

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-49.1

(Motor vehicles--operating under influence of narcotics--clarify law)

LAWS OF: 1985

CHAPTER: 239

Bill No: S2293

Sponsor(s): Contillo

Date Introduced: October 18, 1984

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: June 24, 1985

Senate: December 17, 1984

Date of Approval: July 17, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 2293

STATE OF NEW JERSEY

INTRODUCED OCTOBER 18, 1984

By Senator CONTILLO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning possession of certain drugs by operators of motor vehicles and amending P. L. 1964, c. 289.

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

1 1. Section 1 of P. L. 1964, c. 289 (C. 39:4-49.1) is amended to
2 read as follows:

3 1. No person shall operate a motor vehicle on any highway while
4 knowingly having in his possession or in the motor vehicle any
5 **[narcotic drug within the meaning of section 24:18-2 of the Revised**
6 **Statutes or any amphetamine, barbiturate, barbital, hypnotic or**
7 **somnifacient drugs, tranquilizers]** *controlled dangerous substance*
8 *as classified in Schedules I, II, III, IV and V of the "New Jersey*
9 *Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21*
10 *et seq.) or any prescription legend drug, unless the person has ob-*
11 *tained the substance or drug from, or on a valid written prescription*
12 *of, a duly licensed physician, veterinarian [or], dentist or other*
13 *medical practitioner licensed to write prescriptions intended for*
14 *the treatment or prevention of disease in man or animals or unless*
15 *the person possesses a controlled dangerous substance pursuant to*
16 *a lawful order of a practitioner or lawfully possesses a Schedule*
17 *V substance.*

18 A person who violates this section shall be fined not less than
19 \$50.00 and shall forthwith forfeit his right to operate a motor
20 vehicle for a period of two years from the date of his conviction.

1 2. This act shall take effect immediately.

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 printed in italics *thus* is new matter.

STATEMENT

Because R. S. 24:18-2 has been repealed, the reference to that statute in section 1 of P. L. 1964, c. 289 (C. 39:4-49.1) is obsolete. Further, many of the controlled dangerous substances classified in Schedules I, II, III, IV and V of Title 24 do not fall within the prohibition of section 1 of P. L. 1964, c. 289 (C. 39:4-49.1). This bill substitutes that reference for the reference to the repealed statute with the attendant benefit of broadening the scope of the prohibition of P. L. 1964, c. 289 (C. 39:4-49.1).

This bill also makes it clear that persons who are lawfully permitted to possess prescription drugs and controlled dangerous substances are exempt from the prohibition against possessing these materials while operating a motor vehicle.

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 2293

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

Senate Bill No. 2293 amends P. L. 1964, c. 289 (C. 39:4-49.1), the law that prohibits a person from operating a motor vehicle while the person knowingly has in his possession or in the motor vehicle certain drugs. The current penalty for this offense is a fine of not less than \$50.00 and forfeiture of driving privileges for two years.

The bill removes an obsolete reference to R. S. 24:18-2 because that section has been repealed and replaces it with current terminology. In so doing, Assembly Bill No. 2293 expands the group of drugs which, if possessed, would result in a violation.

The bill also makes it clear that persons who are otherwise permitted by law to possess prescription drugs and controlled dangerous substances are exempt from the prohibition against possessing these materials while operating a motor vehicle.

The bill does not change the penalty contained in current law.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 2293

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1984

Senate Bill No. 2293 amends section 1 of P. L. 1964, c. 289 (C. 39:4-49.1), the law that prohibits a person from operating a motor vehicle while he knowingly has in his possession or in the motor vehicle certain drugs. The penalty for this offense is a fine of not less than \$50.00 and forfeiture of driving privileges for 2 years.

The bill removes an obsolete reference in the bill and replaces it with current terminology. In so doing, the bill expands the group of drugs which, if possessed, would result in a violation.

The bill also makes it clear that persons who are otherwise permitted by law to possess prescription drugs and controlled dangerous substances are exempt from the prohibition against possessing these materials while operating a motor vehicle.

The bill does not change the penalty contained in current law.

Bills Signed
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S-948, also sponsored by Senator Russo, to repeal the statute which permits municipalities to establish beach commissions. The repeal is the result of there being no beach commissions in the State.

S-2293, sponsored by Senator Paul Contillo, D-Bergen, to amend the law concerning the operation of motor vehicles while in possession of controlled dangerous substances. The bill changes statutory references from the Uniform Narcotic Drug Law to the New Jersey Controlled Dangerous Substances Act.

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