
19 or other health care provider involved in the treatment or evaluation  
20 of the arrestee.

21 The Attorney General shall establish the content and form of the  
22 written statement and acknowledgment to be used by law enforcement  
23 agencies throughout the State and may issue directives to ensure the  
24 uniform implementation of this act.

25  
26 2. a. Whenever a person has been arrested for a violation of  
27 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the  
28 arresting law enforcement agency shall impound the vehicle that the  
29 person was operating at the time of arrest.

30 b. A vehicle impounded pursuant to this section shall be  
31 impounded for a period of 12 hours after the time of arrest or until  
32 such later time as the arrestee claiming the vehicle meets the  
33 conditions for release in subsection d. of this section.

34 c. A vehicle impounded pursuant to this section may be released  
35 to a person other than the arrestee prior to the end of the  
36 impoundment period only if:

37 (1) The vehicle is not owned or leased by the person under arrest  
38 and the person who owns or leases the vehicle claims the vehicle and  
39 meets the conditions for release in subsection d. of this section; or

40 (2) The vehicle is owned or leased by the arrestee, the arrestee  
41 gives permission to another person, who has acknowledged in writing  
42 receipt of the statement required in section 1 of P.L. , c. (C. )  
43 (now pending before the Legislature as this bill), to operate the vehicle  
44 and the conditions for release in subsection d. of this section are met.

45 d. A vehicle impounded pursuant to this section shall not be  
46 released unless the person claiming the vehicle:

1 (1) presents a valid operator's license, proof of ownership or  
2 lawful authority to operate the motor vehicle, and proof of valid motor  
3 vehicle insurance for that vehicle;

4 (2) is able to operate the vehicle in a safe manner and would not  
5 be in violation of Title 39 of the Revised Statutes; and

6 (3) meets any other conditions for release established by the law  
7 enforcement agency.

8 e. A law enforcement agency impounding a vehicle pursuant to  
9 this section is authorized to charge a reasonable fee for towing and  
10 storage of the vehicle. The law enforcement agency is further  
11 authorized to retain custody of the vehicle until that fee is paid.

12

13 3. This act shall take effect on the first day of the fourth month  
14 after enactment.



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2755 and 2860**

# **STATE OF NEW JERSEY**

DATED: JANUARY 18, 2001

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2755 and 2860.

The committee substitute for Assembly Bill Nos. 2755 and 2860 provides that whenever a person is summoned by or on behalf of a person who has been arrested for driving while intoxicated (DWI) in order to transport or accompany the arrestee from the premises of the law enforcement agency following release, the law enforcement agency is required to provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee is intoxicated. The committee substitute requires the person to whom the statement is issued to acknowledge, in writing, receipt of the statement. If the person refuses to sign the acknowledgment, the law enforcement agency is required to record that fact.

Under the committee substitute, no additional obligations are imposed on physicians or health care providers who treat or evaluate a suspected drunk driver.

The Attorney General is required to establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State.

The written statement required by this committee substitute will increase the awareness of a person transporting someone arrested for DWI, warning them of the personal consequences they may suffer if they permit an intoxicated person to drive. Further, the statement and acknowledgment may assist in the prosecution of those individuals who disregard the warning and permit an intoxicated person to drive.

In addition to the responsibility warnings, the committee substitute requires the arresting law enforcement agency to impound the vehicle operated by the intoxicated driver for up to 12 hours following arrest.

Drunk drivers constitute a serious threat to the public safety. Recently, a person charged with DWI was picked up at the police station by a person who was to take the intoxicated person to his home. Instead, the intoxicated person was taken back to his vehicle which he then drove. An ensuing motor vehicle collision tragically

claimed the life of a young man, John Elliott. John, who grew up in Egg Harbor Township, had just graduated from the United States Naval Academy in May 2000. The sponsor has designated this bill as "John's Law."

As reported by the committee, this substitute is identical to the Senate Committee Substitute (1R) for Senate Bill No. 1587.

§§1, 2  
C.39:4-50.22 &  
39:4-50.23  
§3  
Note to §§1, 2

P.L. 2001, CHAPTER 69, *approved April 19, 2001*  
Senate Committee Substitute (*First Reprint*)  
for Senate No. 1587  
**(CORRECTED COPY FOR ALLOCATION)**

1 **AN ACT** concerning driving while intoxicated and supplementing  
2 chapter 4 of 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. Whenever a person is summoned by or on behalf of a person  
8 who has been arrested for a violation of R.S.39:4-50 or section 2 of  
9 P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the  
10 arrestee <sup>1</sup>from the premises of a law enforcement agency<sup>1</sup>, the law  
11 enforcement agency shall provide that person with a written statement  
12 advising him of his potential criminal and civil liability for permitting  
13 or facilitating the arrestee's operation of a motor vehicle while the  
14 arrestee remains intoxicated. The person to whom the statement is  
15 issued shall acknowledge, in writing, receipt of the statement, or the  
16 law enforcement agency shall record the fact that the written statement  
17 was provided, but the person refused to sign an acknowledgment.

18 <sup>1</sup>Nothing in this section shall impose any obligation on a physician  
19 or other health care provider involved in the treatment or evaluation  
20 of the arrestee.<sup>1</sup>

21 The Attorney General shall establish the content and form of the  
22 written statement and acknowledgment to be used by law enforcement  
23 agencies throughout the State and may issue directives to ensure the  
24 uniform implementation of this act.

25  
26 2. a. Whenever a person has been arrested for a violation of  
27 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the  
28 arresting law enforcement agency shall impound the vehicle that the  
29 person was operating at the time of arrest.

30 b. A vehicle impounded pursuant to this section shall be  
31 impounded for a period of 12 hours after the time of arrest or until  
32 such later time as the arrestee claiming the vehicle meets the  
33 conditions for release in subsection d. of this section.

34 c. A vehicle impounded pursuant to this section may be released  
35 to a person other than the arrestee prior to the end of the  
36 impoundment period only if:

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> **Senate floor amendments adopted January 9, 2001.**

1 (1) The vehicle is not owned or leased by the person under arrest  
2 and the person who owns or leases the vehicle claims the vehicle and  
3 meets the conditions for release in subsection d. of this section; or

4 (2) The vehicle is owned or leased by the arrestee, the arrestee  
5 gives permission to another person, who has acknowledged in writing  
6 receipt of the statement required in section 1 of P.L. , c. (C. )  
7 (now pending before the Legislature as this bill), to operate the vehicle  
8 and the conditions for release in subsection d. of this section are met.

9 d. A vehicle impounded pursuant to this section shall not be  
10 released unless the person claiming the vehicle:

11 (1) presents a valid operator's license, proof of ownership or  
12 lawful authority to operate the motor vehicle, and proof of valid motor  
13 vehicle insurance for that vehicle;

14 (2) is able to operate the vehicle in a safe manner and would not  
15 be in violation of Title 39 of the Revised Statutes; and

16 (3) meets any other conditions for release established by the law  
17 enforcement agency.

18 e. A law enforcement agency impounding a vehicle pursuant to  
19 this section is authorized to charge a reasonable fee for towing and  
20 storage of the vehicle. The law enforcement agency is further  
21 authorized to retain custody of the vehicle until that fee is paid.

22

23 3. This act shall take effect on the first day of the fourth month  
24 after enactment.

25

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29 \_\_\_\_\_  
30 Requires law enforcement agencies to impound vehicles of persons  
31 arrested for DWI and to issue responsibility warnings to persons  
assuming custody of persons arrested for DWI.

## CHAPTER 69

AN ACT concerning driving while intoxicated and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-50.22 Written statement of potential civil, criminal liability for permitting an intoxicated arrestee's operation of motor vehicle.

1. Whenever a person is summoned by or on behalf of a person who has been arrested for a violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) in order to transport or accompany the arrestee from the premises of a law enforcement agency, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated. The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the law enforcement agency shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment.

Nothing in this section shall impose any obligation on a physician or other health care provider involved in the treatment or evaluation of the arrestee.

The Attorney General shall establish the content and form of the written statement and acknowledgment to be used by law enforcement agencies throughout the State and may issue directives to ensure the uniform implementation of this act.

C.39:4-50.23 Impoundment of vehicle operated by arrestee; conditions of release; fee for towing, storage.

2. a. Whenever a person has been arrested for a violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the arresting law enforcement agency shall impound the vehicle that the person was operating at the time of arrest.

b. A vehicle impounded pursuant to this section shall be impounded for a period of 12 hours after the time of arrest or until such later time as the arrestee claiming the vehicle meets the conditions for release in subsection d. of this section.

c. A vehicle impounded pursuant to this section may be released to a person other than the arrestee prior to the end of the impoundment period only if:

(1) The vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in subsection d. of this section; or

(2) The vehicle is owned or leased by the arrestee, the arrestee gives permission to another person, who has acknowledged in writing receipt of the statement required in section 1 of P.L. 2001, c.69 (C.39:4-50a et seq.) to operate the vehicle and the conditions for release in subsection d. of this section are met.

d. A vehicle impounded pursuant to this section shall not be released unless the person claiming the vehicle:

(1) presents a valid operator's license, proof of ownership or lawful authority to operate the motor vehicle, and proof of valid motor vehicle insurance for that vehicle;

(2) is able to operate the vehicle in a safe manner and would not be in violation of Title 39 of the Revised Statutes; and

(3) meets any other conditions for release established by the law enforcement agency.

e. A law enforcement agency impounding a vehicle pursuant to this section is authorized to charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until that fee is paid.

3. This act shall take effect on the first day of the fourth month after enactment.

Approved April 19, 2001.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
609-777-2600

RELEASE: April 19 , 2001

**DiFrancesco Signs Law to Impound Cars of Drunk Drivers**  
*Requires written warnings to those taking responsibility for DWI Arrestees*

Acting Gov. Donald T. DiFrancesco today signed a bill authorizing law enforcement agencies to impound the vehicles of persons arrested for driving while intoxicated (DWI). The bill also allows law enforcement to issue responsibility warnings to persons assuming custody of persons arrested for DWI.

"The legislation I signed is a good law, a compassionate law and a life-saving law," said DiFrancesco. "Drunk drivers will no longer be able to simply return to their cars after they are released from police custody."

"Those who pick up a drunk driver from the police station will receive a clear and stern warning of their responsibility not to let that person get back behind the wheel," said the acting Governor.

S-1587, sponsored by Senator Gormley (R-Atlantic) and Assemblymembers Gibson (R-Cape May/Atlantic/Cumberland), Blee (R-Atlantic) and LeFevre (R-Atlantic), was introduced following a tragic incident in Egg Harbor Township in July, 2000 in which a man, John Elliott, was killed by an intoxicated driver who had been arrested, released, and allowed to get back into his vehicle and drive.

"While it is unavoidable-perhaps even proper-that "John's Law" will remain a reminder of the tragic way John Elliott's life was taken, let us strive to ensure that New Jersey citizens will also come to know the heroic way his life was lived," said acting Governor DiFrancesco.

The legislation signed by the acting Governor today, which will be known as "John's Law," provides that whenever a person is summoned by or on behalf of a person who has been arrested for DWI, in order to transport or accompany the arrestee following release, the law enforcement agency shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while intoxicated. Under current law, a person who permits another person to drive while intoxicated violates the state's DWI statute.

In addition to the written statement, the bill authorizes the arresting law enforcement agency to impound the vehicle operated by the person arrested for DWI for a period up to 12 hours following arrest if the agency determines that the release of the vehicle to the person arrested represents a threat to public safety.

The bill further requires the person to whom the statement is issued to acknowledge, in writing, receipt of the statement. If the person refuses to sign the acknowledgment, the person arrested shall not be released.

According to DiFrancesco, the written statement is intended to increase the awareness of a person picking up someone arrested for driving while intoxicated, warning them of the personal consequences they may suffer if they permit an intoxicated person to drive. Further, he said, the statement and acknowledgement might assist in the prosecution of those individuals who disregard the warning and permit an intoxicated person to drive.