

39:3-40

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:3-40 (Motor vehicles--driving while on revoked list--municipal judge may extend suspension)

LAWS 1981 CHAPTER 38

Bill No. A1647

Sponsor(s) Karcher and others

Date Introduced May 1, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes No

Date of Passage: Assembly Oct. 6, 1980

Senate Dec. 11, 1980

Date of approval Feb. 12, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~Yes~~ ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

For administrative regulations see:

/ N.J.A.C. 13:19-10.8

6/22/81

ASSEMBLY, No. 1647

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1980

By Assemblymen KARCHER, PATERO, BORNHEIMER,  
PATERNITI and OTLOWSKI

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT concerning motor vehicles and traffic regulations and  
amending R. S. 39:3-40.

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

1 1. R. S. 39:3-40 is amended to read as follows:

2 39:3-40. No person to whom a driver's license has been refused  
3 or whose driver's license or reciprocity privilege has been sus-  
4 pended or revoked, or who has been prohibited from obtaining a  
5 driver's license, shall personally operate a motor vehicle during  
6 the period of refusal, suspension, revocation, or prohibition.

7 No person whose motor vehicle registration has been revoked  
8 shall operate or permit the operation of such motor vehicle during  
9 the period of such revocation.

10 A person violating any provision of this section shall be fined  
11 not less than \$200.00 nor more than \$1,000.00, or be imprisoned in  
12 the county jail for not more than 6 months, or both provided, that  
13 if while operating a vehicle in violation of this section, such person  
14 is involved in an accident resulting in personal injury, the punish-  
15 ment shall include imprisonment for not less than 45 days. *A period*  
16 *of suspension or revocation during which a person was prohibited*  
17 *from operating a motor vehicle may be extended or imposed for an*  
18 *additional period not to exceed 6 months.*

1 2. This act shall take effect immediately.

---

STATEMENT

This bill revises existing law concerning driving while on the  
revoked list. R. S. 39:3-40 sets forth penalties for driving while  
suspended or revoked; however, no specific statutory authority

exists for a municipal judge to extend an existing suspension or impose an additional period of suspension. The Division of Motor Vehicles has acted administratively to extend any existing suspension upon conviction of a violation of R. S. 39:3-40.

Administrative action in this regard subjects an individual to two levels of proceedings, one in the municipal courts and one at the Division of Motor Vehicles. This amendment would eliminate these duplicate hearings.

---

# ASSEMBLY, No. 1647

## STATE OF NEW JERSEY

INTRODUCED MAY 1, 1980

By Assemblymen KARCHER, PATERO, BORNHEIMER,  
PATERNITI and OTLOWSKI

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT concerning motor vehicles and traffic regulations and  
amending R. S. 39:3-40.

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

1 1. R. S. 39:3-40 is amended to read as follows:

2 39:3-40. No person to whom a driver's license has been refused  
3 or whose driver's license or reciprocity privilege has been sus-  
4 pended or revoked, or who has been prohibited from obtaining a  
5 driver's license, shall personally operate a motor vehicle during  
6 the period of refusal, suspension, revocation, or prohibition.

7 No person whose motor vehicle registration has been revoked  
8 shall operate or permit the operation of such motor vehicle during  
9 the period of such revocation.

10 A person violating any provision of this section shall be fined  
11 not less than \$200.00 nor more than \$1,000.00, or be imprisoned in  
12 the county jail for not more than 6 months, or both provided, that  
13 if while operating a vehicle in violation of this section, such person  
14 is involved in an accident resulting in personal injury, the punish-  
15 ment shall include imprisonment for not less than 45 days. *A period*  
16 *of suspension or revocation during which a person was prohibited*  
17 *from operating a motor vehicle may be extended or imposed for an*  
18 *additional period not to exceed 6 months.*

1 2. This act shall take effect immediately.

---

### STATEMENT

This bill revises existing law concerning driving while on the  
revoked list. R. S. 39:3-40 sets forth penalties for driving while  
suspended or revoked; however, no specific statutory authority

exists for a municipal judge to extend an existing suspension or impose an additional period of suspension. The Division of Motor Vehicles has acted administratively to extend any existing suspension upon conviction of a violation of R. S. 39:3-40.

Administrative action in this regard subjects an individual to two levels of proceedings, one in the municipal courts and one at the Division of Motor Vehicles. This amendment would eliminate these duplicate hearings.

---

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1647

STATE OF NEW JERSEY

DATED: AUGUST 7, 1980

This bill revises existing law concerning driving while on the revoked list. R. S. 39:3-40 sets forth penalties for driving while suspended or revoked; however, no specific statutory authority exists for a municipal judge to extend an existing suspension or impose an additional period of suspension. The Division of Motor Vehicles has acted administratively to extend any existing suspension upon conviction of a violation of R. S. 39:3-40.

Administrative action in this regard subjects an individual to two levels of proceedings, one in the municipal courts and one at the Division of Motor Vehicles. There is also a possibility that the original suspension may run out before the division can administratively get to the case and extend it. This amendment would eliminate these duplicate hearings.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1647**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 10, 1980

This bill would revise the law concerning driving while on the revoked list. R. S. 39:3-40 sets forth penalties for driving while suspended or revoked; however, no specific statutory authority exists permitting a municipal judge to extend an existing suspension or impose an additional period of suspension. Presently, the Division of Motor Vehicles acts administratively to extend any existing suspension upon conviction of a violation of R. S. 39:3-40. Administrative action in this regard subjects an individual to two levels of proceedings, one in the municipal courts and one through the Division of Motor Vehicles. There is a possibility that the original suspension may run out before the division can administratively pursue the case and extend it. This amendment would eliminate the duplicate hearings and prevent the original suspension period from lapsing.

The Division of Motor Vehicles supports the legislation.

FEBRUARY 13, 1981 - 3 -

A-1555, sponsored by John Paul Doyle (D-Ocean), which amends various technical portions of the Banking Act of 1948 allowing banks to increase the amount of an advance loan and the interest rate charged on such a loan. This legislation primarily affects loans such as cash advance or bounce-free checking accounts where loans are advanced automatically upon receipt of a customer's personal check. The legislation allows the interest rates charged on these loans to reflect current interest rates.

A-1647, sponsored by Alan J. Karcher (D-Middlesex), which revises the law to eliminate two levels of proceedings and allows a municipal judge to extend an existing driver's license suspension when that driver is found to be driving while on the revoked list. Before the revision an extension of the original suspension required administrative action by the Division of Motor Vehicles.

A-1875, sponsored by Thomas F. Cowan (D-Hudson), which amends the law governing the Alternate Benefit Program for public college and university faculty and administrators to increase the amount of tax-sheltered annuity to the maximum allowed by the U.S. Internal Revenue Code.

####