

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-50.8 et al. (Drunk Driving Enforcement fund -- another surcharge - \$100)

LAWS OF: 1984 CHAPTER: 4

Bill No: A828

Sponsor(s): Shusted and Rocco

Date Introduced: Jan. 10, 1984

Committee: Assembly: \_\_\_\_\_

Senate: \_\_\_\_\_

Amended during passage: /// No Substituted for S806 (not attached since identical to A828)

Date of Passage: Assembly: Jan. 23, 1984

Senate: Jan. 23, 1984

Date of Approval: Feb. 9, 1984

Following statements are attached if available:

Sponsor statement: Yes ///

Committee statement: Assembly /// No

Senate /// No

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: Yes ///

Following were printed:

Reports: /// No

Hearings: /// No

See newspaper clipping file in New Jersey Reference Department under "New Jersey - Drunk driving - 1984"

CHAPTER 4 LAWS OF N. J. 1984  
APPROVED 2-9-84

ASSEMBLY, No. 828

STATE OF NEW JERSEY

INTRODUCED JANUARY 10, 1984

By Assemblymen SHUSTED and ROCCO

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs and supplementing chapter 4 of Title 39 of the Revised Statutes and amending P. L. 1983, c. 444 and P. L. 1983, c. .

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

1 1. (New section) Upon a conviction of a violation of R. S.  
2 39:4-50, the court shall collect from the defendant a surcharge of  
3 \$100.00 in addition to and independent of any fine imposed on ~~that~~  
4 defendant. The court shall forward the surcharge to the Director  
5 of the Division of Motor Vehicles who shall deposit \$95.00 of the  
6 surcharge into a "Drunk Driving Enforcement Fund" (hereinafter  
7 referred to as the "fund"). This fund shall be used to establish a  
8 Statewide drunk driving enforcement program to be supervised  
9 by the director. The remaining \$5.00 of each surcharge shall be  
10 deposited by the director into a separate fund for administrative  
11 expenses.

12 A municipality shall be entitled to periodic grants from the  
13 "Drunk Driving Enforcement Fund" in amounts representing its  
14 proportionate contribution to the fund. A municipality shall be  
15 deemed to have contributed to the fund the portion of the sur-  
16 charge allocated to the fund, collected pursuant to this section if  
17 the violation of R. S. 39:4-50 occurred within the municipality and  
18 the arrest resulting in conviction was made by the member of a  
19 municipal police force. The grants from the fund shall be used by  
20 the municipality to increase enforcement of R. S. 39:4-50 by

**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.

21 subsidizing additional law enforcement patrols and through other  
 22 measures approved by the director. The Division of State Police,  
 23 interstate law enforcement agencies and county law enforcement  
 24 agencies shall be entitled to periodic grants from the fund in  
 25 amounts representing their proportionate contribution to the fund.  
 26 The Division of State Police or county or interstate law enforce-  
 27 ment agency shall be deemed to have contributed to the fund the  
 28 portion of the surcharge allocated to the fund collected pursuant  
 29 to this section if the arrest resulting in a conviction was made by a  
 30 member of the Division of State Police or county or interstate law  
 31 enforcement agency. The grants from the fund shall be used by the  
 32 Division of State Police or county or interstate law enforcement  
 33 agency to increase enforcement of R. S. 39:4-50 by subsidizing  
 34 additional law enforcement patrols and through other measures  
 35 approved by the director.

36 The surcharge described herein shall not be considered a fine,  
 37 penalty or forfeiture to be distributed pursuant to R. S. 39:5-41.

38 The director shall promulgate rules and regulations in order to  
 39 effectuate the purposes of this section.

1 2. Section 3 of P. L. 1983, c. 444 is amended to read as follows:

2 3. The act shall take effect on the two hundred and seventieth  
 3 day following enactment but shall remain inoperative until the  
 4 enactment of law of [either Assembly Bill No. 3468 of 1983 or  
 5 Senate Bill No. of 1983, and Assembly Bill No. 2262 of 1982]  
 6 *Assembly Bill No. 828 of 1984*, now pending before the Legislature.

1 3. Section 7 of P. L. 1983, c. (now awaiting the Governor's  
 2 action on Assembly Bill No. 3468 of 1983) is amended to read as  
 3 follows:

4 7. This act shall take effect immediately but shall remain in-  
 5 operative until the following [bills] *bill*, now pending before the  
 6 Legislature as [Assembly Bill No. 2262 of 1982 and Senate Bill No.  
 7 1042 of 1982 are] *Assembly Bill No. 828 of 1984* is enacted into law  
 8 and no monies shall be deposited in the Alcohol Education, Re-  
 9 habilitation and Enforcement Fund created in section [3.] 3 of  
 10 this act during the fiscal year ending June 30, 1984 in excess of an  
 11 amount equal to the amount of additional revenue realized in that  
 12 fiscal year as a result of the increase in the tax rate imposed in  
 13 section [1.] 1 of this act. This act shall apply to alcoholic bever-  
 14 ages delivered to retail licensees on and after the first day of the  
 15 second month following enactment even though rendered under a  
 16 contract entered into prior to that date.

1 4. This act shall take effect immediately.

## STATEMENT

This bill provides that each person convicted of drunk driving would be assessed, in addition to any fine imposed, a surcharge of \$100.00. This surcharge would be deposited in a "Drunk Driving Enforcement Fund" to be administered by the Division of Motor Vehicles. Monies in the fund would be distributed in periodic grants to municipalities and to State, county and interstate law enforcement agencies. The purpose of these grants would be to increase enforcement of the drunk driving law through such measures as the financing of additional patrols at peak violation periods and the purchasing of portable breath testing units. Each municipality of law enforcement agency is entitled to grants representing their proportionate contribution to the fund. Of each \$100.00 surcharge, \$95.00 would be deposited in the fund and \$5.00 would be used by DMV to cover administrative costs.

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STATEMENT

This bill provides that each person convicted of drunk driving would be assessed, in addition to any fine imposed, a surcharge of \$100.00. This surcharge would be deposited in a "Drunk Driving Enforcement Fund" to be administered by the Division of Motor Vehicles. Monies in the fund would be distributed in periodic grants to municipalities and to State, county and interstate law enforcement agencies. The purpose of these grants would be to increase enforcement of the drunk driving law through such measures as the financing of additional patrols at peak violation periods and the purchasing of portable breath testing units. Each municipality of law enforcement agency is entitled to grants representing their proportionate contribution to the fund. Of each \$100.00 surcharge, \$95.00 would be deposited in the fund and \$5.00 would be used by DMV to cover administrative costs.

A 828(1984)

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, FEBRUARY 9, 1984

Governor Thomas H. Kean today signed legislation aimed at enhancing enforcement of New Jersey's drunk driving laws by providing police with a significant new source of funds to pay for anti-drunk driving programs.

The bill, A-828, sponsored by Assemblyman Thomas J. Shusted, R-Camden, is the final part of a package of legislation the Governor has advocated as a method of dealing with this serious problem. The signing of A-828 also triggers enforcement of two other laws which address drunk driving.

A-828, establishes a \$100 surcharge to be assessed in addition to any other fine or surcharges imposed on a convicted drunk driver. The money will go to the Drunk Driving Enforcement Fund for distribution to local, county, state and interstate law enforcement agencies, where it will be used to fund anti-drunk driving programs.

"It is clear that rigorous enforcement of tough laws is the key element in reducing the number of accidents and fatalities caused by drunken drivers," Kean said. "It is only right that the cost of enforcement be borne by those who are irresponsible enough to drive while drunk in the first place.

"The Drunk Driving Enforcement Fund will allow our police to concentrate on catching drunk drivers without placing additional burdens on our taxpayers."

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Under the terms of the legislation, police agencies will receive periodic grants from the Fund for use in their own enforcement programs. The money is expected to be used chiefly for overtime costs associated with special drunk driving patrols. It may also be used for the purchase of equipment like breath analyzing machines and videotape machines which are used by police to prosecute drunk drivers.

Kean noted, that during the first two years he was in office, auto fatalities related to drunk driving have dropped by 116 or 31 percent.

"There is little doubt that the enforcement programs we have put in force during the past two years have made a significant difference in the number of people who die in alcohol-related accidents," Kean said. "Such programs as the toll-free 800-SOBER 83 telephone hotline, and our drunk driving checkpoints have helped save lives.

"Now we will have the financial resources for every police department in the State to make special efforts to stop drunks. The result will be more lives saved."

The money will be distributed according to the number of convictions a police agency obtains, with 5 percent retained by the Division of Motor Vehicles to cover administrative costs. Thus, a police department will receive \$95 back for each drunk driving conviction it obtains. Smaller departments will be urged to pool their resources to fund a significant regional enforcement effort.

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Because the money will come to municipalities and counties as State aid, the funds will not be included in calculating budget caps.

The Fund is expected to generate about \$3 million for drunk driving enforcement programs during its first year.

The other laws triggered by the signing of A-828 come from bills which increase the penalties for drunk driving (S-1042 of 1983) and raise the wholesale tax on alcoholic beverages (A-3468).

Funds from the tax increase will go to create and fund the Alcohol Education, Rehabilitation and Enforcement Fund for the support of county-run alcoholism programs and services. Part of that money will be used to establish Intoxicated Driver Resource Centers.

S-1042, requires that anyone convicted of drunk driving be detained at an Intoxicated Driver Resource Center. First offenders would receive a minimum of 12 hours (at least six hours a day), while second offenders would receive a mandatory two-day term of imprisonment.

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