

39:4-51a

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-51a

(Driving while anyone in car consumes alcoholic beverage - prohibited)

LAWS OF: 1983

CHAPTER: 307

Bill No: S1810

Sponsor(s): Orechio and Graves

Date Introduced: October 18, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: NO Assembly committee substitute enacted.

Date of Passage: Assembly: June 20, 1983

Senate: January 24, 1983

Date of Approval: August 26, 1983

Following statements are attached if available:

Sponsor statement: YES Also attached: Senate amendments to S1810 (06-28-82) Proposed.

Committee statement: Assembly YES

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: ~~NO~~ YES

Following were printed:

Reports: NO

Hearings: NO

See newspaper clipping (attached)

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1810

STATE OF NEW JERSEY

ADOPTED APRIL 25, 1983

Sponsored by Senator ORECHIO

AN ACT prohibiting the consumption of alcoholic beverages while operating a motor vehicle and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1 1. a. A person shall not consume an alcoholic beverage while
2 operating a motor vehicle. A passenger in a motor vehicle shall
3 not consume an alcoholic beverage while the motor vehicle is being
4 operated. This subsection shall not apply to a passenger of a
5 charter or special bus operated as defined under R. S. 48:4-1 or an
6 autocab, limousine or livery service.

7 b. A person shall be presumed to have consumed an alcoholic
8 beverage in violation of this section if an unsealed container of an
9 alcoholic beverage is located in the passenger compartment of the
10 motor vehicle, the contents of the alcoholic beverage have been
11 partially consumed and the physical appearance or conduct of the
12 operator of the motor vehicle or a passenger may be associated
13 with the consumption of an alcoholic beverage. For the purposes
14 of this section, the term "unsealed" shall mean a container with
15 its original seal broken or a container such as a glass or cup.

16 c. For the first offense, a person convicted of violating this section
17 shall be fined \$200.00 and shall be informed by the court of the
18 penalties for a second or subsequent violation of this section. For
19 a second or subsequent offense, a person convicted of violating
20 this section shall be fined \$250.00 or shall be ordered by the court
21 to perform community service for a period of 10 days in such
22 form and on such terms as the court shall deem appropriate under
23 the circumstances.

1 2. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1810

STATE OF NEW JERSEY

INTRODUCED OCTOBER 18, 1982

By Senators ORECHIO and GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT prohibiting the operating of a motor vehicle while consuming alcoholic beverages ***[and]*** **, amending R. S. 39:4-97 *and supplementing chapter 4 of Title 39 of the Revised Statutes*.

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

1 1. R. S. 39:4-97 is amended to read as follows:

2 39:4-97. a. A person who drives a vehicle on a highway care-
3 lessly, or without due caution and circumspection, in a manner so
4 as to endanger, or be likely to endanger, a person or property, shall
5 be guilty of careless driving.

6 b. *A person who while driving or operating a vehicle consumes*
7 *any alcoholic beverage ***[or who permits a passenger in the vehicle***
8 *to consume any alcoholic beverage]* shall be guilty of careless*
9 *driving.*

1 *2. (New section) *Any passenger in a motor vehicle***, other than
2 *charter or special buses operated as defined under R. S. 48:4-1 or*
3 *autocabs, limousines or livery services operated as defined under*
4 *R. S. 48:4-1,** who consumes any alcoholic beverage while the*
5 *vehicle is in operation is guilty of a petty disorderly persons*
6 *offense.**

1 ***[2.]*** *3.* 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.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted October 25, 1982.

**—Senate amendment adopted November 29, 1982.

SENATE, No. 1810

STATE OF NEW JERSEY

INTRODUCED OCTOBER 18, 1982

By Senators ORECHIO and GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT prohibiting the operating of a motor vehicle while consuming alcoholic beverages and amending R. S. 39:4-97.

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

1 1. R. S. 39:4-97 is amended to read as follows:

2 39:4-97. *a.* A person who drives a vehicle on a highway care-
3 lessly, or without due caution and circumspection, in a manner so
4 as to endanger, or be likely to endanger, a person or property, shall
5 be guilty of careless driving.

6 *b.* *A person who while driving or operating a vehicle consumes*
7 *any alcoholic beverage or who permits a passenger in the vehicle*
8 *to consume any alcoholic beverage shall be guilty of careless*
9 *driving.*

1 2. This act shall take effect immediately.

STATEMENT

This bill would provide that any person who while driving a motor vehicle consumes any alcoholic beverage or who permits a passenger in the motor vehicle to consume any alcoholic beverage is guilty of careless driving. Careless driving is punishable by a fine of between \$50.00 and \$200.00 and by imprisonment for up to 15 days or both. A person convicted of careless driving may also be assessed two points.

Matter printed in italics thus is new matter.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 1810

STATE OF NEW JERSEY

DATED: APRIL 25, 1983

This committee substitute, which prohibits the consumption of alcoholic beverages while operating a motor vehicle, was considered by the Assembly Judiciary, Law, Public Safety and Defense Committee as a part of its comprehensive review of the laws on alcohol abuse. In its review the committee focused on the topics of prevention, education, rehabilitation, and the enforcement of drunk driving penalties. As a result of the committee's findings, numerous legislative proposals were adopted on a nonpartisan basis.

This committee substitute prohibits the consumption of an alcoholic beverage in a motor vehicle by either the operator or a passenger. An exception is established for passengers of chartered or special buses or an autocab, limousine, or livery service. A presumption of having consumed an alcoholic beverage is established if an unsealed container is located in the passenger compartment of a motor vehicle, the contents of the unsealed container have been partially consumed and the physical appearance of the operator or passenger of the motor vehicle can be associated with the consumption of an alcoholic beverage.

A person convicted of a first offense shall be subject to a fine of \$200.00 and shall be informed by the court of the penalties for a second or subsequent violation. On a second offense, a person shall be subject to a fine of \$250.00 or may be ordered by the court to perform community service for 10 days. Assembly Bill Nos. 2051 and 2122 have been made into a committee substitute identical to this committee substitute.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1810

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

The purpose of this bill, as amended by the committee, is to establish that any person who consumes any alcoholic beverage while driving or operating a motor vehicle would be guilty of careless driving. Careless driving is punishable by a fine of between \$50.00 and \$200.00, by imprisonment for up to 15 days or both. A person convicted of careless driving may also have two points assessed against his driver's license.

The committee amended the bill so that the driver would not be responsible for the actions of a passenger. The amendments create a new section, which establishes that any passenger in a motor vehicle who consumes any alcoholic beverage while the vehicle is in operation is guilty of a petty disorderly persons offense, which is punishable by a fine of up to \$500.00, imprisonment for up to 30 days, or both.

ADOPTED
NOV 29 1982

Senate Amendments

to

Senate Bill No. 1810 (OCR)

Amend:

(Proposed by Senator Orechio, 11/2)

Page	Sec.	Line
1	2	1

After "motor vehicle" insert ", other than charter or special buses operated as defined under R.S. 48:4-1" or autocabs, limousines or livery services operated as defined under R.S. 48:4-1,"

STATEMENT

This amendment excludes buses or livery services specially chartered from the provisions of the bill which prohibit passengers in motor vehicles from consuming alcoholic beverages.

SENATE, No. 1811

Bill Signings

Friday, August 26, 1983

Page Two

S-1810 sponsored by Senate President Carmen A. Orechio, D-Essex, which prohibits the consumption of alcoholic beverages while operating a motor vehicle or while riding as a passenger in a motor vehicle. The bill also prohibits having an unsealed container in the car. The law carries a mandatory fine of \$200 for a first offense.

S-1583, sponsored by former State Senator Steven P. Perskie, D-Atlantic, substituted by State Senator John F. Russo, D-Ocean, which provides that a defendant who claims intoxication which is either pathological or not self-induced as a defense to a criminal charge must prove that defense by clear and convincing evidence.

S-227, also sponsored by Senator Orechio, which mandates the establishment of a New Jersey Drug Abuse Advisory Council within the Department of Health.

S-1488, sponsored by State Senator Leonard T. Connors, Jr., R-Ocean, which permits a local authority to establish a deferred compensation for its employees.

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