

39:4-14.3g

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-14.3g (Motorized bicycles--drunk driving--prohibit)

LAWS 1981 CHAPTER 97

Bill No. A1276

Sponsor(s) Flynn

Date Introduced March 10, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage ~~Yes~~ No

Date of Passage: Assembly Oct. 16, 1980

Senate Feb. 19, 1981

Date of approval March 31, 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

6/22/81

ASSEMBLY, No. 1276

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1980

By Assemblyman FLYNN

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

AN ACT concerning the operation of motorized bicycles while under the influence of intoxicating liquor or certain drugs and supplementing P. L. 1975, c. 250 (C. 39:4-14.3).

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

1 1. It is unlawful for any person to operate a motorized bicycle
2 while under the influence of intoxicating liquor, or a narcotic, hallu-
3 cinogenic or habit-producing drug. Any person who violates the
4 provisions of this act shall be subject to the same penalties as pro-
5 vided in R. S. 39:4-50 for conviction of operating a motor vehicle
6 while under the influence of any such substance. In any prosecu-
7 tion for a violation of this act, the presumptions, consent and pro-
8 cedures set forth in P. L. 1951, c. 23, s. 30 (C. 39:4-50.1) and
9 P. L. 1966, c. 142, ss. 2-5 (C. 39:4-50.2 to 39:4-50.5) shall be
10 applicable.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to subject the operator of a moped while under the influence of alcohol or drugs to the same penalties and procedures as apply to the operation of a motor vehicle while under the influence since the dangers of such operation are comparable.

In the case of *State v. Gilfesis*, 148 N. J. Super. 369, decided March 4, 1977, the Camden County Court held that the drunk driving law is not applicable to such operation of mopeds.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1276

STATE OF NEW JERSEY

DATED: JANUARY 26, 1981

This bill would subject operators of motorized bicycles or "mopeds" to the provisions of law regarding operation of motor vehicles while under the influence of either alcohol, or narcotic, hallucinogenic, or habit-producing drugs.

Conflicting court cases have been reported since the passage of the moped law regarding the applicability of the drunk driving laws to moped operators. This bill would eliminate any question by making it clear that the drunk driving laws, together with their penalties and procedures, are applicable to drivers of motorized bicycles.

MARCH 31, 1981

A-1276, sponsored by Assemblyman William E. Flynn (D-Monmouth), which subjects a person operating a moped while under the influence of alcohol or drugs to the same penalties as apply to motor vehicle drivers.

A-679, sponsored by Assemblyman James W. Bornheimer (D-Middlesex), which amends L. 1972, c. 70, Section 6 N.J.S.A. 39:6A-6 to include as a collateral source of personal injury protection benefits, those benefits provided under federal law to active and retired military personnel.

An insurer deducts certain collateral source benefits from the personal injury protection benefits it would otherwise provide. The bill is intended to allow the Commissioner of Insurance to reduce premiums paid by military personnel.

S-211, sponsored by Senator Matthew Feldman (D-Bergen), which reinstates per-diem compensation to members and officers of various professional boards. Compensation will be set at \$25, or an amount determined by the Attorney General with the approval of the Treasurer. In no event shall compensation exceed \$100 a day, or \$2,500 annually. Money shall be paid pursuant to regulations promulgated by the Attorney General. Though the bill is effective immediately, the Attorney General is granted discretion to award per-diem compensation retroactively for services rendered after May 31, 1980.

Per-diem compensation of professional board members was withdrawn by P. L. 1977, c. 285.

According to S-211, in addition to the membership otherwise prescribed by law, the Governor shall appoint (in the same manner as presently prescribed by law for the appointment of members) additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: The New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board of Barber Examiners, the New Jersey State Board of Dentistry, the