

REPEALER et al
LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

LAWS OF: 2019 **CHAPTER:** 276
NJSA: REPEALER et al (Concerns driver's license suspension for certain crimes and offenses)
BILL NO: S1080 (Substituted for A5191)

SPONSOR(S)

DATE INTRODUCED:

COMMITTEE: **ASSEMBLY:**

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:**

SENATE:

DATE OF APPROVAL: 12/20/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Senate Committee Substitute (Fifth Reprint) enacted) Yes

S1080

SPONSORS' STATEMENT: (Begins on page 6 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:**

SENATE:

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

A5191

SPONSORS' STATEMENT: (Begins on page 50 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:**

SENATE:

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

VETO MESSAGE:

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH/JA

P.L. 2019, CHAPTER 276, *approved December 20, 2019*

Senate Committee Substitute (*Fifth Reprint*) for

Senate, No. 1080

1 AN ACT concerning certain driver's license suspensions ³**[¹and**
2 restricted use driver's license endorsement¹,³ and amending, ¹,
3 supplementing¹ and repealing various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ¹**[**1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
9 read as follows:

10 24. Disposition of delinquency cases. a. In determining the
11 appropriate disposition for a juvenile adjudicated delinquent the
12 court shall weigh the following factors:

13 (1) The nature and circumstances of the offense;

14 (2) The degree of injury to persons or damage to property
15 caused by the juvenile's offense;

16 (3) The juvenile's age, previous record, prior social service
17 received, and out-of-home placement history;

18 (4) Whether the disposition supports family strength,
19 responsibility and unity and the well-being and physical safety of
20 the juvenile;

21 (5) Whether the disposition provides for reasonable
22 participation by the child's parent, guardian, or custodian, provided,
23 however, that the failure of a parent or parents to cooperate in the
24 disposition shall not be weighed against the juvenile in arriving at
25 an appropriate disposition;

26 (6) Whether the disposition recognizes and treats the unique
27 physical, psychological, and social characteristics and needs of the
28 child;

29 (7) Whether the disposition contributes to the developmental
30 needs of the child, including the academic and social needs of the
31 child where the child has intellectual disabilities or learning
32 disabilities;

33 (8) Any other circumstances related to the offense and the
34 juvenile's social history as deemed appropriate by the court;

35 (9) The impact of the offense on the victim or victims;

36 (10) The impact of the offense on the community; and

37 (11) The threat to the safety of the public or any individual posed
38 by the child.

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted March 14, 2019.

²Assembly ALP committee amendments adopted May 13, 2019.

³Assembly AAP committee amendments adopted November 14, 2019.

⁴Assembly floor amendments adopted November 25, 2019.

⁵Senate floor amendments adopted December 16, 2019.

1 b. If a juvenile is adjudged delinquent, and except to the extent
2 that an additional specific disposition is required pursuant to
3 subsection e. or f. of this section, the court may order incarceration
4 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
5 or more of the following dispositions:

6 (1) Adjourn formal entry of disposition of the case for a period
7 not to exceed 12 months for the purpose of determining whether the
8 juvenile makes a satisfactory adjustment, and if during the period of
9 continuance the juvenile makes such an adjustment, dismiss the
10 complaint; provided that if the court adjourns formal entry of
11 disposition of delinquency for a violation of an offense defined in
12 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
13 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
14 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
15 juveniles adjudicated delinquent;

16 (2) Release the juvenile to the supervision of the juvenile's
17 parent or guardian;

18 (3) Place the juvenile on probation to the chief probation officer
19 of the county or to any other suitable person who agrees to accept
20 the duty of probation supervision for a period not to exceed three
21 years upon such written conditions as the court deems will aid
22 rehabilitation of the juvenile;

23 (4) Transfer custody of the juvenile to any relative or other
24 person determined by the court to be qualified to care for the
25 juvenile;

26 (5) Place the juvenile under the care and responsibility of the
27 Department of Children and Families so that the commissioner may
28 designate a division or organizational unit in the department
29 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
30 providing services in or out of the home. Within 14 days, unless for
31 good cause shown, but not later than 30 days, the Department of
32 Children and Families shall submit to the court a service plan,
33 which shall be presumed valid, detailing the specifics of any
34 disposition order. The plan shall be developed within the limits of
35 fiscal and other resources available to the department. If the court
36 determines that the service plan is inappropriate, given existing
37 resources, the department may request a hearing on that
38 determination;

39 (6) Place the juvenile under the care and custody of the
40 Commissioner of Children and Families for the purpose of
41 receiving the services of the Division of Children's System of Care
42 of that department, provided that the juvenile has been determined
43 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
44 25.4);

45 (7) Commit the juvenile, pursuant to applicable laws and the
46 Rules of Court governing civil commitment, to the Department of
47 Children and Families under the responsibility of the Division of

- 1 Children's System of Care for the purpose of placement in a suitable
2 public or private hospital or other residential facility for the
3 treatment of persons who are mentally ill, on the ground that the
4 juvenile is in need of involuntary commitment;
- 5 (8) Fine the juvenile an amount not to exceed the maximum
6 provided by law for such a crime or offense if committed by an
7 adult and which is consistent with the juvenile's income or ability to
8 pay and financial responsibility to the juvenile's family, provided
9 that the fine is specially adapted to the rehabilitation of the juvenile
10 or to the deterrence of the type of crime or offense. If the fine is
11 not paid due to financial limitations, the fine may be satisfied by
12 requiring the juvenile to submit to any other appropriate disposition
13 provided for in this section;
- 14 (9) Order the juvenile to make restitution to a person or entity
15 who has suffered loss resulting from personal injuries or damage to
16 property as a result of the offense for which the juvenile has been
17 adjudicated delinquent. The court may determine the reasonable
18 amount, terms, and conditions of restitution. If the juvenile
19 participated in the offense with other persons, the participants shall
20 be jointly and severally responsible for the payment of restitution.
21 The court shall not require a juvenile to make full or partial
22 restitution if the juvenile reasonably satisfies the court that the
23 juvenile does not have the means to make restitution and could not
24 reasonably acquire the means to pay restitution;
- 25 (10) Order that the juvenile perform community services under
26 the supervision of a probation division or other agency or individual
27 deemed appropriate by the court. Such services shall be
28 compulsory and reasonable in terms of nature and duration. Such
29 services may be performed without compensation, provided that any
30 money earned by the juvenile from the performance of community
31 services may be applied towards any payment of restitution or fine
32 which the court has ordered the juvenile to pay;
- 33 (11) Order that the juvenile participate in work programs which
34 are designed to provide job skills and specific employment training
35 to enhance the employability of job participants. Such programs
36 may be without compensation, provided that any money earned by
37 the juvenile from participation in a work program may be applied
38 towards any payment of restitution or fine which the court has
39 ordered the juvenile to pay;
- 40 (12) Order that the juvenile participate in programs emphasizing
41 self-reliance, such as intensive outdoor programs teaching survival
42 skills, including but not limited to camping, hiking, and other
43 appropriate activities;
- 44 (13) Order that the juvenile participate in a program of academic
45 or vocational education or counseling, such as a youth service
46 bureau, requiring attendance at sessions designed to afford access to

- 1 opportunities for normal growth and development. This may
2 require attendance after school, evenings, and weekends;
- 3 (14) Place the juvenile in a suitable residential or nonresidential
4 program for the treatment of alcohol or narcotic abuse, provided
5 that the juvenile has been determined to be in need of such services;
- 6 (15) Order the parent or guardian of the juvenile to participate in
7 appropriate programs or services when the court has found either
8 that such person's omission or conduct was a significant
9 contributing factor towards the commission of the delinquent act,
10 or, under its authority to enforce litigant's rights, that such person's
11 omission or conduct has been a significant contributing factor
12 towards the ineffective implementation of a court order previously
13 entered in relation to the juvenile;
- 14 (16) (a) Place the juvenile in a nonresidential program operated
15 by a public or private agency, providing intensive services to
16 juveniles for specified hours, which may include education,
17 counseling to the juvenile and the juvenile's family if appropriate,
18 vocational training, employment counseling, work, or other
19 services;
- 20 (b) Place the juvenile under the custody of the Juvenile Justice
21 Commission established pursuant to section 2 of P.L.1995, c.284
22 (C.52:17B-170) for placement with any private group home or
23 private residential facility with which the commission has entered
24 into a purchase of service contract;
- 25 (17) Instead of or in addition to any disposition made according
26 to this section, the court may postpone, suspend, or revoke for a
27 period not to exceed two years the driver's license, registration
28 certificate, or both of any juvenile who **【used a motor vehicle in the**
29 **course of committing an act for which the juvenile】** was adjudicated
30 delinquent for carjacking pursuant to section 1 of P.L.1993, c.221
31 (C.2C:15-2). In imposing this disposition and in deciding the
32 duration of the postponement, suspension, or revocation, the court
33 shall consider the **【severity of the delinquent act】** circumstances of
34 the carjacking and the potential effect of the loss of driving
35 privileges on the juvenile's ability to be rehabilitated. Any
36 postponement, suspension, or revocation shall be imposed
37 consecutively with any custodial commitment;
- 38 (18) Order that the juvenile satisfy any other conditions
39 reasonably related to the rehabilitation of the juvenile;
- 40 (19) Order a parent or guardian who has failed or neglected to
41 exercise reasonable supervision or control of a juvenile who has
42 been adjudicated delinquent to make restitution to any person or
43 entity who has suffered a loss as a result of that offense. The court
44 may determine the reasonable amount, terms, and conditions of
45 restitution; or

1 (20) Place the juvenile, if eligible, in an appropriate juvenile
2 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
3 et al.).

4 c. (1) Except as otherwise provided in subsections e. and f. of
5 this section, if the county in which the juvenile has been adjudicated
6 delinquent has a juvenile detention facility meeting the physical and
7 program standards established pursuant to this subsection by the
8 Juvenile Justice Commission, the court may, in addition to any of
9 the dispositions not involving placement out of the home
10 enumerated in this section, incarcerate the juvenile in the youth
11 detention facility in that county for a term not to exceed 60
12 consecutive days. Counties which do not operate their own juvenile
13 detention facilities may contract for the use of approved
14 commitment programs with counties with which they have
15 established agreements for the use of pre-disposition juvenile
16 detention facilities. The Juvenile Justice Commission shall
17 promulgate such rules and regulations from time to time as deemed
18 necessary to establish minimum physical facility and program
19 standards for the use of juvenile detention facilities pursuant to this
20 subsection.

21 (2) No juvenile may be incarcerated in any county detention
22 facility unless the county has entered into an agreement with the
23 Juvenile Justice Commission concerning the use of the facility for
24 sentenced juveniles. Upon agreement with the county, the Juvenile
25 Justice Commission shall certify detention facilities which may
26 receive juveniles sentenced pursuant to this subsection and shall
27 specify the capacity of the facility that may be made available to
28 receive such juveniles; provided, however, that in no event shall the
29 number of juveniles incarcerated pursuant to this subsection exceed
30 50% of the maximum capacity of the facility.

31 (3) The court may fix a term of incarceration under this
32 subsection where:

33 (a) The act for which the juvenile was adjudicated delinquent, if
34 committed by an adult, would have constituted a crime or repetitive
35 disorderly persons offense;

36 (b) Incarceration of the juvenile is consistent with the goals of
37 public safety, accountability, and rehabilitation and the court is
38 clearly convinced that the aggravating factors substantially
39 outweigh the mitigating factors as set forth in section 25 of
40 P.L.1982, c.77 (C.2A:4A-44); and

41 (c) The detention facility has been certified for admission of
42 adjudicated juveniles pursuant to paragraph (2).

43 (4) If as a result of incarceration of adjudicated juveniles
44 pursuant to this subsection, a county is required to transport a
45 predisposition juvenile to a juvenile detention facility in another
46 county, the costs of such transportation shall be borne by the
47 Juvenile Justice Commission.

1 d. Whenever the court imposes a disposition upon an
2 adjudicated delinquent which requires the juvenile to perform a
3 community service, restitution, or to participate in any other
4 program provided for in this section other than subsection c., the
5 duration of the juvenile's mandatory participation in such
6 alternative programs shall extend for a period consistent with the
7 program goal for the juvenile and shall in no event exceed one year
8 beyond the maximum duration permissible for the delinquent if the
9 juvenile had been committed to a term of incarceration.

10 e. In addition to any disposition the court may impose pursuant
11 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
12 following orders shall be included in dispositions of the
13 adjudications set forth below:

14 (1) An order of incarceration for a term of the duration
15 authorized pursuant to this section or section 25 of P.L.1982, c.77
16 (C.2A:4A-44) or an order to perform community service pursuant to
17 paragraph (10) of subsection b. of this section for a period of at
18 least 60 days, if the juvenile has been adjudicated delinquent for an
19 act which, if committed by an adult, would constitute the crime of
20 theft of a motor vehicle, or the crime of unlawful taking of a motor
21 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
22 degree crime of eluding in violation of subsection b. of
23 N.J.S.2C:29-2;

24 (2) An order of incarceration for a term of the duration
25 authorized pursuant to this section or section 25 of P.L.1982, c.77
26 (C.2A:4A-44) which shall include a minimum term of 60 days
27 during which the juvenile shall be ineligible for parole, if the
28 juvenile has been adjudicated delinquent for an act which, if
29 committed by an adult, would constitute the crime of aggravated
30 assault in violation of paragraph (6) of subsection b. of
31 N.J.S.2C:12-1, the second degree crime of eluding in violation of
32 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
33 in which the juvenile has previously been adjudicated delinquent for
34 an act, which if committed by an adult, would constitute unlawful
35 taking of a motor vehicle or theft of a motor vehicle;

36 (3) An order to perform community service pursuant to
37 paragraph (10) of subsection b. of this section for a period of at
38 least 30 days, if the juvenile has been adjudicated delinquent for an
39 act which, if committed by an adult, would constitute the fourth
40 degree crime of unlawful taking of a motor vehicle in violation of
41 subsection b. of N.J.S.2C:20-10;

42 (4) An order of incarceration for a term of the duration
43 authorized pursuant to this section or section 25 of P.L.1982, c.77
44 (C.2A:4A-44) which shall include a minimum term of 30 days
45 during which the juvenile shall be ineligible for parole, if the
46 juvenile has been adjudicated delinquent for an act which, if
47 committed by an adult, would constitute the crime of unlawful

1 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
2 degree crime of eluding in violation of subsection b. of
3 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
4 delinquent for an act which, if committed by an adult, would
5 constitute either theft of a motor vehicle, the unlawful taking of a
6 motor vehicle or eluding.

7 f. (1) The minimum terms of incarceration required pursuant
8 to subsection e. of this section shall be imposed regardless of the
9 weight or balance of factors set forth in this section or in section 25
10 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
11 those factors shall determine the length of the term of incarceration
12 appropriate, if any, beyond any mandatory minimum term required
13 pursuant to subsection e. of this section.

14 (2) When a court in a county that does not have a juvenile
15 detention facility or a contractual relationship permitting
16 incarceration pursuant to subsection c. of this section is required to
17 impose a term of incarceration pursuant to subsection e. of this
18 section, the court may, subject to limitations on commitment to
19 State correctional facilities of juveniles who are under the age of 11
20 or developmentally disabled, set a term of incarceration consistent
21 with subsection c. which shall be served in a State correctional
22 facility. When a juvenile who because of age or developmental
23 disability cannot be committed to a State correctional facility or
24 cannot be incarcerated in a county facility, the court shall order a
25 disposition appropriate as an alternative to any incarceration
26 required pursuant to subsection e.

27 (3) For purposes of subsection e. of this section, in the event
28 that a "boot camp" program for juvenile offenders should be
29 developed and is available, a term of commitment to such a
30 program shall be considered a term of incarceration.

31 g. Whenever the court imposes a disposition upon an
32 adjudicated delinquent which requires the juvenile to perform a
33 community service, restitution, or to participate in any other
34 program provided for in this section, the order shall include
35 provisions which provide balanced attention to the protection of the
36 community, accountability for offenses committed, fostering
37 interaction and dialogue between the offender, victim and
38 community and the development of competencies to enable the
39 child to become a responsible and productive member of the
40 community.

41 (cf: P.L.2012, c.16, s.1)¹

42
43 ² 11. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
44 read as follows:

45 24. Disposition of delinquency cases. a. In determining the
46 appropriate disposition for a juvenile adjudicated delinquent the court
47 shall weigh the following factors:

- 1 (1) The nature and circumstances of the offense;
 - 2 (2) The degree of injury to persons or damage to property caused
3 by the juvenile's offense;
 - 4 (3) The juvenile's age, previous record, prior social service
5 received, and out-of-home placement history;
 - 6 (4) Whether the disposition supports family strength, responsibility
7 and unity and the well-being and physical safety of the juvenile;
 - 8 (5) Whether the disposition provides for reasonable participation
9 by the child's parent, guardian, or custodian, provided, however, that
10 the failure of a parent or parents to cooperate in the disposition shall
11 not be weighed against the juvenile in arriving at an appropriate
12 disposition;
 - 13 (6) Whether the disposition recognizes and treats the unique
14 physical, psychological, and social characteristics and needs of the
15 child;
 - 16 (7) Whether the disposition contributes to the developmental needs
17 of the child, including the academic and social needs of the child
18 where the child has intellectual disabilities or learning disabilities;
 - 19 (8) Any other circumstances related to the offense and the
20 juvenile's social history as deemed appropriate by the court;
 - 21 (9) The impact of the offense on the victim or victims;
 - 22 (10) The impact of the offense on the community; and
 - 23 (11) The threat to the safety of the public or any individual posed
24 by the child.
- 25 b. If a juvenile is adjudged delinquent, and except to the extent
26 that an additional specific disposition is required pursuant to
27 subsection e. or f. of this section, the court may order incarceration
28 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one or
29 more of the following dispositions:
- 30 (1) Adjourn formal entry of disposition of the case for a period not
31 to exceed 12 months for the purpose of determining whether the
32 juvenile makes a satisfactory adjustment, and if during the period of
33 continuance the juvenile makes such an adjustment, dismiss the
34 complaint; provided that if the court adjourns formal entry of
35 disposition of delinquency for a violation of an offense defined in
36 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court shall
37 assess the mandatory penalty set forth in N.J.S.2C:35-15 but may
38 waive imposition of the penalty set forth in N.J.S.2C:35-16 for
39 juveniles adjudicated delinquent;
 - 40 (2) Release the juvenile to the supervision of the juvenile's parent
41 or guardian;
 - 42 (3) Place the juvenile on probation to the chief probation officer of
43 the county or to any other suitable person who agrees to accept the
44 duty of probation supervision for a period not to exceed three years
45 upon such written conditions as the court deems will aid rehabilitation
46 of the juvenile;

- 1 (4) Transfer custody of the juvenile to any relative or other person
2 determined by the court to be qualified to care for the juvenile;
- 3 (5) Place the juvenile under the care and responsibility of the
4 Department of Children and Families so that the commissioner may
5 designate a division or organizational unit in the department pursuant
6 to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of providing
7 services in or out of the home. Within 14 days, unless for good cause
8 shown, but not later than 30 days, the Department of Children and
9 Families shall submit to the court a service plan, which shall be
10 presumed valid, detailing the specifics of any disposition order. The
11 plan shall be developed within the limits of fiscal and other resources
12 available to the department. If the court determines that the service
13 plan is inappropriate, given existing resources, the department may
14 request a hearing on that determination;
- 15 (6) Place the juvenile under the care and custody of the
16 Commissioner of Children and Families for the purpose of receiving
17 the services of the Division of Children's System of Care of that
18 department, provided that the juvenile has been determined to be
19 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);
- 20 (7) Commit the juvenile, pursuant to applicable laws and the Rules
21 of Court governing civil commitment, to the Department of Children
22 and Families under the responsibility of the Division of Children's
23 System of Care for the purpose of placement in a suitable public or
24 private hospital or other residential facility for the treatment of persons
25 who are mentally ill, on the ground that the juvenile is in need of
26 involuntary commitment;
- 27 (8) Fine the juvenile an amount not to exceed the maximum
28 provided by law for such a crime or offense if committed by an adult
29 and which is consistent with the juvenile's income or ability to pay and
30 financial responsibility to the juvenile's family, provided that the fine
31 is specially adapted to the rehabilitation of the juvenile or to the
32 deterrence of the type of crime or offense. If the fine is not paid due to
33 financial limitations, the fine may be satisfied by requiring the juvenile
34 to submit to any other appropriate disposition provided for in this
35 section;
- 36 (9) Order the juvenile to make restitution to a person or entity who
37 has suffered loss resulting from personal injuries or damage to
38 property as a result of the offense for which the juvenile has been
39 adjudicated delinquent. The court may determine the reasonable
40 amount, terms, and conditions of restitution. If the juvenile
41 participated in the offense with other persons, the participants shall be
42 jointly and severally responsible for the payment of restitution. The
43 court shall not require a juvenile to make full or partial restitution if
44 the juvenile reasonably satisfies the court that the juvenile does not
45 have the means to make restitution and could not reasonably acquire
46 the means to pay restitution;

1 (10) Order that the juvenile perform community services under the
2 supervision of a probation division or other agency or individual
3 deemed appropriate by the court. Such services shall be compulsory
4 and reasonable in terms of nature and duration. Such services may be
5 performed without compensation, provided that any money earned by
6 the juvenile from the performance of community services may be
7 applied towards any payment of restitution or fine which the court has
8 ordered the juvenile to pay;

9 (11) Order that the juvenile participate in work programs which are
10 designed to provide job skills and specific employment training to
11 enhance the employability of job participants. Such programs may be
12 without compensation, provided that any money earned by the juvenile
13 from participation in a work program may be applied towards any
14 payment of restitution or fine which the court has ordered the juvenile
15 to pay;

16 (12) Order that the juvenile participate in programs emphasizing
17 self-reliance, such as intensive outdoor programs teaching survival
18 skills, including but not limited to camping, hiking, and other
19 appropriate activities;

20 (13) Order that the juvenile participate in a program of academic or
21 vocational education or counseling, such as a youth service bureau,
22 requiring attendance at sessions designed to afford access to
23 opportunities for normal growth and development. This may require
24 attendance after school, evenings, and weekends;

25 (14) Place the juvenile in a suitable residential or nonresidential
26 program for the treatment of alcohol or narcotic abuse, provided that
27 the juvenile has been determined to be in need of such services;

28 (15) Order the parent or guardian of the juvenile to participate in
29 appropriate programs or services when the court has found either that
30 such person's omission or conduct was a significant contributing factor
31 towards the commission of the delinquent act, or, under its authority to
32 enforce litigant's rights, that such person's omission or conduct has
33 been a significant contributing factor towards the ineffective
34 implementation of a court order previously entered in relation to the
35 juvenile;

36 (16) (a) Place the juvenile in a nonresidential program operated by
37 a public or private agency, providing intensive services to juveniles for
38 specified hours, which may include education, counseling to the
39 juvenile and the juvenile's family if appropriate, vocational training,
40 employment counseling, work, or other services;

41 (b) Place the juvenile under the custody of the Juvenile Justice
42 Commission established pursuant to section 2 of P.L.1995, c.284
43 (C.52:17B-170) for placement with any private group home or private
44 residential facility with which the commission has entered into a
45 purchase of service contract;

46 (17) Instead of or in addition to any disposition made according to
47 this section, the court may postpone, suspend, or revoke for a period

1 not to exceed two years the driver's license, registration certificate, or
2 both of any juvenile who used a motor vehicle in the course of
3 committing an act for which the juvenile was adjudicated delinquent.
4 In imposing this disposition and in deciding the duration of the
5 postponement, suspension, or revocation, the court shall consider the
6 **【severity of the delinquent act】** circumstances of the act for which the
7 juvenile was adjudicated delinquent and the potential effect of the loss
8 of driving privileges on the juvenile's ability to be rehabilitated. Any
9 postponement, suspension, or revocation shall be imposed
10 consecutively with any custodial commitment;

11 (18) Order that the juvenile satisfy any other conditions reasonably
12 related to the rehabilitation of the juvenile;

13 (19) Order a parent or guardian who has failed or neglected to
14 exercise reasonable supervision or control of a juvenile who has been
15 adjudicated delinquent to make restitution to any person or entity who
16 has suffered a loss as a result of that offense. The court may determine
17 the reasonable amount, terms, and conditions of restitution; or

18 (20) Place the juvenile, if eligible, in an appropriate juvenile
19 offender program established pursuant to P.L.1997, c.81 (C.30:8-
20 61 et al.).

21 c. (1) Except as otherwise provided in subsections e. and f. of
22 this section, if the county in which the juvenile has been adjudicated
23 delinquent has a juvenile detention facility meeting the physical and
24 program standards established pursuant to this subsection by the
25 Juvenile Justice Commission, the court may, in addition to any of the
26 dispositions not involving placement out of the home enumerated in
27 this section, incarcerate the juvenile in the youth detention facility in
28 that county for a term not to exceed 60 consecutive days. Counties
29 which do not operate their own juvenile detention facilities may
30 contract for the use of approved commitment programs with counties
31 with which they have established agreements for the use of pre-
32 disposition juvenile detention facilities. The Juvenile Justice
33 Commission shall promulgate such rules and regulations from time to
34 time as deemed necessary to establish minimum physical facility and
35 program standards for the use of juvenile detention facilities pursuant
36 to this subsection.

37 (2) No juvenile may be incarcerated in any county detention
38 facility unless the county has entered into an agreement with the
39 Juvenile Justice Commission concerning the use of the facility for
40 sentenced juveniles. Upon agreement with the county, the Juvenile
41 Justice Commission shall certify detention facilities which may receive
42 juveniles sentenced pursuant to this subsection and shall specify the
43 capacity of the facility that may be made available to receive such
44 juveniles; provided, however, that in no event shall the number of
45 juveniles incarcerated pursuant to this subsection exceed 50% of the
46 maximum capacity of the facility.

1 (3) The court may fix a term of incarceration under this subsection
2 where:

3 (a) The act for which the juvenile was adjudicated delinquent, if
4 committed by an adult, would have constituted a crime or repetitive
5 disorderly persons offense;

6 (b) Incarceration of the juvenile is consistent with the goals of
7 public safety, accountability, and rehabilitation and the court is clearly
8 convinced that the aggravating factors substantially outweigh the
9 mitigating factors as set forth in section 25 of P.L.1982, c.77
10 (C.2A:4A-44); and

11 (c) The detention facility has been certified for admission of
12 adjudicated juveniles pursuant to paragraph (2).

13 (4) If as a result of incarceration of adjudicated juveniles pursuant
14 to this subsection, a county is required to transport a predisposition
15 juvenile to a juvenile detention facility in another county, the costs of
16 such transportation shall be borne by the Juvenile Justice Commission.

17 d. Whenever the court imposes a disposition upon an adjudicated
18 delinquent which requires the juvenile to perform a community
19 service, restitution, or to participate in any other program provided for
20 in this section other than subsection c., the duration of the juvenile's
21 mandatory participation in such alternative programs shall extend for a
22 period consistent with the program goal for the juvenile and shall in no
23 event exceed one year beyond the maximum duration permissible for
24 the delinquent if the juvenile had been committed to a term of
25 incarceration.

26 e. In addition to any disposition the court may impose pursuant to
27 this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
28 following orders shall be included in dispositions of the adjudications
29 set forth below:

30 (1) An order of incarceration for a term of the duration authorized
31 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
32 or an order to perform community service pursuant to paragraph (10)
33 of subsection b. of this section for a period of at least 60 days, if the
34 juvenile has been adjudicated delinquent for an act which, if
35 committed by an adult, would constitute the crime of theft of a motor
36 vehicle, or the crime of unlawful taking of a motor vehicle in violation
37 of subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding
38 in violation of subsection b. of N.J.S.2C:29-2;

39 (2) An order of incarceration for a term of the duration authorized
40 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
41 which shall include a minimum term of 60 days during which the
42 juvenile shall be ineligible for parole, if the juvenile has been
43 adjudicated delinquent for an act which, if committed by an adult,
44 would constitute the crime of aggravated assault in violation of
45 paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree
46 crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or theft
47 of a motor vehicle, in a case in which the juvenile has previously been

1 adjudicated delinquent for an act, which if committed by an adult,
2 would constitute unlawful taking of a motor vehicle or theft of a motor
3 vehicle;

4 (3) An order to perform community service pursuant to paragraph
5 (10) of subsection b. of this section for a period of at least 30 days, if
6 the juvenile has been adjudicated delinquent for an act which, if
7 committed by an adult, would constitute the fourth degree crime of
8 unlawful taking of a motor vehicle in violation of subsection b. of
9 N.J.S.2C:20-10;

10 (4) An order of incarceration for a term of the duration authorized
11 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
12 which shall include a minimum term of 30 days during which the
13 juvenile shall be ineligible for parole, if the juvenile has been
14 adjudicated delinquent for an act which, if committed by an adult,
15 would constitute the crime of unlawful taking of a motor vehicle in
16 violation of N.J.S.2C:20-10 or the third degree crime of eluding in
17 violation of subsection b. of N.J.S.2C:29-2, and if the juvenile has
18 previously been adjudicated delinquent for an act which, if committed
19 by an adult, would constitute either theft of a motor vehicle, the
20 unlawful taking of a motor vehicle or eluding.

21 f. (1) The minimum terms of incarceration required pursuant to
22 subsection e. of this section shall be imposed regardless of the weight
23 or balance of factors set forth in this section or in section 25 of
24 P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those
25 factors shall determine the length of the term of incarceration
26 appropriate, if any, beyond any mandatory minimum term required
27 pursuant to subsection e. of this section.

28 (2) When a court in a county that does not have a juvenile
29 detention facility or a contractual relationship permitting incarceration
30 pursuant to subsection c. of this section is required to impose a term of
31 incarceration pursuant to subsection e. of this section, the court may,
32 subject to limitations on commitment to State correctional facilities of
33 juveniles who are under the age of 11 or developmentally disabled, set
34 a term of incarceration consistent with subsection c. which shall be
35 served in a State correctional facility. When a juvenile who because of
36 age or developmental disability cannot be committed to a State
37 correctional facility or cannot be incarcerated in a county facility, the
38 court shall order a disposition appropriate as an alternative to any
39 incarceration required pursuant to subsection e.

40 (3) For purposes of subsection e. of this section, in the event that a
41 "boot camp" program for juvenile offenders should be developed and
42 is available, a term of commitment to such a program shall be
43 considered a term of incarceration.

44 g. Whenever the court imposes a disposition upon an adjudicated
45 delinquent which requires the juvenile to perform a community
46 service, restitution, or to participate in any other program provided for
47 in this section, the order shall include provisions which provide

1 balanced attention to the protection of the community, accountability
2 for offenses committed, fostering interaction and dialogue between the
3 offender, victim and community and the development of competencies
4 to enable the child to become a responsible and productive member of
5 the community.¹

6 (cf: P.L.2012, c.16, s.1)]²

7

8 ³1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
9 read as follows:

10 24. Disposition of delinquency cases. a. In determining the
11 appropriate disposition for a juvenile adjudicated delinquent the
12 court shall weigh the following factors:

13 (1) The nature and circumstances of the offense;

14 (2) The degree of injury to persons or damage to property
15 caused by the juvenile's offense;

16 (3) The juvenile's age, previous record, prior social service
17 received, and out-of-home placement history;

18 (4) Whether the disposition supports family strength,
19 responsibility and unity and the well-being and physical safety of
20 the juvenile;

21 (5) Whether the disposition provides for reasonable
22 participation by the child's parent, guardian, or custodian, provided,
23 however, that the failure of a parent or parents to cooperate in the
24 disposition shall not be weighed against the juvenile in arriving at
25 an appropriate disposition;

26 (6) Whether the disposition recognizes and treats the unique
27 physical, psychological, and social characteristics and needs of the
28 child;

29 (7) Whether the disposition contributes to the developmental
30 needs of the child, including the academic and social needs of the
31 child where the child has intellectual disabilities or learning
32 disabilities;

33 (8) Any other circumstances related to the offense and the
34 juvenile's social history as deemed appropriate by the court;

35 (9) The impact of the offense on the victim or victims;

36 (10) The impact of the offense on the community; and

37 (11) The threat to the safety of the public or any individual posed
38 by the child.

39 b. If a juvenile is adjudged delinquent, and except to the extent
40 that an additional specific disposition is required pursuant to
41 subsection e. or f. of this section, the court may order incarceration
42 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
43 or more of the following dispositions:

44 (1) Adjourn formal entry of disposition of the case for a period
45 not to exceed 12 months for the purpose of determining whether the
46 juvenile makes a satisfactory adjustment, and if during the period of
47 continuance the juvenile makes such an adjustment, dismiss the

1 complaint; provided that if the court adjourns formal entry of
2 disposition of delinquency for a violation of an offense defined in
3 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
4 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
5 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
6 juveniles adjudicated delinquent;

7 (2) Release the juvenile to the supervision of the juvenile's
8 parent or guardian;

9 (3) Place the juvenile on probation to the chief probation officer
10 of the county or to any other suitable person who agrees to accept
11 the duty of probation supervision for a period not to exceed three
12 years upon such written conditions as the court deems will aid
13 rehabilitation of the juvenile;

14 (4) Transfer custody of the juvenile to any relative or other
15 person determined by the court to be qualified to care for the
16 juvenile;

17 (5) Place the juvenile under the care and responsibility of the
18 Department of Children and Families so that the commissioner may
19 designate a division or organizational unit in the department
20 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
21 providing services in or out of the home. Within 14 days, unless for
22 good cause shown, but not later than 30 days, the Department of
23 Children and Families shall submit to the court a service plan,
24 which shall be presumed valid, detailing the specifics of any
25 disposition order. The plan shall be developed within the limits of
26 fiscal and other resources available to the department. If the court
27 determines that the service plan is inappropriate, given existing
28 resources, the department may request a hearing on that
29 determination;

30 (6) Place the juvenile under the care and custody of the
31 Commissioner of Children and Families for the purpose of
32 receiving the services of the Division of Children's System of Care
33 of that department, provided that the juvenile has been determined
34 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
35 25.4);

36 (7) Commit the juvenile, pursuant to applicable laws and the
37 Rules of Court governing civil commitment, to the Department of
38 Children and Families under the responsibility of the Division of
39 Children's System of Care for the purpose of placement in a suitable
40 public or private hospital or other residential facility for the
41 treatment of persons who are mentally ill, on the ground that the
42 juvenile is in need of involuntary commitment;

43 (8) Fine the juvenile an amount not to exceed the maximum
44 provided by law for such a crime or offense if committed by an
45 adult and which is consistent with the juvenile's income or ability to
46 pay and financial responsibility to the juvenile's family, provided
47 that the fine is specially adapted to the rehabilitation of the juvenile

1 or to the deterrence of the type of crime or offense. If the fine is
2 not paid due to financial limitations, the fine may be satisfied by
3 requiring the juvenile to submit to any other appropriate disposition
4 provided for in this section;

5 (9) Order the juvenile to make restitution to a person or entity
6 who has suffered loss resulting from personal injuries or damage to
7 property as a result of the offense for which the juvenile has been
8 adjudicated delinquent. The court may determine the reasonable
9 amount, terms, and conditions of restitution. If the juvenile
10 participated in the offense with other persons, the participants shall
11 be jointly and severally responsible for the payment of restitution.
12 The court shall not require a juvenile to make full or partial
13 restitution if the juvenile reasonably satisfies the court that the
14 juvenile does not have the means to make restitution and could not
15 reasonably acquire the means to pay restitution;

16 (10) Order that the juvenile perform community services under
17 the supervision of a probation division or other agency or individual
18 deemed appropriate by the court. Such services shall be
19 compulsory and reasonable in terms of nature and duration. Such
20 services may be performed without compensation, provided that any
21 money earned by the juvenile from the performance of community
22 services may be applied towards any payment of restitution or fine
23 which the court has ordered the juvenile to pay;

24 (11) Order that the juvenile participate in work programs which
25 are designed to provide job skills and specific employment training
26 to enhance the employability of job participants. Such programs
27 may be without compensation, provided that any money earned by
28 the juvenile from participation in a work program may be applied
29 towards any payment of restitution or fine which the court has
30 ordered the juvenile to pay;

31 (12) Order that the juvenile participate in programs emphasizing
32 self-reliance, such as intensive outdoor programs teaching survival
33 skills, including but not limited to camping, hiking, and other
34 appropriate activities;

35 (13) Order that the juvenile participate in a program of academic
36 or vocational education or counseling, such as a youth service
37 bureau, requiring attendance at sessions designed to afford access to
38 opportunities for normal growth and development. This may
39 require attendance after school, evenings, and weekends;

40 (14) Place the juvenile in a suitable residential or nonresidential
41 program for the treatment of alcohol or narcotic abuse, provided
42 that the juvenile has been determined to be in need of such services;

43 (15) Order the parent or guardian of the juvenile to participate in
44 appropriate programs or services when the court has found either
45 that such person's omission or conduct was a significant
46 contributing factor towards the commission of the delinquent act,
47 or, under its authority to enforce litigant's rights, that such person's

1 omission or conduct has been a significant contributing factor
2 towards the ineffective implementation of a court order previously
3 entered in relation to the juvenile;

4 (16) (a) Place the juvenile in a nonresidential program operated
5 by a public or private agency, providing intensive services to
6 juveniles for specified hours, which may include education,
7 counseling to the juvenile and the juvenile's family if appropriate,
8 vocational training, employment counseling, work, or other
9 services;

10 (b) Place the juvenile under the custody of the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170) for placement with any private group home or
13 private residential facility with which the commission has entered
14 into a purchase of service contract;

15 (17) Instead of or in addition to any disposition made according
16 to this section, the court may postpone, suspend, or revoke for a
17 period not to exceed two years the driver's license, registration
18 certificate, or both of any juvenile who used a motor vehicle in the
19 course of committing an act for which the juvenile was adjudicated
20 delinquent. In imposing this disposition and in deciding the
21 duration of the postponement, suspension, or revocation, the court
22 shall consider the **【severity of the delinquent act】** circumstances of
23 the act for which the juvenile was adjudicated delinquent and the
24 potential effect of the loss of driving privileges on the juvenile's
25 ability to be rehabilitated. Any postponement, suspension, or
26 revocation shall be imposed consecutively with any custodial
27 commitment;

28 (18) Order that the juvenile satisfy any other conditions
29 reasonably related to the rehabilitation of the juvenile;

30 (19) Order a parent or guardian who has failed or neglected to
31 exercise reasonable supervision or control of a juvenile who has
32 been adjudicated delinquent to make restitution to any person or
33 entity who has suffered a loss as a result of that offense. The court
34 may determine the reasonable amount, terms, and conditions of
35 restitution; or

36 (20) Place the juvenile, if eligible, in an appropriate juvenile
37 offender program established pursuant to P.L.1997, c.81 (C.30:8-
38 61 et al.).

39 c. (1) Except as otherwise provided in subsections e. and f. of
40 this section, if the county in which the juvenile has been adjudicated
41 delinquent has a juvenile detention facility meeting the physical and
42 program standards established pursuant to this subsection by the
43 Juvenile Justice Commission, the court may, in addition to any of
44 the dispositions not involving placement out of the home
45 enumerated in this section, incarcerate the juvenile in the youth
46 detention facility in that county for a term not to exceed 60
47 consecutive days. Counties which do not operate their own juvenile

1 detention facilities may contract for the use of approved
2 commitment programs with counties with which they have
3 established agreements for the use of pre-disposition juvenile
4 detention facilities. The Juvenile Justice Commission shall
5 promulgate such rules and regulations from time to time as deemed
6 necessary to establish minimum physical facility and program
7 standards for the use of juvenile detention facilities pursuant to this
8 subsection.

9 (2) No juvenile may be incarcerated in any county detention
10 facility unless the county has entered into an agreement with the
11 Juvenile Justice Commission concerning the use of the facility for
12 sentenced juveniles. Upon agreement with the county, the Juvenile
13 Justice Commission shall certify detention facilities which may
14 receive juveniles sentenced pursuant to this subsection and shall
15 specify the capacity of the facility that may be made available to
16 receive such juveniles; provided, however, that in no event shall the
17 number of juveniles incarcerated pursuant to this subsection exceed
18 50% of the maximum capacity of the facility.

19 (3) The court may fix a term of incarceration under this
20 subsection where:

21 (a) The act for which the juvenile was adjudicated delinquent, if
22 committed by an adult, would have constituted a crime or repetitive
23 disorderly persons offense;

24 (b) Incarceration of the juvenile is consistent with the goals of
25 public safety, accountability, and rehabilitation and the court is
26 clearly convinced that the aggravating factors substantially
27 outweigh the mitigating factors as set forth in section 25 of
28 P.L.1982, c.77 (C.2A:4A-44); and

29 (c) The detention facility has been certified for admission of
30 adjudicated juveniles pursuant to paragraph (2).

31 (4) If as a result of incarceration of adjudicated juveniles
32 pursuant to this subsection, a county is required to transport a
33 predisposition juvenile to a juvenile detention facility in another
34 county, the costs of such transportation shall be borne by the
35 Juvenile Justice Commission.

36 d. Whenever the court imposes a disposition upon an
37 adjudicated delinquent which requires the juvenile to perform a
38 community service, restitution, or to participate in any other
39 program provided for in this section other than subsection c., the
40 duration of the juvenile's mandatory participation in such
41 alternative programs shall extend for a period consistent with the
42 program goal for the juvenile and shall in no event exceed one year
43 beyond the maximum duration permissible for the delinquent if the
44 juvenile had been committed to a term of incarceration.

45 e. In addition to any disposition the court may impose pursuant
46 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the

1 following orders shall be included in dispositions of the
2 adjudications set forth below:

3 (1) An order of incarceration for a term of the duration
4 authorized pursuant to this section or section 25 of P.L.1982, c.77
5 (C.2A:4A-44) or an order to perform community service pursuant to
6 paragraph (10) of subsection b. of this section for a period of at
7 least 60 days, if the juvenile has been adjudicated delinquent for an
8 act which, if committed by an adult, would constitute the crime of
9 theft of a motor vehicle, or the crime of unlawful taking of a motor
10 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
11 degree crime of eluding in violation of subsection b. of
12 N.J.S.2C:29-2;

13 (2) An order of incarceration for a term of the duration
14 authorized pursuant to this section or section 25 of P.L.1982, c.77
15 (C.2A:4A-44) which shall include a minimum term of 60 days
16 during which the juvenile shall be ineligible for parole, if the
17 juvenile has been adjudicated delinquent for an act which, if
18 committed by an adult, would constitute the crime of aggravated
19 assault in violation of paragraph (6) of subsection b. of
20 N.J.S.2C:12-1, the second degree crime of eluding in violation of
21 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
22 in which the juvenile has previously been adjudicated delinquent for
23 an act, which if committed by an adult, would constitute unlawful
24 taking of a motor vehicle or theft of a motor vehicle;

25 (3) An order to perform community service pursuant to
26 paragraph (10) of subsection b. of this section for a period of at
27 least 30 days, if the juvenile has been adjudicated delinquent for an
28 act which, if committed by an adult, would constitute the fourth
29 degree crime of unlawful taking of a motor vehicle in violation of
30 subsection b. of N.J.S.2C:20-10;

31 (4) An order of incarceration for a term of the duration
32 authorized pursuant to this section or section 25 of P.L.1982, c.77
33 (C.2A:4A-44) which shall include a minimum term of 30 days
34 during which the juvenile shall be ineligible for parole, if the
35 juvenile has been adjudicated delinquent for an act which, if
36 committed by an adult, would constitute the crime of unlawful
37 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
38 degree crime of eluding in violation of subsection b. of
39 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
40 delinquent for an act which, if committed by an adult, would
41 constitute either theft of a motor vehicle, the unlawful taking of a
42 motor vehicle or eluding.

43 f. (1) The minimum terms of incarceration required pursuant
44 to subsection e. of this section shall be imposed regardless of the
45 weight or balance of factors set forth in this section or in section 25
46 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
47 those factors shall determine the length of the term of incarceration

1 appropriate, if any, beyond any mandatory minimum term required
2 pursuant to subsection e. of this section.

3 (2) When a court in a county that does not have a juvenile
4 detention facility or a contractual relationship permitting
5 incarceration pursuant to subsection c. of this section is required to
6 impose a term of incarceration pursuant to subsection e. of this
7 section, the court may, subject to limitations on commitment to
8 State correctional facilities of juveniles who are under the age of 11
9 or developmentally disabled, set a term of incarceration consistent
10 with subsection c. which shall be served in a State correctional
11 facility. When a juvenile who because of age or developmental
12 disability cannot be committed to a State correctional facility or
13 cannot be incarcerated in a county facility, the court shall order a
14 disposition appropriate as an alternative to any incarceration
15 required pursuant to subsection e.

16 (3) For purposes of subsection e. of this section, in the event
17 that a "boot camp" program for juvenile offenders should be
18 developed and is available, a term of commitment to such a
19 program shall be considered a term of incarceration.

20 g. Whenever the court imposes a disposition upon an
21 adjudicated delinquent which requires the juvenile to perform a
22 community service, restitution, or to participate in any other
23 program provided for in this section, the order shall include
24 provisions which provide balanced attention to the protection of the
25 community, accountability for offenses committed, fostering
26 interaction and dialogue between the offender, victim and
27 community and the development of competencies to enable the
28 child to become a responsible and productive member of the
29 community.³

30 (cf: P.L.2012, c.16, s.1)

31

32 ²[~~2.~~] ³[~~1.2~~] 2.³ Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is
33 amended to read as follows:

34 3. a. If the child support arrearage equals or exceeds the
35 amount of child support payable for six months or court-ordered
36 health care coverage for the child is not provided for six months, or
37 the obligor fails to respond to a subpoena relating to a paternity or
38 child support action, or a child support-related warrant exists, and
39 the obligor is found to possess a license in the State and all
40 appropriate enforcement methods to collect the child support
41 arrearage have been exhausted, the Probation Division shall send a
42 written notice to the obligor, by certified and regular mail, return
43 receipt requested, at the obligor's last-known address or place of
44 business or employment, advising the obligor that the obligor's
45 license may be revoked or suspended unless, within 30 days of the
46 postmark date of the notice, the obligor pays the full amount of the
47 child support arrearage, or provides proof that health care coverage

1 for the child has been obtained, or responds to a subpoena, or makes
2 a written request for a court hearing to the Probation Division.
3 **【The obligor's driver's license shall be suspended by operation of**
4 **law upon the issuance of a child support-related warrant.】** If a child
5 support- related warrant for the obligor exists, the professional,
6 occupational, recreational or sporting license revocation or
7 suspension shall be terminated if the obligor pays the full amount of
8 the child support arrearage, provides proof that health care coverage
9 for the child has been obtained as required by the court order, or
10 surrenders to the county sheriff or the Probation Division.

11 b. If the obligor fails to take one of the actions in subsection a.
12 of this section within 30 days of the postmark date of the notice and
13 there is proof that service on the obligor was effective, the
14 Probation Division shall file a certification with the court setting
15 forth the obligor's non-compliance with the support order and the
16 obligor's failure to respond to the written notice of the potential
17 license suspension or revocation. If, based on the papers filed by
18 the Probation Division, the court is satisfied that service on the
19 obligor was effective as set forth in this section, it shall without
20 need for further due process or hearing, enter a court order
21 suspending or revoking all licenses held by the obligor. Upon the
22 entry of the order, the Probation Division shall forward a copy to
23 the obligor and all appropriate licensing authorities.

24 For the purposes of this section, the court may deem procedural
25 due process requirements for notice and service of process to be met
26 with respect to a party thereto upon delivery of written notice to the
27 most recent residential or employer address filed with the Probation
28 Division for that party. If a party fails to respond to a notice and no
29 proof is available that the party received the notice, the Probation
30 Division shall document to the court that it has made a diligent
31 effort to locate the party by making inquiries that may include, but
32 are not limited to: the United States Postal Service, the Division of
33 Motor Vehicles in the Department of Transportation, the Division
34 of Taxation in the Department of the Treasury and the Departments
35 of Labor and Corrections. The Probation Division shall provide an
36 affidavit to the court presenting such documentation of its diligent
37 effort, which certifies its inability to locate the party, before any
38 adverse action is taken based upon the party's failure to respond to
39 the notice.

40 c. If the obligor requests a hearing, the Probation Division shall
41 file a petition for a judicial hearing in accordance with section 5 of
42 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
43 days of the obligor's request. If, at or prior to the hearing, the
44 obligor pays the full amount of the child support arrearage or
45 provides health care coverage as ordered, or responds to the
46 subpoena or surrenders to the county sheriff or the Probation
47 Division, the license revocation process shall be terminated. No

1 license revocation action shall be initiated if the Probation Division
2 has received notice that the obligor has pending a motion to modify
3 the child support order if that motion was filed prior to the date that
4 the notice of the license suspension or revocation was sent by the
5 Probation Division. The court shall consider the Probation
6 Division's petition to revoke or suspend a license in accordance
7 with section 5 of P.L.1996, c.7 (C.2A:17-56.43).
8 (cf: P.L.1998, c.1, s.28)

9
10 ²~~3.~~ ³~~2.~~ ³~~3.~~ Section 1 of P.L.1991, c.83 (C.2C:20-2.1) is
11 amended to read as follows:

12 1. a. In addition to any other disposition authorized by law, a
13 person convicted under the provisions of this chapter of theft or
14 unlawful taking of a motor vehicle shall be subject:

15 (1) For the first offense, to a penalty of ~~【\$500.00 and to the~~
16 ~~suspension or postponement of the person's license to operate a motor~~
17 ~~vehicle over the highways of this State for a period of one year.】~~ \$500,
18 and the court, in its discretion, may suspend, revoke, or postpone the
19 person's driving privileges for a period not to exceed one year;

20 (2) For a second offense, to a penalty of ~~【\$750.00 and to the~~
21 ~~suspension or postponement of the person's license to operate a motor~~
22 ~~vehicle over the highways of this State for a period of two years.】~~
23 \$750, and the court, in its discretion, may suspend, revoke, or postpone
24 the person's driving privileges for a period not to exceed two years;
25 and

26 (3) For a third or subsequent offense, to a penalty of ~~【\$1,000.00,~~
27 ~~and to the suspension or postponement of the person's license to~~
28 ~~operate a motor vehicle over the highways of this State for 10 years】~~
29 \$1,000, and the court, in its discretion, may suspend, revoke, or
30 postpone the person's driving privileges for a period not to exceed 10
31 years.

32 In deciding the duration of ¹【the】 any¹ suspension, revocation, or
33 postponement of the person's driving privileges pursuant to paragraphs
34 (1), (2), and (3) of this subsection, the court shall consider the
35 circumstances of the theft or unlawful taking of the motor vehicle and
36 whether the loss of driving privileges will result in extreme hardship
37 and alternative means of transportation are not ¹readily¹ available.

38 b. The suspension or postponement of the person's license to
39 operate a motor vehicle pursuant to subsection a. of this section shall
40 commence on the day the sentence is imposed. In the case of any
41 person who at the time of the imposition of sentence is less than 17
42 years of age, the period of the suspension of driving privileges
43 authorized ~~【herein】 pursuant to this section,~~ including a suspension of
44 the privilege of operating a motorized bicycle, shall commence on the
45 day the sentence is imposed and shall run for a period as fixed by the
46 court ~~【of】~~ not to exceed one year for a first offense, two years for a

1 second offense, or 10 years for a third offense calculated from the day
2 after the day the person reaches the age of 17 years. If the driving
3 privilege of any person is under revocation, suspension, or
4 postponement for a violation of any provision of this Title or Title 39
5 of the Revised Statutes at the time of any conviction or adjudication of
6 delinquency for a violation of any offense defined in this chapter or
7 chapter 36 of this Title, the revocation, suspension, or postponement
8 period imposed **[herein]** pursuant to this section shall commence as of
9 the date of termination of the existing revocation, suspension, or
10 postponement.

11 Upon conviction the court shall collect forthwith the New Jersey
12 driver's licenses of the person and forward **[such]** the license or
13 licenses to the **[Director]** Chief Administrator of the **[Division of**
14 Motor Vehicles] New Jersey Motor Vehicle Commission along with a
15 report indicating the first and last day of the suspension or
16 postponement period imposed by the court pursuant to this section. If
17 the court is for any reason unable to collect the license or licenses of
18 the person, the court shall **[cause]** forward a report of the conviction
19 or adjudication of delinquency to be filed with the **[director]** chief
20 administrator. That report shall include the complete name, address,
21 date of birth, eye color, and sex of the person and shall indicate the
22 first and last day of the suspension or postponement period imposed by
23 the court pursuant to this section. The court shall inform the person
24 orally and in writing that if the person is convicted of personally
25 operating a motor vehicle during the period of license suspension or
26 postponement imposed pursuant to this section the person shall, upon
27 conviction, be subject to the penalties set forth in R.S.39:3-40. A
28 person shall be required to acknowledge receipt of the written notice in
29 writing. Failure to receive a written notice or failure to acknowledge in
30 writing the receipt of a written notice shall not be a defense to a
31 subsequent charge of a violation of R.S.39:3-40. If the person is the
32 holder of a driver's license from another jurisdiction, the court shall
33 not collect the license but shall notify the director who shall notify the
34 appropriate officials in the licensing jurisdiction. The court shall,
35 however, in accordance with the provisions of this section, revoke the
36 person's non-resident driving privileges in this State.

37 c. All penalties provided for in this section shall be collected as
38 provided for the collection of fines and restitutions in section 3 of
39 P.L.1979, c.396 (C.2C:46-4), and shall be distributed in accordance
40 with the provisions of N.J.S.2C:64-6 as if the collected monies were
41 the proceeds of property forfeited pursuant to the provisions of chapter
42 64. However, the distributed monies are to be used for law
43 enforcement activities related to auto theft.

44 (cf: P.L.1993, c.219, s.4)

45

46 ²**[4.]** ³**[3.]** ²**4.** ³ Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is
47 amended to read as follows:

- 1 1. a. A person who knowingly sells, offers or exposes for sale, or
2 otherwise transfers, or possesses with the intent to sell, offer or expose
3 for sale, or otherwise transfer, a document, printed form or other
4 writing which falsely purports to be a driver's license, birth certificate
5 or other document issued by a governmental agency and which could
6 be used as a means of verifying a person's identity or age or any other
7 personal identifying information is guilty of a crime of the second
8 degree.
- 9 b. A person who knowingly makes, or possesses devices or
10 materials to make, a document or other writing which falsely purports
11 to be a driver's license, birth certificate or other document issued by a
12 governmental agency and which could be used as a means of verifying
13 a person's identity or age or any other personal identifying information
14 is guilty of a crime of the second degree.
- 15 c. A person who knowingly exhibits, displays or utters a
16 document or other writing which falsely purports to be a driver's
17 license, birth certificate or other document issued by a governmental
18 agency and which could be used as a means of verifying a person's
19 identity or age or any other personal identifying information is guilty
20 of a crime of the third degree. A violation of N.J.S.2C:28-7,
21 constituting a disorderly persons offense, section 1 of P.L.1979, c.264
22 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-
23 81.7) in a case where the person uses the personal identifying
24 information of another to illegally purchase an alcoholic beverage or
25 for using the personal identifying information of another to
26 misrepresent his age for the purpose of obtaining tobacco or other
27 consumer product denied to persons under 18 years of age shall not
28 constitute an offense under this subsection if the actor received only
29 that benefit or service and did not perpetrate or attempt to perpetrate
30 any additional injury or fraud on another.
- 31 d. A person who knowingly possesses a document or other
32 writing which falsely purports to be a driver's license, birth certificate
33 or other document issued by a governmental agency and which could
34 be used as a means of verifying a person's identity or age or any other
35 personal identifying information is guilty of a crime of the fourth
36 degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons
37 offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or
38 section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person
39 uses the personal identifying information of another to illegally
40 purchase an alcoholic beverage or for using the personal identifying
41 information of another to misrepresent his age for the purpose of
42 obtaining tobacco or other consumer product denied to persons under
43 18 years of age shall not constitute an offense under this subsection if
44 the actor received only that benefit or service and did not perpetrate or
45 attempt to perpetrate any additional injury or fraud on another.
- 46 e. In addition to any other disposition authorized by this Title, the
47 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other

1 statute indicating the dispositions that may be ordered for an
2 adjudication of delinquency, and, notwithstanding the provisions of
3 subsection c. of N.J.S.2C:43-2, **[every]** the court, in its discretion,
4 may postpone, suspend, or revoke for a period of not ¹**[less than six**
5 **months or]**¹ more than two years the driver's license of any person
6 convicted of or adjudicated delinquent for a violation of any offense
7 defined in this section **[shall forthwith forfeit his right to operate a**
8 motor vehicle over the highways of this State for a period to be fixed
9 by the court at not less than six months or more than two years
10 which]. In deciding the duration of ¹**[the]** any¹ suspension,
11 revocation, or postponement of the person's driving privileges for a
12 violation of this section, the court shall consider the circumstances of
13 the violation, and whether the loss of driving privileges will result in
14 extreme hardship and alternative means of transportation are not
15 ¹readily¹ available. The suspension, revocation, or postponement shall
16 commence on the day the sentence is imposed. In the case of any
17 person who at the time of the imposition of the sentence is less than 17
18 years of age, the period of the suspension of driving privileges
19 authorized **[herein]** pursuant to this subsection, including a suspension
20 of the privilege of operating a motorized bicycle, shall commence on
21 the day the sentence is imposed and shall run for a period as fixed by
22 the court of not **[less than six months or]** more than two years after the
23 day the person reaches the age of 17 years. If the driving privilege of
24 any person is under revocation, suspension, or postponement for a
25 violation of any provision of this Title or Title 39 of the Revised
26 Statutes at the time of any conviction or adjudication of delinquency
27 for a violation of any offense defined in this chapter or chapter 36 of
28 this Title, the revocation, suspension, or postponement period imposed
29 **[herein]** pursuant to this subsection shall commence as of the date of
30 termination of the existing revocation, suspension, or postponement.

31 The court **[before whom]** postponing, suspending, or revoking the
32 driver's license of any person [is] convicted of or adjudicated
33 delinquent for a violation of any offense defined in this section shall
34 collect forthwith the New Jersey driver's license or licenses of that
35 person and forward the license or licenses to the Chief Administrator
36 of the New Jersey Motor Vehicle Commission along with a report
37 indicating the first and last day of the suspension or postponement
38 period imposed by the court pursuant to this section. If the court is for
39 any reason unable to collect the license or licenses of the person, the
40 court shall **[cause]** forward a report of the conviction or adjudication
41 of delinquency to be filed with the **[director]** chief administrator. The
42 report shall include the complete name, address, date of birth, eye
43 color, and sex of the person and shall indicate the first and last day of
44 the suspension or postponement period imposed by the court pursuant
45 to this section. The court shall inform the person orally and in writing
46 that if the person is convicted of personally operating a motor vehicle

1 during the period of license suspension or postponement imposed
2 pursuant to this section, the person shall, upon conviction, be subject
3 to the penalties set forth in R.S.39:3-40. A person shall be required to
4 acknowledge receipt of the written notice in writing. Failure to receive
5 a written notice or failure to acknowledge in writing the receipt of a
6 written notice shall not be a defense to a subsequent charge of a
7 violation of R.S.39:3-40. If the person is the holder of a driver's
8 license from another jurisdiction, the court shall not collect the license,
9 but shall notify forthwith the **[director]** chief administrator who shall
10 notify the appropriate officials in that licensing jurisdiction. The court
11 shall, however, in accordance with the provisions of this section,
12 revoke the person's non-resident driving privileges in this State.

13 In addition to any other condition imposed, a court, in its
14 discretion, may suspend, revoke, or postpone the driving privileges of
15 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
16 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
17 (cf: P.L.2005, c.224, s.1)

18

19 ²[5. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to
20 read as follows:

21 1. a. Any person under the legal age to purchase alcoholic
22 beverages who knowingly possesses without legal authority or who
23 knowingly consumes any alcoholic beverage in any school, public
24 conveyance, public place, or place of public assembly, or motor
25 vehicle, is guilty of a disorderly persons offense, and shall be fined
26 not less than \$500.

27 b. **[**Whenever this offense is committed in a motor vehicle, the
28 court shall, in addition to the sentence authorized for the offense,
29 suspend or postpone for six months the driving privilege of the
30 defendant. Upon the conviction of any person under this section,
31 the court shall forward a report to the New Jersey Motor Vehicle
32 Commission stating the first and last day of the suspension or
33 postponement period imposed by the court pursuant to this section.
34 If a person at the time of the imposition of a sentence is less than 17
35 years of age, the period of license postponement, including a
36 suspension or postponement of the privilege of operating a
37 motorized bicycle, shall commence on the day the sentence is
38 imposed and shall run for a period of six months after the person
39 reaches the age of 17 years.

40 If a person at the time of the imposition of a sentence has a valid
41 driver's license issued by this State, the court shall immediately
42 collect the license and forward it to the commission along with the
43 report. If for any reason the license cannot be collected, the court
44 shall include in the report the complete name, address, date of birth,
45 eye color, and sex of the person as well as the first and last date of
46 the license suspension period imposed by the court.

1 The court shall inform the person orally and in writing that if the
2 person is convicted of operating a motor vehicle during the period
3 of license suspension or postponement, the person shall be subject
4 to the penalties set forth in R.S.39:3-40. A person shall be required
5 to acknowledge receipt of the written notice in writing. Failure to
6 receive a written notice or failure to acknowledge in writing the
7 receipt of a written notice shall not be a defense to a subsequent
8 charge of a violation of R.S.39:3-40.

9 If the person convicted under this section is not a New Jersey
10 resident, the court shall suspend or postpone, as appropriate, the
11 non-resident driving privilege of the person based on the age of the
12 person and submit to the commission the required report. The court
13 shall not collect the license of a non-resident convicted under this
14 section. Upon receipt of a report by the court, the commission shall
15 notify the appropriate officials in the licensing jurisdiction of the
16 suspension or postponement. **】 Deleted by amendment, P.L. , c.)**
17 (pending before the Legislature as this bill)

18 c. In addition to the general penalty prescribed for a disorderly
19 persons offense, the court may require any person who violates this
20 act to participate in an alcohol education or treatment program,
21 authorized by the Division of Mental Health and Addiction Services
22 in the Department of Human Services, for a period not to exceed the
23 maximum period of confinement prescribed by law for the offense
24 for which the individual has been convicted.

25 d. Nothing in this act shall apply to possession of alcoholic
26 beverages by **【any such】** an underage person while actually
27 engaged in the performance of employment pursuant to an
28 employment permit issued by the Director of the Division of
29 Alcoholic Beverage Control, or for a bona fide hotel or restaurant,
30 in accordance with the provisions of R.S.33:1-26, or while actively
31 engaged in the preparation of food while enrolled in a culinary arts
32 or hotel management program at a county vocational school or post
33 secondary educational institution.

34 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-
35 81.1a) shall apply to a parent, guardian, or other person with legal
36 custody of a person under 18 years of age who is found to be in
37 violation of this section.

38 f. An underage person and one or two other persons shall be
39 immune from prosecution under this section if:

40 (1) one of the underage persons called 9-1-1 and reported that
41 another underage person was in need of medical assistance due to
42 alcohol consumption;

43 (2) the underage person who called 9-1-1 and, if applicable, one
44 or two other persons acting in concert with the underage person
45 who called 9-1-1 provided each of their names to the 9-1-1
46 operator;

1 (3) the underage person was the first person to make the 9-1-1
2 report; and

3 (4) the underage person and, if applicable, one or two other
4 persons acting in concert with the underage person who made the 9-
5 1-1 call remained on the scene with the person under the legal age
6 in need of medical assistance until assistance arrived and
7 cooperated with medical assistance and law enforcement personnel
8 on the scene.

9 The underage person who received medical assistance also shall
10 be immune from prosecution under this section.

11 g. For purposes of this section, an alcoholic beverage includes
12 powdered alcohol as defined by R.S.33:1-1.

13 (cf: P.L.2015, c.137, s.3)]²

14

15 ²[6. N.J.S.2C:34-1 is amended to read as follows:

16 2C:34-1. a. As used in this section:

17 (1) "Prostitution" is sexual activity with another person in
18 exchange for something of economic value, or the offer or acceptance
19 of an offer to engage in sexual activity in exchange for something of
20 economic value.

21 (2) "Sexual activity" includes, but is not limited to, sexual
22 intercourse, including genital-genital, oral-genital, anal-genital, and
23 oral-anal contact, whether between persons of the same or opposite
24 sex; masturbation; touching of the genitals, buttocks, or female
25 breasts; sadistic or masochistic abuse and other deviate sexual
26 relations.

27 (3) "House of prostitution" is any place where prostitution or
28 promotion of prostitution is regularly carried on by one person under
29 the control, management or supervision of another.

30 (4) "Promoting prostitution" is:

31 (a) Owning, controlling, managing, supervising or otherwise
32 keeping, alone or in association with another, a house of prostitution or
33 a prostitution business;

34 (b) Procuring an inmate for a house of prostitution or place in a
35 house of prostitution for one who would be an inmate;

36 (c) Encouraging, inducing, or otherwise purposely causing another
37 to become or remain a prostitute;

38 (d) Soliciting a person to patronize a prostitute;

39 (e) Procuring a prostitute for a patron;

40 (f) Transporting a person into or within this State with purpose to
41 promote that person's engaging in prostitution, or procuring or paying
42 for transportation with that purpose; or

43 (g) Knowingly leasing or otherwise permitting a place controlled
44 by the actor, alone or in association with others, to be regularly used
45 for prostitution or promotion of prostitution, or failure to make a
46 reasonable effort to abate such use by ejecting the tenant, notifying law
47 enforcement authorities, or other legally available means.

- 1 b. A person commits an offense if:
- 2 (1) The actor engages in prostitution as a patron;
- 3 (2) The actor promotes prostitution;
- 4 (3) The actor knowingly promotes prostitution of a child under 18
5 whether or not the actor mistakenly believed that the child was 18
6 years of age or older, even if such mistaken belief was reasonable;
- 7 (4) The actor knowingly promotes prostitution of the actor's child,
8 ward, or any other person for whose care the actor is responsible;
- 9 (5) The actor compels another to engage in or promote
10 prostitution;
- 11 (6) The actor promotes prostitution of the actor's spouse;
- 12 (7) The actor knowingly engages in prostitution with a person
13 under the age of 18, or if the actor enters into or remains in a house of
14 prostitution for the purpose of engaging in sexual activity with a child
15 under the age of 18, or if the actor solicits or requests a child under the
16 age of 18 to engage in sexual activity. It shall be no defense to a
17 prosecution under this paragraph that the actor mistakenly believed
18 that the child was 18 years of age or older, even if such mistaken belief
19 was reasonable; or
- 20 (8) The actor engages in prostitution by personally offering sexual
21 activity in exchange for something of economic value.
- 22 c. Grading of offenses under subsection b.
- 23 (1) An offense under subsection b. constitutes a crime of the first
24 degree if the offense falls within paragraph (3) or (4) of that
25 subsection.
- 26 (2) An offense under subsection b. constitutes a crime of the
27 second degree if the offense falls within paragraph (7) of that
28 subsection.
- 29 (3) An offense under subsection b. constitutes a crime of the third
30 degree if the offense falls within paragraph (5) or (6) of that
31 subsection.
- 32 (4) An offense under paragraph (2) of subsection b. constitutes a
33 crime of the third degree if the conduct falls within subparagraph (a),
34 (b), (c), (f), or (g) of paragraph (4) of subsection a. Otherwise the
35 offense is a crime of the fourth degree.
- 36 (5) An offense under subsection b. constitutes a disorderly persons
37 offense if the offense falls within paragraph (1) of that subsection
38 except that a second or third conviction for such an offense constitutes
39 a crime of the fourth degree, and a fourth or subsequent conviction for
40 such an offense constitutes a crime of the third degree. **I**n addition,
41 where a motor vehicle was used in the commission of any offense
42 under paragraph (1) of subsection b. the court shall suspend for six
43 months the driving privilege of any such offender who has a valid
44 driver's license issued by this State. Upon conviction, the court shall
45 immediately collect the offender's driver's license and shall forward it,
46 along with a report stating the first and last day of the suspension
47 imposed pursuant to this paragraph, to the New Jersey Motor Vehicle

1 Commission.】 ¹In addition, if a motor vehicle was used in the
2 commission of any offense under paragraph (1) of subsection b. the
3 court, in its discretion, may suspend, revoke, or postpone for up to six
4 months the driving privilege of any offender who has a valid driver's
5 license issued by this State. In deciding the duration of any
6 suspension, revocation, or postponement of the person's driving
7 privileges, the court shall consider the circumstances of the offense
8 and whether the loss of driving privileges will result in extreme
9 hardship and alternative means of transportation are not readily
10 available.¹

11 (6) An offense under subsection b. constitutes a disorderly persons
12 offense if the offense falls within paragraph (8) of that subsection,
13 except that a second or subsequent conviction for such an offense
14 constitutes a crime of the fourth degree.

15 d. Presumption from living off prostitutes. A person, other than
16 the prostitute or the prostitute's minor child or other legal dependent
17 incapable of self-support, who is supported in whole or substantial part
18 by the proceeds of prostitution is presumed to be knowingly promoting
19 prostitution.

20 e. It is an affirmative defense to prosecution for a violation of this
21 section that, during the time of the alleged commission of the offense,
22 the defendant was a victim of human trafficking pursuant to section 1
23 of P.L.2005, c.77 (C.2C:13-8) or compelled by another to engage in
24 sexual activity, regardless of the defendant's age.

25 f. (1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon a
26 person by a municipal court for a conviction of a disorderly persons
27 offense under this section shall be collected, notwithstanding the
28 procedures for the collection of fines and restitutions in section 3 of
29 P.L.1979, c.396 (C.2C:46-4), by the municipal court administrator and
30 paid into the municipal treasury of the municipality in which the
31 offense was committed.

32 (2) In addition to any fine, fee, assessment, or penalty authorized
33 under the provisions of Title 2C of the New Jersey Statutes, a person
34 convicted of an offense of prostitution or related offense under
35 paragraph (2), (3), (4), (5), (6), or (7) of subsection b. shall be assessed
36 a penalty of at least \$10,000 but not more than \$50,000, except if the
37 offense involved promotion of the prostitution of a child under the age
38 of 18, the penalty shall be at least \$25,000. All penalties provided for
39 in this subsection, collected as provided for the collection of fines and
40 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be
41 forwarded to the Department of the Treasury to be deposited in the
42 "Human Trafficking Survivor's Assistance Fund" established by
43 section 2 of P.L.2013, c.51 (C.52:17B-238).

44 (cf: P.L.2013, c.51, s.9)】²

45

46 ²[^{7.}】³[^{4.}²】⁴[^{5.}³ N.J.S.2C:35-16 is amended to read as

47 follows:

1 2C:35-16. a. In addition to any disposition authorized by this
2 title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43),
3 or any other statute indicating the dispositions that can be ordered
4 for an adjudication of delinquency, and notwithstanding the
5 provisions of subsection c. of N.J.S.2C:43-2, a person convicted of
6 or adjudicated delinquent for a violation of any offense defined in
7 this chapter ², except a person who violates the provisions of
8 N.J.S.2C:35-10,² or chapter 36 of this title shall forthwith forfeit
9 **【his】** the right to operate a motor vehicle over the highways of this
10 State for a period **【to be fixed by the court at not less than】** of six
11 months **【or more than two years】** which shall commence on the day
12 the sentence is imposed unless the court finds compelling
13 circumstances warranting an exception. For the purposes of this
14 section, compelling circumstances warranting an exception exist if
15 the forfeiture of the person's right to operate a motor vehicle over
16 the highways of this State will result in extreme hardship and
17 alternative means of transportation are not available. In the case of
18 a person who at the time of the imposition of sentence is less than
19 17 years of age, the period of any suspension of driving privileges
20 authorized **【herein】** pursuant to this section, including a suspension
21 of the privilege of operating a motorized bicycle, shall commence
22 on the day the sentence is imposed and shall run for a period as
23 fixed by the court of not less than six months or more than two
24 years after the day the person reaches the age of 17 years. If the
25 driving privilege of any person is under revocation, suspension, or
26 postponement for a violation of any provision of this title or Title
27 39 of the Revised Statutes at the time of any conviction or
28 adjudication of delinquency for a violation of any offense defined in
29 this chapter ², except a person who violates the provisions of
30 N.J.S.2C:35-10,² or chapter 36 of this title, any revocation,
31 suspension, or postponement period imposed **【herein】** pursuant to
32 this section shall commence as of the date of termination of the
33 existing revocation, suspension, or postponement.

34 b. If forfeiture or postponement of driving privileges is ordered
35 by the court pursuant to subsection a. of this section, the court shall
36 collect forthwith the New Jersey driver's license or licenses of the
37 person and forward such license or licenses to the Chief
38 Administrator of the New Jersey Motor Vehicle Commission along
39 with a report indicating the first and last day of the suspension or
40 postponement period imposed by the court pursuant to this section.
41 If the court is for any reason unable to collect the license or licenses
42 of the person, the court shall cause a report of the conviction or
43 adjudication of delinquency to be filed with the Chief
44 Administrator. That report shall include the complete name,
45 address, date of birth, eye color, and sex of the person and shall
46 indicate the first and last day of the suspension or postponement
47 period imposed by the court pursuant to this section. The court shall

1 inform the person orally and in writing that if the person is
2 convicted of personally operating a motor vehicle during the period
3 of license suspension or postponement imposed pursuant to this
4 section, the person shall, upon conviction, be subject to the
5 penalties set forth in R.S.39:3-40. A person shall be required to
6 acknowledge receipt of the written notice in writing. Failure to
7 receive a written notice or failure to acknowledge in writing the
8 receipt of a written notice shall not be a defense to a subsequent
9 charge of a violation of R.S.39:3-40. If the person is the holder of a
10 driver's license from another jurisdiction, the court shall not collect
11 the license but shall notify forthwith the Chief Administrator who
12 shall notify the appropriate officials in the licensing jurisdiction.
13 The court shall, however, in accordance with the provisions of this
14 section, revoke the person's non-resident driving privilege in this
15 State.

16 c. **【In addition to any other condition imposed, a court may in
17 its discretion suspend, revoke or postpone in accordance with the
18 provisions of this section the driving privileges of a person admitted
19 to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12
20 without a plea of guilty or finding of guilt.】** (Deleted by
21 amendment, P.L. , c.) (pending before the Legislature as this
22 bill)

23 d. **【After sentencing and upon notice to the prosecutor, a
24 person subject to suspension or postponement of driving privileges
25 under this section may seek revocation of the remaining portion of
26 any suspension or postponement based on compelling
27 circumstances warranting an exception that were not raised at the
28 time of sentencing. The court may revoke the suspension or
29 postponement if it finds compelling circumstances.】** (Deleted by
30 amendment, P.L. , c.) (pending before the Legislature as this
31 bill)

32 (cf: P.L.2008, c.84, s.2)】⁴

33
34 ²**【8.】** ³**【5.2】** ⁴**【6.3】** ⁵**【5.4】** N.J.S.2C:36A-1 is amended to read as
35 follows:

36 2C:36A-1. Conditional discharge for certain first offenses.

37 a. Whenever any person who has not previously been convicted
38 of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or
39 a disorderly persons or petty disorderly persons offense defined in
40 chapter 35 or 36 of this title or, subsequent to the effective date of
41 this title, under any law of the United States, this State or any other
42 state relating to marijuana, or stimulant, depressant, or
43 hallucinogenic drugs, and who has not previously participated in a
44 program of supervisory treatment pursuant to N.J.S.2C:43-12 or
45 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
46 al.), or a Veterans Diversion Program pursuant to P.L.2017, c.42
47 (C.2C:43-23 et al.), is charged with or convicted of any disorderly

1 persons offense or petty disorderly persons offense under chapter 35
2 or 36 of this title, the court upon notice to the prosecutor and
3 subject to subsection c. of this section, may on motion of the
4 defendant or the court:

5 (1) Suspend further proceedings and with the consent of the
6 person after reference to the State Bureau of Identification criminal
7 history record information files, place him under supervisory
8 treatment upon such reasonable terms and conditions as it may
9 require; or

10 (2) After a plea of guilty or finding of guilty, and without
11 entering a judgment of conviction, and with the consent of the
12 person after proper reference to the State Bureau of Identification
13 criminal history record information files, place him on supervisory
14 treatment upon reasonable terms and conditions as it may require,
15 or as otherwise provided by law.

16 b. In no event shall the court require as a term or condition of
17 supervisory treatment under this section, referral to any residential
18 treatment facility for a period exceeding the maximum period of
19 confinement prescribed by law for the offense for which the
20 individual has been charged or convicted, nor shall any term of
21 supervisory treatment imposed under this subsection exceed a
22 period of three years. [If a person is placed under supervisory
23 treatment under this section after a plea of guilty or finding of guilt,
24 the court as a term and condition of supervisory treatment shall
25 suspend the person's driving privileges for a period to be fixed by
26 the court at not less than six months or more than two years unless
27 the court finds compelling circumstances warranting an exception.
28 For the purposes of this subsection, compelling circumstances
29 warranting an exception exist if the suspension of the person's
30 driving privileges will result in extreme hardship and alternative
31 means of transportation are not available. In the case of a person
32 who at the time of placement under supervisory treatment under this
33 section is less than 17 years of age, the period of suspension of
34 driving privileges authorized herein, including a suspension of the
35 privilege of operating a motorized bicycle, shall commence on the
36 day the person is placed on supervisory treatment and shall run for a
37 period as fixed by the court of not less than six months or more than
38 two years after the day the person reaches the age of 17 years.

39 If the driving privilege of a person is under revocation,
40 suspension, or postponement for a violation of this title or Title 39
41 of the Revised Statutes at the time of the person's placement on
42 supervisory treatment under this section, the revocation, suspension
43 or postponement period imposed herein shall commence as of the
44 date of the termination of the existing revocation, suspension or
45 postponement. The court which places a person on supervisory
46 treatment under this section shall collect and forward the person's
47 driver's license to the New Jersey Motor Vehicle Commission and

1 file an appropriate report with the commission in accordance with
2 the procedure set forth in N.J.S.2C:35-16. The court shall also
3 inform the person of the penalties for operating a motor vehicle
4 during the period of license suspension or postponement as required
5 in N.J.S.2C:35-16.】

6 Upon violation of a term or condition of supervisory treatment
7 the court may enter a judgment of conviction and proceed as
8 otherwise provided, or where there has been no plea of guilty or
9 finding of guilty, resume proceedings. Upon fulfillment of the terms
10 and conditions of supervisory treatment the court shall terminate the
11 supervisory treatment and dismiss the proceedings against him.
12 Termination of supervisory treatment and dismissal under this
13 section shall be without court adjudication of guilt and shall not be
14 deemed a conviction for purposes of disqualifications or
15 disabilities, if any, imposed by law upon conviction of a crime or
16 disorderly persons offense but shall be reported by the clerk of the
17 court to the State Bureau of Identification criminal history record
18 information files. Termination of supervisory treatment and
19 dismissal under this section may occur only once with respect to
20 any person. Imposition of supervisory treatment under this section
21 shall not be deemed a conviction for the purposes of determining
22 whether a second or subsequent offense has occurred under section
23 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
24 any law of this State.

25 c. Proceedings under this section shall not be available to any
26 defendant unless the court in its discretion concludes that:

27 (1) The defendant's continued presence in the community, or in
28 a civil treatment center or program, will not pose a danger to the
29 community; or

30 (2) That the terms and conditions of supervisory treatment will
31 be adequate to protect the public and will benefit the defendant by
32 serving to correct any dependence on or use of controlled
33 substances which he may manifest; and

34 (3) The person has not previously received supervisory
35 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
36 N.J.S.2C:43-12, or the provisions of this chapter.

37 d. A person seeking conditional discharge pursuant to this
38 section shall pay to the court a fee of \$75 which shall be paid to the
39 Treasurer of the State of New Jersey for deposit in the General
40 Fund. The defendant shall also be required to pay restitution, costs
41 and other assessments as provided by law. A person may apply for a
42 waiver of this fee, by reason of poverty, pursuant to the Rules
43 Governing the Courts of the State of New Jersey, or the court may
44 permit the defendant to pay the conditional discharge fee and other
45 assessments in installments or may order other alternatives pursuant
46 to section 1 of P.L.2009, c.317 (C.2B:12-23.1).

47 (cf: P.L.2017, c.42. s.9)

1 ¹9. N.J.S.2C:43-2 is amended to read as follows:

2 2C:43-2 a. Except as otherwise provided by this code, all
3 persons convicted of an offense or offenses shall be sentenced in
4 accordance with this chapter.

5 b. Except as provided in subsection a. of this section and
6 subject to the applicable provisions of the code, the court may
7 suspend the imposition of sentence on a person who has been
8 convicted of an offense, or may sentence him as follows:

9 (1) To pay a fine or make restitution authorized by N.J.S.2C:43-
10 3 or P.L.1997, c.253 (C.2C:43-3.4 et al.); or

11 (2) Except as provided in subsection g. of this section, to be
12 placed on probation and, in the case of a person convicted of a
13 crime, to imprisonment for a term fixed by the court not exceeding
14 364 days to be served as a condition of probation, or in the case of a
15 person convicted of a disorderly persons offense, to imprisonment
16 for a term fixed by the court not exceeding 90 days to be served as a
17 condition of probation; or

18 (3) To imprisonment for a term authorized by sections 2C:11-3,
19 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

20 (4) To pay a fine, make restitution and probation, or fine,
21 restitution and imprisonment; or

22 (5) To release under supervision in the community or to require
23 the performance of community-related service; or

24 (6) To a halfway house or other residential facility in the
25 community, including agencies which are not operated by the
26 Department of Human Services; or

27 (7) To imprisonment at night or on weekends with liberty to
28 work or to participate in training or educational programs.

29 c. **【**Instead of or in addition to any disposition made according
30 to this section, the court may postpone, suspend, or revoke for a
31 period not to exceed two years the driver's license, registration
32 certificate, or both of any person convicted of a crime, disorderly
33 persons offense, or petty disorderly persons offense in the course of
34 which a motor vehicle was used. In imposing this disposition and in
35 deciding the duration of the postponement, suspension, or
36 revocation, the court shall consider the severity of the crime or
37 offense and the potential effect of the loss of driving privileges on
38 the person's ability to be rehabilitated. Any postponement,
39 suspension, or revocation shall be imposed consecutively with any
40 custodial sentence.**】** (Deleted by amendment, P.L. _____, c. _____)
41 (pending before the Legislature as this bill)

42 d. This chapter does not deprive the court of any authority
43 conferred by law to decree a forfeiture of property, suspend or
44 cancel a license, remove a person from office, or impose any other
45 civil penalty. Such a judgment or order may be included in the
46 sentence.

1 e. The court shall state on the record the reasons for imposing
2 the sentence, including its findings pursuant to the criteria for
3 withholding or imposing imprisonment or fines under sections
4 2C:44-1 to 2C:44-3, where imprisonment is imposed, consideration
5 of the defendant's eligibility for release under the law governing
6 parole and the factual basis supporting its findings of particular
7 aggravating or mitigating factors affecting sentence.

8 f. The court shall explain the parole laws as they apply to the
9 sentence and shall state:

10 (1) the approximate period of time in years and months the
11 defendant will serve in custody before parole eligibility;

12 (2) the jail credits or the amount of time the defendant has
13 already served;

14 (3) that the defendant may be entitled to good time and work
15 credits; and

16 (4) that the defendant may be eligible for participation in the
17 Intensive Supervision Program.

18 g. Notwithstanding the provisions of paragraph (2) of
19 subsection b. of this section, a court imposing sentence on a
20 defendant who has been convicted of any offense enumerated in
21 subsection a. of section 2 of P.L.1994, c.130 (C.2C:43-6.4) may not
22 sentence the defendant to be placed on probation.

23 (cf: P.L.2003, c.267, s.5)]¹

24
25 ²[^{19.}] ³[^{6.}²] ⁴[^{7.}³] ^{6.}⁴ N.J.S.2C:43-2 is amended to read as
26 follows:

27 2C:43-2. a. Except as otherwise provided by this code, all
28 persons convicted of an offense or offenses shall be sentenced in
29 accordance with this chapter.

30 b. Except as provided in subsection a. of this section and subject
31 to the applicable provisions of the code, the court may suspend the
32 imposition of sentence on a person who has been convicted of an
33 offense, or may sentence him as follows:

34 (1) To pay a fine or make restitution authorized by N.J.S.2C:43-3
35 or P.L.1997, c.253 (C.2C:43-3.4 et al.); or

36 (2) Except as provided in subsection g. of this section, to be placed
37 on probation and, in the case of a person convicted of a crime, to
38 imprisonment for a term fixed by the court not exceeding 364 days to
39 be served as a condition of probation, or in the case of a person
40 convicted of a disorderly persons offense, to imprisonment for a term
41 fixed by the court not exceeding 90 days to be served as a condition of
42 probation; or

43 (3) To imprisonment for a term authorized by sections 2C:11-3,
44 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

45 (4) To pay a fine, make restitution and probation, or fine,
46 restitution and imprisonment; or

- 1 (5) To release under supervision in the community or to require the
2 performance of community-related service; or
- 3 (6) To a halfway house or other residential facility in the
4 community, including agencies which are not operated by the
5 Department of Human Services; or
- 6 (7) To imprisonment at night or on weekends with liberty to work
7 or to participate in training or educational programs.
- 8 c. Instead of or in addition to any disposition made according to
9 this section, the court may postpone, suspend, or revoke for a period
10 not to exceed two years the driver's license, registration certificate, or
11 both of any person convicted of a crime, disorderly persons offense, or
12 petty disorderly persons offense in the course of which a motor vehicle
13 was used. In imposing this disposition and in deciding the duration of
14 the postponement, suspension, or revocation, the court shall consider
15 the **【severity of the crime or offense and the potential effect of the loss**
16 **of driving privileges on the person's ability to be rehabilitated】**
17 circumstances of the violation, and whether the loss of driving
18 privileges will result in extreme hardship and alternative means of
19 transportation are not readily available. Any postponement,
20 suspension, or revocation shall be imposed consecutively with any
21 custodial sentence.
- 22 d. This chapter does not deprive the court of any authority
23 conferred by law to decree a forfeiture of property, suspend or cancel a
24 license, remove a person from office, or impose any other civil
25 penalty. Such a judgment or order may be included in the sentence.
- 26 e. The court shall state on the record the reasons for imposing the
27 sentence, including its findings pursuant to the criteria for withholding
28 or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3,
29 where imprisonment is imposed, consideration of the defendant's
30 eligibility for release under the law governing parole and the factual
31 basis supporting its findings of particular aggravating or mitigating
32 factors affecting sentence.
- 33 f. The court shall explain the parole laws as they apply to the
34 sentence and shall state:
- 35 (1) the approximate period of time in years and months the
36 defendant will serve in custody before parole eligibility;
- 37 (2) the jail credits or the amount of time the defendant has already
38 served;
- 39 (3) that the defendant may be entitled to good time and work
40 credits; and
- 41 (4) that the defendant may be eligible for participation in the
42 Intensive Supervision Program.
- 43 g. Notwithstanding the provisions of paragraph (2) of subsection
44 b. of this section, a court imposing sentence on a defendant who has
45 been convicted of any offense enumerated in subsection a. of section 2
46 of P.L.1994, c.130 (C.2C:43-6.4) may not sentence the defendant to be

1 placed on probation.¹
2 (cf: P.L.2003, c.267, s.5)

3
4 ²[10.] ³[7.2] ⁴[8.3] 7.4 N.J.S.2C:46-2 is amended to read as
5 follows:

6 2C:46-2. a. When a defendant sentenced to pay an assessment
7 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
8 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-
9 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73
10 (C.2C:14-10), monthly probation fee, fine, a penalty imposed
11 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-
12 imposed financial obligations or to make restitution or pay child
13 support or other support or maintenance ordered by a court defaults
14 in the payment thereof or of any installment, upon the motion of the
15 person authorized by law to collect the payment, the motion of the
16 prosecutor, the motion of the victim entitled to payment of
17 restitution, the motion of the Victims of Crime Compensation
18 Office, the motion of the State or county Office of Victim and
19 Witness Advocacy or upon its own motion, the court shall recall
20 ³[him] the defendant³, or issue a summons or a warrant of arrest
21 for ³[him] the defendant's³ appearance. The court shall afford the
22 person notice and an opportunity to be heard on the issue of default.
23 Failure to make any payment when due shall be considered a
24 default. The standard of proof shall be by a preponderance of the
25 evidence, and the burden of establishing good cause for a default
26 shall be on the person who has defaulted.

27 (1) **[If the court finds that the person has defaulted without good**
28 **cause, the court shall:**

29 (a) Order the suspension of the driver's license or the
30 nonresident reciprocity driving privilege of the person; and

31 (b) Prohibit the person from obtaining a driver's license or
32 exercising reciprocity driving privileges until the person has made
33 all past due payments; and

34 (c) Notify the Chief Administrator of the New Jersey Motor
35 Vehicle Commission of the action taken; and

36 (d) Take such other actions as may be authorized by law.]

37 ³[Deleted by amendment, P.L. , c.) (pending before the
38 Legislature as this bill)] If the court finds that the person has
39 defaulted without good cause, the court may:

40 (a) order the suspension of the driver's license or the
41 nonresident reciprocity driving privilege of the person; or

42 (b) prohibit the person from obtaining a driver's license or
43 exercising reciprocity driving privileges until the person has made
44 all past due payments; or

45 (c) take any other actions authorized by law.

1 The court shall notify the Chief Administrator of the New Jersey
2 Motor Vehicle Commission of the action taken pursuant to this
3 paragraph.³

4 (2) If the court finds that the person defaulted on payment of a
5 court-imposed financial obligation, restitution, or child support or
6 other support or maintenance ordered by a court without good cause
7 and finds that the default was willful, the court may~~],~~ in addition to
8 the action required by paragraph (1) of this subsection a.,~~]~~ ³ in
9 addition to the action authorized by paragraph (1) of subsection a.
10 of this section.³ impose a term of imprisonment or participation in a
11 labor assistance program or enforced community service to achieve
12 the objective of the court-imposed financial obligation, restitution,
13 or child support or other support or maintenance ordered by a court.
14 ~~【These options】~~ ³~~【This option】~~ These options³ shall not reduce the
15 amount owed by the person in default. The term of imprisonment
16 or enforced community service or participation in a labor assistance
17 program ~~【in such case】~~ shall be specified in the order of
18 commitment. It need not be equated with any particular dollar
19 amount but, in the case of a fine it shall not exceed one day for each
20 \$50 of the fine nor shall it exceed a period of 90 consecutive days.
21 In no case shall the total period of imprisonment in the case of a
22 disorderly persons offense for both the sentence of imprisonment
23 and for failure to pay a fine exceed six months.

24 (3) Except where incarceration is ordered pursuant to paragraph
25 (2) of ~~【this】~~ subsection a. of this section, if the court finds that the
26 person has defaulted the court may take one or more of the
27 following actions:

28 (a) the court shall take appropriate action to modify or establish
29 a reasonable schedule for payment;

30 (b) in the case of a fine, if the court finds that the circumstances
31 that warranted the fine have changed or that it would be unjust to
32 require payment, the court may revoke or suspend the fine or the
33 unpaid portion of the fine; or

34 (c) if the defendant has served jail time for default on a court-
35 imposed financial obligation, the court may order that credit for
36 each day of confinement be given against the amount owed. The
37 amount of the credit shall be determined at the discretion of the
38 court but shall be not less than \$50 for each day of confinement
39 served.

40 (4) When failure to pay an assessment imposed pursuant to
41 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
42 restitution, a penalty imposed pursuant to section 1 of P.L.1999,
43 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of
44 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section
45 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to
46 perform enforced community service or to participate in a labor

1 assistance program is determined to be willful, the failure to do so
2 shall be considered to be contumacious.

3 (5) When a fine, assessment imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
5 is imposed on a corporation, it is the duty of the person or persons
6 authorized to make disbursements from the assets of the corporation
7 or association to pay it from such assets and their failure so to do
8 may be held to be contumacious.

9 b. Upon any default in the payment of a fine, assessment
10 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
11 monthly probation fee, a penalty imposed pursuant to section 1 of
12 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
13 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
14 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other
15 financial penalties, restitution, or any installment thereof, execution
16 may be levied and such other measures may be taken for collection
17 of it or the unpaid balance thereof as are authorized for the
18 collection of an unpaid civil judgment entered against the defendant
19 in an action on a debt.

20 c. Upon any default in the payment of restitution or any
21 installment thereof, the victim entitled to the payment may institute
22 summary collection proceedings authorized by subsection b. of this
23 section.

24 d. Upon any default in the payment of an assessment imposed
25 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
26 installment thereof, the Victims of Crime Compensation Office or
27 the party responsible for collection may institute summary
28 collection proceedings authorized by subsection b. of this section.

29 e. When a defendant sentenced to make restitution to a public
30 entity other than the Victims of Crime Compensation Office,
31 defaults in the payment thereof or any installment, the court may, in
32 lieu of other modification of the sentence, order the defendant to
33 perform work in a labor assistance program or enforced community
34 service program.

35 f. If a defendant ordered to participate in a labor assistance
36 program or enforced community service program fails to report for
37 work or to perform the assigned work, the comprehensive
38 enforcement hearing officer may revoke the work order and impose
39 any sentence permitted as a consequence of the original conviction.

40 g. If a defendant ordered to participate in a labor assistance
41 program or an enforced community service program pays all
42 outstanding assessments, the comprehensive enforcement hearing
43 officer may review the work order, and modify the same to reflect
44 the objective of the sentence.

45 h. As used in this section:

46 (1) "Comprehensive enforcement program" means the program
47 established pursuant to the "Comprehensive Enforcement Program

1 Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et
2 seq.).

3 (2) The terms "labor assistance program" and "enforced
4 community service" have the same meaning as those terms are
5 defined in section 5 of the "Comprehensive Enforcement Program
6 Fund Act," P.L.1995, c.9 (C.2B:19-5).

7 (3) "Public entity" means the State, any county, municipality,
8 district, public authority, public agency and any other political
9 subdivision or public body in the State.

10 (4) "Court-imposed financial obligation" means any fine,
11 statutorily-mandated assessment, surcharge, or other financial
12 penalty imposed by a court, but does not include restitution or child
13 support or other support or maintenance ordered by a court.

14 (cf: P.L.2013, c.180, s.1)

15

16 ²~~11.1~~ ³~~8.2~~ ⁴~~9.3~~ ~~8.4~~ Section 119 of P.L.1977, c.110
17 (C.5:12-119) is amended to read as follows:

18 119. Gaming by Certain Persons Prohibited; Penalties;
19 Defenses.

20 a. ~~No~~ A person under the age at which a person is
21 authorized to purchase and consume alcoholic beverages shall not
22 enter, or wager in, a licensed casino or simulcasting facility;
23 provided, however, that ~~such a~~ the person may enter a casino or
24 simulcasting facility by way of passage to another room, and
25 provided further, however, that any ~~such~~ person ~~who is~~
26 licensed or registered under the provisions of the "Casino Control
27 Act," P.L.1977, c.110 (C.5:12-1 et seq.), may enter a casino or
28 simulcasting facility in the regular course of the person's permitted
29 activities.

30 Any person who violates this subsection shall be guilty of a
31 disorderly persons offense and shall be fined not less than \$500 and
32 not more than \$1,000. ~~In addition, the court shall suspend or~~
33 ~~postpone the person's license to operate a motor vehicle for six~~
34 ~~months.~~

35 Upon the conviction of any person under this section, the court
36 shall forward a report to the Division of Motor Vehicles stating the
37 first and last day of the suspension or postponement period imposed
38 by the court pursuant to this section. If a person at the time of the
39 imposition of a sentence is less than 17 years of age, the period of
40 license postponement, including a suspension or postponement of
41 the privilege of operating a motorized bicycle, shall commence on
42 the day the sentence is imposed and shall run for a period of six
43 months after the person reaches the age of 17 years.

44 If a person at the time of the imposition of a sentence has a valid
45 driver's license issued by this State, the court shall immediately
46 collect the license and forward it to the division along with the
47 report. If for any reason the license cannot be collected, the court

1 shall include in the report the complete name, address, date of birth,
2 eye color, and sex of the person as well as the first and last date of
3 the license suspension period imposed by the court.

4 The court shall inform the person orally and in writing that if the
5 person is convicted of operating a motor vehicle during the period
6 of license suspension or postponement, the person shall be subject
7 to the penalties set forth in R.S.39:3-40. A person shall be required
8 to acknowledge receipt of the written notice in writing. Failure to
9 receive a written notice or failure to acknowledge in writing the
10 receipt of a written notice shall not be a defense to a subsequent
11 charge of a violation of R.S.39:3-40.

12 If the person convicted under this section is not a New Jersey
13 resident, the court shall suspend or postpone, as appropriate given
14 the age at the time of sentencing, the non-resident driving privilege
15 of the person and submit to the division the required report. The
16 court shall not collect the license of a non-resident convicted under
17 this section. Upon receipt of a report by the court, the division shall
18 notify the appropriate officials in the licensing jurisdiction of the
19 suspension or postponement.】

20 b. Any licensee or employee of a casino who allows a person
21 under the age at which a person is authorized to purchase and
22 consume alcoholic beverages to remain in or wager in a casino or
23 simulcasting facility is guilty of a disorderly persons offense;
24 except that the establishment of all of the following facts by a
25 licensee or employee allowing any 【such】 underage person to
26 remain shall constitute a defense to any prosecution therefor:

27 (1) That the underage person falsely represented in writing that
28 he or she was at or over the age at which a person is authorized to
29 purchase and consume alcoholic beverages;

30 (2) That the appearance of the underage person was such that an
31 ordinary prudent person would believe him or her to be at or over
32 the age at which a person is authorized to purchase and consume
33 alcoholic beverages; and

34 (3) That the admission was made in good faith, relying upon
35 such written representation and appearance, and in the reasonable
36 belief that the underage person was actually at or over the age at
37 which a person is authorized to purchase and consume alcoholic
38 beverages.

39 c. A person who knowingly allows or permits another person
40 who is under his or her lawful care, custody, or control and who is
41 under the age at which a person is authorized to purchase and
42 consume alcoholic beverages to wager or attempt to wager in a
43 licensed casino or simulcasting facility in violation of subsection a.
44 of this section is guilty of a disorderly persons offense.

45 (cf: P.L.2002, c.65, s.30)

1 ²[12. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to
2 read as follows:

3 3. a. **[No]** A person shall not operate a vessel on the waters of
4 this State while under the influence of intoxicating liquor, a
5 narcotic, hallucinogenic, or habit-producing drug or with a blood
6 alcohol concentration of 0.08% or more by weight of alcohol. **[No]**
7 A person shall not permit another who is under the influence of
8 intoxicating liquor, a narcotic, hallucinogenic or habit-producing
9 drug, or who has a blood alcohol concentration of 0.08% by weight
10 of alcohol, to operate any vessel owned by the person or in **[his]**
11 the person's custody or control.

12 As used in this section, "vessel" means a power vessel as defined
13 by section 2 of P.L.1995, c.401 (C.12:7-71) or a vessel which is 12
14 feet or greater in length.

15 A person who violates this section shall be subject to the
16 following:

17 (1) For a first offense:

18 (i) if the person's blood alcohol concentration is 0.08% or
19 higher but less than 0.10%, or the person operates a vessel while
20 under the influence of intoxicating liquor, or the person permits
21 another person who is under the influence of intoxicating liquor to
22 operate a vessel owned by him or in his custody or control or
23 permits another person with a blood alcohol concentration of 0.08%
24 or higher but less than 0.10% to operate a vessel, to a fine of not
25 less than \$250 nor more than \$400; and to the revocation of the
26 privilege to operate a vessel on the waters of this State for a period
27 of one year from the date of conviction **[and to the forfeiting of the**
28 **privilege to operate a motor vehicle over the highways of this State**
29 **for a period of three months]**;

30 (ii) if the person's blood alcohol concentration is 0.10% or
31 higher, or the person operates a vessel while under the influence of
32 a narcotic, hallucinogenic or habit-producing drug, or the person
33 permits another person who is under the influence of a narcotic,
34 hallucinogenic or habit-producing drug to operate a vessel owned
35 by him or in his custody or control, or permits another person with a
36 blood alcohol concentration of 0.10% or more to operate a vessel, to
37 a fine of not less than \$300 nor more than \$500; and to the
38 revocation of the privilege to operate a vessel on the waters of this
39 State for a period of one year from the date of conviction **[and to**
40 **the forfeiting of the privilege to operate a motor vehicle over the**
41 **highways of this State for a period of not less than seven months**
42 **nor more than one year]**.

43 (2) For a second offense, to a fine of not less than \$500 nor
44 more than \$1,000; to the performance of community service for a
45 period of 30 days, in the form and on the terms as the court deems
46 appropriate under the circumstances; and to imprisonment for a
47 term of not less than 48 hours nor more than 90 days, which shall

1 not be suspended or served on probation; and to the revocation of
2 the privilege to operate a vessel on the waters of this State for a
3 period of two years after the date of conviction **and to the**
4 **forfeiting of the privilege to operate a motor vehicle over the**
5 **highways of this State for a period of two years**.

6 (3) For a third or subsequent offense, to a fine of \$1,000; to
7 imprisonment for a term of not less than 180 days, except that the
8 court may lower this term for each day not exceeding 90 days
9 during which the person performs community service, in the form
10 and on the terms as the court deems appropriate under the
11 circumstances; and to the revocation of the privilege to operate a
12 vessel on the waters of this State for a period of 10 years from the
13 date of conviction **and to the forfeiting of the privilege to operate a**
14 **motor vehicle over the highways of this State for a period of 10**
15 **years**.

16 Upon conviction of a violation of this section, the court shall
17 collect forthwith the New Jersey **driver's license or licenses**
18 certification of successful completion of a boat safety course and
19 power vessel operator's license of the person so convicted and
20 forward **such license or licenses** these documents to the Chief
21 Administrator of the New Jersey Motor Vehicle Commission. In
22 the event that a person convicted under this section is the holder of
23 any out-of-State **motor vehicle driver's or** vessel operator's
24 license, the court shall not collect the license but shall notify
25 forthwith the Chief Administrator of the New Jersey Motor Vehicle
26 Commission, who shall, in turn, notify appropriate officials in the
27 licensing jurisdiction. The court shall, however, revoke the
28 nonresident's **driving privilege to operate a motor vehicle and the**
29 **nonresident's** privilege to operate a vessel in this State.

30 b. A person who has been convicted of a previous violation of
31 this section need not be charged as a second or subsequent offender
32 in the complaint made against him in order to render him liable to
33 the punishment imposed by this section against a second or
34 subsequent offender. If a second offense occurs more than 10 years
35 after the first offense, the court shall treat a second conviction as a
36 first offense for sentencing purposes and, if a third offense occurs
37 more than 10 years after the second offense, the court shall treat a
38 third conviction as a second offense for sentencing purposes.

39 c. If a court imposes a term of imprisonment under this section,
40 the person may be sentenced to the county jail, to the workhouse of
41 the county where the offense was committed, or to an inpatient
42 rehabilitation program approved by the Chief Administrator of the
43 New Jersey Motor Vehicle Commission and the Director of the
44 Division of **Alcoholism and Drug Abuse** Mental Health and
45 Addiction Services in the Department of **Health and Senior**
46 **Human Services**.

1 d. [In the case of any person who at the time of the imposition
2 of sentence is less than 17 years of age, the period of the suspension
3 of driving privileges authorized herein, including a suspension of
4 the privilege of operating a motorized bicycle, shall commence on
5 the day the sentence is imposed and shall run for a period as fixed
6 by the court of not less than three months after the day the person
7 reaches the age of 17 years. If the driving or vessel operating
8 privilege of any person is under revocation, suspension, or
9 postponement for a violation of any provision of this title or Title
10 39 of the Revised Statutes at the time of any conviction of any
11 offense defined in this section, the revocation, suspension, or
12 postponement period imposed herein shall commence as of the date
13 of termination of the existing revocation, suspension or
14 postponement. A second offense shall result in the suspension or
15 postponement of the person's privilege to operate a motor vehicle
16 for six months. A third or subsequent offense shall result in the
17 suspension or postponement of the person's privilege to operate a
18 motor vehicle for two years. The court before whom any person is
19 convicted of or adjudicated delinquent for a violation shall collect
20 forthwith the New Jersey driver's license or licenses of the person
21 and forward such license or licenses to the Chief Administrator of
22 the New Jersey Motor Vehicle Commission along with a report
23 indicating the first and last day of the suspension or postponement
24 period imposed by the court pursuant to this section. If the court is
25 for any reason unable to collect the license or licenses of the person,
26 the court shall cause a report of the conviction or adjudication of
27 delinquency to be filed with the chief administrator. That report
28 shall include the complete name, address, date of birth, eye color,
29 and sex of the person and shall indicate the first and last day of the
30 suspension or postponement period imposed by the court pursuant
31 to this section. The court shall inform the person orally and in
32 writing that if the person is convicted of personally operating a
33 motor vehicle or a vessel during the period of license suspension or
34 postponement imposed pursuant to this section, the person shall,
35 upon conviction, be subject to the penalties set forth in R.S.39:3-40
36 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is
37 appropriate. A person shall be required to acknowledge receipt of
38 the written notice in writing. Failure to receive a written notice or
39 failure to acknowledge in writing the receipt of a written notice
40 shall not be a defense to a subsequent charge of a violation of
41 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the
42 person is the holder of a driver's or vessel operator's license from
43 another jurisdiction, the court shall not collect the license but shall
44 notify forthwith the chief administrator who shall notify the
45 appropriate officials in the licensing jurisdiction. The court shall,
46 however, in accordance with the provisions of this section, revoke
47 the person's non-resident driving or vessel operating privilege,

1 whichever is appropriate, in this State.】 (Deleted by amendment,
2 P.L. , c.) (pending before the Legislature as this bill)

3 e. In addition to any other requirements provided by law, a
4 person convicted under this section shall satisfy the screening,
5 evaluation, referral program and fee requirements of the Division of
6 Alcoholism's Intoxicated Driving Programs Unit. A fee of \$80 shall
7 be payable to the Alcohol Education, Rehabilitation and
8 Enforcement Fund established under section 3 of P.L.1983, c.531
9 (C.26:2B-32), by the convicted person in order to defray the costs
10 of the screening, evaluation and referral by the Intoxicated Driving
11 Programs Unit. Failure to satisfy this requirement shall result in the
12 immediate forfeiture of the privilege to operate a vessel on the
13 waters of this State or the continuation of revocation until the
14 requirements are satisfied.

15 f. In addition to any other requirements provided by law, a
16 person convicted under this section shall be required after
17 conviction to complete a boat safety course from the list approved
18 by the Superintendent of State Police pursuant to section 1 of
19 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the
20 restoration of the privilege to operate a vessel which may have been
21 revoked or suspended for a violation of the provisions of this
22 section. Failure to satisfy this requirement shall result in the
23 immediate revocation of the privilege to operate a vessel on the
24 waters of this State, or the continuation of revocation until the
25 requirements of this subsection are satisfied.

26 (cf: P.L.2004, c.80, s.1)】²

27

28 ²【13.】³【9.2】⁴【10.3】^{9.4} Section 3 of P.L.1989, c.118
29 (C.13:1E-9.4) is amended to read as follows:

30 3. a. Any person who violates the provisions of subsection a.
31 or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) commits a
32 disorderly persons offense.

33 b. Any person convicted of a violation of the provisions of
34 subsection a. or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) is
35 subject to a fine of not less than \$2,500.00 for a first offense, not
36 more than \$5,000.00 for a second offense and not more than
37 \$10,000.00 for a third and every subsequent offense. Each day
38 during which the violation continues constitutes an additional,
39 separate and distinct offense.

40 c. If a person is convicted of a violation of the provisions of
41 subsection a. or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3),
42 the court shall, in addition to the penalties provided under
43 subsection b. of this section, require the person to perform
44 community service for a term of not more than 90 days【, and the
45 person shall forthwith forfeit his right to operate a motor vehicle
46 over the highways of this State for a period of not less than six
47 months nor more than one year】.

1 d. All conveyances used or intended for use in the unlawful
2 transportation or disposal of solid waste in violation of the
3 provisions of subsection a. or b. of section 2 of P.L.1989, c.118
4 (C.13:1E-9.3) are subject to forfeiture to the State pursuant to the
5 provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

6 e. The provisions of P.L.1981, c.387 (C.13:1K-1 et seq.) or any
7 other law to the contrary notwithstanding, whenever a conveyance
8 is forfeited to the State pursuant to subsection d. of this section, the
9 proceeds from the disposal and sale of such conveyance shall be
10 remitted to the chief financial officer of the municipality wherein
11 the violation occurred, to be used by the municipality to help
12 finance enforcement activities undertaken pursuant to section 13 of
13 P.L.1970, c.40 (C.48:13A-12) or section 2 of P.L.1989, c.118
14 (C.13:1E-9.3).

15 f. A person convicted of a violation of the provisions of
16 subsection c. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) shall be
17 liable to the railroad company in the amount of three times the
18 damages caused directly or indirectly by the unlawful disposal
19 together with three times the costs associated with the cleanup of
20 the real property upon which the violation occurred, including, but
21 not limited to, all attorneys' fees and costs which the railroad
22 company may reasonably expend in a civil suit brought in a court of
23 competent jurisdiction to collect the sums imposed by this
24 subsection. In any such suit, a final judgment of conviction shall be
25 admissible as conclusive proof that the person violated the
26 provisions of subsection c. of section 2 of P.L.1989, c.118
27 (C.13:1E-9.3).

28 (cf: P.L.1995, c.11, s.2)

29

30 ²[14.] ³[10.2] ⁴[11.3] Section 6 of P.L.1983, c.65 (C.17:29A-
31 35) is amended to read as follows:

32 6. a. (Deleted by amendment, P.L.1997, c.151.)

33 b. There is created a Motor Vehicle Violations Surcharge
34 System which shall apply to all drivers and shall include, but not be
35 limited to, the following provisions:

36 (1) (a) Surcharges shall be levied, beginning on or after January
37 1, 1984, by the New Jersey Motor Vehicle Commission (hereinafter
38 the "commission") established by section 4 of P.L.2003, c.13
39 (C.39:2A-4) on any driver who, in the preceding 36-month period,
40 has accumulated six or more motor vehicle points, as provided in
41 Title 39 of the Revised Statutes; except that the allowance for a
42 reduction of points in Title 39 of the Revised Statutes shall not
43 apply for the purpose of determining surcharges under this
44 paragraph. The accumulation of points shall be calculated as of the
45 date the point violation is posted to the driver history record and
46 shall be levied pursuant to rules promulgated by the commission.
47 Surcharges assessed pursuant to this paragraph shall be **[\$150.00]**

1 \$150 for six points, and ~~【\$25.00】~~ \$25 for each additional point. No
2 offense shall be selected for billing which occurred prior to
3 February 10, 1983. No offense shall be considered for billing in
4 more than three annual assessments.

5 (b) (Deleted by amendment, P.L.1984, c.1.)

6 (2) (a) Surcharges shall be levied pursuant to subsection f. of
7 section 1 of P.L.2000, c.75 (C.39:4-97.2) for each offense of unsafe
8 driving under subsection a. of that section.

9 (b) Surcharges shall be levied for convictions (i) under
10 R.S.39:4-50 for violations occurring on or after February 10, 1983,
11 and (ii) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for
12 offenses committed in other jurisdictions of a substantially similar
13 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512
14 (C.39:4-50.4a), for violations occurring on or after January 26,
15 1984. Except as hereinafter provided, surcharges under this
16 subparagraph (b) shall be levied annually for a three-year period,
17 and shall be ~~【\$1,000.00】~~ \$1,000 per year for each of the first two
18 convictions, for a total surcharge of \$3,000 for each conviction, and
19 ~~【\$1,500.00】~~ \$1,500 per year for the third conviction occurring
20 within a three-year period, for a total surcharge of \$4,500 for the
21 third conviction. If a driver is convicted under both R.S.39:4-50 and
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out
23 of the same incident, the driver shall be assessed only one surcharge
24 for the two offenses.

25 ~~【If, upon written notification from the commission or its~~
26 ~~designee, mailed to the last address of record with the commission,~~
27 ~~a driver fails to pay a surcharge levied under this section and~~
28 ~~collectible by the commission, the driving privilege of the driver~~
29 ~~shall be suspended forthwith until at least five percent of each~~
30 ~~outstanding surcharge assessment that has resulted in suspension is~~
31 ~~paid to the commission; except that the commission may authorize~~
32 ~~payment of the surcharge on an installment basis over a period of~~
33 ~~12 months for assessments under \$2,300 or 24 months for~~
34 ~~assessments of \$2,300 or more.】~~ The commission, for good cause,
35 may authorize payment of any surcharge on an installment basis
36 over a period not to exceed 36 months. If a driver fails to pay the
37 surcharge or any installments on the surcharge, the total surcharge
38 shall become due immediately, except as otherwise prescribed by
39 rule of the commission.

40 The commission may authorize any person to pay the surcharge
41 levied under this section and collectible by the commission by use
42 of a credit card, debit card or other electronic payment device, and
43 the administrator is authorized to require the person to pay all costs
44 incurred by the commission in connection with the acceptance of
45 the credit card, debit card or other electronic payment device. If a
46 surcharge or related administrative fee is paid by credit or debit
47 cards or any other electronic payment device and the amount is

1 subsequently reversed by the credit card company or bank, [the
2 driving privilege of the surcharged driver shall be suspended and]
3 the driver shall be subject to the fee imposed for dishonored checks
4 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

5 In addition to any other remedy provided by law, the commission
6 is authorized to utilize the provisions of the SOIL (Set off of
7 Individual Liability) program established pursuant to P.L.1981,
8 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under
9 this section and collectible by the commission that is unpaid on or
10 after the effective date of this act. As an additional remedy, the
11 commission may issue a certificate to the Clerk of the Superior
12 Court stating that the person identified in the certificate is indebted
13 under this surcharge law in such amount as shall be stated in the
14 certificate. The certificate shall reference the statute under which
15 the indebtedness arises. Thereupon the clerk to whom such
16 certificate shall have been issued shall immediately enter upon the
17 record of docketed judgments the name of such person as debtor;
18 the State as creditor; the address of such person, if shown in the
19 certificate; the amount of the debt so certified; a reference to the
20 statute under which the surcharge is assessed, and the date of
21 making such entries. The docketing of the entries shall have the
22 same force and effect as a civil judgment docketed in the Superior
23 Court, and the commission shall have all the remedies and may take
24 all of the proceedings for the collection thereof which may be had
25 or taken upon the recovery of a judgment in an action, but without
26 prejudice to any right of appeal. Upon entry by the clerk of the
27 certificate in the record of docketed judgments in accordance with
28 this provision, interest in the amount specified by the court rules for
29 post-judgment interest shall accrue from the date of the docketing
30 of the certificate, however payment of the interest may be waived
31 by the commission or its designee. In the event that the surcharge
32 remains unpaid following the issuance of the certificate of debt and
33 the commission takes any further collection action including
34 referral of the matter to the Attorney General or his designee, the
35 fee imposed, in lieu of the actual cost of collection, may be 20
36 percent of surcharges of \$1,000 or more. The administrator or his
37 designee may establish a sliding scale, not to exceed a maximum
38 amount of \$200, for surcharge principal amounts of less than \$1,000
39 at the time the certificate of debt is forwarded to the Superior Court
40 for filing. The commission shall provide written notification to a
41 driver of the proposed filing of the certificate of debt at least 10
42 days prior to the proposed filing; such notice shall be mailed to the
43 driver's last address of record with the commission. Upon the filing
44 of a certificate of debt with the Clerk of the Superior Court, the
45 surcharged driver shall not be eligible for the restoration of his
46 driving privilege until at least five percent of each outstanding
47 surcharge assessment that has resulted in the suspension, including

1 interest and costs, if any, is paid to the commission. If a certificate
2 of debt is satisfied following a credit card payment, debit card
3 payment or payment by other electronic payment device and that
4 payment is reversed, a new certificate of debt shall be filed against
5 the surcharged driver unless the original is reinstated.

6 If the administrator or his designee approves a special payment
7 plan, of such duration as the administrator or his designee deems
8 appropriate, for repayment of the certificate of debt, and the driver
9 is complying with the approved plan, the plan may be continued for
10 any new surcharge not part of the certificate of debt.

11 All moneys collectible by the commission under subparagraph
12 (b) of paragraph (2) of this subsection b. shall be billed and
13 collected by the commission except as provided in P.L.1997, c.280
14 (C.2B:19-10 et al.) for the collection of unpaid surcharges.
15 Commencing on September 1, 1996, or such earlier time as the
16 Commissioner of Banking and Insurance shall certify to the State
17 Treasurer that amounts on deposit in the New Jersey Automobile
18 Insurance Guaranty Fund are sufficient to satisfy the current and
19 anticipated financial obligations of the New Jersey Automobile Full
20 Insurance Underwriting Association, all surcharges collected by the
21 commission under subparagraph (b) of paragraph (2) of this
22 subsection b. shall be remitted to the Division of Motor Vehicles
23 Surcharge Fund:

24 (i) for transfer to the Market Transition Facility Revenue Fund,
25 as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the
26 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a
27 time as all the Market Transition Facility bonds, notes and
28 obligations and all Motor Vehicle Commission bonds, notes and
29 obligations issued pursuant to that section 4 of P.L.1994, c.57
30 (C.34:1B-21.4) and the costs thereof are discharged and no longer
31 outstanding; and

32 (ii) from and after the date of certification by the Commissioner
33 of Banking and Insurance that the moneys collectible under
34 subparagraph (b) of paragraph (2) of this subsection b. are no longer
35 needed to fund the association or at such time as all Market
36 Transition Facility bonds, notes and obligations and all Motor
37 Vehicle Commission bonds, notes and obligations issued pursuant
38 to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof
39 are discharged and no longer outstanding, for transfer to the Motor
40 Vehicle Surcharges Revenue Fund established pursuant to section 6
41 of the "Motor Vehicle Surcharges Securitization Act of 2004,"
42 P.L.2004, c.70 (C.34:1B-21.28) to be applied as set forth in section
43 6 that act. From and after such time as all bonds issued under
44 section 4 of the "Motor Vehicle Surcharges Securitization Act of
45 2004," P.L.2004, c.70 (C.34:1B-21.26) and the costs thereof are
46 discharged and no longer outstanding, all surcharges collected by
47 the commission under subparagraph (b) of paragraph (2) of this

1 subsection b. shall, subject to appropriation, be remitted to the New
2 Jersey Property-Liability Insurance Guaranty Association created
3 pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for
4 payment of any loans made by that association to the New Jersey
5 Automobile Insurance Guaranty Fund pursuant to paragraph (10) of
6 subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided
7 that all such payments shall be subject to and dependent upon
8 appropriation by the State Legislature.

9 All surcharges collected by the courts pursuant to subparagraph
10 (a) of paragraph (2) of this subsection b. shall be forwarded not less
11 frequently than monthly to the Division of Revenue. The Division
12 of Revenue shall transfer: all such surcharges received prior to July
13 1, 2006, to the General Fund, and commencing July 1, 2006, all
14 such surcharges to the Unsafe Driving Surcharge Revenue Fund
15 established pursuant to section 5 of the "Motor Vehicle Surcharges
16 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.27) to be
17 applied as set forth in section 5 of that act. From and after such
18 time as all bonds (including refunding bonds), notes and other
19 obligations issued under section 4 of the "Motor Vehicle Surcharges
20 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.26), and
21 the costs thereof are discharged and no longer outstanding, all such
22 surcharges collected by the courts pursuant to subparagraph (a) of
23 paragraph (2) of this subsection b. and forwarded to the Division of
24 Revenue shall be transferred to the General Fund.

25 Upon request, the Administrative Office of the Courts shall
26 provide a monthly report to the Division of Revenue containing
27 information on the number of convictions for the offense of unsafe
28 driving pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) that
29 were entered during such month, the amount of the surcharges that
30 were assessed by the courts pursuant to subsection f. of section 1 of
31 P.L.2000, c.75 (C.39:4-97.2) for such month, and the amount of the
32 surcharges collected by the courts pursuant to subsection f. of
33 section 1 of P.L.2000, c.75 (C.39:4-97.2) during such month.

34 (3) In addition to any other authority provided in P.L.1983, c.65
35 (C.17:29A-33 et al.), the commissioner, after consultation with the
36 commission, is specifically authorized (a) (Deleted by amendment,
37 P.L.1994, c.64), (b) to impose, in accordance with subparagraph (a)
38 of paragraph (1) of this subsection b., surcharges for motor vehicle
39 violations or convictions for which motor vehicle points are not
40 assessed under Title 39 of the Revised Statutes, or (c) to reduce the
41 number of points for which surcharges may be assessed below the
42 level provided in subparagraph (a) of paragraph (1) of this
43 subsection b., except that the dollar amount of all surcharges levied
44 under the Motor Vehicle Violations Surcharge System shall be
45 uniform on a Statewide basis for each filer, without regard to
46 classification or territory. Surcharges adopted by the commissioner
47 on or after January 1, 1984 for motor vehicle violations or

1 convictions for which motor vehicle points are not assessable under
2 Title 39 of the Revised Statutes shall not be retroactively applied
3 but shall take effect on the date of the New Jersey Register in which
4 notice of adoption appears or the effective date set forth in that
5 notice, whichever is later.

6 c. No motor vehicle violation surcharges shall be levied on an
7 automobile insurance policy issued or renewed on or after January
8 1, 1984, except in accordance with the Motor Vehicle Violations
9 Surcharge System, and all surcharges levied thereunder shall be
10 assessed, collected and distributed in accordance with subsection b.
11 of this section.

12 d. (Deleted by amendment, P.L.1990, c.8.)

13 e. The Commissioner of Banking and Insurance and the
14 commission as may be appropriate, shall adopt any rules and
15 regulations necessary or appropriate to effectuate the purposes of
16 this section.

17 (cf: P.L.2007, c.282, s.1)]⁴

18

19 ²[15.] ³[11.²] ⁴[12.³] Section 50 of P.L.1990, c.8 (C.17:33B-
20 41) is amended to read as follows:

21 50. a. Upon the termination of a policy of motor vehicle
22 liability insurance by cancellation for nonpayment of premium
23 pursuant to section 2 of P.L.1968, c.158 (C.17:29C-7), notice of
24 that cancellation shall be filed by the insurer with the [Division of
25 Motor Vehicles] New Jersey Motor Vehicle Commission not later
26 than 30 days following the effective date of that cancellation.

27 b. The [division] commission shall notify the person whose
28 policy was canceled that, unless proof of motor vehicle liability
29 insurance is filed with the [division] commission within 30 days of
30 the notification or some other allowable circumstance exists and the
31 ¹[division] commission¹ is notified of that circumstance within 30
32 days of the notification, the sanctions and penalties of this section
33 shall apply.

34 c. If the [Director] Chief Administrator of the [Division of
35 Motor Vehicles] New Jersey Motor Vehicle Commission has not
36 received proof of motor vehicle liability insurance or other
37 allowable circumstances within 30 days pursuant to subsection b. of
38 this section, [he] the chief administrator shall suspend the
39 registration of [such] ¹the¹ vehicle, except that:

40 (1) Suspension shall not be made under this subsection upon the
41 basis of a cancellation of motor vehicle liability insurance if the
42 registration certificate and registration plates of the motor vehicle
43 are surrendered prior to the time at which the cancellation of
44 insurance becomes effective. [Such surrender] Surrender of the
45 certificate and plates shall be made to [such] officers of the
46 [division] commission as the [director] chief administrator shall

1 direct. For the purposes of this paragraph, the expiration of a
2 registration without renewal of that registration shall be deemed to
3 be a surrender of registration as of the date of expiration;

4 (2) Suspension shall not be made under this subsection upon a
5 cancellation of motor vehicle liability insurance if the vehicle has
6 been, or will be, prior to the date of that cancellation, removed from
7 the United States in North America and the Dominion of Canada for
8 the purpose of international traffic, provided that the owner of the
9 vehicle, prior to the date of that cancellation, has filed with the
10 **[director]** chief administrator a statement, in a form prescribed by
11 **[him]** the chief administrator, indicating that the vehicle has been,
12 or will be, so removed, and agreeing to notify the **[director]** chief
13 administrator immediately upon return of the vehicle to the United
14 States in North America or the Dominion of Canada. Upon receipt
15 of the statement the **[director]** chief administrator shall restrict the
16 use of the registration to **[such]** international traffic until new proof
17 that motor vehicle liability insurance has been secured for the
18 vehicle;

19 (3) Suspension need not be made under this subsection upon the
20 basis of a cancellation of motor vehicle liability insurance if the
21 period of time during which the motor vehicle remained both
22 registered and uninsured was not greater than 15 days. The
23 **[director]** chief administrator shall promulgate regulations
24 governing the conditions under which suspension action may be
25 withheld pursuant to this paragraph.

26 d. Notwithstanding the provisions of subsection c. of this
27 section, an order of suspension may be rescinded if the registrant
28 pays to the commissioner a civil penalty in the amount of \$4 for
29 each day up to 90 days for which motor vehicle liability insurance
30 was not in effect. The provisions of this subsection shall apply only
31 once during any 36-month period and only if the registrant
32 surrenders the certificate of registration and registration plates to
33 the **[director]** chief administrator not more than 90 days from the
34 date of cancellation of motor vehicle liability insurance coverage or
35 submits to the **[director]** chief administrator proof of motor vehicle
36 liability insurance which took effect not more than 90 days from the
37 cancellation of **[his]** the registrant's previous motor vehicle
38 liability insurance.

39 e. Any motor vehicle, the registration for which has been
40 suspended pursuant to this section, shall not be registered or
41 reregistered in the name of the **[same]** registrant, or in any other
42 name where the **[director]** chief administrator has reasonable
43 grounds to believe that **[such]** the registration or reregistration will
44 have the effect of defeating the purposes of this section, and no
45 other motor vehicle shall be registered in the name of **[such]** the
46 person during the period of suspension.

- 1 f. **[No registration]** Registration plates shall not be returned to
2 the registrant until proof of motor vehicle liability insurance is
3 submitted to the **[director]** chief administrator.
- 4 g. ²**[If a registrant has not surrendered his certificate of**
5 registration and registration plates or obtained motor vehicle
6 liability insurance within 90 days from the date of cancellation of
7 motor vehicle liability insurance, the **[director]** chief administrator
8 **[shall]** may suspend the driver's license of **[any such]** the
9 registrant. ¹In deciding the duration of any suspension, revocation,
10 or postponement of the person's driving privileges for failure to
11 surrender the certificate of registration and registration plates or
12 obtain insurance, the chief administrator shall consider the
13 circumstances of the nonpayment of premium, and whether the loss
14 of driving privileges will result in extreme hardship and alternative
15 means of transportation are not readily available.¹ The suspension
16 shall take effect on the date specified in the order and shall remain
17 in effect until termination of the suspension of the registrant's
18 registration. **]** (Deleted by amendment, P.L. , c.) (pending before
19 the Legislature as this bill)²
- 20 h. The **[Director]** Chief Administrator of the **[Division of**
21 **Motor Vehicles]** New Jersey Motor Vehicle Commission shall
22 adopt rules and regulations pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement
24 the provisions of this section. The **[director]** chief administrator
25 may, by regulation, require that the provisions of this section shall
26 be applicable to the termination of policies of motor vehicle
27 liability insurance for reasons other than cancellation for
28 nonpayment of premium, including nonrenewals.
- 29 i. Within 180 days of the effective date of this act the
30 **[Division of Motor Vehicles]** New Jersey Motor Vehicle
31 Commission shall develop a format for electronic reporting by
32 insurers writing private passenger automobile insurance, to the
33 **[division]** commission, on a real-time basis, information regarding
34 the cancellation of policies of motor vehicle insurance, the issuance
35 of new policies of motor vehicle insurance, and changes of vehicle
36 on policies of motor vehicle insurance in force in order to verify
37 compliance with the motor vehicle liability insurance requirements
38 of section 1 of P.L.1972, c.197 (C.39:6B-1), and the mandatory
39 automobile insurance requirements of section 4 of P.L.1998, c.21
40 (C.39:6A-3.1). Information shall be maintained by driver's license
41 number of the named insured. Other information to be provided by
42 insurers shall be established by the **[director]** chief administrator
43 by regulation.
- 44 j. The **[director]** chief administrator shall establish an
45 electronic data base containing the information provided for in
46 subsection i. of this section, which shall be made available to all

1 law enforcement officers for the purpose of enforcing the
2 mandatory motor vehicle insurance requirements of section 1 of
3 P.L.1972, c.197 (C.39:6B-1). The data base shall not be made
4 available until every insurer writing private passenger insurance has
5 complied with regulations of the **[director]** chief administrator and
6 the information required by subsection i. of this section is reported
7 on a real-time basis. The **[Division of Motor Vehicles]** New Jersey
8 Motor Vehicle Commission shall establish security procedures to
9 protect the confidentiality of the information on the data base,
10 which shall preclude access to the information to any person not
11 otherwise entitled to it under this or any other law.

12 k. The data base shall be funded from the Uninsured Motorist
13 Prevention Fund established pursuant to section 2 of P.L.1983,
14 c.141 (C.39:6B-3).
15 (cf: P.L.1998, c.22, s.7)]⁴

16
17 ²[16.] ³[12.] ⁴[13.] 10.⁴ R.S.33:1-81 is amended to read as
18 follows:

19 33:1-81. It shall be unlawful for:

20 (a) A person under the legal age for purchasing alcoholic
21 beverages to enter any premises licensed for the retail sale of
22 alcoholic beverages for the purpose of purchasing, or having served
23 or delivered to him or her, any alcoholic beverage; or

24 (b) A person under the legal age for purchasing alcoholic
25 beverages to consume any alcoholic beverage on premises licensed
26 for the retail sale of alcoholic beverages, or to purchase, attempt to
27 purchase or have another purchase for him any alcoholic beverage;
28 or

29 (c) Any person to misrepresent or misstate his age, or the age of
30 any other person for the purpose of inducing any licensee or any
31 employee of any licensee, to sell, serve or deliver any alcoholic
32 beverage to a person under the legal age for purchasing alcoholic
33 beverages; or

34 (d) Any person to enter any premises licensed for the retail sale
35 of alcoholic beverages for the purpose of purchasing, or to purchase
36 alcoholic beverages, for another person who does not because of his
37 age have the right to purchase and consume alcoholic beverages.

38 Any person who shall violate any of the provisions of this
39 section shall be deemed and adjudged to be a disorderly person, and
40 upon conviction thereof, shall be punished by a fine of not less than
41 **[\$500.00]** \$500. **[In addition, the court shall suspend or postpone**
42 **the person's license to operate a motor vehicle for six months.**

43 Upon the conviction of any person under this section, the court
44 shall forward a report to the Division of Motor Vehicles stating the
45 first and last day of the suspension or postponement period imposed
46 by the court pursuant to this section. If a person at the time of the
47 imposition of a sentence is less than 17 years of age, the period of

1 license postponement, including a suspension or postponement of
2 the privilege of operating a motorized bicycle, shall commence on
3 the day the sentence is imposed and shall run for a period of six
4 months after the person reaches the age of 17 years.

5 If a person at the time of the imposition of a sentence has a valid
6 driver's license issued by this State, the court shall immediately
7 collect the license and forward it to the division along with the
8 report. If for any reason the license cannot be collected, the court
9 shall include in the report the complete name, address, date of birth,
10 eye color, and sex of the person as well as the first and last date of
11 the license suspension period imposed by the court.

12 The court shall inform the person orally and in writing that if the
13 person is convicted of operating a motor vehicle during the period
14 of license suspension or postponement, the person shall be subject
15 to the penalties set forth in R.S.39:3-40. A person shall be required
16 to acknowledge receipt of the written notice in writing. Failure to
17 receive a written notice or failure to acknowledge in writing the
18 receipt of a written notice shall not be a defense to a subsequent
19 charge of a violation of R.S.39:3-40.

20 If the person convicted under this section is not a New Jersey
21 resident, the court shall suspend or postpone, as appropriate given
22 the age at the time of sentencing, the non-resident driving privilege
23 of the person and submit to the division the required report. The
24 court shall not collect the license of a non-resident convicted under
25 this section. Upon receipt of a report by the court, the division shall
26 notify the appropriate officials in the licensing jurisdiction of the
27 suspension or postponement. **】**

28 In addition to the general penalties prescribed for an offense, the
29 court may require any person under the legal age to purchase
30 alcoholic beverages who violates this act to participate in an alcohol
31 education or treatment program authorized by the Department of
32 Health for a period not to exceed the maximum period of
33 confinement prescribed by law for the offense for which the
34 individual has been convicted.

35 (cf: P.L.1991, c.169, s.1)

36

37 ⁵11. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to
38 read as follows:

39 6. a. (Deleted by amendment, P.L.1997, c.151.)

40 b. There is created a Motor Vehicle Violations Surcharge
41 System which shall apply to all drivers and shall include, but not be
42 limited to, the following provisions:

43 (1) (a) Surcharges shall be levied, beginning on or after January
44 1, 1984, by the New Jersey Motor Vehicle Commission (hereinafter
45 the "commission") established by section 4 of P.L.2003, c.13
46 (C.39:2A-4) on any driver who, in the preceding 36-month period,
47 has accumulated six or more motor vehicle points, as provided in

1 Title 39 of the Revised Statutes; except that the allowance for a
2 reduction of points in Title 39 of the Revised Statutes shall not
3 apply for the purpose of determining surcharges under this
4 paragraph. The accumulation of points shall be calculated as of the
5 date the point violation is posted to the driver history record and
6 shall be levied pursuant to rules promulgated by the commission.
7 Surcharges assessed pursuant to this paragraph shall be **【\$150.00】**
8 \$150 for six points, and **【\$25.00】** \$25 for each additional point. No
9 offense shall be selected for billing which occurred prior to
10 February 10, 1983. No offense shall be considered for billing in
11 more than three annual assessments.

12 (b) (Deleted by amendment, P.L.1984, c.1.)

13 (2) (a) Surcharges shall be levied pursuant to subsection f. of
14 section 1 of P.L.2000, c.75 (C.39:4-97.2) for each offense of unsafe
15 driving under subsection a. of that section.

16 (b) Surcharges shall be levied for convictions (i) under
17 R.S.39:4-50 for violations occurring on or after February 10, 1983,
18 and (ii) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for
19 offenses committed in other jurisdictions of a substantially similar
20 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512
21 (C.39:4-50.4a), for violations occurring on or after January 26,
22 1984. Except as hereinafter provided, surcharges under this
23 subparagraph (b) shall be levied annually for a three-year period,
24 and shall be **【\$1,000.00】** \$1,000 per year for each of the first two
25 convictions, for a total surcharge of \$3,000 for each conviction, and
26 **【\$1,500.00】** \$1,500 per year for the third conviction occurring
27 within a three-year period, for a total surcharge of \$4,500 for the
28 third conviction. If a driver is convicted under both R.S.39:4-50 and
29 section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out
30 of the same incident, the driver shall be assessed only one surcharge
31 for the two offenses.

32 **【If, upon written notification from the commission or its**
33 **designee, mailed to the last address of record with the commission,**
34 **a driver fails to pay a surcharge levied under this section and**
35 **collectible by the commission, the driving privilege of the driver**
36 **shall be suspended forthwith until at least five percent of each**
37 **outstanding surcharge assessment that has resulted in suspension is**
38 **paid to the commission; except that the commission may authorize**
39 **payment of the surcharge on an installment basis over a period of**
40 **12 months for assessments under \$2,300 or 24 months for**
41 **assessments of \$2,300 or more.】** The commission, for good cause,
42 may authorize payment of any surcharge on an installment basis
43 over a period not to exceed 36 months. If a driver fails to pay the
44 surcharge or any installments on the surcharge, the total surcharge
45 shall become due immediately, except as otherwise prescribed by
46 rule of the commission.

1 The commission may authorize any person to pay the surcharge
2 levied under this section and collectible by the commission by use
3 of a credit card, debit card or other electronic payment device, and
4 the administrator is authorized to require the person to pay all costs
5 incurred by the commission in connection with the acceptance of
6 the credit card, debit card or other electronic payment device. If a
7 surcharge or related administrative fee is paid by credit or debit
8 cards or any other electronic payment device and the amount is
9 subsequently reversed by the credit card company or bank, [the
10 driving privilege of the surcharged driver shall be suspended and]
11 the driver shall be subject to the fee imposed for dishonored checks
12 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

13 In addition to any other remedy provided by law, the commission
14 is authorized to utilize the provisions of the SOIL (Set off of
15 Individual Liability) program established pursuant to P.L.1981,
16 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under
17 this section and collectible by the commission that is unpaid on or
18 after the effective date of this act. As an additional remedy, the
19 commission may issue a certificate to the Clerk of the Superior
20 Court stating that the person identified in the certificate is indebted
21 under this surcharge law in such amount as shall be stated in the
22 certificate. The certificate shall reference the statute under which
23 the indebtedness arises. Thereupon the clerk to whom such
24 certificate shall have been issued shall immediately enter upon the
25 record of docketed judgments the name of such person as debtor;
26 the State as creditor; the address of such person, if shown in the
27 certificate; the amount of the debt so certified; a reference to the
28 statute under which the surcharge is assessed, and the date of
29 making such entries. The docketing of the entries shall have the
30 same force and effect as a civil judgment docketed in the Superior
31 Court, and the commission shall have all the remedies and may take
32 all of the proceedings for the collection thereof which may be had
33 or taken upon the recovery of a judgment in an action, but without
34 prejudice to any right of appeal. Upon entry by the clerk of the
35 certificate in the record of docketed judgments in accordance with
36 this provision, interest in the amount specified by the court rules for
37 post-judgment interest shall accrue from the date of the docketing
38 of the certificate, however payment of the interest may be waived
39 by the commission or its designee. In the event that the surcharge
40 remains unpaid following the issuance of the certificate of debt and
41 the commission takes any further collection action including
42 referral of the matter to the Attorney General or his designee, the
43 fee imposed, in lieu of the actual cost of collection, may be 20
44 percent of surcharges of \$1,000 or more. The administrator or his
45 designee may establish a sliding scale, not to exceed a maximum
46 amount of \$200, for surcharge principal amounts of less than \$1,000
47 at the time the certificate of debt is forwarded to the Superior Court

1 for filing. The commission shall provide written notification to a
2 driver of the proposed filing of the certificate of debt at least 10
3 days prior to the proposed filing; such notice shall be mailed to the
4 driver's last address of record with the commission. Upon the filing
5 of a certificate of debt with the Clerk of the Superior Court, the
6 surcharged driver shall not be eligible for the restoration of his
7 driving privilege until at least five percent of each outstanding
8 surcharge assessment that has resulted in the suspension, including
9 interest and costs, if any, is paid to the commission. If a certificate
10 of debt is satisfied following a credit card payment, debit card
11 payment or payment by other electronic payment device and that
12 payment is reversed, a new certificate of debt shall be filed against
13 the surcharged driver unless the original is reinstated.

14 If the administrator or his designee approves a special payment
15 plan, of such duration as the administrator or his designee deems
16 appropriate, for repayment of the certificate of debt, and the driver
17 is complying with the approved plan, the plan may be continued for
18 any new surcharge not part of the certificate of debt.

19 All moneys collectible by the commission under subparagraph
20 (b) of paragraph (2) of this subsection b. shall be billed and
21 collected by the commission except as provided in P.L.1997, c.280
22 (C.2B:19-10 et al.) for the collection of unpaid surcharges.
23 Commencing on September 1, 1996, or such earlier time as the
24 Commissioner of Banking and Insurance shall certify to the State
25 Treasurer that amounts on deposit in the New Jersey Automobile
26 Insurance Guaranty Fund are sufficient to satisfy the current and
27 anticipated financial obligations of the New Jersey Automobile Full
28 Insurance Underwriting Association, all surcharges collected by the
29 commission under subparagraph (b) of paragraph (2) of this
30 subsection b. shall be remitted to the Division of Motor Vehicles
31 Surcharge Fund:

32 (i) for transfer to the Market Transition Facility Revenue Fund,
33 as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the
34 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a
35 time as all the Market Transition Facility bonds, notes and
36 obligations and all Motor Vehicle Commission bonds, notes and
37 obligations issued pursuant to that section 4 of P.L.1994, c.57
38 (C.34:1B-21.4) and the costs thereof are discharged and no longer
39 outstanding; and

40 (ii) from and after the date of certification by the Commissioner
41 of Banking and Insurance that the moneys collectible under
42 subparagraph (b) of paragraph (2) of this subsection b. are no longer
43 needed to fund the association or at such time as all Market
44 Transition Facility bonds, notes and obligations and all Motor
45 Vehicle Commission bonds, notes and obligations issued pursuant
46 to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof
47 are discharged and no longer outstanding, for transfer to the Motor

1 Vehicle Surcharges Revenue Fund established pursuant to section 6
2 of the "Motor Vehicle Surcharges Securitization Act of 2004,"
3 P.L.2004, c.70 (C.34:1B-21.28) to be applied as set forth in section
4 6 that act. From and after such time as all bonds issued under
5 section 4 of the "Motor Vehicle Surcharges Securitization Act of
6 2004," P.L.2004, c.70 (C.34:1B-21.26) and the costs thereof are
7 discharged and no longer outstanding, all surcharges collected by
8 the commission under subparagraph (b) of paragraph (2) of this
9 subsection b. shall, subject to appropriation, be remitted to the New
10 Jersey Property-Liability Insurance Guaranty Association created
11 pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for
12 payment of any loans made by that association to the New Jersey
13 Automobile Insurance Guaranty Fund pursuant to paragraph (10) of
14 subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided
15 that all such payments shall be subject to and dependent upon
16 appropriation by the State Legislature.

17 All surcharges collected by the courts pursuant to subparagraph
18 (a) of paragraph (2) of this subsection b. shall be forwarded not less
19 frequently than monthly to the Division of Revenue. The Division
20 of Revenue shall transfer: all such surcharges received prior to July
21 1, 2006, to the General Fund, and commencing July 1, 2006, all
22 such surcharges to the Unsafe Driving Surcharge Revenue Fund
23 established pursuant to section 5 of the "Motor Vehicle Surcharges
24 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.27) to be
25 applied as set forth in section 5 of that act. From and after such
26 time as all bonds (including refunding bonds), notes and other
27 obligations issued under section 4 of the "Motor Vehicle Surcharges
28 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.26), and
29 the costs thereof are discharged and no longer outstanding, all such
30 surcharges collected by the courts pursuant to subparagraph (a) of
31 paragraph (2) of this subsection b. and forwarded to the Division of
32 Revenue shall be transferred to the General Fund.

33 Upon request, the Administrative Office of the Courts shall
34 provide a monthly report to the Division of Revenue containing
35 information on the number of convictions for the offense of unsafe
36 driving pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) that
37 were entered during such month, the amount of the surcharges that
38 were assessed by the courts pursuant to subsection f. of section 1 of
39 P.L.2000, c.75 (C.39:4-97.2) for such month, and the amount of the
40 surcharges collected by the courts pursuant to subsection f. of
41 section 1 of P.L.2000, c.75 (C.39:4-97.2) during such month.

42 (3) In addition to any other authority provided in P.L.1983, c.65
43 (C.17:29A-33 et al.), the commissioner, after consultation with the
44 commission, is specifically authorized (a) (Deleted by amendment,
45 P.L.1994, c.64), (b) to impose, in accordance with subparagraph (a)
46 of paragraph (1) of this subsection b., surcharges for motor vehicle
47 violations or convictions for which motor vehicle points are not

1 assessed under Title 39 of the Revised Statutes, or (c) to reduce the
2 number of points for which surcharges may be assessed below the
3 level provided in subparagraph (a) of paragraph (1) of this
4 subsection b., except that the dollar amount of all surcharges levied
5 under the Motor Vehicle Violations Surcharge System shall be
6 uniform on a Statewide basis for each filer, without regard to
7 classification or territory. Surcharges adopted by the commissioner
8 on or after January 1, 1984 for motor vehicle violations or
9 convictions for which motor vehicle points are not assessable under
10 Title 39 of the Revised Statutes shall not be retroactively applied
11 but shall take effect on the date of the New Jersey Register in which
12 notice of adoption appears or the effective date set forth in that
13 notice, whichever is later.

14 c. No motor vehicle violation surcharges shall be levied on an
15 automobile insurance policy issued or renewed on or after January
16 1, 1984, except in accordance with the Motor Vehicle Violations
17 Surcharge System, and all surcharges levied thereunder shall be
18 assessed, collected and distributed in accordance with subsection b.
19 of this section.

20 d. (Deleted by amendment, P.L.1990, c.8.)

21 e. The Commissioner of Banking and Insurance and the
22 commission as may be appropriate, shall adopt any rules and
23 regulations necessary or appropriate to effectuate the purposes of
24 this section.⁵

25 (cf: P.L.2007, c.282, s.1)

26

27 ²[17] ³[13.²] ⁴[14.³] ⁵[11.⁴] ¹².⁵ Section 1 of P.L.1964,
28 c.289 (C.39:4-49.1) is amended to read as follows:

29 1. ~~【No】~~ A person shall not operate a motor vehicle on any
30 highway while knowingly having in ~~【his】~~ the person's possession
31 or in the motor vehicle any controlled dangerous substance as
32 classified in Schedules I, II, III, IV and V of the "New Jersey
33 Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1
34 et seq.) or any prescription legend drug, unless the person has
35 obtained the substance or drug from, or on a valid written
36 prescription of, a duly licensed physician, veterinarian, dentist^{1,1} or
37 other medical practitioner licensed to write prescriptions intended
38 for the treatment or prevention of disease in ~~【man】~~ humans or
39 animals or unless the person possesses a controlled dangerous
40 substance pursuant to a lawful order of a practitioner or lawfully
41 possesses a Schedule V substance.

42 A person who violates this section ², except a person who
43 violates the provisions of N.J.S.2C:35-10,² shall be fined not less
44 than ~~【\$50.00 and shall forthwith forfeit his right to operate a motor~~
45 ~~vehicle for a period of two years from the date of his conviction】~~
46 \$50 ⁴and the court, in its discretion, may suspend, revoke, or

1 postpone the person's driving privileges for a period of up to six
2 months. In deciding the duration of any suspension, revocation, or
3 postponement of the person's driving privileges pursuant to this
4 section, the court shall consider the circumstances of the offense
5 and whether the loss of driving privileges will result in extreme
6 hardship and alternative means of transportation are not readily
7 available¹】⁴.

8 (cf: P.L.1985, c.239, s.1)

9
10 ²[18.] ³[14.²] ⁴[15.³] ⁵[12.⁴] 13.⁵ Section 1 of P.L.1967,
11 c.305 (C.39:4-56.5) is amended to read as follows:

12 1. a. It shall be unlawful for any person to abandon a motor
13 vehicle on or along any highway, other than a limited access
14 highway, or other public property or on any private property
15 without the consent of the owner or other person in charge of the
16 private property. A vehicle which has remained on or along any
17 highway or other public property or on private property without
18 such consent for a period of more than 48 hours or for any period
19 without current license plates shall be presumed to be an abandoned
20 motor vehicle. Vehicles used or to be used in the construction,
21 operation or maintenance of public utility facilities and which are
22 left in a manner which does not interfere with the normal movement
23 of traffic shall not be considered abandoned vehicles for the
24 purposes of this section.

25 b. It shall be unlawful for any person to abandon a motor
26 vehicle on or along any limited access highway without the consent
27 of the State Department of Transportation or other entity having
28 jurisdiction over the limited access highway, as the case may be. A
29 vehicle which remains on or along **【such a】** the highway for a
30 period of more than four hours or for any period without current
31 license plates shall be presumed to be an abandoned motor vehicle.
32 Legally parked vehicles, such as vehicles parked in a designated
33 rest area for not more than 12 hours, or vehicles used or to be used
34 in the construction, operation, or maintenance of public utility
35 facilities and which are left in a manner which does not interfere
36 with the normal movement of traffic shall not be considered
37 abandoned vehicles for the purposes of this section.

38 c. Any person who violates this section shall be subject for the
39 first offense to a fine of not less than \$100 nor more than \$500
40 **【and his license or driving privilege may be suspended or revoked**
41 **by the director for not more than two years】**. For any subsequent
42 violation **【he】** the person shall be subject to a fine of not less than
43 \$500 **【nor】** or more than \$1,000**【,** and his license or driving
44 privilege be suspended or revoked for a period of not more than five
45 years**】**.

46 (cf: P.L.1999, c.411, s.1)

1 ¹19. Section 9 of P.L.1985, c.14 (C.39:4-139.10) is amended to
2 read as follows:

3 9. a. If a person has failed to respond to a failure to appear
4 notice or has failed to pay a parking judgment, the municipal court
5 may give notice of that fact to the commission in a manner
6 prescribed by the chief administrator. If notice has been given
7 under this section of a person's failure to respond to a failure to
8 appear notice or to pay a parking judgment and if the fines and
9 penalties are paid or if the case is dismissed or otherwise disposed
10 of, the municipal court shall promptly give notice to that effect to
11 the commission.

12 b. The judge or the commission may suspend the [driver's
13 license, or the] registration of the motor vehicle of an owner,
14 lessee, or operator who has not answered or appeared in response to
15 a failure to appear notice or has not paid or otherwise satisfied
16 outstanding parking fines or penalties.

17 If the [license or] registration suspension is the result of the
18 failure to pay outstanding parking fines or penalties, or respond to a
19 failure to appear notice, the commission shall:

20 (1) delay the imposition of the [license or] registration
21 suspension for at least 30 days after the date on which the
22 commission received a notice of suspension from the municipal
23 court; and

24 (2) upon receipt of a notice of suspension from the municipal
25 court, provide written notice advising the owner, lessee, or operator
26 that the suspension shall take effect 30 days after the date of the
27 commission's notice. The written notice issued by the commission
28 shall provide the reason for suspension, identify the municipal court
29 that issued the notice of suspension, and inform the owner, lessee,
30 or operator that the suspension may be avoided by contacting the
31 municipal court that issued the notice of suspension within the 30
32 day period to resolve the pending parking violation.

33 If an owner, lessee or operator has been found guilty of a parking
34 offense and has failed to pay or otherwise satisfy outstanding
35 parking fines or penalties, the court shall provide notice and an
36 opportunity to appear before a judge prior to suspending that
37 person's [driver's license or] motor vehicle registration. In
38 determining whether to suspend the person's [driver's license or
39 the] motor vehicle registration, the judge and the commission shall
40 take into consideration the area where the person resides and
41 whether or not the person has access to off-street parking. In
42 accordance with section 1 of P.L.1981, c.365 (C.39:4-203.1) and
43 section 1 of P.L.2009, c.317 (C.2B:12-23.1), a court may permit
44 alternatives to the payment of certain outstanding portions of
45 parking fines and penalties based on a person's ability to pay,
46 including allowing the payment of the fine in installments,

1 conversion of the fine to community service, or revoking portions
2 of the fine or penalty.

3 When a person whose **[license or]** registration has been
4 suspended appears at court proceedings or otherwise resolves
5 pending parking violations, or pays or otherwise satisfies all
6 parking fines or penalties, the municipal court shall provide the
7 person with a receipt of payment and shall give electronic notice to
8 the commission that the person's obligations have been satisfied and
9 the suspension ordered by the court shall not be imposed. If, prior
10 to the effective date of the suspension by the commission, the
11 person submits the receipt of payment to the commission or the
12 commission receives the electronic notice stating that the person's
13 obligations have been satisfied, the commission shall not suspend
14 the person's **[license or]** registration. If the commission receives
15 the receipt or electronic notice after the effective date of the
16 suspension, the person shall seek the restoration of the **[license or]**
17 registration through procedures adopted by the commission.

18 c. The commission shall keep a record of a suspension ordered
19 by the court pursuant to subsection b. of this section.

20 (cf: P.L.2017, c.75, s.1)¹

21

22 ²[¹19.] ³[^{15.}²] ⁴[^{16.}³] ⁵[^{13.}⁴] ^{14.}⁵ Section 9 of P.L.1985, c.14
23 (C.39:4-139.10) is amended to read as follows:

24 9. a. If a person has failed to respond to a failure to appear notice
25 or has failed to pay a parking judgment, the municipal court may give
26 notice of that fact to the commission in a manner prescribed by the
27 chief administrator. If notice has been given under this section of a
28 person's failure to respond to a failure to appear notice or to pay a
29 parking judgment and if the fines and penalties are paid or if the case
30 is dismissed or otherwise disposed of, the municipal court shall
31 promptly give notice to that effect to the commission.

32 b. The judge or the commission may suspend the driver's license,
33 or the registration of the motor vehicle of an owner, lessee, or operator
34 who has not answered or appeared in response to a failure to appear
35 notice or has not paid or otherwise satisfied outstanding parking fines
36 or penalties.

37 If the license or registration suspension is the result of the failure
38 to pay outstanding parking fines or penalties, or respond to a failure to
39 appear notice, the commission shall:

40 (1) delay the imposition of the license or registration suspension
41 for at least 30 days after the date on which the commission received a
42 notice of suspension from the municipal court; and

43 (2) upon receipt of a notice of suspension from the municipal
44 court, provide written notice advising the owner, lessee, or operator
45 that the suspension shall take effect 30 days after the date of the
46 commission's notice. The written notice issued by the commission
47 shall provide the reason for suspension, identify the municipal court

1 that issued the notice of suspension, and inform the owner, lessee, or
2 operator that the suspension may be avoided by contacting the
3 municipal court that issued the notice of suspension within the 30 day
4 period to resolve the pending parking violation.

5 If an owner, lessee or operator has been found guilty of a parking
6 offense and has failed to pay or otherwise satisfy outstanding parking
7 fines or penalties, the court shall provide notice and an opportunity to
8 appear before a judge prior to suspending that person's driver's license
9 or motor vehicle registration. In determining whether to suspend the
10 person's driver's license or the motor vehicle registration, the judge and
11 the commission shall take into consideration the circumstances of the
12 offense, whether the suspension of the person's driver's license will
13 result in extreme hardship and alternative means of transportation are
14 not readily available, the area where the person resides, and whether or
15 not the person has access to off-street parking. In accordance with
16 section 1 of P.L.1981, c.365 (C.39:4-203.1) and section 1 of P.L.2009,
17 c.317 (C.2B:12-23.1), a court may permit alternatives to the payment
18 of certain outstanding portions of parking fines and penalties based on
19 a person's ability to pay, including allowing the payment of the fine in
20 installments, conversion of the fine to community service, or revoking
21 portions of the fine or penalty.

22 When a person whose license or registration has been suspended
23 appears at court proceedings or otherwise resolves pending parking
24 violations, or pays or otherwise satisfies all parking fines or penalties,
25 the municipal court shall provide the person with a receipt of payment
26 and shall give electronic notice to the commission that the person's
27 obligations have been satisfied and the suspension ordered by the court
28 shall not be imposed. If, prior to the effective date of the suspension
29 by the commission, the person submits the receipt of payment to the
30 commission or the commission receives the electronic notice stating
31 that the person's obligations have been satisfied, the commission shall
32 not suspend the person's license or registration. If the commission
33 receives the receipt or electronic notice after the effective date of the
34 suspension, the person shall seek the restoration of the license or
35 registration through procedures adopted by the commission.

36 c. The commission shall keep a record of a suspension ordered by
37 the court pursuant to subsection b. of this section.¹

38 (cf: P.L.2017, c.75, s.1)

39

40 ²[20.] ³[16.²] ⁴[17.³] ⁵[14.⁴] Section 2 of P.L.1993, c.296
41 (C.39:5-30.13) is amended to read as follows:

42 2. The **【Director】** Chief Administrator of the **【Division of】**
43 New Jersey Motor 【Vehicles】 Vehicle Commission shall suspend,
44 revoke, or postpone the driving privilege in this State for a period of
45 **【not less than】** six months **【or more than two years】** of every
46 person convicted of or adjudicated delinquent for a drug offense in
47 any federal court or in the court of any other state, or the District of

1 Columbia. When a person whose license is subject to suspension,
 2 revocation, or postponement under this act is less than 17 years of
 3 age, the period of suspension, revocation or postponement imposed
 4 by the **[director]** chief administrator shall commence immediately
 5 and shall run for a period of not less than six months or more than
 6 two years after the date the person reaches the age of 17. If the
 7 driving privilege of any person is under revocation, suspension, or
 8 postponement for a violation of Title 2C or Title 39 of the Revised
 9 Statutes at the time of the imposition of suspension, revocation, or
 10 postponement under this act, the revocation, suspension, or
 11 postponement imposed herein shall commence as of the date of
 12 termination of the existing suspension, revocation, or
 13 postponement.

14 (cf: P.L.1993, c.296, s.2)]⁵

15

16 ²[21.] ³[17.²] ⁴[18.³] ^{15.}⁴ Section 27 of P.L.1952, c.174
 17 (C.39:6-87) is amended to read as follows:

18 27. Registration, etc. not restored until fund is reimbursed.

19 Where the license or privileges of any person, or the registration
 20 of a motor vehicle registered in **[his]** the person's name, has been
 21 suspended or cancelled under the Motor Vehicle Security-
 22 Responsibility Law of this State, and the association has paid from
 23 the fund any amount in settlement of a claim or towards satisfaction
 24 of a judgment against that person, or for the payment of personal
 25 injury protection benefits as provided in section 7 and section 10 of
 26 this act, the cancellation or suspension shall not be removed, nor the
 27 license, privileges, or registration restored, nor shall any new
 28 license or privilege be issued or granted to, or registration be
 29 permitted to be made by, that person until **[he]** the person has:

30 (a) Repaid in full to the association the amount **[so]** paid by
 31 **[him]** the person together with interest **[thereon]** at **[8%]** eight
 32 percent per annum from the date of **[such]** the payment; and

33 (b) Satisfied all requirements of **[said]** the Motor Vehicle
 34 Security-Responsibility Law in respect of giving proof of ability to
 35 respond in damages for future accidents, provided, that the court in
 36 which **[such]** the judgment was rendered may, upon 10 days' notice
 37 to the association, make an order permitting payment of the amount
 38 of **[such]** the person's indebtedness to the fund, to be made in
 39 installments, or in the event the fund makes personal injury
 40 protection benefit payments, **[such]** the person and the fund by
 41 agreement may provide for repayment to the fund to be made in
 42 installments, and in such case, **[such]** the person's driver's license,
 43 or **[his]** driving privileges, or registration certificate, if the same
 44 have been suspended or revoked, or have expired, may be restored
 45 or renewed and shall remain in effect unless and until **[such]** the
 46 person defaults in making any installment payment specified in

1 **[such]** the order. In the event of **[any such]** a default, the New
2 Jersey Motor Vehicle Commission **[shall]** may upon notice of
3 **[such]** the default suspend **[such]** the person's driver's license, or
4 driving privileges or registration certificate until the amount of
5 **[his]** the person's indebtedness to the fund has been paid in full.
6 (cf: P.L.2003, c.89, s.32)

7
8 ¹**[**22. Section 15 of P.L.1972, c.70 (C.39:6A-15) is amended to
9 read as follows:

10 15. In any claim or action arising for benefits payable under a
11 standard automobile insurance policy under section 4 of P.L.1972,
12 c.70 (C.39:6A-4), any claim or action arising for medical expense
13 benefits payable under a basic automobile insurance policy under
14 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or any claim or action
15 arising for benefits payable under a special automobile insurance
16 policy pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3)
17 wherein any person obtains or attempts to obtain from any other
18 person, insurance company or Unsatisfied Claim and Judgment
19 Fund any money or other thing of value by (1) falsely or
20 fraudulently representing that **[such]** the person is entitled to
21 **[such]** the benefits; (2) falsely and fraudulently making statements
22 or presenting documentation in order to obtain or attempt to obtain
23 **[such]** the benefits; or (3) cooperates, conspires, or otherwise acts
24 in concert with any person seeking to falsely or fraudulently obtain,
25 or attempt to obtain, **[such]** the benefits may upon conviction be
26 fined not more than **[\$5,000.00]** \$5,000, or imprisoned for not
27 more than three years, or both, or in the event the sum **[so]**
28 obtained or attempted to be obtained is not more than **[\$500.00]**
29 \$500, may upon conviction, be fined not more than **[\$500.00]**
30 \$500, or imprisoned for not more than six months, or both, as a
31 disorderly person.

32 **[**In addition to any penalties imposed by law, any person who is
33 either found by a court of competent jurisdiction to have violated
34 any provision of P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to
35 automobile insurance or been convicted of any violation of Title 2C
36 of the New Jersey Statutes arising out of automobile insurance
37 fraud shall not operate a motor vehicle over the highways of this
38 State for a period of one year from the date of judgment or
39 conviction.]

40 (cf: P.L.2003, c.89, s.58)]¹

41
42 ²**[** ¹22. Section 15 of P.L.1972, c.70 (C.39:6A-15) is amended to
43 read as follows:

44 15. In any claim or action arising for benefits payable under a
45 standard automobile insurance policy under section 4 of P.L.1972,
46 c.70 (C.39:6A-4), any claim or action arising for medical expense

1 benefits payable under a basic automobile insurance policy under
2 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or any claim or action
3 arising for benefits payable under a special automobile insurance
4 policy pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3) wherein
5 any person obtains or attempts to obtain from any other person,
6 insurance company or Unsatisfied Claim and Judgment Fund any
7 money or other thing of value by (1) falsely or fraudulently
8 representing that **[such]** the person is entitled to **[such]** the benefits;
9 (2) falsely and fraudulently making statements or presenting
10 documentation in order to obtain or attempt to obtain **[such]** the
11 benefits; or (3) cooperates, conspires, or otherwise acts in concert with
12 any person seeking to falsely or fraudulently obtain, or attempt to
13 obtain, **[such]** the benefits may upon conviction be fined not more
14 than **[\$5,000.00]** \$5,000, or imprisoned for not more than three years,
15 or both, or in the event the sum **[so]** obtained or attempted to be
16 obtained is not more than **[\$500.00]** \$500, may upon conviction, be
17 fined not more than **[\$500.00]** \$500, or imprisoned for not more than
18 six months, or both, as a disorderly person.

19 In addition to any penalties imposed by law, **[any person who is**
20 either found by a court of competent jurisdiction to have violated any
21 provision of P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to
22 automobile insurance or been convicted of any violation of Title 2C of
23 the New Jersey Statutes arising out of automobile insurance fraud shall
24 not operate a motor vehicle over the highways of this State for a period
25 of one year from the date of judgment or conviction] the court, in its
26 discretion, may suspend, revoke, or postpone for up to one year the
27 driver's license of any person who has violated any provision of
28 P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to automobile
29 insurance or been convicted of any violation of Title 2C of the New
30 Jersey Statutes arising out of automobile insurance fraud. In deciding
31 the duration of any suspension, revocation, or postponement of the
32 person's driver's license, the court shall consider the circumstances of
33 the offense and whether the loss of driving privileges will result in
34 extreme hardship and alternative means of transportation are not
35 readily available.¹

36 (cf: P.L.2003, c.89, s.58)]²

37

38 ⁴**[³19.] 16.**⁴ Section 15 of P.L.1972, c.70 (C.39:6A-15) is
39 amended to read as follows:

40 15. In any claim or action arising for benefits payable under a
41 standard automobile insurance policy under section 4 of P.L.1972,
42 c.70 (C.39:6A-4), any claim or action arising for medical expense
43 benefits payable under a basic automobile insurance policy under
44 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or any claim or action
45 arising for benefits payable under a special automobile insurance
46 policy pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3)

1 wherein any person obtains or attempts to obtain from any other
 2 person, insurance company or Unsatisfied Claim and Judgment
 3 Fund any money or other thing of value by (1) falsely or
 4 fraudulently representing that **[such]** the person is entitled to
 5 **[such]** the benefits; (2) falsely and fraudulently making statements
 6 or presenting documentation in order to obtain or attempt to obtain
 7 **[such]** the benefits; or (3) cooperates, conspires, or otherwise acts
 8 in concert with any person seeking to falsely or fraudulently obtain,
 9 or attempt to obtain, **[such]** the benefits may upon conviction be
 10 fined not more than **[\$5,000.00]** \$5,000, or imprisoned for not
 11 more than three years, or both, or in the event the sum **[so]**
 12 obtained or attempted to be obtained is not more than **[\$500.00]**
 13 \$500, may upon conviction, be fined not more than **[\$500.00]**
 14 \$500, or imprisoned for not more than six months, or both, as a
 15 disorderly person.

16 In addition to any penalties imposed by law, any person who is
 17 either found by a court of competent jurisdiction to have violated
 18 any provision of P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to
 19 automobile insurance or been convicted of any violation of Title 2C
 20 of the New Jersey Statutes arising out of automobile insurance
 21 fraud based on a claim for damages arising out of a motor vehicle
 22 accident shall not operate a motor vehicle over the highways of this
 23 State for a period of one year from the date of judgment or
 24 conviction.³

25 (cf: P.L.2003, c.89, s.58)

26
 27 ²**[23.]** ³**[18.]** ⁴**[20.]** ^{17.}⁴ Section 2 of P.L.1972, c.197
 28 (C.39:6B-2) is amended to read as follows:

29 2. An owner or registrant of a motor vehicle registered or
 30 principally garaged in this State who operates or causes to be operated
 31 a motor vehicle upon any public road or highway in this State without
 32 motor vehicle liability insurance coverage required by P.L.1972, c.197
 33 (C.39:6B-1 et seq.), and an operator who operates or causes a motor
 34 vehicle to be operated and who knows or should know from the
 35 attendant circumstances that the motor vehicle is without motor
 36 vehicle liability insurance coverage required by P.L.1972, c.197
 37 (C.39:6B-1 et seq.) shall be subject, for the first offense, to a fine of
 38 not less than \$300 nor more than \$1,000 and a period of community
 39 service to be determined by the court. The court, in its discretion, also
 40 **[shall]** may suspend the person's right to operate a motor vehicle over
 41 the highways of this State for a period of up to one year from the date
 42 of conviction; provided, however, the period of license suspension
 43 may be reduced or eliminated if the person provides the court with
 44 satisfactory proof of motor vehicle liability insurance at the time of the
 45 hearing. Upon subsequent conviction, the person shall be subject to a
 46 fine of up to \$5,000 and shall be subject to imprisonment for a term of

1 14 days and shall be ordered by the court to perform community
 2 service for a period of 30 days, which shall be of a form and on terms
 3 as the court shall deem appropriate under the circumstances, and **[shall**
 4 **forfeit the person's right to operate a motor vehicle for a period of]**
 5 the court, in its discretion, may suspend the person's right to operate a
 6 motor vehicle over the highways of this State for a period of up to two
 7 years from the date of the conviction**[, and, after]** . In deciding the
 8 duration of **1[the] any¹** suspension of the person's right to operate a
 9 motor vehicle pursuant to this section, the court shall consider the
 10 circumstances of the violation and whether the loss of driving
 11 privileges will result in extreme hardship and alternative means of
 12 transportation are not **1readily¹** available. After the expiration of the
 13 **[forfeiture]** suspension, the person may make application to the Chief
 14 Administrator of the New Jersey Motor Vehicle Commission for a
 15 license to operate a motor vehicle, which application may be granted at
 16 the discretion of the chief administrator. The chief administrator's
 17 discretion shall be based upon an assessment of the likelihood that the
 18 individual will operate or cause a motor vehicle to be operated in the
 19 future without the insurance coverage required by this act. A
 20 complaint for violation of this act may be made to a municipal court at
 21 any time within six months after the date of the alleged offense.

22 Failure to produce at the time of trial an insurance identification
 23 card or an insurance policy which was in force for the time of
 24 operation for which the offense is charged creates a rebuttable
 25 presumption that the person was uninsured when charged with a
 26 violation of this section.

27 (cf: P.L.2013, c.237, s.1)

28
 29 **²[24.] ³[19.²] ⁴[21.³] 18.⁴** Section 1 of P.L.2000, c.33
 30 (C.40:48-1.2) is amended to read as follows:

31 1. a. A municipality may enact an ordinance making it
 32 unlawful for any person under the legal age who, without legal
 33 authority, knowingly possesses or knowingly consumes an alcoholic
 34 beverage on private property. The ordinance shall provide that a
 35 violation shall be punished by a fine of \$250 for a first offense and
 36 \$350 for any subsequent offense.

37 b. **[The ordinance shall provide that the court may, in addition**
 38 **to the fine authorized for this offense, suspend or postpone for six**
 39 **months the driving privilege of the defendant. Upon the conviction**
 40 **of any person and the suspension or postponement of that person's**
 41 **driver's license, the court shall forward a report to the Division of**
 42 **Motor Vehicles stating the first and last day of the suspension or**
 43 **postponement period imposed by the court pursuant to this section.**
 44 **If a person at the time of the imposition of a sentence is less than 17**
 45 **years of age, the period of license postponement, including a**
 46 **suspension or postponement of the privilege of operating a**
 47 **motorized bicycle, shall commence on the day the sentence is**

1 imposed and shall run for a period of six months after the person
2 reaches the age of 17 years.

3 If a person at the time of the imposition of a sentence has a valid
4 driver's license issued by this State, the court shall immediately
5 collect the license and forward it to the division along with the
6 report. If for any reason the license cannot be collected, the court
7 shall include in the report the complete name, address, date of birth,
8 eye color, and sex of the person, as well as the first and last date of
9 the license suspension period imposed by the court.

10 The court shall inform the person orally and in writing that if the
11 person is convicted of operating a motor vehicle during the period
12 of license suspension or postponement, the person shall be subject
13 to the penalties set forth in R.S.39:3-40. A person shall be required
14 to acknowledge receipt of the written notice in writing. Failure to
15 receive a written notice or failure to acknowledge in writing the
16 receipt of a written notice shall not be a defense to a subsequent
17 charge of a violation of R.S.39:3-40.

18 If the person convicted under such an ordinance is not a New
19 Jersey resident, the court shall suspend or postpone, as appropriate,
20 the non-resident driving privilege of the person based on the age of
21 the person and submit to the division the required report. The court
22 shall not collect the license of a non-resident convicted under this
23 section. Upon receipt of a report by the court, the division shall
24 notify the appropriate officials in the licensing jurisdiction of the
25 suspension or postponement. **】** (Deleted by amendment, P.L. , c.)
26 (pending before the Legislature as this bill)

27 c. (1) **【No】** An ordinance shall not prohibit an underaged
28 person from consuming or possessing an alcoholic beverage in
29 connection with a religious observance, ceremony, or rite or
30 consuming or possessing an alcoholic beverage in the presence of
31 and with the permission of a parent, guardian, or relative who has
32 attained the legal age to purchase and consume alcoholic beverages.

33 (2) As used in this section:

34 "Guardian" means a person who has qualified as a guardian of
35 the underaged person pursuant to testamentary or court
36 appointment.

37 "Relative" means the underaged person's grandparent, aunt or
38 uncle, sibling, or any other person related by blood or affinity.

39 d. **【No】** An ordinance shall not prohibit possession of alcoholic
40 beverages by any such person while actually engaged in the
41 performance of employment by a person who is licensed under Title
42 33 of the Revised Statutes, or while actively engaged in the
43 preparation of food while enrolled in a culinary arts or hotel
44 management program at a county vocational school or post
45 secondary educational institution; however, no ordinance enacted
46 pursuant to this section shall be construed to preclude the
47 imposition of a penalty under this section, R.S.33:1-81, or any other

1 section of law against a person who is convicted of unlawful
2 alcoholic beverage activity on or at premises licensed for the sale of
3 alcoholic beverages.

4 (cf: P.L.2003, c.33, s.1)

5

6 ²[25.] ³[20.²] ⁴[22.³] 19.⁴ Section 2 of P.L.1991, c.214
7 (C.48:13A-12.2) is amended to read as follows:

8 2. a. Any owner or operator who knowingly violates the
9 provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is guilty
10 of a crime of the third degree.

11 b. The provisions of N.J.S.2C:43-3 to the contrary
12 notwithstanding, any person convicted of a violation of the
13 provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is
14 subject to a fine of not less than ~~[\$7,500.00]~~ \$7,500 for a first
15 offense, not more than ~~[\$10,000.00]~~ \$10,000 for a second offense
16 and not more than ~~[\$25,000.00]~~ \$25,000 for a third and every
17 subsequent offense. Each day during which the violation continues
18 constitutes an additional, separate and distinct offense.

19 c. If a person is convicted of a violation of the provisions of
20 section 1 of P.L.1991, c.214 (C.48:13A-12.1), the court shall, in
21 addition to the penalties provided under this section, require the
22 person to perform community service for a term of not more than 90
23 days~~],~~ and the person shall forthwith forfeit his right to operate a
24 motor vehicle over the highways of this State for a period of not
25 less than six months nor more than one year~~].~~

26 d. All conveyances used or intended for use in the unlawful
27 transportation of solid waste in violation of the provisions of
28 section 1 of P.L.1991, c.214 (C.48:13A-12.1) are subject to
29 forfeiture to the State pursuant to the provisions of P.L.1981, c.387
30 (C.13:1K-1 et seq.).

31 (cf: P.L.1991, c.214, s.2)

32

33 ³[²[¹26.] 21.² R.S.39:3-40 is amended to read as follows:

34 39:3-40. ~~[No]~~ A person to whom a driver's license has been
35 refused or whose driver's license or reciprocity privilege has been
36 suspended or revoked, or who has been prohibited from obtaining a
37 driver's license, shall not personally operate a motor vehicle during the
38 period of refusal, suspension, revocation, or prohibition, except as
39 provided in section 27 of P.L. , c. (C.) (pending before the
40 Legislature as this bill).

41 ~~[No]~~ A person whose motor vehicle registration has been revoked
42 shall not operate or permit the operation of ~~[such]~~ the motor vehicle
43 during the period of ~~[such]~~ revocation.

44 Except as provided in subsections i. and j. of this section, a person
45 violating this section shall be subject to the following penalties:

- 1 a. Upon conviction for a first offense, a fine of **[\$500.00]** \$500
2 and, if that offense involves the operation of a motor vehicle during a
3 period when the violator's driver's license is suspended for a violation
4 of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a),
5 revocation of the violator's motor vehicle registration privilege in
6 accordance with the provisions of sections 2 through 6 of P.L.1995,
7 c.286 (C.39:3-40.1 through C.39:3-40.5);
- 8 b. Upon conviction for a second offense, a fine of **[\$750.00]**
9 \$750, imprisonment in the county jail for at least one but not more
10 than five days and, if the second offense involves the operation of a
11 motor vehicle during a period when the violator's driver's license is
12 suspended and that second offense occurs within five years of a
13 conviction for that same offense, revocation of the violator's motor
14 vehicle registration privilege in accordance with the provisions of
15 sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-
16 40.5);
- 17 c. Upon conviction for a third offense or subsequent offense, a
18 fine of **[\$1,000.00]** \$1,000 and imprisonment in the county jail for 10
19 days. If the third or a subsequent offense involves the operation of a
20 motor vehicle during a period when the violator's driver's license is
21 suspended and the third or subsequent offense occurs within five years
22 of a conviction for the same offense, revocation of the violator's motor
23 vehicle registration privilege in accordance with the provisions of
24 sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-
25 40.5);
- 26 d. Upon conviction, the court shall impose or extend a period of
27 suspension not to exceed six months;
- 28 e. Upon conviction, the court shall impose a period of
29 imprisonment for not less than 45 days or more than 180 days, if while
30 operating a vehicle in violation of this section a person is involved in
31 an accident resulting in bodily injury to another person;
- 32 f. (1) In addition to any penalty imposed under the provisions of
33 subsections a. through e. of this section, any person violating this
34 section while under suspension issued pursuant to section 2 of
35 P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined
36 **[\$500.00]** \$500, shall have his license to operate a motor vehicle
37 suspended for an additional period of not less than one year nor more
38 than two years, and may be imprisoned in the county jail for not more
39 than 90 days.
- 40 (2) In addition to any penalty imposed under the provisions of
41 subsections a. through e. of this section and paragraph (1) of this
42 subsection, any person violating this section under suspension issued
43 pursuant to R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a)
44 or P.L.1982, c.85 (C.39:5-30a et seq.), shall be fined \$500, shall have
45 his license to operate a motor vehicle suspended for an additional
46 period of not less than one year or more than two years, and shall be

1 imprisoned in the county jail for not less than 10 days or more than 90
2 days.

3 (3) In addition to any penalty imposed under the provisions of
4 subsections a. through e. of this section and paragraphs (1) and (2) of
5 this subsection, a person shall have his license to operate a motor
6 vehicle suspended for an additional period of not less than one year or
7 more than two years, which period shall commence upon the
8 completion of any prison sentence imposed upon that person, shall be
9 fined \$500 and shall be imprisoned for a period of 60 to 90 days for a
10 first offense, imprisoned for a period of 120 to 150 days for a second
11 offense, and imprisoned for 180 days for a third or subsequent offense,
12 for operating a motor vehicle while in violation of paragraph (2) of this
13 subsection while:

14 (a) on any school property used for school purposes which is
15 owned by or leased to any elementary or secondary school or school
16 board, or within 1,000 feet of such school property;

17 (b) driving through a school crossing as defined in R.S.39:1-1 if
18 the municipality, by ordinance or resolution, has designated the school
19 crossing as such; or

20 (c) driving through a school crossing as defined in R.S.39:1-1
21 knowing that juveniles are present if the municipality has not
22 designated the school crossing as such by ordinance or resolution.

23 A map or true copy of a map depicting the location and boundaries
24 of the area on or within 1,000 feet of any property used for school
25 purposes which is owned by or leased to any elementary or secondary
26 school or school board produced pursuant to section 1 of P.L.1987,
27 c.101 (C.2C:35-7) may be used in a prosecution under subparagraph
28 (a) of this paragraph.

29 It shall not be relevant to the imposition of sentence pursuant to
30 subparagraph (a) or (b) of this paragraph that the defendant was
31 unaware that the prohibited conduct took place while on or within
32 1,000 feet of any school property or while driving through a school
33 crossing. Nor shall it be relevant to the imposition of sentence that no
34 juveniles were present on the school property or crossing zone at the
35 time of the offense or that the school was not in session;

36 g. (Deleted by amendment, P.L.2009, c.224);

37 h. A person who owns or leases a motor vehicle and permits
38 another to operate the motor vehicle commits a violation and is subject
39 to suspension of his license to operate a motor vehicle and to
40 revocation of registration pursuant to sections 2 through 6 of P.L.1995,
41 c.286 (C.39:3-40.1 through C.39:3-40.5) if the person:

42 (1) Knows that the operator's license or reciprocity privilege to
43 operate a motor vehicle has been suspended for a violation of
44 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a); or

45 (2) Knows that the operator's license or reciprocity privilege to
46 operate a motor vehicle is suspended and that the operator has been

1 convicted, within the past five years, of operating a vehicle while the
2 person's license was suspended or revoked.

3 In any case where a person who owns or leases a motor vehicle
4 knows that the operator's license or reciprocity privilege of the person
5 he permits to operate the motor vehicle is suspended or revoked for
6 any violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-
7 50.4a), the person also shall be subject to the following penalties: for a
8 first or second offense, a fine of \$1,000, imprisonment for not more
9 than 15 days, or both; and for a third or subsequent offense, a fine of
10 \$1,000, imprisonment for not more than 15 days, or both, and
11 forfeiture of the right to operate a motor vehicle over the highways of
12 this State for a period of 90 days;

13 i. If the violator's driver's license to operate a motor vehicle has
14 been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
15 139.10) or for failure to comply with a time payment order, the
16 violator shall be subject to a maximum fine of \$100 upon proof that
17 the violator has paid all fines and other assessments related to the
18 parking violation that were the subject of the Order of Suspension, or
19 if the violator makes sufficient payments to become current with
20 respect to payment obligations under the time payment order;

21 j. If a person is convicted for a second or subsequent violation of
22 this section and the second or subsequent offense involves a motor
23 vehicle moving violation, the term of imprisonment for the second or
24 subsequent offense shall be 10 days longer than the term of
25 imprisonment imposed for the previous offense.

26 For the purposes of this subsection, a "motor vehicle moving
27 violation" means any violation of the motor vehicle laws of this State
28 for which motor vehicle points are assessed by the chief administrator
29 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).¹
30 (cf: P.L.2009, c.332, s.1)³

31
32 ³~~2~~¹~~27.~~ 22.² (New section) a. A person whose driver's license
33 is suspended, revoked, or postponed for any of the following offenses
34 may apply to the chief administrator for a restricted use driver's
35 license endorsement:

36 (1) section 50 of P.L.1990, c.8 (C.17:33B-41);

37 (2) section 9 of P.L.1985, c.14 (C.39:4-139.10); and

38 (3) section 2 of P.L.1972, c.197 (C.39:6B-2).

39 b. The chief administrator shall issue, in a form and manner
40 prescribed by the chief administrator, an application for an
41 endorsement to a person whose driver's license has been suspended or
42 revoked for any of the offenses set forth in subsection a. of this
43 section.

44 c. The endorsement shall be issued as promptly as is practicable
45 in accordance with procedures established by the chief administrator.

46 d. The chief administrator may impose a fee of not more than \$25
47 for the endorsement.

- 1 e. An endorsement shall expire when the person's driver's license
2 is restored following the period of suspension or revocation.
- 3 f. Provided the applicant meets the requirements set forth in this
4 section, an endorsement shall be issued only to a person whose driver's
5 license is suspended or revoked after or within 10 years prior to the
6 effective date of this act.
- 7 g. For the purposes of this section, "restricted use driver's license
8 endorsement" or "endorsement" means an endorsement to a basic
9 driver's license issued to a person whose driver's license has been
10 suspended or revoked which authorizes the person to operate a motor
11 vehicle exclusively between the person's residence and the person's
12 place of employment, an accredited educational institution, a mandated
13 treatment program, a health care facility, or a child care facility; or in
14 the person's course of employment when operating a motor vehicle is
15 necessary in order to perform the duties of the person's primary
16 employment.
- 17 h. The chief administrator may promulgate rules and regulations
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.) in order to effectuate the purposes of this act.¹]³
- 20
- 21 ³~~2~~¹~~28.~~ 23.² (New section) Notwithstanding the provisions of
22 R.S.39:3-11, the following penalties shall apply with regard to a
23 restricted use driver's license endorsement:
- 24 a. The suspension or revocation of the driver's license of an
25 applicant for an endorsement shall be extended for one year if the
26 applicant deliberately falsifies an application for the endorsement.
- 27 b. A driver who operates a motor vehicle between points other
28 than as authorized by the endorsement shall immediately forfeit the
29 endorsement and be subject to the following penalties:
- 30 (1) a fine of not less than \$500 or more than \$1,000, community
31 service for a period of 30 days, and an additional one year driver's
32 license suspension or revocation;
- 33 (2) if the driver is convicted of causing an accident resulting in
34 personal injury or death to another person, a fine of not less than
35 \$1,000 or more than \$5,000, community service for a period of 30
36 days, and an additional two years driver's license suspension or
37 revocation; and
- 38 (3) if the driver is convicted of a violation of R.S.39:4-50 or
39 section 2 of P.L.1981, c.512 (C.39:4-50.4a), a fine of not less than
40 \$1,000 or more than \$5,000, community service for a period of 30
41 days, and an additional five years driver's license suspension or
42 revocation.
- 43 c. The penalties in this section shall be in addition to any other
44 penalties required by law for a violation of this State's motor vehicle
45 laws.¹]³

1 ¹[26.] ²[29.¹] ³[24.²] ⁴[23.³] 20.⁴ The following sections are
2 repealed:

3 ⁴a.⁴ N.J.S.2B:12-31;
4 section 6 of P.L.1995, c.251 (C.2A:4A-43.3);
5 section 2 of P.L.1999, c.195 (C.2C:33-3.1); and
6 section 2 of P.L.1981, c.365 (C.39:4-203.2) ⁴; and
7 b. N.J.S.2C:35-16⁴ ⁵and section 2 of P.L.1993, c.296 (C.39:5-
8 30.13⁵.

9
10 ¹[27] ²[30¹] ³[25.²] ⁴[24.³ This] 21. Section ⁵[11] 12⁵ and
11 subsection b. of section 20 of this act shall take effect upon the
12 adoption by both houses of Senate Concurrent Resolution No. 98
13 and Assembly Concurrent Resolution No. 248 and submission of
14 the certification of the Governor to the United States Secretary of
15 Transportation stating that: (1) the Governor is opposed to the
16 enactment or enforcement of a law requiring driver's license
17 suspension for drug offenses as set forth in 23 U.S.C.
18 s.159(a)(3)(A); and (2) both Houses of the Legislature have adopted
19 a resolution expressing their opposition to the enactment or
20 enforcement of this federal mandate in accordance with 23 U.S.C.
21 s.159, and the remainder of this⁴ act shall take effect on the first day
22 of the ¹[fourth] 13th¹ month next following enactment ¹, but the
23 chief administrator may take any anticipatory acts in advance of
24 that date as may be necessary for the timely implementation of this
25 act¹.

26
27
28
29
30 Concerns driver's license suspension for certain crimes and
31 offenses.

SENATE, No. 1080

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 22, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes restricted use driver's license endorsement for certain motor vehicle offenders with suspended license.

CURRENT VERSION OF TEXT

As introduced.



S1080 TURNER

2

1 AN ACT establishing a restricted use driver's license endorsement,
2 amending R.S.39:3-40, and supplementing Title 39 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.39:3-40 is amended to read as follows:

9 39:3-40. **[No]** A person to whom a driver's license has been
10 refused or whose driver's license or reciprocity privilege has been
11 suspended or revoked, or who has been prohibited from obtaining a
12 driver's license, shall not personally operate a motor vehicle during
13 the period of refusal, suspension, revocation, or prohibition, except
14 as provided in section 3 of P.L. , c. (C.) (pending before
15 the Legislature as this bill).

16 **[No]** A person whose motor vehicle registration has been
17 revoked shall not operate or permit the operation of **[such]** the
18 motor vehicle during the period of **[such]** revocation.

19 Except as provided in subsections i. and j. of this section, a
20 person violating this section shall be subject to the following
21 penalties:

22 a. Upon conviction for a first offense, a fine of **[\$500.00]** \$500
23 and, if that offense involves the operation of a motor vehicle during
24 a period when the violator's driver's license is suspended for a
25 violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-
26 50.4a), revocation of the violator's motor vehicle registration
27 privilege in accordance with the provisions of sections 2 through 6
28 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

29 b. Upon conviction for a second offense, a fine of **[\$750.00]**
30 \$750, imprisonment in the county jail for at least one but not more
31 than five days and, if the second offense involves the operation of a
32 motor vehicle during a period when the violator's driver's license is
33 suspended and that second offense occurs within five years of a
34 conviction for that same offense, revocation of the violator's motor
35 vehicle registration privilege in accordance with the provisions of
36 sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through
37 C.39:3-40.5);

38 c. Upon conviction for a third offense or subsequent offense, a
39 fine of **[\$1,000.00]** \$1,000 and imprisonment in the county jail for
40 10 days. If the third or a subsequent offense involves the operation
41 of a motor vehicle during a period when the violator's driver's
42 license is suspended and the third or subsequent offense occurs
43 within five years of a conviction for the same offense, revocation of
44 the violator's motor vehicle registration privilege in accordance

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 underlined thus is new matter.

S1080 TURNER

1 with the provisions of sections 2 through 6 of P.L.1995,
2 c.286 (C.39:3-40.1 through C.39:3-40.5);

3 d. Upon conviction, the court shall impose or extend a period
4 of suspension not to exceed six months;

5 e. Upon conviction, the court shall impose a period of
6 imprisonment for not less than 45 days or more than 180 days, if
7 while operating a vehicle in violation of this section a person is
8 involved in an accident resulting in bodily injury to another person;

9 f. (1) In addition to any penalty imposed under the provisions
10 of subsections a. through e. of this section, any person violating this
11 section while under suspension issued pursuant to section 2 of
12 P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined
13 ~~【\$500.00】~~ \$500, shall have his license to operate a motor vehicle
14 suspended for an additional period of not less than one year nor
15 more than two years, and may be imprisoned in the county jail for
16 not more than 90 days.

17 (2) In addition to any penalty imposed under the provisions of
18 subsections a. through e. of this section and paragraph (1) of this
19 subsection, any person violating this section under suspension
20 issued pursuant to R.S.39:4-50, section 2 of P.L.1981,
21 c.512 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et seq.), shall be
22 fined \$500, shall have his license to operate a motor vehicle
23 suspended for an additional period of not less than one year or more
24 than two years, and shall be imprisoned in the county jail for not
25 less than 10 days or more than 90 days.

26 (3) In addition to any penalty imposed under the provisions of
27 subsections a. through e. of this section and paragraphs (1) and (2)
28 of this subsection, a person shall have his license to operate a motor
29 vehicle suspended for an additional period of not less than one year
30 or more than two years, which period shall commence upon the
31 completion of any prison sentence imposed upon that person, shall
32 be fined \$500 and shall be imprisoned for a period of 60 to 90 days
33 for a first offense, imprisoned for a period of 120 to 150 days for a
34 second offense, and imprisoned for 180 days for a third or
35 subsequent offense, for operating a motor vehicle while in violation
36 of paragraph (2) of this subsection while:

37 (a) on any school property used for school purposes which is
38 owned by or leased to any elementary or secondary school or school
39 board, or within 1,000 feet of such school property;

40 (b) driving through a school crossing as defined in R.S.39:1-1 if
41 the municipality, by ordinance or resolution, has designated the
42 school crossing as such; or

43 (c) driving through a school crossing as defined in R.S.39:1-1
44 knowing that juveniles are present if the municipality has not
45 designated the school crossing as such by ordinance or resolution.

46 A map or true copy of a map depicting the location and
47 boundaries of the area on or within 1,000 feet of any property used
48 for school purposes which is owned by or leased to any elementary

1 or secondary school or school board produced pursuant to section 1
2 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
3 subparagraph (a) of this paragraph.

4 It shall not be relevant to the imposition of sentence pursuant to
5 subparagraph (a) or (b) of this paragraph that the defendant was
6 unaware that the prohibited conduct took place while on or within
7 1,000 feet of any school property or while driving through a school
8 crossing. Nor shall it be relevant to the imposition of sentence that
9 no juveniles were present on the school property or crossing zone at
10 the time of the offense or that the school was not in session;

11 g. (Deleted by amendment, P.L.2009, c.224);

12 h. A person who owns or leases a motor vehicle and permits
13 another to operate the motor vehicle commits a violation and is
14 subject to suspension of his license to operate a motor vehicle and
15 to revocation of registration pursuant to sections 2 through 6 of
16 P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5) if the person:

17 (1) Knows that the operator's license or reciprocity privilege to
18 operate a motor vehicle has been suspended for a violation of
19 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a); or

20 (2) Knows that the operator's license or reciprocity privilege to
21 operate a motor vehicle is suspended and that the operator has been
22 convicted, within the past five years, of operating a vehicle while
23 the person's license was suspended or revoked.

24 In any case where a person who owns or leases a motor vehicle
25 knows that the operator's license or reciprocity privilege of the
26 person he permits to operate the motor vehicle is suspended or
27 revoked for any violation of R.S.39:4-50 or section 2 of P.L.1981,
28 c.512 (C.39:4-50.4a), the person also shall be subject to the
29 following penalties: for a first or second offense, a fine of \$1,000,
30 imprisonment for not more than 15 days, or both; and for a third or
31 subsequent offense, a fine of \$1,000, imprisonment for not more
32 than 15 days, or both, and forfeiture of the right to operate a motor
33 vehicle over the highways of this State for a period of 90 days;

34 i. If the violator's driver's license to operate a motor vehicle
35 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
36 139.10) or for failure to comply with a time payment order, the
37 violator shall be subject to a maximum fine of \$100 upon proof that
38 the violator has paid all fines and other assessments related to the
39 parking violation that were the subject of the Order of Suspension,
40 or if the violator makes sufficient payments to become current with
41 respect to payment obligations under the time payment order;

42 j. If a person is convicted for a second or subsequent violation
43 of this section and the second or subsequent offense involves a
44 motor vehicle moving violation, the term of imprisonment for the
45 second or subsequent offense shall be 10 days longer than the term
46 of imprisonment imposed for the previous offense.

47 For the purposes of this subsection, a "motor vehicle moving
48 violation" means any violation of the motor vehicle laws of this

S1080 TURNER

1 State for which motor vehicle points are assessed by the chief
2 administrator pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).
3 (cf: P.L.2009, c.332, s.1)

4

5 2. (New section) As used in this act:

6 “Chief Administrator” means the Chief Administrator of the
7 New Jersey Motor Vehicle Commission.

8 “Restricted use driver’s license endorsement” or “endorsement”
9 means an endorsement to a basic driver’s license issued to a person
10 whose driver’s license has been suspended or revoked which
11 authorizes the person to operate a motor vehicle exclusively
12 between the person’s residence and the person’s place of
13 employment; in the person’s course of employment when operating
14 a motor vehicle is necessary in order to perform the duties of the
15 person’s primary employment; an accredited educational institution;
16 a mandated treatment program; a health care facility; or a child care
17 facility.

18

19 3. (New section) a. A person whose driver’s license is
20 suspended or revoked under any of the following circumstances
21 may apply to the chief administrator for a restricted use driver’s
22 license endorsement:

23 (1) failure to pay a surcharge levied by the chief administrator
24 pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) if the person
25 also agrees to a payment plan approved by the chief administrator,
26 except that a person who failed to pay a surcharge levied for a
27 conviction pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512
28 (C.39:4-50.4a) shall not be eligible for an endorsement;

29 (2) accumulation of motor vehicle penalty points pursuant to
30 section 4 of P.L.1982, c.43 (C.39:5-30.8) if the person attends a
31 Driver Improvement Program offered by the New Jersey Motor
32 Vehicle Commission; or

33 (3) failure to pay any other surcharge administratively levied by
34 the chief administrator for a violation of Title 39 of the Revised
35 Statutes if the person also agrees to a payment plan approved by the
36 chief administrator.

37 b. The chief administrator shall issue, in a form and manner
38 prescribed by the chief administrator, an application for an
39 endorsement to a person whose driver’s license has been suspended
40 or revoked for any of the offenses set forth in subsection a. of this
41 section.

42 c. The endorsement shall be issued as promptly as is
43 practicable in accordance with procedures established by the chief
44 administrator.

45 d. The chief administrator may impose a fee of not more than
46 \$25 for the endorsement.

47 e. An endorsement shall expire when the person’s driver’s
48 license is restored following the period of suspension or revocation.

S1080 TURNER

6

1 f. Provided the applicant meets the requirements set forth in
2 this section, an endorsement shall only be issued to a person whose
3 driver's license is suspended or revoked after or within 10 years
4 prior to the effective date of this act.

5 g. The chief administrator may promulgate rules and
6 regulations pursuant to the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the
8 purposes of this act.

9

10 4. (New section) Notwithstanding the provisions of R.S.39:3-
11 11, the following penalties shall apply with regard to a restricted
12 use driver's license endorsement:

13 a. The suspension or revocation of the driver's license of an
14 applicant for an endorsement shall be extended for one year if the
15 applicant deliberately falsifies an application for the endorsement.

16 b. A driver who operates a motor vehicle between points other
17 than as authorized by the endorsement shall immediately forfeit the
18 endorsement and be subject to the following penalties:

19 (1) a fine of not less than \$500 or more than \$1,000, community
20 service for a period of 30 days, and an additional one year driver's
21 license suspension or revocation;

22 (2) if the driver is convicted of causing an accident resulting in
23 personal injury or death to another person, a fine of not less than
24 \$1,000 or more than \$5,000, community service for a period of 30
25 days, and an additional two years driver's license suspension or
26 revocation; and

27 (3) if the driver is convicted of a violation of R.S.39:4-50 or
28 section 2 of P.L.1981, c.512 (C.39:4-50.4a), a fine of not less than
29 \$1,000 or more than \$5,000, and an additional five years driver's
30 license suspension or revocation.

31 c. The penalties in this section shall be in addition to any other
32 penalties required by law for a violation of this State's motor
33 vehicle laws.

34

35 5. This act shall take effect on the first day of the 13th month
36 next following enactment, but the chief administrator may take any
37 anticipatory acts in advance of that date as may be necessary for the
38 timely implementation of this act.

39

40

41

STATEMENT

42

43 This bill establishes a restricted use driver's license endorsement
44 to a basic driver's license for drivers whose licenses have been
45 suspended or revoked for failure to pay certain motor vehicle
46 surcharges or an accumulation of motor vehicle penalty points.

47 The bill authorizes a driver with a restricted use driver's license
48 endorsement to operate a motor vehicle exclusively between the

S1080 TURNER

1 driver's residence and place of employment, as well as during the
2 person's employment if necessary to perform his or her duties; an
3 accredited educational institution; a mandated treatment program; a
4 health care facility; or a child care facility.

5 Drivers may apply for the endorsement if their driver's licenses
6 have been suspended or revoked for failure to pay motor vehicle
7 surcharges and they agree to a payment plan approved by the chief
8 administrator, or for an accumulation of motor vehicle penalty
9 points, but only if they attend a driver improvement program. A
10 person who has been convicted of drunk driving or refusing to take
11 a breathalyzer test or has been assessed surcharges resulting from
12 those convictions would not be eligible for an endorsement under
13 the bill.

14 The bill requires the Chief Administrator of the New Jersey
15 Motor Vehicle Commission (MVC) to develop and issue an
16 application for the restricted use driver's license endorsement and
17 to promptly issue the endorsement to applicants. If an applicant for
18 an endorsement provides false information on the application, the
19 applicant's driver's license is to be suspended or revoked for an
20 additional year. The chief administrator may charge a fee of up to
21 \$25 for the endorsement. The endorsement is to expire when the
22 person's driver's license is restored following the period of
23 suspension or revocation.

24 The bill also establishes penalties for operating a motor vehicle
25 between points other than those authorized by the endorsement.
26 The endorsement is to be immediately forfeited and the driver is
27 subject to a fine of not less than \$500 or more than \$1,000;
28 community service for a period of 30 days; and an additional one
29 year driver's license suspension or revocation. A driver who is
30 convicted of causing an accident resulting in personal injury or
31 death to another person while driving between unauthorized points
32 is subject to a fine of between \$1,000 and \$5,000; community
33 service for a period of 30 days; and an additional two years driver's
34 license suspension or revocation. A driver who is convicted of
35 drunk driving or refusing to take a breathalyzer while operating a
36 motor vehicle between unauthorized points is subject to a fine of
37 between \$1,000 and \$5,000 and an additional five years driver's
38 license suspension or revocation.

39 Under the bill, a person whose driver's license is suspended or
40 revoked after or within 10 years of the effective date of the bill
41 would be eligible for an endorsement, provided the person meets
42 the requirements set forth in the bill.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1080**

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Committee Substitute for Senate Bill No. 1080 (1R).

As amended and reported by the committee, the Senate Committee Substitute for Senate Bill No. 1080 (1R) eliminates mandatory driver's license suspension as a penalty for certain crimes and offenses unrelated to safely operating a motor vehicle. The committee substitute also grants the court discretion in determining whether a driver's license suspension should be imposed for certain other crimes and offenses.

The committee substitute eliminates driver's license suspension as a penalty for convictions of the following crimes and offenses:

- underage possession or consumption of alcoholic beverages on private property and underage purchase of alcoholic beverages (six months);

- certain disorderly persons or petty disorderly persons offenses for controlled dangerous substance violations for which the defendant was placed on supervisory treatment (six months to two years unless compelling circumstances warrant an exception);

- crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause (suspension until past payments are made);

- underage gambling (six months);

- illegal disposal of solid waste or illegal use of a solid waste vehicle to transport fresh food (six months to one year);

- failure to pay motor vehicle violation surcharges (suspension until five percent of the outstanding surcharges is paid or an installment payment plan is established);

- simple possession of a controlled dangerous substance in a motor vehicle (six months);

- abandoning a motor vehicle on a highway (two to five years);

- failure to appear in municipal court (suspension until matter is adjudicated) or failure to satisfy a condition of the sentence, such as pay an assessed fine or perform community service (suspension until condition is satisfied);

- an act of graffiti committed by a person between 13 and 18 years old (one year for a first offense and two years for a second or subsequent offense);

- initiating a false public alarm committed by a juvenile (six months);

- failure of an indigent defendant to comply with terms of an installment payment plan for a motor vehicle traffic violation or parking offense; and

- failure to pay motor vehicle liability insurance premiums.

Under the committee substitute, the court is granted discretion in imposing a driver's license suspension as a penalty for a conviction of the following crimes and offenses:

- carjacking by a juvenile (up to two years);

- theft or unlawful taking of a motor vehicle (one to 10 years depending on number of offenses);

- selling, making, or possessing a false driver's license, birth certificate, or other government document to prove identity or age (six months to two years);

- defaulting on certain financial obligations to the Unsatisfied Claim and Judgment Fund (until repaid);

- illegal possession of a controlled dangerous substance, other than simple possession, in a motor vehicle (six months); and

- failure to respond to a failure to appear notice for a parking summons or failure to pay a parking judgment (suspension until payment is satisfied).

The committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The committee substitute limits the suspension to six months, which complies with federal law. The committee substitute eliminates the provision under current law that a person's driver's license is to be suspended by operation of law for offenses involving simple possession of a controlled dangerous substance pursuant to N.J.S.A.2C:35-10.

Additionally, the committee substitute removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The substitute further authorizes a restricted use driver's license endorsement for drivers who have lost their driving privileges for

failure to respond to a failure to appear notice for a parking summons or failing to pay a parking judgment.

A restricted use driver's license endorsement, as established by the substitute, authorizes the person whose license is suspended to operate a motor vehicle during the suspension period exclusively between the person's residence and the person's place of employment, an accredited educational institution, a mandated treatment program, a health care facility, or a child care facility; or in the person's course of employment when operating a motor vehicle is necessary in order to perform the duties of the person's primary employment.

As amended and reported by the committee, Senate Committee Substitute for Senate Bill No. 1080 (1R) is identical to the Assembly Committee Substitute for Assembly Bill No. 5191 which also was reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended Senate Committee Substitute for Senate Bill No.1080 (1R) to:

- 1) reinstate driver's license suspensions by removing the following sections from the bill:
 - a. section 1, concerning disposition of delinquency cases;
 - b. section 5, concerning possession and consumption of alcoholic beverages by persons under legal age;
 - c. section 6, concerning prostitution and related offenses; and
 - d. section 22, concerning penalties for false and fraudulent representation to obtain automobile insurance benefits.
- 2) eliminate the Motor Vehicle Commission's authority to suspend a person's driver's license for failure to pay insurance premiums;
- 3) provide that mandatory driver's license suspensions for illegal possession of a controlled dangerous substance in a motor vehicle is to be imposed only in cases which do not involve simple possession (six months); and
- 4) eliminate the provision under current law that a person's driver's license is to be suspended by operation of law for offenses involving simple possession of a controlled dangerous substance pursuant to N.J.S.A.2C:35-10.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1080**

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 1080 (SCS/2R), with committee amendments.

As amended and reported by the committee, the Senate Committee Substitute for Senate Bill No. 1080 (2R) eliminates mandatory driver's license suspension as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle. The amended committee substitute also grants the court discretion in determining whether a driver's license suspension should be imposed for certain other crimes and offenses.

The amended committee substitute eliminates driver's license suspension as a penalty for convictions of the following crimes and offenses:

- underage possession or consumption of alcoholic beverages on private property and underage purchase of alcoholic beverages (six months);

- certain disorderly persons or petty disorderly persons offenses for controlled dangerous substance violations for which the defendant was placed on supervisory treatment (six months to two years unless compelling circumstances warrant an exception);

- underage gambling (six months);

- illegal disposal of solid waste or illegal use of a solid waste vehicle to transport fresh food (six months to one year);

- failure to pay motor vehicle violation surcharges (suspension until five percent of the outstanding surcharges is paid or an installment payment plan is established);

- abandoning a motor vehicle on a highway (two to five years);

- failure to appear in municipal court (suspension until matter is adjudicated) or failure to satisfy a condition of the sentence, such as pay an assessed fine or perform community service (suspension until condition is satisfied);

- an act of graffiti committed by a person between 13 and 18 years old (one year for a first offense and two years for a second or subsequent offense);

- initiating a false public alarm committed by a juvenile (six months);

- failure of an indigent defendant to comply with terms of an installment payment plan for a motor vehicle traffic violation or parking offense; and

- failure to pay motor vehicle liability insurance premiums.

Under the amended committee substitute, the court is granted discretion in imposing a driver's license suspension as a penalty for a conviction of the following crimes and offenses:

- use of a motor vehicle by a juvenile the course of committing a crime;

- crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause (suspension until past payments are made);

- theft or unlawful taking of a motor vehicle (one to 10 years depending on number of offenses)

- selling, making, or possessing a false driver's license, birth certificate, or other government document to prove identity or age (six months to two years);

- defaulting on certain financial obligations to the Unsatisfied Claim and Judgment Fund (until repaid);

- illegal possession of a controlled dangerous substance, other than simple possession, in a motor vehicle (six months); and

- failure to respond to a failure to appear notice for a parking summons or failure to pay a parking judgment (suspension until payment is satisfied).

The amended committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The committee substitute limits the suspension to six months, which complies with federal law. The amended committee substitute also eliminates the provision under current law that a person's driver's license is to be suspended by operation of law for offenses involving simple possession of a controlled dangerous substance pursuant to N.J.S.2C:35-10.

Additionally, the committee substitute removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The amended committee substitute also limits driver's license suspensions for automobile insurance fraud if the fraud is related to a claim for damages arising out of a motor vehicle accident.

As reported by the committee, the Senate Committee Substitute for Senate Bill No. 1080 (2R) is identical to the Assembly Committee

Substitute for Assembly Bill No. 5191, which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the Senate committee substitute to:

(1) require the court, prior to suspending the driver's license of a juvenile for an offense in which the juvenile used a motor vehicle in the course of committing the offense, to consider the circumstances of the act for which the juvenile was adjudicated delinquent;

(2) make license suspensions discretionary for crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause;

(3) limit driver's license suspensions for automobile insurance fraud to fraudulent activity based on a claim for damages arising out of a motor vehicle accident;

(4) eliminate the provisions of the substitute bill which authorize a restricted use driver's license endorsement for certain drivers; and

(5) make technical changes to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

The OLS does not have access to detailed information related to the number of driver's license suspensions that may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver's license suspensions and thus a reduction in corresponding State, county, and municipal revenues. According to recent MVC reports, there were 660,046 driver's license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

The OLS recognizes that driver's license suspensions may be deterrents to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased State, county, and municipal revenues, other than revenue from driver's license suspensions; however, it is uncertain to what extent.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1080

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1080.

As reported by the committee, this bill establishes a restricted use driver's license endorsement to a basic driver's license for drivers whose licenses have been suspended or revoked for failure to pay certain motor vehicle surcharges or an accumulation of motor vehicle penalty points.

The bill authorizes a driver with a restricted use driver's license endorsement to operate a motor vehicle exclusively between the driver's residence and place of employment, as well as during the person's employment if necessary to perform his or her duties; an accredited educational institution; a mandated treatment program; a health care facility; or a child care facility.

Drivers may apply for the endorsement if their driver's licenses have been suspended or revoked for failure to pay motor vehicle surcharges and they agree to a payment plan approved by the chief administrator, or for an accumulation of motor vehicle penalty points, but only if they attend a driver improvement program. A person who has been convicted of drunk driving or refusing to take a breathalyzer test or has been assessed surcharges resulting from those convictions would not be eligible for an endorsement under the bill.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission (MVC) to develop and issue an application for the restricted use driver's license endorsement and to promptly issue the endorsement to applicants. If an applicant for an endorsement provides false information on the application, the applicant's driver's license is to be suspended or revoked for an additional year. The chief administrator may charge a fee of up to \$25 for the endorsement. The endorsement is to expire when the person's driver's license is restored following the period of suspension or revocation.

The bill also establishes penalties for operating a motor vehicle between points other than those authorized by the endorsement. The endorsement is to be immediately forfeited and the driver is subject to a fine of not less than \$500 or more than \$1,000; community service for a period of 30 days; and an additional one-year driver's license suspension or revocation. A driver who is

convicted of causing an accident resulting in personal injury or death to another person while driving between unauthorized points is subject to a fine of between \$1,000 and \$5,000; community service for a period of 30 days; and an additional two-year driver's license suspension or revocation. A driver who is convicted of drunk driving or refusing to take a breathalyzer while operating a motor vehicle between unauthorized points is subject to a fine of between \$1,000 and \$5,000 and an additional five-year driver's license suspension or revocation.

Under the bill, a person whose driver's license is suspended or revoked after or within 10 years of the effective date of the bill would be eligible for an endorsement, provided the person meets the requirements set forth in the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 1080

STATE OF NEW JERSEY

DATED: MARCH 4, 2019

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1080.

This Senate committee substitute for Senate Bill No. 1080 eliminates mandatory driver's license suspension as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle. The committee substitute also grants the court discretion in determining whether a driver's license suspension should be imposed for certain other crimes and offenses. The committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs to six months and removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant.

The committee substitute eliminates driver's license suspension as a penalty for convictions of the following crimes and offenses:

- any offense in which an adult or juvenile used a motor vehicle in the course of committing the offense (up to two years);

- underage possession or consumption of alcoholic beverages on public or private property and underage purchase of alcoholic beverages (six months);

- using a motor vehicle for prostitution (six months);

- certain disorderly persons or petty disorderly persons offenses for controlled dangerous substance violations for which the defendant was placed on supervisory treatment (six months to two years unless compelling circumstances warrant an exception);

- crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause (suspension until past payments are made);

- underage gambling (six months);

- operating a vessel (boat) while intoxicated (three months to 10 years based on the number of offenses);

- illegal disposal of solid waste or illegal use of a solid waste vehicle to transport fresh food (six months to one year);

- failure to pay motor vehicle violation surcharges (suspension until five percent of the outstanding surcharges is paid or an installment payment plan is established);

- illegal possession of a controlled dangerous substance in a motor vehicle (two years);

- abandoning a motor vehicle on a highway (two to five years);

- failure to respond to a failure to appear notice or failure to pay a parking judgment (suspension until payment is satisfied);

- automobile insurance fraud (two years);

- failure to appear in municipal court (suspension until matter is adjudicated) or failure to satisfy a condition of the sentence, such as pay an assessed fine or perform community service (suspension until condition is satisfied);

- an act of graffiti committed by a person between 13 and 18 years old (one year for a first offense and two years for a second or subsequent offense);

- initiating a false public alarm committed by a juvenile (six months); and

- failure of an indigent defendant to comply with terms of an installment payment plan for a motor vehicle traffic violation or parking offense.

Under the committee substitute, the court is granted discretion in imposing a driver's license suspension as a penalty for a conviction of the following crimes and offenses:

- carjacking by a juvenile (up to two years); the court is to consider the circumstances of the offense and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated;

- theft or unlawful taking of a motor vehicle (one to 10 years depending on number of offenses); in deciding the duration of the suspension, the court is to consider the circumstances of the offense and whether the loss of driving privileges will result in extreme hardship and alternative means of transportation are not available;

- selling, making, or possessing a false driver's license, birth certificate, or other government document to prove identity or age (six months to two years);

- failure to surrender registration and plates after cancellation of motor vehicle liability insurance;

- defaulting on certain financial obligations to the Unsatisfied Claim and Judgment Fund (until repaid); and

- failure to have compulsory motor vehicle liability insurance (two years); in deciding the length of the suspension, the court is to consider the circumstances of the violation and whether the loss of driving privileges will result in extreme hardship and alternative means of transportation are not available.

The committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The committee

substitute limits the suspension to six months, which complies with federal law.

Finally, the committee substitute removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

According to the sponsor, driver's licenses should not be suspended for an offense unrelated to the ability to safely operate a motor vehicle. The reentry efforts of ex-offenders are impeded by the loss of a driver's license imposed as a collateral consequence due to the resulting difficulty in remaining employed, attending school, and obtaining necessary drug and alcohol treatment. Efforts by those attempting to pay back child support arrearages also are thwarted when their driver's licenses are suspended. Driver's license suspension not only harms the ex-offender and child support obligor, but also his or her family, and the community.

FISCAL IMPACT:

The Office of Legislative Services determines that the committee substitute potentially will decrease revenues by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. Further, the OLS anticipates an indeterminate expenditure decrease in annual Motor Vehicle Commission (MVC) and Administrative Office of the Courts (AOC) administrative expenses.

The OLS does not have access to detailed information on the number of driver's license suspensions which may be affected by the provisions of this committee substitute; however, the OLS estimates there will be a reduction in the overall number of driver's license suspensions and thus a reduction in correlating State, county, and municipal revenues. According to recent MVC reports, there were 714,584 license suspension orders issued in 2016, 651,015 suspension orders issued in 2014, and 708,828 suspension orders issued in 2013.

The OLS recognizes that driver's license suspensions may be a deterrent to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased in State, county, and municipal revenues other than revenue from driver's license suspensions; however, it is uncertain to what extent.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1080

with Senate Floor Amendments
(Proposed by Senator TURNER)

ADOPTED: MARCH 14, 2019

1

2 The Senate Committee substitute for Senate Bill No. 1080
3 eliminates mandatory driver's license suspension as a penalty for
4 certain crimes and offenses unrelated to safely operating a motor
5 vehicle.

6 These Senate amendments to the Senate committee substitute
7 reinstitute a driver's license suspension as a penalty for the following
8 offenses, but give the court or the chief administrator, as applicable,
9 discretion in imposing the suspension:

- 10 1) any offense in which an adult or juvenile used a motor vehicle
11 in the course of committing the offense (up to two years);
12 2) using a motor vehicle for prostitution (six months);
13 3) illegal possession of a controlled dangerous substance in a
14 motor vehicle (six months);
15 4) failure to respond to a failure to appear notice for a parking
16 summons or failure to pay a parking judgment (suspension until
17 payment is satisfied); and
18 5) automobile insurance fraud (one year).

19 In deciding whether to suspend the person's driver's license and
20 the duration of the suspension, the amendments require the court or the
21 chief administrator to consider the circumstances of the offense and
22 whether the loss of driving privileges will result in extreme hardship
23 and alternative means of transportation are not readily available.

24 The Senate amendments further authorize a restricted use driver's
25 license endorsement for drivers who have lost their driving privileges
26 for committing the following offenses:

- 27 1) operating a motor vehicle without compulsory liability
28 insurance;
29 2) cancellation of motor vehicle liability insurance for nonpayment
30 of the premium; and
31 3) failure to respond to a failure to appear notice for a parking
32 summons or failing to pay a parking judgment.

33 A restricted use driver's license endorsement, as established by the
34 amendments, authorizes the person whose license is suspended to
35 operate a motor vehicle during the suspension period exclusively
36 between the person's residence and the person's place of employment,
37 an accredited educational institution, a mandated treatment program, a
38 health care facility, or a child care facility; or in the person's course of
39 employment when operating a motor vehicle is necessary in order to

40 perform the duties of the person's primary employment.

41 The Senate amendments also make clarifying and technical
42 amendments.

STATEMENT TO

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1080**

with Assembly Floor Amendments
(Proposed by Assemblyman KENNEDY)

ADOPTED: NOVEMBER 25, 2019

The Senate Committee Substitute (3R) for Senate Bill No. 1080 concerns driver's license suspensions for certain crimes and offenses.

These Assembly amendments eliminate the driver's license suspension required under current law for certain criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court, as well as mandatory driver's license suspensions for the illegal possession of a controlled dangerous substance in a motor vehicle. The amendments also remove the provisions of the bill which eliminate driver's license suspensions related to motor vehicle surcharges and non-payment of insurance premiums.

Federal law requires a six-month suspension to be imposed for drug offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years for criminal convictions related to the possession or sale of illegal drugs, and two years for illegal possession of a controlled dangerous substance in a motor vehicle. The Assembly amendments eliminate the driver's license suspension for both of these categories of drug offenses.

In order to avoid a conflict with federal law, the Assembly amendments provide that the provisions of the bill which eliminate driver's license suspensions for drug offenses are effective upon the adoption of Senate Concurrent Resolution No. 98 and Assembly Concurrent Resolution No. 248, and submission of the certification of the Governor to the United States Secretary of Transportation stating that: (1) the Governor is opposed to the enactment or enforcement of a law requiring driver's license suspension for drug offenses as set forth in 23 U.S.C. s.159(a)(3)(A); and (2) both Houses of the Legislature have adopted a resolution expressing their opposition to the enactment or enforcement of this federal mandate in accordance with 23 U.S.C. s.159.

In addition, the Assembly amendments reinstate current law, which provides for a driver's license suspension if a driver fails to pay a motor vehicle surcharge imposed for the accumulation of six or more motor vehicle points during the preceding 36-month period, a conviction for unsafe driving, or a conviction for driving while intoxicated. The suspended driver's license would not be restored until

at least five percent of each outstanding surcharge assessment resulting in a suspension has been paid, or installment payments established by the Motor Vehicle Commission are paid.

The Assembly amendments also reinstate current law which provides that a person's driver's license is to be suspended upon cancellation of a motor vehicle liability insurance policy based on non-payment of the premium.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1080
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: SEPTEMBER 17, 2018

SUMMARY

Synopsis: Establishes restricted use of driver's license endorsement for certain motor vehicle offenders with suspended license.

Type of Impact: Indeterminate State Expenditure Increase.
 Indeterminate State, County, and Municipal Revenue Increase.

Agencies Affected: Department of Transportation; Motor Vehicle Commission; Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Revenue Increases		Indeterminate	

- The Office of Legislative Services (OLS) determines that the bill will potentially increase by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative expenses; b) annual MVC administrative fee collections; and c) annual State, county, and municipal motor vehicle traffic fine collections.
- The OLS does not have access to detailed information on the number of drivers who would qualify for the special endorsement or the cost to the New Jersey Motor Vehicle Commission (MVC) to implement the provisions of this bill. According to recent MVC reports, there were 714,584 suspension orders issued in 2016, 651,015 suspension orders issued in 2014, and 708,828 suspension orders issued in 2013. It is unknown how many of these orders may be DUI/DWI related and would not be eligible for this endorsement.

BILL DESCRIPTION

This bill establishes a restricted use driver's license endorsement to a basic driver's license for drivers whose licenses have been suspended or revoked for failure to pay certain motor vehicle surcharges or an accumulation of motor vehicle penalty points.

The bill authorizes a driver with a restricted use driver's license endorsement to operate a motor vehicle exclusively between the driver's residence and place of employment, as well during the person's employment if necessary to perform his or her duties; an accredited educational institution; a mandated treatment program; a health care facility; or a child care facility.

Drivers may apply for the endorsement if their driver's licenses have been suspended or revoked for failure to pay motor vehicle surcharges and they agree to a payment plan approved by the chief administrator, or for an accumulation of motor vehicle penalty points, but only if they attend a driver improvement program. The bill provides that a person who has been convicted of drunk driving or refusing to take a breathalyzer test has been assessed surcharges resulting from those convictions would not be eligible for an endorsement.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission to develop and issue an application for the restricted use driver's license endorsement and to promptly issue the endorsement to applicants. If an applicant for an endorsement provides false information on the application, the applicant's driver's license is to be suspended or revoked for an additional year. The chief administrator may charge a fee of up to \$25 for the endorsement. The endorsement is to expire when the person's driver's license is restored following the period of suspension or revocation.

The bill also establishes penalties for operating a motor vehicle between points other than those authorized by the endorsement. The endorsement is to be immediately forfeited and the driver is subject to a fine of not less than \$500 or more than \$1,000, community service for a period of 30 days, and an additional one year driver's license suspension or revocation. A driver who is convicted of causing an accident resulting in personal injury or death to another person while driving between unauthorized points is subject to a fine of between \$1,000 and \$5,000, community service for a period of 30 days, and an additional two year driver's license suspension or revocation. A driver who is convicted of drunk driving or refusing to take a breathalyzer while operating a motor vehicle between unauthorized points is subject to a fine of between \$1,000 and \$5,000 and an additional five years driver's license suspension or revocation.

Under the bill, a person whose driver's license is suspended or revoked after or within 10 years of the effective date of the bill would be eligible for an endorsement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will potentially increase by indeterminate amounts: a) annual MVC administrative expenses; b) annual MVC administrative fee collections; and c) annual State, county, and municipal motor vehicle traffic fine collections. No additional fee or fine revenue will be collected during FY 2019, as the bill takes effect on the first day of the thirteenth month next following enactment. The MVC, however, may incur additional administrative expenses before then, as the bill authorizes the commission to prepare for the launch of the new restricted use driver's license endorsement program.

State Cost Increase: The establishment and operation of a restricted use driver's license endorsement program will add to the MVC's annual administrative workload. The OLS, however, does not have pertinent information to determine the scale of the increase and whether or not the MVC will be able to absorb it within its existing resources.

State Revenue Increase: The bill creates two new potential State revenue streams: a) possible MVC administrative fee collections from an optional fee of up to \$25 per restricted use driver's license endorsement that the MVC may charge; and b) State General Fund collections from fines the bill establishes for violations of restricted use driver's license endorsement conditions.

The OLS cannot quantify the revenue amount the MVC may collect from charging a fee up to \$25 per restricted use driver's license endorsement. It is unclear whether or not the MVC will use the bill's authority to charge a fee, and, if so, at what amount.

In addition, the number of restricted use driver's license endorsements is uncertain. According to recent MVC reports, there were 846,554 suspension orders issued in FY 2016 through the Administrative Office of the Courts, the Courts, and through Uninsured Motorist Suspensions. There were 714,584 suspension orders issued in 2016, 651,015 suspension orders issued in 2014, and 708,828 suspension orders issued in 2013. The 2015 number of suspension orders is not provided in the 2015 annual MVC reports. The MVC cited Actuals from the BB104 Annual Document as the source for this information. It is unknown how many of these orders may be DUI/DWI related and would not be eligible for this endorsement. Data on license revocations is not reported on the MVC's website.

The State will also receive annual revenue from State-issued summons that result in fines for violations of restricted use driver's license endorsement conditions. The OLS cannot quantify annual State fine collections, as the amounts will depend on the number, circumstances, and types of violations that are subject to State-issued summons as well as the State's ability to collect these outstanding liabilities.

Local Revenue Increase: The bill will increase annual municipal and county revenue collections from municipality- and county-issued summons that will result in fines for violations of restricted use driver's license endorsement conditions. Revenue from county- and municipality-issued summonses is divided evenly between the county and municipality in which the violation occurred. The OLS cannot quantify annual municipal and county fine collections, as the amounts will depend on the number, circumstances, and types of violations that are subject to municipality- and county-issued summons as well as the ability of municipalities and counties to collect these outstanding liabilities.

Local Cost Impact: The OLS assumes that the bill will not raise municipal court operating expenditures. Since the bill's penalties are likely to be administered only when the operator of a motor vehicle commits a separate motor vehicle offense, it is reasonable to assume that there will not be any court costs to administer the bill's fines because the motor vehicle operator would already be facing a summons for the separate offense.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

FE to S1080

4

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [Third Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1080
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: NOVEMBER 26, 2019

SUMMARY

- Synopsis:** Concerns driver’s license suspension for certain crimes and offenses.
- Type of Impact:** Annual State Expenditure Decrease; Annual Superior and Municipal Court Expenditure Increase; Annual State, County, and Municipal Revenue Decrease.
- Agencies Affected:** Department of Transportation; Motor Vehicle Commission; Administrative Office of the Courts; Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 2 and Thereafter</u>
State Expenditure Decrease	Indeterminate
Superior and Municipal Court Expenditure Increase	Indeterminate
State, County, Municipal Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.
- The OLS does not have access to detailed information related to the number of driver’s license suspensions that may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver’s license suspensions and thus a reduction in corresponding State, county, and municipal revenues. According to recent MVC reports, there were there were 660,046 driver’s license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal

Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

- The OLS recognizes that driver's license suspensions may be deterrents to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased State, county, and municipal revenues, other than revenue from driver's license suspensions; however, it is uncertain to what extent.

BILL DESCRIPTION

This legislation eliminates certain mandatory driver's license suspensions as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle and grants the court discretion in determining whether a driver's license suspension should be imposed.

The legislation limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs, except for simple possession, to six months and eliminates suspension for simple possession. The bill removes the provision that require a person's driver's license to be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The legislation further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years. The legislation limits the suspension to six months, except for simple possession which would not result in a suspension.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that the legislation potentially will decrease revenues from the following by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and AOC administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

According to recent MVC reports, there were 660,046 driver's license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020. The MVC

BB104 Annual Document provided in response to FY 2020 OLS Discussion Points is the source for this information.

State Expenditure Decrease: The OLS does not have access to detailed information on the number of driver's license suspensions which may be affected by the provisions of this legislation; however, a decrease in certain driver's license suspensions may decrease the MVC's and AOC's annual administrative workload. The OLS, however, does not have pertinent information to determine the scale of the decrease or details of how the MVC's and AOC's existing resources will be affected.

Superior and Municipal Court Expenditure Increase: As the legislation grants the court discretion in determining whether a driver's license suspension should be imposed for certain crimes and offenses rather than a mandatory driver's license suspension, the OLS estimates there may be an annual administrative workload increase. The OLS does not have information to determine the degree to which the workload would be increased and whether or not the Superior and municipal courts will be able to absorb the additional workload within their resources.

State, County, and Municipal Revenue Decrease: The legislation will result in fewer summonses that would result in fewer fees for suspended licenses and fines for violations of driving on a suspended license. Accordingly, the legislation will potentially decrease annual State, county, and municipal revenue collections. Revenue from summonses is divided evenly between the State, county, and municipality in which the violation occurred. The OLS cannot quantify annual State, county, and municipal fees and fine collection, as the amounts will depend on the number, circumstances, and types of violations that are subject to summonses as well as the ability of the State, counties, and municipalities to collect these outstanding liabilities.

The MVC currently requires payment of a \$100 fee for the restoration of any license or registration that has been suspended or revoked pursuant to any law or regulation. As the bill would eliminate or reduce the need for license restorations the OLS estimates there will be a decrease in MVC revenue from the restoration fees. Although the OLS estimates a loss in revenue to the MVC from driver's license restoration, the OLS cannot quantify the revenue decrease amount.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5191

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 18, 2019

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Sumter, Assemblymen Holley and Wimberly

SYNOPSIS

Concerns driver's license suspension for certain crimes and offenses; removes automatic suspension for child support arrearages.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT concerning certain driver's license suspensions, and
2 amending and repealing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
8 read as follows:

9 24. Disposition of delinquency cases. a. In determining the
10 appropriate disposition for a juvenile adjudicated delinquent the
11 court shall weigh the following factors:

12 (1) The nature and circumstances of the offense;

13 (2) The degree of injury to persons or damage to property
14 caused by the juvenile's offense;

15 (3) The juvenile's age, previous record, prior social service
16 received, and out-of-home placement history;

17 (4) Whether the disposition supports family strength,
18 responsibility and unity and the well-being and physical safety of
19 the juvenile;

20 (5) Whether the disposition provides for reasonable
21 participation by the child's parent, guardian, or custodian, provided,
22 however, that the failure of a parent or parents to cooperate in the
23 disposition shall not be weighed against the juvenile in arriving at
24 an appropriate disposition;

25 (6) Whether the disposition recognizes and treats the unique
26 physical, psychological, and social characteristics and needs of the
27 child;

28 (7) Whether the disposition contributes to the developmental
29 needs of the child, including the academic and social needs of the
30 child where the child has intellectual disabilities or learning
31 disabilities;

32 (8) Any other circumstances related to the offense and the
33 juvenile's social history as deemed appropriate by the court;

34 (9) The impact of the offense on the victim or victims;

35 (10) The impact of the offense on the community; and

36 (11) The threat to the safety of the public or any individual posed
37 by the child.

38 b. If a juvenile is adjudged delinquent, and except to the extent
39 that an additional specific disposition is required pursuant to
40 subsection e. or f. of this section, the court may order incarceration
41 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
42 or more of the following dispositions:

43 (1) Adjourn formal entry of disposition of the case for a period
44 not to exceed 12 months for the purpose of determining whether the
45 juvenile makes a satisfactory adjustment, and if during the period of

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 underlined thus is new matter.

1 continuance the juvenile makes such an adjustment, dismiss the
2 complaint; provided that if the court adjourns formal entry of
3 disposition of delinquency for a violation of an offense defined in
4 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
5 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
6 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
7 juveniles adjudicated delinquent;

8 (2) Release the juvenile to the supervision of the juvenile's
9 parent or guardian;

10 (3) Place the juvenile on probation to the chief probation officer
11 of the county or to any other suitable person who agrees to accept
12 the duty of probation supervision for a period not to exceed three
13 years upon such written conditions as the court deems will aid
14 rehabilitation of the juvenile;

15 (4) Transfer custody of the juvenile to any relative or other
16 person determined by the court to be qualified to care for the
17 juvenile;

18 (5) Place the juvenile under the care and responsibility of the
19 Department of Children and Families so that the commissioner may
20 designate a division or organizational unit in the department
21 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
22 providing services in or out of the home. Within 14 days, unless for
23 good cause shown, but not later than 30 days, the Department of
24 Children and Families shall submit to the court a service plan,
25 which shall be presumed valid, detailing the specifics of any
26 disposition order. The plan shall be developed within the limits of
27 fiscal and other resources available to the department. If the court
28 determines that the service plan is inappropriate, given existing
29 resources, the department may request a hearing on that
30 determination;

31 (6) Place the juvenile under the care and custody of the
32 Commissioner of Children and Families for the purpose of
33 receiving the services of the Division of Children's System of Care
34 of that department, provided that the juvenile has been determined
35 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
36 25.4);

37 (7) Commit the juvenile, pursuant to applicable laws and the
38 Rules of Court governing civil commitment, to the Department of
39 Children and Families under the responsibility of the Division of
40 Children's System of Care for the purpose of placement in a suitable
41 public or private hospital or other residential facility for the
42 treatment of persons who are mentally ill, on the ground that the
43 juvenile is in need of involuntary commitment;

44 (8) Fine the juvenile an amount not to exceed the maximum
45 provided by law for such a crime or offense if committed by an
46 adult and which is consistent with the juvenile's income or ability to
47 pay and financial responsibility to the juvenile's family, provided
48 that the fine is specially adapted to the rehabilitation of the juvenile

1 or to the deterrence of the type of crime or offense. If the fine is
2 not paid due to financial limitations, the fine may be satisfied by
3 requiring the juvenile to submit to any other appropriate disposition
4 provided for in this section;

5 (9) Order the juvenile to make restitution to a person or entity
6 who has suffered loss resulting from personal injuries or damage to
7 property as a result of the offense for which the juvenile has been
8 adjudicated delinquent. The court may determine the reasonable
9 amount, terms, and conditions of restitution. If the juvenile
10 participated in the offense with other persons, the participants shall
11 be jointly and severally responsible for the payment of restitution.
12 The court shall not require a juvenile to make full or partial
13 restitution if the juvenile reasonably satisfies the court that the
14 juvenile does not have the means to make restitution and could not
15 reasonably acquire the means to pay restitution;

16 (10) Order that the juvenile perform community services under
17 the supervision of a probation division or other agency or individual
18 deemed appropriate by the court. Such services shall be
19 compulsory and reasonable in terms of nature and duration. Such
20 services may be performed without compensation, provided that any
21 money earned by the juvenile from the performance of community
22 services may be applied towards any payment of restitution or fine
23 which the court has ordered the juvenile to pay;

24 (11) Order that the juvenile participate in work programs which
25 are designed to provide job skills and specific employment training
26 to enhance the employability of job participants. Such programs
27 may be without compensation, provided that any money earned by
28 the juvenile from participation in a work program may be applied
29 towards any payment of restitution or fine which the court has
30 ordered the juvenile to pay;

31 (12) Order that the juvenile participate in programs emphasizing
32 self-reliance, such as intensive outdoor programs teaching survival
33 skills, including but not limited to camping, hiking, and other
34 appropriate activities;

35 (13) Order that the juvenile participate in a program of academic
36 or vocational education or counseling, such as a youth service
37 bureau, requiring attendance at sessions designed to afford access to
38 opportunities for normal growth and development. This may
39 require attendance after school, evenings, and weekends;

40 (14) Place the juvenile in a suitable residential or nonresidential
41 program for the treatment of alcohol or narcotic abuse, provided
42 that the juvenile has been determined to be in need of such services;

43 (15) Order the parent or guardian of the juvenile to participate in
44 appropriate programs or services when the court has found either
45 that such person's omission or conduct was a significant
46 contributing factor towards the commission of the delinquent act,
47 or, under its authority to enforce litigant's rights, that such person's
48 omission or conduct has been a significant contributing factor

1 towards the ineffective implementation of a court order previously
2 entered in relation to the juvenile;

3 (16) (a) Place the juvenile in a nonresidential program operated
4 by a public or private agency, providing intensive services to
5 juveniles for specified hours, which may include education,
6 counseling to the juvenile and the juvenile's family if appropriate,
7 vocational training, employment counseling, work, or other
8 services;

9 (b) Place the juvenile under the custody of the Juvenile Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170) for placement with any private group home or
12 private residential facility with which the commission has entered
13 into a purchase of service contract;

14 (17) Instead of or in addition to any disposition made according
15 to this section, the court may postpone, suspend, or revoke for a
16 period not to exceed two years the driver's license, registration
17 certificate, or both of any juvenile who **【used a motor vehicle in the**
18 **course of committing an act for which the juvenile】** was adjudicated
19 delinquent for carjacking pursuant to section 1 of P.L.1993, c.221
20 (C.2C:15-2). In imposing this disposition and in deciding the
21 duration of the postponement, suspension, or revocation, the court
22 shall consider the **【severity of the delinquent act】** circumstances of
23 the carjacking and the potential effect of the loss of driving
24 privileges on the juvenile's ability to be rehabilitated. Any
25 postponement, suspension, or revocation shall be imposed
26 consecutively with any custodial commitment;

27 (18) Order that the juvenile satisfy any other conditions
28 reasonably related to the rehabilitation of the juvenile;

29 (19) Order a parent or guardian who has failed or neglected to
30 exercise reasonable supervision or control of a juvenile who has
31 been adjudicated delinquent to make restitution to any person or
32 entity who has suffered a loss as a result of that offense. The court
33 may determine the reasonable amount, terms, and conditions of
34 restitution; or

35 (20) Place the juvenile, if eligible, in an appropriate juvenile
36 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
37 et al.).

38 c. (1) Except as otherwise provided in subsections e. and f. of
39 this section, if the county in which the juvenile has been adjudicated
40 delinquent has a juvenile detention facility meeting the physical and
41 program standards established pursuant to this subsection by the
42 Juvenile Justice Commission, the court may, in addition to any of
43 the dispositions not involving placement out of the home
44 enumerated in this section, incarcerate the juvenile in the youth
45 detention facility in that county for a term not to exceed 60
46 consecutive days. Counties which do not operate their own juvenile
47 detention facilities may contract for the use of approved
48 commitment programs with counties with which they have

1 established agreements for the use of pre-disposition juvenile
2 detention facilities. The Juvenile Justice Commission shall
3 promulgate such rules and regulations from time to time as deemed
4 necessary to establish minimum physical facility and program
5 standards for the use of juvenile detention facilities pursuant to this
6 subsection.

7 (2) No juvenile may be incarcerated in any county detention
8 facility unless the county has entered into an agreement with the
9 Juvenile Justice Commission concerning the use of the facility for
10 sentenced juveniles. Upon agreement with the county, the Juvenile
11 Justice Commission shall certify detention facilities which may
12 receive juveniles sentenced pursuant to this subsection and shall
13 specify the capacity of the facility that may be made available to
14 receive such juveniles; provided, however, that in no event shall the
15 number of juveniles incarcerated pursuant to this subsection exceed
16 50% of the maximum capacity of the facility.

17 (3) The court may fix a term of incarceration under this
18 subsection where:

19 (a) The act for which the juvenile was adjudicated delinquent, if
20 committed by an adult, would have constituted a crime or repetitive
21 disorderly persons offense;

22 (b) Incarceration of the juvenile is consistent with the goals of
23 public safety, accountability, and rehabilitation and the court is
24 clearly convinced that the aggravating factors substantially
25 outweigh the mitigating factors as set forth in section 25 of
26 P.L.1982, c.77 (C.2A:4A-44); and

27 (c) The detention facility has been certified for admission of
28 adjudicated juveniles pursuant to paragraph (2).

29 (4) If as a result of incarceration of adjudicated juveniles
30 pursuant to this subsection, a county is required to transport a
31 predisposition juvenile to a juvenile detention facility in another
32 county, the costs of such transportation shall be borne by the
33 Juvenile Justice Commission.

34 d. Whenever the court imposes a disposition upon an
35 adjudicated delinquent which requires the juvenile to perform a
36 community service, restitution, or to participate in any other
37 program provided for in this section other than subsection c., the
38 duration of the juvenile's mandatory participation in such
39 alternative programs shall extend for a period consistent with the
40 program goal for the juvenile and shall in no event exceed one year
41 beyond the maximum duration permissible for the delinquent if the
42 juvenile had been committed to a term of incarceration.

43 e. In addition to any disposition the court may impose pursuant
44 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
45 following orders shall be included in dispositions of the
46 adjudications set forth below:

47 (1) An order of incarceration for a term of the duration
48 authorized pursuant to this section or section 25 of P.L.1982, c.77

1 (C.2A:4A-44) or an order to perform community service pursuant to
2 paragraph (10) of subsection b. of this section for a period of at
3 least 60 days, if the juvenile has been adjudicated delinquent for an
4 act which, if committed by an adult, would constitute the crime of
5 theft of a motor vehicle, or the crime of unlawful taking of a motor
6 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
7 degree crime of eluding in violation of subsection b. of
8 N.J.S.2C:29-2;

9 (2) An order of incarceration for a term of the duration
10 authorized pursuant to this section or section 25 of P.L.1982, c.77
11 (C.2A:4A-44) which shall include a minimum term of 60 days
12 during which the juvenile shall be ineligible for parole, if the
13 juvenile has been adjudicated delinquent for an act which, if
14 committed by an adult, would constitute the crime of aggravated
15 assault in violation of paragraph (6) of subsection b. of
16 N.J.S.2C:12-1, the second degree crime of eluding in violation of
17 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
18 in which the juvenile has previously been adjudicated delinquent for
19 an act, which if committed by an adult, would constitute unlawful
20 taking of a motor vehicle or theft of a motor vehicle;

21 (3) An order to perform community service pursuant to
22 paragraph (10) of subsection b. of this section for a period of at
23 least 30 days, if the juvenile has been adjudicated delinquent for an
24 act which, if committed by an adult, would constitute the fourth
25 degree crime of unlawful taking of a motor vehicle in violation of
26 subsection b. of N.J.S.2C:20-10;

27 (4) An order of incarceration for a term of the duration
28 authorized pursuant to this section or section 25 of P.L.1982, c.77
29 (C.2A:4A-44) which shall include a minimum term of 30 days
30 during which the juvenile shall be ineligible for parole, if the
31 juvenile has been adjudicated delinquent for an act which, if
32 committed by an adult, would constitute the crime of unlawful
33 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
34 degree crime of eluding in violation of subsection b. of
35 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
36 delinquent for an act which, if committed by an adult, would
37 constitute either theft of a motor vehicle, the unlawful taking of a
38 motor vehicle or eluding.

39 f. (1) The minimum terms of incarceration required pursuant
40 to subsection e. of this section shall be imposed regardless of the
41 weight or balance of factors set forth in this section or in section 25
42 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
43 those factors shall determine the length of the term of incarceration
44 appropriate, if any, beyond any mandatory minimum term required
45 pursuant to subsection e. of this section.

46 (2) When a court in a county that does not have a juvenile
47 detention facility or a contractual relationship permitting
48 incarceration pursuant to subsection c. of this section is required to

1 impose a term of incarceration pursuant to subsection e. of this
2 section, the court may, subject to limitations on commitment to
3 State correctional facilities of juveniles who are under the age of 11
4 or developmentally disabled, set a term of incarceration consistent
5 with subsection c. which shall be served in a State correctional
6 facility. When a juvenile who because of age or developmental
7 disability cannot be committed to a State correctional facility or
8 cannot be incarcerated in a county facility, the court shall order a
9 disposition appropriate as an alternative to any incarceration
10 required pursuant to subsection e.

11 (3) For purposes of subsection e. of this section, in the event
12 that a "boot camp" program for juvenile offenders should be
13 developed and is available, a term of commitment to such a
14 program shall be considered a term of incarceration.

15 g. Whenever the court imposes a disposition upon an
16 adjudicated delinquent which requires the juvenile to perform a
17 community service, restitution, or to participate in any other
18 program provided for in this section, the order shall include
19 provisions which provide balanced attention to the protection of the
20 community, accountability for offenses committed, fostering
21 interaction and dialogue between the offender, victim and
22 community and the development of competencies to enable the
23 child to become a responsible and productive member of the
24 community.

25 (cf: P.L.2012, c.16, s.1)

26

27 2. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to
28 read as follows:

29 3. a. If the child support arrearage equals or exceeds the amount
30 of child support payable for six months or court-ordered health care
31 coverage for the child is not provided for six months, or the obligor
32 fails to respond to a subpoena relating to a paternity or child
33 support action, or a child support-related warrant exists, and the
34 obligor is found to possess a license in the State and all appropriate
35 enforcement methods to collect the child support arrearage have
36 been exhausted, the Probation Division shall send a written notice
37 to the obligor, by certified and regular mail, return receipt
38 requested, at the obligor's last-known address or place of business
39 or employment, advising the obligor that the obligor's license may
40 be revoked or suspended unless, within 30 days of the postmark
41 date of the notice, the obligor pays the full amount of the child
42 support arrearage, or provides proof that health care coverage for
43 the child has been obtained, or responds to a subpoena, or makes a
44 written request for a court hearing to the Probation Division. **【The**
45 **obligor's driver's license shall be suspended by operation of law**
46 **upon the issuance of a child support-related warrant.】** If a child
47 support- related warrant for the obligor exists, the professional,
48 occupational, recreational or sporting license revocation or

1 suspension shall be terminated if the obligor pays the full amount of
2 the child support arrearage, provides proof that health care coverage
3 for the child has been obtained as required by the court order, or
4 surrenders to the county sheriff or the Probation Division.

5 b. If the obligor fails to take one of the actions in subsection a.
6 of this section within 30 days of the postmark date of the notice and
7 there is proof that service on the obligor was effective, the
8 Probation Division shall file a certification with the court setting
9 forth the obligor's non-compliance with the support order and the
10 obligor's failure to respond to the written notice of the potential
11 license suspension or revocation. If, based on the papers filed by
12 the Probation Division, the court is satisfied that service on the
13 obligor was effective as set forth in this section, it shall without
14 need for further due process or hearing, enter a court order
15 suspending or revoking all licenses held by the obligor. Upon the
16 entry of the order, the Probation Division shall forward a copy to
17 the obligor and all appropriate licensing authorities.

18 For the purposes of this section, the court may deem procedural
19 due process requirements for notice and service of process to be met
20 with respect to a party thereto upon delivery of written notice to the
21 most recent residential or employer address filed with the Probation
22 Division for that party. If a party fails to respond to a notice and no
23 proof is available that the party received the notice, the Probation
24 Division shall document to the court that it has made a diligent
25 effort to locate the party by making inquiries that may include, but
26 are not limited to: the United States Postal Service, the Division of
27 Motor Vehicles in the Department of Transportation, the Division
28 of Taxation in the Department of the Treasury and the Departments
29 of Labor and Corrections. The Probation Division shall provide an
30 affidavit to the court presenting such documentation of its diligent
31 effort, which certifies its inability to locate the party, before any
32 adverse action is taken based upon the party's failure to respond to
33 the notice.

34 c. If the obligor requests a hearing, the Probation Division shall
35 file a petition for a judicial hearing in accordance with section 5 of
36 P.L.1996, c.7 (C.2A:17-56.43). The hearing shall occur within 45
37 days of the obligor's request. If, at or prior to the hearing, the
38 obligor pays the full amount of the child support arrearage or
39 provides health care coverage as ordered, or responds to the
40 subpoena or surrenders to the county sheriff or the Probation
41 Division, the license revocation process shall be terminated. No
42 license revocation action shall be initiated if the Probation Division
43 has received notice that the obligor has pending a motion to modify
44 the child support order if that motion was filed prior to the date that
45 the notice of the license suspension or revocation was sent by the
46 Probation Division. The court shall consider the Probation
47 Division's petition to revoke or suspend a license in accordance

1 with section 5 of P.L.1996, c.7 (C.2A:17-56.43).
2 (cf: P.L.1998, c.1, s.28)

3

4 3. Section 1 of P.L.1991, c.83 (C.2C:20-2.1) is amended to
5 read as follows:

6 1. a. In addition to any other disposition authorized by law, a
7 person convicted under the provisions of this chapter of theft or
8 unlawful taking of a motor vehicle shall be subject:

9 (1) For the first offense, to a penalty of ~~【\$500.00 to the~~
10 suspension or postponement of the person's license to operate a
11 motor vehicle over the highways of this State for a period of one
12 year.】 \$500, and the court, in its discretion, may suspend, revoke,
13 or postpone the person's driving privileges for a period not to
14 exceed one year;

15 (2) For a second offense, to a penalty of ~~【\$750.00 and to the~~
16 suspension or postponement of the person's license to operate a
17 motor vehicle over the highways of this State for a period of two
18 years.】 \$750, and the court, in its discretion, may suspend, revoke,
19 or postpone the person's driving privileges for a period not to
20 exceed two years; and

21 (3) For a third or subsequent offense, to a penalty of ~~【\$1,000.00,~~
22 and to the suspension or postponement of the person's license to
23 operate a motor vehicle over the highways of this State for 10
24 years】 \$1,000, and the court, in its discretion, may suspend, revoke,
25 or postpone the person's driving privileges for a period not to
26 exceed 10 years.

27 In deciding the duration of the suspension, revocation, or
28 postponement of the person's driving privileges pursuant to
29 paragraphs (1), (2), and (3) of this subsection, the court shall
30 consider the circumstances of the theft or unlawful taking of the
31 motor vehicle and whether the loss of driving privileges will result
32 in extreme hardship and alternative means of transportation are not
33 available.

34 b. The suspension or postponement of the person's license to
35 operate a motor vehicle pursuant to subsection a. of this section
36 shall commence on the day the sentence is imposed. In the case of
37 any person who at the time of the imposition of sentence is less than
38 17 years of age, the period of the suspension of driving privileges
39 authorized ~~【herein】 pursuant to this section,~~ including a suspension
40 of the privilege of operating a motorized bicycle, shall commence
41 on the day the sentence is imposed and shall run for a period as
42 fixed by the court ~~【of】 not to exceed~~ one year for a first offense,
43 two years for a second offense, or 10 years for a third offense
44 calculated from the day after the day the person reaches the age of
45 17 years. If the driving privilege of any person is under revocation,
46 suspension, or postponement for a violation of any provision of this
47 Title or Title 39 of the Revised Statutes at the time of any

1 conviction or adjudication of delinquency for a violation of any
2 offense defined in this chapter or chapter 36 of this Title, the
3 revocation, suspension, or postponement period imposed **[herein]**
4 pursuant to this section shall commence as of the date of
5 termination of the existing revocation, suspension, or
6 postponement.

7 Upon conviction the court shall collect forthwith the New Jersey
8 driver's licenses of the person and forward **[such]** the license or
9 licenses to the **[Director]** Chief Administrator of the **[Division of**
10 **Motor Vehicles]** New Jersey Motor Vehicle Commission along
11 with a report indicating the first and last day of the suspension or
12 postponement period imposed by the court pursuant to this section.
13 If the court is for any reason unable to collect the license or licenses
14 of the person, the court shall **[cause]** forward a report of the
15 conviction or adjudication of delinquency to be filed with the
16 **[director]** chief administrator. That report shall include the
17 complete name, address, date of birth, eye color, and sex of the
18 person and shall indicate the first and last day of the suspension or
19 postponement period imposed by the court pursuant to this section.
20 The court shall inform the person orally and in writing that if the
21 person is convicted of personally operating a motor vehicle during
22 the period of license suspension or postponement imposed pursuant
23 to this section the person shall, upon conviction, be subject to the
24 penalties set forth in R.S.39:3-40. A person shall be required to
25 acknowledge receipt of the written notice in writing. Failure to
26 receive a written notice or failure to acknowledge in writing the
27 receipt of a written notice shall not be a defense to a subsequent
28 charge of a violation of R.S.39:3-40. If the person is the holder of a
29 driver's license from another jurisdiction, the court shall not collect
30 the license but shall notify the director who shall notify the
31 appropriate officials in the licensing jurisdiction. The court shall,
32 however, in accordance with the provisions of this section, revoke
33 the person's non-resident driving privileges in this State.

34 c. All penalties provided for in this section shall be collected as
35 provided for the collection of fines and restitutions in section 3 of
36 P.L.1979, c.396 (C.2C:46-4), and shall be distributed in accordance
37 with the provisions of N.J.S.2C:64-6 as if the collected monies were
38 the proceeds of property forfeited pursuant to the provisions of
39 chapter 64. However, the distributed monies are to be used for law
40 enforcement activities related to auto theft.

41 (cf: P.L.1993, c.219, s.4)

42

43 4. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to
44 read as follows:

45 1. a. A person who knowingly sells, offers or exposes for sale,
46 or otherwise transfers, or possesses with the intent to sell, offer or
47 expose for sale, or otherwise transfer, a document, printed form or

1 other writing which falsely purports to be a driver's license, birth
2 certificate or other document issued by a governmental agency and
3 which could be used as a means of verifying a person's identity or
4 age or any other personal identifying information is guilty of a
5 crime of the second degree.

6 b. A person who knowingly makes, or possesses devices or
7 materials to make, a document or other writing which falsely
8 purports to be a driver's license, birth certificate or other document
9 issued by a governmental agency and which could be used as a
10 means of verifying a person's identity or age or any other personal
11 identifying information is guilty of a crime of the second degree.

12 c. A person who knowingly exhibits, displays or utters a
13 document or other writing which falsely purports to be a driver's
14 license, birth certificate or other document issued by a
15 governmental agency and which could be used as a means of
16 verifying a person's identity or age or any other personal identifying
17 information is guilty of a crime of the third degree. A violation of
18 N.J.S.2C:28-7, constituting a disorderly persons offense, section 1
19 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of
20 P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the
21 personal identifying information of another to illegally purchase an
22 alcoholic beverage or for using the personal identifying information
23 of another to misrepresent his age for the purpose of obtaining
24 tobacco or other consumer product denied to persons under 18 years
25 of age shall not constitute an offense under this subsection if the
26 actor received only that benefit or service and did not perpetrate or
27 attempt to perpetrate any additional injury or fraud on another.

28 d. A person who knowingly possesses a document or other
29 writing which falsely purports to be a driver's license, birth
30 certificate or other document issued by a governmental agency and
31 which could be used as a means of verifying a person's identity or
32 age or any other personal identifying information is guilty of a
33 crime of the fourth degree. A violation of N.J.S.2C:28-7,
34 constituting a disorderly persons offense, section 1 of P.L.1979,
35 c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313
36 (C.33:1-81.7) in a case where the person uses the personal
37 identifying information of another to illegally purchase an alcoholic
38 beverage or for using the personal identifying information of
39 another to misrepresent his age for the purpose of obtaining tobacco
40 or other consumer product denied to persons under 18 years of age
41 shall not constitute an offense under this subsection if the actor
42 received only that benefit or service and did not perpetrate or
43 attempt to perpetrate any additional injury or fraud on another.

44 e. In addition to any other disposition authorized by this Title,
45 the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
46 other statute indicating the dispositions that may be ordered for an
47 adjudication of delinquency, and, notwithstanding the provisions of
48 subsection c. of N.J.S.2C:43-2, **[every]** the court, in its discretion,

1 may postpone, suspend, or revoke for a period of not less than six
2 months or more than two years the driver's license of any person
3 convicted of or adjudicated delinquent for a violation of any offense
4 defined in this section **【shall forthwith forfeit his right to operate a**
5 motor vehicle over the highways of this State for a period to be
6 fixed by the court at not less than six months or more than two
7 years which**】** . In deciding the duration of the suspension,
8 revocation, or postponement of the person's driving privileges for a
9 violation of this section, the court shall consider the circumstances
10 of the violation, and whether the loss of driving privileges will
11 result in extreme hardship and alternative means of transportation
12 are not available. The suspension, revocation, or postponement
13 shall commence on the day the sentence is imposed. In the case of
14 any person who at the time of the imposition of the sentence is less
15 than 17 years of age, the period of the suspension of driving
16 privileges authorized **【herein】** pursuant to this subsection, including
17 a suspension of the privilege of operating a motorized bicycle, shall
18 commence on the day the sentence is imposed and shall run for a
19 period as fixed by the court of not **【less than six months or】** more
20 than two years after the day the person reaches the age of 17 years.
21 If the driving privilege of any person is under revocation,
22 suspension, or postponement for a violation of any provision of this
23 Title or Title 39 of the Revised Statutes at the time of any
24 conviction or adjudication of delinquency for a violation of any
25 offense defined in this chapter or chapter 36 of this Title, the
26 revocation, suspension, or postponement period imposed **【herein】**
27 pursuant to this subsection shall commence as of the date of
28 termination of the existing revocation, suspension, or
29 postponement.

30 The court **【before whom】** postponing, suspending, or revoking
31 the driver's license of any person 【is】 convicted of or adjudicated
32 delinquent for a violation of any offense defined in this section shall
33 collect forthwith the New Jersey driver's license or licenses of that
34 person and forward the license or licenses to the Chief
35 Administrator of the New Jersey Motor Vehicle Commission along
36 with a report indicating the first and last day of the suspension or
37 postponement period imposed by the court pursuant to this section.
38 If the court is for any reason unable to collect the license or licenses
39 of the person, the court shall **【cause】** forward a report of the
40 conviction or adjudication of delinquency to be filed with the
41 **【director】** chief administrator. The report shall include the
42 complete name, address, date of birth, eye color, and sex of the
43 person and shall indicate the first and last day of the suspension or
44 postponement period imposed by the court pursuant to this section.
45 The court shall inform the person orally and in writing that if the
46 person is convicted of personally operating a motor vehicle during
47 the period of license suspension or postponement imposed pursuant

1 to this section, the person shall, upon conviction, be subject to the
2 penalties set forth in R.S.39:3-40. A person shall be required to
3 acknowledge receipt of the written notice in writing. Failure to
4 receive a written notice or failure to acknowledge in writing the
5 receipt of a written notice shall not be a defense to a subsequent
6 charge of a violation of R.S.39:3-40. If the person is the holder of a
7 driver's license from another jurisdiction, the court shall not collect
8 the license, but shall notify forthwith the **[director]** chief
9 administrator who shall notify the appropriate officials in that
10 licensing jurisdiction. The court shall, however, in accordance with
11 the provisions of this section, revoke the person's non-resident
12 driving privileges in this State.

13 In addition to any other condition imposed, a court, in its
14 discretion, may suspend, revoke, or postpone the driving privileges
15 of a person admitted to supervisory treatment under N.J.S.2C:36A-1
16 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
17 (cf: P.L.2005, c.224, s.1)

18

19 5. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to
20 read as follows:

21 1. a. Any person under the legal age to purchase alcoholic
22 beverages who knowingly possesses without legal authority or who
23 knowingly consumes any alcoholic beverage in any school, public
24 conveyance, public place, or place of public assembly, or motor
25 vehicle, is guilty of a disorderly persons offense, and shall be fined
26 not less than \$500.

27 b. **[Whenever this offense is committed in a motor vehicle, the**
28 **court shall, in addition to the sentence authorized for the offense,**
29 **suspend or postpone for six months the driving privilege of the**
30 **defendant. Upon the conviction of any person under this section,**
31 **the court shall forward a report to the New Jersey Motor Vehicle**
32 **Commission stating the first and last day of the suspension or**
33 **postponement period imposed by the court pursuant to this section.**
34 **If a person at the time of the imposition of a sentence is less than 17**
35 **years of age, the period of license postponement, including a**
36 **suspension or postponement of the privilege of operating a**
37 **motorized bicycle, shall commence on the day the sentence is**
38 **imposed and shall run for a period of six months after the person**
39 **reaches the age of 17 years.**

40 If a person at the time of the imposition of a sentence has a valid
41 driver's license issued by this State, the court shall immediately
42 collect the license and forward it to the commission along with the
43 report. If for any reason the license cannot be collected, the court
44 shall include in the report the complete name, address, date of birth,
45 eye color, and sex of the person as well as the first and last date of
46 the license suspension period imposed by the court.

47 The court shall inform the person orally and in writing that if the
48 person is convicted of operating a motor vehicle during the period

1 of license suspension or postponement, the person shall be subject
2 to the penalties set forth in R.S.39:3-40. A person shall be required
3 to acknowledge receipt of the written notice in writing. Failure to
4 receive a written notice or failure to acknowledge in writing the
5 receipt of a written notice shall not be a defense to a subsequent
6 charge of a violation of R.S.39:3-40.

7 If the person convicted under this section is not a New Jersey
8 resident, the court shall suspend or postpone, as appropriate, the
9 non-resident driving privilege of the person based on the age of the
10 person and submit to the commission the required report. The court
11 shall not collect the license of a non-resident convicted under this
12 section. Upon receipt of a report by the court, the commission shall
13 notify the appropriate officials in the licensing jurisdiction of the
14 suspension or postponement. **】 Deleted by amendment, P.L. , c.)**
15 (pending before the Legislature as this bill)

16 c. In addition to the general penalty prescribed for a disorderly
17 persons offense, the court may require any person who violates this
18 act to participate in an alcohol education or treatment program,
19 authorized by the Division of Mental Health and Addiction Services
20 in the Department of Human Services, for a period not to exceed the
21 maximum period of confinement prescribed by law for the offense
22 for which the individual has been convicted.

23 d. Nothing in this act shall apply to possession of alcoholic
24 beverages by **【any such】** an underage person while actually
25 engaged in the performance of employment pursuant to an
26 employment permit issued by the Director of the Division of
27 Alcoholic Beverage Control, or for a bona fide hotel or restaurant,
28 in accordance with the provisions of R.S.33:1-26, or while actively
29 engaged in the preparation of food while enrolled in a culinary arts
30 or hotel management program at a county vocational school or post
31 secondary educational institution.

32 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-
33 81.1a) shall apply to a parent, guardian, or other person with legal
34 custody of a person under 18 years of age who is found to be in
35 violation of this section.

36 f. An underage person and one or two other persons shall be
37 immune from prosecution under this section if:

38 (1) one of the underage persons called 9-1-1 and reported that
39 another underage person was in need of medical assistance due to
40 alcohol consumption;

41 (2) the underage person who called 9-1-1 and, if applicable, one
42 or two other persons acting in concert with the underage person
43 who called 9-1-1 provided each of their names to the 9-1-1
44 operator;

45 (3) the underage person was the first person to make the 9-1-1
46 report; and

47 (4) the underage person and, if applicable, one or two other
48 persons acting in concert with the underage person who made the 9-

1 1-1 call remained on the scene with the person under the legal age
2 in need of medical assistance until assistance arrived and
3 cooperated with medical assistance and law enforcement personnel
4 on the scene.

5 The underage person who received medical assistance also shall
6 be immune from prosecution under this section.

7 g. For purposes of this section, an alcoholic beverage includes
8 powdered alcohol as defined by R.S.33:1-1.

9 (cf: P.L.2015, c.137, s.3)

10

11 6. N.J.S.2C:34-1 is amended to read as follows:

12 2C:34-1. a. As used in this section:

13 (1) "Prostitution" is sexual activity with another person in
14 exchange for something of economic value, or the offer or
15 acceptance of an offer to engage in sexual activity in exchange for
16 something of economic value.

17 (2) "Sexual activity" includes, but is not limited to, sexual
18 intercourse, including genital-genital, oral-genital, anal-genital, and
19 oral-anal contact, whether between persons of the same or opposite
20 sex; masturbation; touching of the genitals, buttocks, or female
21 breasts; sadistic or masochistic abuse and other deviate sexual
22 relations.

23 (3) "House of prostitution" is any place where prostitution or
24 promotion of prostitution is regularly carried on by one person
25 under the control, management or supervision of another.

26 (4) "Promoting prostitution" is:

27 (a) Owning, controlling, managing, supervising or otherwise
28 keeping, alone or in association with another, a house of
29 prostitution or a prostitution business;

30 (b) Procuring an inmate for a house of prostitution or place in a
31 house of prostitution for one who would be an inmate;

32 (c) Encouraging, inducing, or otherwise purposely causing
33 another to become or remain a prostitute;

34 (d) Soliciting a person to patronize a prostitute;

35 (e) Procuring a prostitute for a patron;

36 (f) Transporting a person into or within this State with purpose
37 to promote that person's engaging in prostitution, or procuring or
38 paying for transportation with that purpose; or

39 (g) Knowingly leasing or otherwise permitting a place
40 controlled by the actor, alone or in association with others, to be
41 regularly used for prostitution or promotion of prostitution, or
42 failure to make a reasonable effort to abate such use by ejecting the
43 tenant, notifying law enforcement authorities, or other legally
44 available means.

45 b. A person commits an offense if:

46 (1) The actor engages in prostitution as a patron;

47 (2) The actor promotes prostitution;

1 (3) The actor knowingly promotes prostitution of a child under
2 18 whether or not the actor mistakenly believed that the child was
3 18 years of age or older, even if such mistaken belief was
4 reasonable;

5 (4) The actor knowingly promotes prostitution of the actor's
6 child, ward, or any other person for whose care the actor is
7 responsible;

8 (5) The actor compels another to engage in or promote
9 prostitution;

10 (6) The actor promotes prostitution of the actor's spouse;

11 (7) The actor knowingly engages in prostitution with a person
12 under the age of 18, or if the actor enters into or remains in a house
13 of prostitution for the purpose of engaging in sexual activity with a
14 child under the age of 18, or if the actor solicits or requests a child
15 under the age of 18 to engage in sexual activity. It shall be no
16 defense to a prosecution under this paragraph that the actor
17 mistakenly believed that the child was 18 years of age or older,
18 even if such mistaken belief was reasonable; or

19 (8) The actor engages in prostitution by personally offering
20 sexual activity in exchange for something of economic value.

21 c. Grading of offenses under subsection b.

22 (1) An offense under subsection b. constitutes a crime of the
23 first degree if the offense falls within paragraph (3) or (4) of that
24 subsection.

25 (2) An offense under subsection b. constitutes a crime of the
26 second degree if the offense falls within paragraph (7) of that
27 subsection.

28 (3) An offense under subsection b. constitutes a crime of the
29 third degree if the offense falls within paragraph (5) or (6) of that
30 subsection.

31 (4) An offense under paragraph (2) of subsection b. constitutes a
32 crime of the third degree if the conduct falls within subparagraph
33 (a), (b), (c), (f), or (g) of paragraph (4) of subsection a. Otherwise
34 the offense is a crime of the fourth degree.

35 (5) An offense under subsection b. constitutes a disorderly
36 persons offense if the offense falls within paragraph (1) of that
37 subsection except that a second or third conviction for such an
38 offense constitutes a crime of the fourth degree, and a fourth or
39 subsequent conviction for such an offense constitutes a crime of the
40 third degree. **【In addition, where a motor vehicle was used in the**
41 **commission of any offense under paragraph (1) of subsection b. the**
42 **court shall suspend for six months the driving privilege of any such**
43 **offender who has a valid driver's license issued by this State. Upon**
44 **conviction, the court shall immediately collect the offender's**
45 **driver's license and shall forward it, along with a report stating the**
46 **first and last day of the suspension imposed pursuant to this**
47 **paragraph, to the New Jersey Motor Vehicle Commission.】**

1 (6) An offense under subsection b. constitutes a disorderly
2 persons offense if the offense falls within paragraph (8) of that
3 subsection, except that a second or subsequent conviction for such
4 an offense constitutes a crime of the fourth degree.

5 d. Presumption from living off prostitutes. A person, other
6 than the prostitute or the prostitute's minor child or other legal
7 dependent incapable of self-support, who is supported in whole or
8 substantial part by the proceeds of prostitution is presumed to be
9 knowingly promoting prostitution.

10 e. It is an affirmative defense to prosecution for a violation of
11 this section that, during the time of the alleged commission of the
12 offense, the defendant was a victim of human trafficking pursuant
13 to section 1 of P.L.2005, c.77 (C.2C:13-8) or compelled by another
14 to engage in sexual activity, regardless of the defendant's age.

15 f. (1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon
16 a person by a municipal court for a conviction of a disorderly
17 persons offense under this section shall be collected,
18 notwithstanding the procedures for the collection of fines and
19 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the
20 municipal court administrator and paid into the municipal treasury
21 of the municipality in which the offense was committed.

22 (2) In addition to any fine, fee, assessment, or penalty
23 authorized under the provisions of Title 2C of the New Jersey
24 Statutes, a person convicted of an offense of prostitution or related
25 offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b.
26 shall be assessed a penalty of at least \$10,000 but not more than
27 \$50,000, except if the offense involved promotion of the
28 prostitution of a child under the age of 18, the penalty shall be at
29 least \$25,000. All penalties provided for in this subsection,
30 collected as provided for the collection of fines and restitutions in
31 section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the
32 Department of the Treasury to be deposited in the "Human
33 Trafficking Survivor's Assistance Fund" established by section 2 of
34 P.L.2013, c.51 (C.52:17B-238).

35 (cf: P.L.2013, c.51, s.9)

36
37 7. N.J.S.2C:35-16 is amended to read as follows:

38 2C:35-16. a. In addition to any disposition authorized by this
39 title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43),
40 or any other statute indicating the dispositions that can be ordered
41 for an adjudication of delinquency, and notwithstanding the
42 provisions of subsection c. of N.J.S.2C:43-2, a person convicted of
43 or adjudicated delinquent for a violation of any offense defined in
44 this chapter or chapter 36 of this title shall forthwith forfeit **his**
45 the right to operate a motor vehicle over the highways of this State
46 for a period **to be fixed by the court at not less than** of six months
47 **or more than two years** which shall commence on the day the
48 sentence is imposed unless the court finds compelling

1 circumstances warranting an exception. For the purposes of this
2 section, compelling circumstances warranting an exception exist if
3 the forfeiture of the person's right to operate a motor vehicle over
4 the highways of this State will result in extreme hardship and
5 alternative means of transportation are not available. In the case of
6 a person who at the time of the imposition of sentence is less than
7 17 years of age, the period of any suspension of driving privileges
8 authorized **[herein]** pursuant to this section, including a suspension
9 of the privilege of operating a motorized bicycle, shall commence
10 on the day the sentence is imposed and shall run for a period as
11 fixed by the court of not less than six months or more than two
12 years after the day the person reaches the age of 17 years. If the
13 driving privilege of any person is under revocation, suspension, or
14 postponement for a violation of any provision of this title or Title
15 39 of the Revised Statutes at the time of any conviction or
16 adjudication of delinquency for a violation of any offense defined in
17 this chapter or chapter 36 of this title, any revocation, suspension,
18 or postponement period imposed **[herein]** pursuant to this section
19 shall commence as of the date of termination of the existing
20 revocation, suspension, or postponement.

21 b. If forfeiture or postponement of driving privileges is ordered
22 by the court pursuant to subsection a. of this section, the court shall
23 collect forthwith the New Jersey driver's license or licenses of the
24 person and forward such license or licenses to the Chief
25 Administrator of the New Jersey Motor Vehicle Commission along
26 with a report indicating the first and last day of the suspension or
27 postponement period imposed by the court pursuant to this section.
28 If the court is for any reason unable to collect the license or licenses
29 of the person, the court shall cause a report of the conviction or
30 adjudication of delinquency to be filed with the Chief
31 Administrator. That report shall include the complete name,
32 address, date of birth, eye color, and sex of the person and shall
33 indicate the first and last day of the suspension or postponement
34 period imposed by the court pursuant to this section. The court shall
35 inform the person orally and in writing that if the person is
36 convicted of personally operating a motor vehicle during the period
37 of license suspension or postponement imposed pursuant to this
38 section, the person shall, upon conviction, be subject to the
39 penalties set forth in R.S.39:3-40. A person shall be required to
40 acknowledge receipt of the written notice in writing. Failure to
41 receive a written notice or failure to acknowledge in writing the
42 receipt of a written notice shall not be a defense to a subsequent
43 charge of a violation of R.S.39:3-40. If the person is the holder of a
44 driver's license from another jurisdiction, the court shall not collect
45 the license but shall notify forthwith the Chief Administrator who
46 shall notify the appropriate officials in the licensing jurisdiction.
47 The court shall, however, in accordance with the provisions of this

1 section, revoke the person's non-resident driving privilege in this
2 State.

3 c. **【In addition to any other condition imposed, a court may in**
4 **its discretion suspend, revoke or postpone in accordance with the**
5 **provisions of this section the driving privileges of a person admitted**
6 **to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12**
7 **without a plea of guilty or finding of guilt.】** (Deleted by
8 amendment, P.L. , c.) (pending before the Legislature as this
9 bill)

10 d. **【After sentencing and upon notice to the prosecutor, a**
11 **person subject to suspension or postponement of driving privileges**
12 **under this section may seek revocation of the remaining portion of**
13 **any suspension or postponement based on compelling**
14 **circumstances warranting an exception that were not raised at the**
15 **time of sentencing. The court may revoke the suspension or**
16 **postponement if it finds compelling circumstances.】** (Deleted by
17 amendment, P.L. , c.) (pending before the Legislature as this
18 bill)

19 (cf: P.L.2008, c.84, s.2)

20

21 8. N.J.S.2C:36A-1 is amended to read as follows:

22 2C:36A-1. Conditional discharge for certain first offenses.

23 a. Whenever any person who has not previously been convicted
24 of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or
25 a disorderly persons or petty disorderly persons offense defined in
26 chapter 35 or 36 of this title or, subsequent to the effective date of
27 this title, under any law of the United States, this State or any other
28 state relating to marijuana, or stimulant, depressant, or
29 hallucinogenic drugs, and who has not previously participated in a
30 program of supervisory treatment pursuant to N.J.S.2C:43-12 or
31 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
32 al.), or a Veterans Diversion Program pursuant to P.L.2017, c.42
33 (C.2C:43-23 et al.), is charged with or convicted of any disorderly
34 persons offense or petty disorderly persons offense under chapter 35
35 or 36 of this title, the court upon notice to the prosecutor and
36 subject to subsection c. of this section, may on motion of the
37 defendant or the court:

38 (1) Suspend further proceedings and with the consent of the
39 person after reference to the State Bureau of Identification criminal
40 history record information files, place him under supervisory
41 treatment upon such reasonable terms and conditions as it may
42 require; or

43 (2) After a plea of guilty or finding of guilty, and without
44 entering a judgment of conviction, and with the consent of the
45 person after proper reference to the State Bureau of Identification
46 criminal history record information files, place him on supervisory
47 treatment upon reasonable terms and conditions as it may require,
48 or as otherwise provided by law.

1 b. In no event shall the court require as a term or condition of
2 supervisory treatment under this section, referral to any residential
3 treatment facility for a period exceeding the maximum period of
4 confinement prescribed by law for the offense for which the
5 individual has been charged or convicted, nor shall any term of
6 supervisory treatment imposed under this subsection exceed a
7 period of three years. [If a person is placed under supervisory
8 treatment under this section after a plea of guilty or finding of guilt,
9 the court as a term and condition of supervisory treatment shall
10 suspend the person's driving privileges for a period to be fixed by
11 the court at not less than six months or more than two years unless
12 the court finds compelling circumstances warranting an exception.
13 For the purposes of this subsection, compelling circumstances
14 warranting an exception exist if the suspension of the person's
15 driving privileges will result in extreme hardship and alternative
16 means of transportation are not available. In the case of a person
17 who at the time of placement under supervisory treatment under this
18 section is less than 17 years of age, the period of suspension of
19 driving privileges authorized herein, including a suspension of the
20 privilege of operating a motorized bicycle, shall commence on the
21 day the person is placed on supervisory treatment and shall run for a
22 period as fixed by the court of not less than six months or more than
23 two years after the day the person reaches the age of 17 years.

24 If the driving privilege of a person is under revocation,
25 suspension, or postponement for a violation of this title or Title 39
26 of the Revised Statutes at the time of the person's placement on
27 supervisory treatment under this section, the revocation, suspension
28 or postponement period imposed herein shall commence as of the
29 date of the termination of the existing revocation, suspension or
30 postponement. The court which places a person on supervisory
31 treatment under this section shall collect and forward the person's
32 driver's license to the New Jersey Motor Vehicle Commission and
33 file an appropriate report with the commission in accordance with
34 the procedure set forth in N.J.S.2C:35-16. The court shall also
35 inform the person of the penalties for operating a motor vehicle
36 during the period of license suspension or postponement as required
37 in N.J.S.2C:35-16.]

38 Upon violation of a term or condition of supervisory treatment
39 the court may enter a judgment of conviction and proceed as
40 otherwise provided, or where there has been no plea of guilty or
41 finding of guilty, resume proceedings. Upon fulfillment of the terms
42 and conditions of supervisory treatment the court shall terminate the
43 supervisory treatment and dismiss the proceedings against him.
44 Termination of supervisory treatment and dismissal under this
45 section shall be without court adjudication of guilt and shall not be
46 deemed a conviction for purposes of disqualifications or
47 disabilities, if any, imposed by law upon conviction of a crime or
48 disorderly persons offense but shall be reported by the clerk of the

1 court to the State Bureau of Identification criminal history record
2 information files. Termination of supervisory treatment and
3 dismissal under this section may occur only once with respect to
4 any person. Imposition of supervisory treatment under this section
5 shall not be deemed a conviction for the purposes of determining
6 whether a second or subsequent offense has occurred under section
7 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
8 any law of this State.

9 c. Proceedings under this section shall not be available to any
10 defendant unless the court in its discretion concludes that:

11 (1) The defendant's continued presence in the community, or in
12 a civil treatment center or program, will not pose a danger to the
13 community; or

14 (2) That the terms and conditions of supervisory treatment will
15 be adequate to protect the public and will benefit the defendant by
16 serving to correct any dependence on or use of controlled
17 substances which he may manifest; and

18 (3) The person has not previously received supervisory
19 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
20 N.J.S.2C:43-12, or the provisions of this chapter.

21 d. A person seeking conditional discharge pursuant to this
22 section shall pay to the court a fee of \$75 which shall be paid to the
23 Treasurer of the State of New Jersey for deposit in the General
24 Fund. The defendant shall also be required to pay restitution, costs
25 and other assessments as provided by law. A person may apply for a
26 waiver of this fee, by reason of poverty, pursuant to the Rules
27 Governing the Courts of the State of New Jersey, or the court may
28 permit the defendant to pay the conditional discharge fee and other
29 assessments in installments or may order other alternatives pursuant
30 to section 1 of P.L.2009, c.317 (C.2B:12-23.1).

31 (cf: P.L.2017, c.42. s.9)

32
33 9. N.J.S.2C:43-2 is amended to read as follows:

34 2C:43-2 a. Except as otherwise provided by this code, all
35 persons convicted of an offense or offenses shall be sentenced in
36 accordance with this chapter.

37 b. Except as provided in subsection a. of this section and
38 subject to the applicable provisions of the code, the court may
39 suspend the imposition of sentence on a person who has been
40 convicted of an offense, or may sentence him as follows:

41 (1) To pay a fine or make restitution authorized by N.J.S.2C:43-
42 3 or P.L.1997, c.253 (C.2C:43-3.4 et al.); or

43 (2) Except as provided in subsection g. of this section, to be
44 placed on probation and, in the case of a person convicted of a
45 crime, to imprisonment for a term fixed by the court not exceeding
46 364 days to be served as a condition of probation, or in the case of a
47 person convicted of a disorderly persons offense, to imprisonment

1 for a term fixed by the court not exceeding 90 days to be served as a
2 condition of probation; or

3 (3) To imprisonment for a term authorized by sections 2C:11-3,
4 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

5 (4) To pay a fine, make restitution and probation, or fine,
6 restitution and imprisonment; or

7 (5) To release under supervision in the community or to require
8 the performance of community-related service; or

9 (6) To a halfway house or other residential facility in the
10 community, including agencies which are not operated by the
11 Department of Human Services; or

12 (7) To imprisonment at night or on weekends with liberty to
13 work or to participate in training or educational programs.

14 c. **【**Instead of or in addition to any disposition made according
15 to this section, the court may postpone, suspend, or revoke for a
16 period not to exceed two years the driver's license, registration
17 certificate, or both of any person convicted of a crime, disorderly
18 persons offense, or petty disorderly persons offense in the course of
19 which a motor vehicle was used. In imposing this disposition and in
20 deciding the duration of the postponement, suspension, or
21 revocation, the court shall consider the severity of the crime or
22 offense and the potential effect of the loss of driving privileges on
23 the person's ability to be rehabilitated. Any postponement,
24 suspension, or revocation shall be imposed consecutively with any
25 custodial sentence. (Deleted by amendment, P.L. _____, c. _____)
26 (pending before the Legislature as this bill)

27 d. This chapter does not deprive the court of any authority
28 conferred by law to decree a forfeiture of property, suspend or
29 cancel a license, remove a person from office, or impose any other
30 civil penalty. Such a judgment or order may be included in the
31 sentence.

32 e. The court shall state on the record the reasons for imposing
33 the sentence, including its findings pursuant to the criteria for
34 withholding or imposing imprisonment or fines under sections
35 2C:44-1 to 2C:44-3, where imprisonment is imposed, consideration
36 of the defendant's eligibility for release under the law governing
37 parole and the factual basis supporting its findings of particular
38 aggravating or mitigating factors affecting sentence.

39 f. The court shall explain the parole laws as they apply to the
40 sentence and shall state:

41 (1) the approximate period of time in years and months the
42 defendant will serve in custody before parole eligibility;

43 (2) the jail credits or the amount of time the defendant has
44 already served;

45 (3) that the defendant may be entitled to good time and work
46 credits; and

47 (4) that the defendant may be eligible for participation in the
48 Intensive Supervision Program.

1 g. Notwithstanding the provisions of paragraph (2) of
2 subsection b. of this section, a court imposing sentence on a
3 defendant who has been convicted of any offense enumerated in
4 subsection a. of section 2 of P.L.1994, c.130 (C.2C:43-6.4) may not
5 sentence the defendant to be placed on probation.

6 (cf: P.L.2003, c.267, s.5)

7
8 10. N.J.S.2C:46-2 is amended to read as follows:

9 2C:46-2 a. When a defendant sentenced to pay an assessment
10 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
11 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-
12 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73
13 (C.2C:14-10), monthly probation fee, fine, a penalty imposed
14 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-
15 imposed financial obligations or to make restitution or pay child
16 support or other support or maintenance ordered by a court defaults
17 in the payment thereof or of any installment, upon the motion of the
18 person authorized by law to collect the payment, the motion of the
19 prosecutor, the motion of the victim entitled to payment of
20 restitution, the motion of the Victims of Crime Compensation
21 Office, the motion of the State or county Office of Victim and
22 Witness Advocacy or upon its own motion, the court shall recall
23 him, or issue a summons or a warrant of arrest for his appearance.
24 The court shall afford the person notice and an opportunity to be
25 heard on the issue of default. Failure to make any payment when
26 due shall be considered a default. The standard of proof shall be by
27 a preponderance of the evidence, and the burden of establishing
28 good cause for a default shall be on the person who has defaulted.

29 (1) **【**If the court finds that the person has defaulted without good
30 cause, the court shall:

31 (a) Order the suspension of the driver's license or the
32 nonresident reciprocity driving privilege of the person; and

33 (b) Prohibit the person from obtaining a driver's license or
34 exercising reciprocity driving privileges until the person has made
35 all past due payments; and

36 (c) Notify the Chief Administrator of the New Jersey Motor
37 Vehicle Commission of the action taken; and

38 (d) Take such other actions as may be authorized by law.**】**

39 Deleted by amendment, P.L. _____, c. _____) (pending before the
40 Legislature as this bill)

41 (2) If the court finds that the person defaulted on payment of a
42 court-imposed financial obligation, restitution, or child support or
43 other support or maintenance ordered by a court without good cause
44 and finds that the default was willful, the court may**【**, in addition to
45 the action required by paragraph (1) of this subsection a.,**】** impose a
46 term of imprisonment or participation in a labor assistance program
47 or enforced community service to achieve the objective of the
48 court-imposed financial obligation, restitution, or child support or

1 other support or maintenance ordered by a court. **【These options】**
2 This option shall not reduce the amount owed by the person in
3 default. The term of imprisonment or enforced community service
4 or participation in a labor assistance program **【in such case】** shall
5 be specified in the order of commitment. It need not be equated
6 with any particular dollar amount but, in the case of a fine it shall
7 not exceed one day for each \$50 of the fine nor shall it exceed a
8 period of 90 consecutive days. In no case shall the total period of
9 imprisonment in the case of a disorderly persons offense for both
10 the sentence of imprisonment and for failure to pay a fine exceed
11 six months.

12 (3) Except where incarceration is ordered pursuant to paragraph
13 (2) of **【this】** subsection a. of this section, if the court finds that the
14 person has defaulted the court may take one or more of the
15 following actions:

16 (a) the court shall take appropriate action to modify or establish
17 a reasonable schedule for payment;

18 (b) in the case of a fine, if the court finds that the circumstances
19 that warranted the fine have changed or that it would be unjust to
20 require payment, the court may revoke or suspend the fine or the
21 unpaid portion of the fine; or

22 (c) if the defendant has served jail time for default on a court-
23 imposed financial obligation, the court may order that credit for
24 each day of confinement be given against the amount owed. The
25 amount of the credit shall be determined at the discretion of the
26 court but shall be not less than \$50 for each day of confinement
27 served.

28 (4) When failure to pay an assessment imposed pursuant to
29 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
30 restitution, a penalty imposed pursuant to section 1 of P.L.1999,
31 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of
32 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section
33 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to
34 perform enforced community service or to participate in a labor
35 assistance program is determined to be willful, the failure to do so
36 shall be considered to be contumacious.

37 (5) When a fine, assessment imposed pursuant to section 2 of
38 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
39 is imposed on a corporation, it is the duty of the person or persons
40 authorized to make disbursements from the assets of the corporation
41 or association to pay it from such assets and their failure so to do
42 may be held to be contumacious.

43 b. Upon any default in the payment of a fine, assessment
44 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
45 monthly probation fee, a penalty imposed pursuant to section 1 of
46 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
47 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
48 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other

1 financial penalties, restitution, or any installment thereof, execution
2 may be levied and such other measures may be taken for collection
3 of it or the unpaid balance thereof as are authorized for the
4 collection of an unpaid civil judgment entered against the defendant
5 in an action on a debt.

6 c. Upon any default in the payment of restitution or any
7 installment thereof, the victim entitled to the payment may institute
8 summary collection proceedings authorized by subsection b. of this
9 section.

10 d. Upon any default in the payment of an assessment imposed
11 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
12 installment thereof, the Victims of Crime Compensation Office or
13 the party responsible for collection may institute summary
14 collection proceedings authorized by subsection b. of this section.

15 e. When a defendant sentenced to make restitution to a public
16 entity other than the Victims of Crime Compensation Office,
17 defaults in the payment thereof or any installment, the court may, in
18 lieu of other modification of the sentence, order the defendant to
19 perform work in a labor assistance program or enforced community
20 service program.

21 f. If a defendant ordered to participate in a labor assistance
22 program or enforced community service program fails to report for
23 work or to perform the assigned work, the comprehensive
24 enforcement hearing officer may revoke the work order and impose
25 any sentence permitted as a consequence of the original conviction.

26 g. If a defendant ordered to participate in a labor assistance
27 program or an enforced community service program pays all
28 outstanding assessments, the comprehensive enforcement hearing
29 officer may review the work order, and modify the same to reflect
30 the objective of the sentence.

31 h. As used in this section:

32 (1) "Comprehensive enforcement program" means the program
33 established pursuant to the "Comprehensive Enforcement Program
34 Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et
35 seq.).

36 (2) The terms "labor assistance program" and "enforced
37 community service" have the same meaning as those terms are
38 defined in section 5 of the "Comprehensive Enforcement Program
39 Fund Act," P.L.1995, c.9 (C.2B:19-5).

40 (3) "Public entity" means the State, any county, municipality,
41 district, public authority, public agency and any other political
42 subdivision or public body in the State.

43 (4) "Court-imposed financial obligation" means any fine,
44 statutorily-mandated assessment, surcharge, or other financial
45 penalty imposed by a court, but does not include restitution or child
46 support or other support or maintenance ordered by a court.

47 (cf: P.L.2013, c.180, s.1)

1 11. Section 119 of P.L.1977, c.110 (C.5:12-119) is amended to
2 read as follows:

3 119. Gaming by Certain Persons Prohibited; Penalties;
4 Defenses.

5 a. **[No]** A person under the age at which a person is
6 authorized to purchase and consume alcoholic beverages shall not
7 enter, or wager in, a licensed casino or simulcasting facility;
8 provided, however, that **[such a]** the person may enter a casino or
9 simulcasting facility by way of passage to another room, and
10 provided further, however, that any **[such]** person **[who is]**
11 licensed or registered under the provisions of the "Casino Control
12 Act," P.L.1977, c.110 (C.5:12-1 et seq.), may enter a casino or
13 simulcasting facility in the regular course of the person's permitted
14 activities.

15 Any person who violates this subsection shall be guilty of a
16 disorderly persons offense and shall be fined not less than \$500 and
17 not more than \$1,000. **[In addition, the court shall suspend or**
18 **postpone the person's license to operate a motor vehicle for six**
19 **months.**

20 Upon the conviction of any person under this section, the court
21 shall forward a report to the Division of Motor Vehicles stating the
22 first and last day of the suspension or postponement period imposed
23 by the court pursuant to this section. If a person at the time of the
24 imposition of a sentence is less than 17 years of age, the period of
25 license postponement, including a suspension or postponement of
26 the privilege of operating a motorized bicycle, shall commence on
27 the day the sentence is imposed and shall run for a period of six
28 months after the person reaches the age of 17 years.

29 If a person at the time of the imposition of a sentence has a valid
30 driver's license issued by this State, the court shall immediately
31 collect the license and forward it to the division along with the
32 report. If for any reason the license cannot be collected, the court
33 shall include in the report the complete name, address, date of birth,
34 eye color, and sex of the person as well as the first and last date of
35 the license suspension period imposed by the court.

36 The court shall inform the person orally and in writing that if the
37 person is convicted of operating a motor vehicle during the period
38 of license suspension or postponement, the person shall be subject
39 to the penalties set forth in R.S.39:3-40. A person shall be required
40 to acknowledge receipt of the written notice in writing. Failure to
41 receive a written notice or failure to acknowledge in writing the
42 receipt of a written notice shall not be a defense to a subsequent
43 charge of a violation of R.S.39:3-40.

44 If the person convicted under this section is not a New Jersey
45 resident, the court shall suspend or postpone, as appropriate given
46 the age at the time of sentencing, the non-resident driving privilege
47 of the person and submit to the division the required report. The
48 court shall not collect the license of a non-resident convicted under

1 this section. Upon receipt of a report by the court, the division shall
2 notify the appropriate officials in the licensing jurisdiction of the
3 suspension or postponement.】

4 b. Any licensee or employee of a casino who allows a person
5 under the age at which a person is authorized to purchase and
6 consume alcoholic beverages to remain in or wager in a casino or
7 simulcasting facility is guilty of a disorderly persons offense;
8 except that the establishment of all of the following facts by a
9 licensee or employee allowing any 【such】 underage person to
10 remain shall constitute a defense to any prosecution therefor:

11 (1) That the underage person falsely represented in writing that
12 he or she was at or over the age at which a person is authorized to
13 purchase and consume alcoholic beverages;

14 (2) That the appearance of the underage person was such that an
15 ordinary prudent person would believe him or her to be at or over
16 the age at which a person is authorized to purchase and consume
17 alcoholic beverages; and

18 (3) That the admission was made in good faith, relying upon
19 such written representation and appearance, and in the reasonable
20 belief that the underage person was actually at or over the age at
21 which a person is authorized to purchase and consume alcoholic
22 beverages.

23 c. A person who knowingly allows or permits another person
24 who is under his or her lawful care, custody, or control and who is
25 under the age at which a person is authorized to purchase and
26 consume alcoholic beverages to wager or attempt to wager in a
27 licensed casino or simulcasting facility in violation of subsection a.
28 of this section is guilty of a disorderly persons offense.

29 (cf: P.L.2002, c.65, s.30)

30

31 12. Section 3 of P.L.1952, c.157 (C.12:7-46) is amended to read
32 as follows:

33 3. a. 【No】 A person shall not operate a vessel on the waters of
34 this State while under the influence of intoxicating liquor, a
35 narcotic, hallucinogenic, or habit-producing drug or with a blood
36 alcohol concentration of 0.08% or more by weight of alcohol. 【No】
37 A person shall not permit another who is under the influence of
38 intoxicating liquor, a narcotic, hallucinogenic or habit-producing
39 drug, or who has a blood alcohol concentration of 0.08% by weight
40 of alcohol, to operate any vessel owned by the person or in 【his】
41 the person's custody or control.

42 As used in this section, "vessel" means a power vessel as defined
43 by section 2 of P.L.1995, c.401 (C.12:7-71) or a vessel which is 12
44 feet or greater in length.

45 A person who violates this section shall be subject to the
46 following:

47 (1) For a first offense:

1 (i) if the person's blood alcohol concentration is 0.08% or
2 higher but less than 0.10%, or the person operates a vessel while
3 under the influence of intoxicating liquor, or the person permits
4 another person who is under the influence of intoxicating liquor to
5 operate a vessel owned by him or in his custody or control or
6 permits another person with a blood alcohol concentration of 0.08%
7 or higher but less than 0.10% to operate a vessel, to a fine of not
8 less than \$250 nor more than \$400; and to the revocation of the
9 privilege to operate a vessel on the waters of this State for a period
10 of one year from the date of conviction **【and to the forfeiting of the**
11 **privilege to operate a motor vehicle over the highways of this State**
12 **for a period of three months】;**

13 (ii) if the person's blood alcohol concentration is 0.10% or
14 higher, or the person operates a vessel while under the influence of
15 a narcotic, hallucinogenic or habit-producing drug, or the person
16 permits another person who is under the influence of a narcotic,
17 hallucinogenic or habit-producing drug to operate a vessel owned
18 by him or in his custody or control, or permits another person with a
19 blood alcohol concentration of 0.10% or more to operate a vessel, to
20 a fine of not less than \$300 nor more than \$500; and to the
21 revocation of the privilege to operate a vessel on the waters of this
22 State for a period of one year from the date of conviction **【and to**
23 **the forfeiting of the privilege to operate a motor vehicle over the**
24 **highways of this State for a period of not less than seven months**
25 **nor more than one year】.**

26 (2) For a second offense, to a fine of not less than \$500 nor
27 more than \$1,000; to the performance of community service for a
28 period of 30 days, in the form and on the terms as the court deems
29 appropriate under the circumstances; and to imprisonment for a
30 term of not less than 48 hours nor more than 90 days, which shall
31 not be suspended or served on probation; and to the revocation of
32 the privilege to operate a vessel on the waters of this State for a
33 period of two years after the date of conviction **【and to the**
34 **forfeiting of the privilege to operate a motor vehicle over the**
35 **highways of this State for a period of two years】.**

36 (3) For a third or subsequent offense, to a fine of \$1,000; to
37 imprisonment for a term of not less than 180 days, except that the
38 court may lower this term for each day not exceeding 90 days
39 during which the person performs community service, in the form
40 and on the terms as the court deems appropriate under the
41 circumstances; and to the revocation of the privilege to operate a
42 vessel on the waters of this State for a period of 10 years from the
43 date of conviction **【and to the forfeiting of the privilege to operate a**
44 **motor vehicle over the highways of this State for a period of 10**
45 **years】.**

46 Upon conviction of a violation of this section, the court shall
47 collect forthwith the New Jersey **【driver's license or licenses】**

1 certification of successful completion of a boat safety course and
2 power vessel operator's license of the person so convicted and
3 forward **【such license or licenses】** these documents to the Chief
4 Administrator of the New Jersey Motor Vehicle Commission. In
5 the event that a person convicted under this section is the holder of
6 any out-of-State **【motor vehicle driver's or】** vessel operator's
7 license, the court shall not collect the license but shall notify
8 forthwith the Chief Administrator of the New Jersey Motor Vehicle
9 Commission, who shall, in turn, notify appropriate officials in the
10 licensing jurisdiction. The court shall, however, revoke the
11 nonresident's **【driving privilege to operate a motor vehicle and the**
12 **nonresident's】** privilege to operate a vessel in this State.

13 b. A person who has been convicted of a previous violation of
14 this section need not be charged as a second or subsequent offender
15 in the complaint made against him in order to render him liable to
16 the punishment imposed by this section against a second or
17 subsequent offender. If a second offense occurs more than 10 years
18 after the first offense, the court shall treat a second conviction as a
19 first offense for sentencing purposes and, if a third offense occurs
20 more than 10 years after the second offense, the court shall treat a
21 third conviction as a second offense for sentencing purposes.

22 c. If a court imposes a term of imprisonment under this section,
23 the person may be sentenced to the county jail, to the workhouse of
24 the county where the offense was committed, or to an inpatient
25 rehabilitation program approved by the Chief Administrator of the
26 New Jersey Motor Vehicle Commission and the Director of the
27 Division of **【Alcoholism and Drug Abuse】** Mental Health and
28 Addiction Services in the Department of **【Health and Senior】**
29 Human Services.

30 d. **【In the case of any person who at the time of the imposition**
31 **of sentence is less than 17 years of age, the period of the suspension**
32 **of driving privileges authorized herein, including a suspension of**
33 **the privilege of operating a motorized bicycle, shall commence on**
34 **the day the sentence is imposed and shall run for a period as fixed**
35 **by the court of not less than three months after the day the person**
36 **reaches the age of 17 years. If the driving or vessel operating**
37 **privilege of any person is under revocation, suspension, or**
38 **postponement for a violation of any provision of this title or Title**
39 **39 of the Revised Statutes at the time of any conviction of any**
40 **offense defined in this section, the revocation, suspension, or**
41 **postponement period imposed herein shall commence as of the date**
42 **of termination of the existing revocation, suspension or**
43 **postponement. A second offense shall result in the suspension or**
44 **postponement of the person's privilege to operate a motor vehicle**
45 **for six months. A third or subsequent offense shall result in the**
46 **suspension or postponement of the person's privilege to operate a**
47 **motor vehicle for two years. The court before whom any person is**

1 convicted of or adjudicated delinquent for a violation shall collect
2 forthwith the New Jersey driver's license or licenses of the person
3 and forward such license or licenses to the Chief Administrator of
4 the New Jersey Motor Vehicle Commission along with a report
5 indicating the first and last day of the suspension or postponement
6 period imposed by the court pursuant to this section. If the court is
7 for any reason unable to collect the license or licenses of the person,
8 the court shall cause a report of the conviction or adjudication of
9 delinquency to be filed with the chief administrator. That report
10 shall include the complete name, address, date of birth, eye color,
11 and sex of the person and shall indicate the first and last day of the
12 suspension or postponement period imposed by the court pursuant
13 to this section. The court shall inform the person orally and in
14 writing that if the person is convicted of personally operating a
15 motor vehicle or a vessel during the period of license suspension or
16 postponement imposed pursuant to this section, the person shall,
17 upon conviction, be subject to the penalties set forth in R.S.39:3-40
18 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is
19 appropriate. A person shall be required to acknowledge receipt of
20 the written notice in writing. Failure to receive a written notice or
21 failure to acknowledge in writing the receipt of a written notice
22 shall not be a defense to a subsequent charge of a violation of
23 R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83). If the
24 person is the holder of a driver's or vessel operator's license from
25 another jurisdiction, the court shall not collect the license but shall
26 notify forthwith the chief administrator who shall notify the
27 appropriate officials in the licensing jurisdiction. The court shall,
28 however, in accordance with the provisions of this section, revoke
29 the person's non-resident driving or vessel operating privilege,
30 whichever is appropriate, in this State.】 (Deleted by amendment,
31 P.L. , c.) (pending before the Legislature as this bill)

32 e. In addition to any other requirements provided by law, a
33 person convicted under this section shall satisfy the screening,
34 evaluation, referral program and fee requirements of the Division of
35 Alcoholism's Intoxicated Driving Programs Unit. A fee of \$80 shall
36 be payable to the Alcohol Education, Rehabilitation and
37 Enforcement Fund established under section 3 of P.L.1983, c.531
38 (C.26:2B-32), by the convicted person in order to defray the costs
39 of the screening, evaluation and referral by the Intoxicated Driving
40 Programs Unit. Failure to satisfy this requirement shall result in the
41 immediate forfeiture of the privilege to operate a vessel on the
42 waters of this State or the continuation of revocation until the
43 requirements are satisfied.

44 f. In addition to any other requirements provided by law, a
45 person convicted under this section shall be required after
46 conviction to complete a boat safety course from the list approved
47 by the Superintendent of State Police pursuant to section 1 of
48 P.L.1987, c.453 (C.12:7-60), which shall be completed prior to the

1 restoration of the privilege to operate a vessel which may have been
2 revoked or suspended for a violation of the provisions of this
3 section. Failure to satisfy this requirement shall result in the
4 immediate revocation of the privilege to operate a vessel on the
5 waters of this State, or the continuation of revocation until the
6 requirements of this subsection are satisfied.
7 (cf: P.L.2004, c.80, s.1)

8
9 13. Section 3 of P.L.1989, c.118 (C.13:1E-9.4) is amended to
10 read as follows:

11 3. a. Any person who violates the provisions of subsection a.
12 or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) commits a
13 disorderly persons offense.

14 b. Any person convicted of a violation of the provisions of
15 subsection a. or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) is
16 subject to a fine of not less than \$2,500.00 for a first offense, not
17 more than \$5,000.00 for a second offense and not more than
18 \$10,000.00 for a third and every subsequent offense. Each day
19 during which the violation continues constitutes an additional,
20 separate and distinct offense.

21 c. If a person is convicted of a violation of the provisions of
22 subsection a. or b. of section 2 of P.L.1989, c.118 (C.13:1E-9.3),
23 the court shall, in addition to the penalties provided under
24 subsection b. of this section, require the person to perform
25 community service for a term of not more than 90 days¹, and the
26 person shall forthwith forfeit his right to operate a motor vehicle
27 over the highways of this State for a period of not less than six
28 months nor more than one year².

29 d. All conveyances used or intended for use in the unlawful
30 transportation or disposal of solid waste in violation of the
31 provisions of subsection a. or b. of section 2 of P.L.1989, c.118
32 (C.13:1E-9.3) are subject to forfeiture to the State pursuant to the
33 provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

34 e. The provisions of P.L.1981, c.387 (C.13:1K-1 et seq.) or any
35 other law to the contrary notwithstanding, whenever a conveyance
36 is forfeited to the State pursuant to subsection d. of this section, the
37 proceeds from the disposal and sale of such conveyance shall be
38 remitted to the chief financial officer of the municipality wherein
39 the violation occurred, to be used by the municipality to help
40 finance enforcement activities undertaken pursuant to section 13 of
41 P.L.1970, c.40 (C.48:13A-12) or section 2 of P.L.1989, c.118
42 (C.13:1E-9.3).

43 f. A person convicted of a violation of the provisions of
44 subsection c. of section 2 of P.L.1989, c.118 (C.13:1E-9.3) shall be
45 liable to the railroad company in the amount of three times the
46 damages caused directly or indirectly by the unlawful disposal
47 together with three times the costs associated with the cleanup of
48 the real property upon which the violation occurred, including, but

1 not limited to, all attorneys' fees and costs which the railroad
2 company may reasonably expend in a civil suit brought in a court of
3 competent jurisdiction to collect the sums imposed by this
4 subsection. In any such suit, a final judgment of conviction shall be
5 admissible as conclusive proof that the person violated the
6 provisions of subsection c. of section 2 of P.L.1989, c.118
7 (C.13:1E-9.3).

8 (cf: P.L.1995, c.11, s.2)

9

10 14. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to
11 read as follows:

12 6. a. (Deleted by amendment, P.L.1997, c.151.)

13 b. There is created a Motor Vehicle Violations Surcharge
14 System which shall apply to all drivers and shall include, but not be
15 limited to, the following provisions:

16 (1) (a) Surcharges shall be levied, beginning on or after January
17 1, 1984, by the New Jersey Motor Vehicle Commission (hereinafter
18 the "commission") established by section 4 of P.L.2003, c.13
19 (C.39:2A-4) on any driver who, in the preceding 36-month period,
20 has accumulated six or more motor vehicle points, as provided in
21 Title 39 of the Revised Statutes; except that the allowance for a
22 reduction of points in Title 39 of the Revised Statutes shall not
23 apply for the purpose of determining surcharges under this
24 paragraph. The accumulation of points shall be calculated as of the
25 date the point violation is posted to the driver history record and
26 shall be levied pursuant to rules promulgated by the commission.
27 Surcharges assessed pursuant to this paragraph shall be **【\$150.00】**
28 \$150 for six points, and **【\$25.00】** \$25 for each additional point. No
29 offense shall be selected for billing which occurred prior to
30 February 10, 1983. No offense shall be considered for billing in
31 more than three annual assessments.

32 (b) (Deleted by amendment, P.L.1984, c.1.)

33 (2) (a) Surcharges shall be levied pursuant to subsection f. of
34 section 1 of P.L.2000, c.75 (C.39:4-97.2) for each offense of unsafe
35 driving under subsection a. of that section.

36 (b) Surcharges shall be levied for convictions (i) under
37 R.S.39:4-50 for violations occurring on or after February 10, 1983,
38 and (ii) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for
39 offenses committed in other jurisdictions of a substantially similar
40 nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512
41 (C.39:4-50.4a), for violations occurring on or after January 26,
42 1984. Except as hereinafter provided, surcharges under this
43 subparagraph (b) shall be levied annually for a three-year period,
44 and shall be **【\$1,000.00】** \$1,000 per year for each of the first two
45 convictions, for a total surcharge of \$3,000 for each conviction, and
46 **【\$1,500.00】** \$1,500 per year for the third conviction occurring
47 within a three-year period, for a total surcharge of \$4,500 for the
48 third conviction. If a driver is convicted under both R.S.39:4-50 and

1 section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out
2 of the same incident, the driver shall be assessed only one surcharge
3 for the two offenses.

4 **【If, upon written notification from the commission or its**
5 **designee, mailed to the last address of record with the commission,**
6 **a driver fails to pay a surcharge levied under this section and**
7 **collectible by the commission, the driving privilege of the driver**
8 **shall be suspended forthwith until at least five percent of each**
9 **outstanding surcharge assessment that has resulted in suspension is**
10 **paid to the commission; except that the commission may authorize**
11 **payment of the surcharge on an installment basis over a period of**
12 **12 months for assessments under \$2,300 or 24 months for**
13 **assessments of \$2,300 or more.】** The commission, for good cause,
14 may authorize payment of any surcharge on an installment basis
15 over a period not to exceed 36 months. If a driver fails to pay the
16 surcharge or any installments on the surcharge, the total surcharge
17 shall become due immediately, except as otherwise prescribed by
18 rule of the commission.

19 The commission may authorize any person to pay the surcharge
20 levied under this section and collectible by the commission by use
21 of a credit card, debit card or other electronic payment device, and
22 the administrator is authorized to require the person to pay all costs
23 incurred by the commission in connection with the acceptance of
24 the credit card, debit card or other electronic payment device. If a
25 surcharge or related administrative fee is paid by credit or debit
26 cards or any other electronic payment device and the amount is
27 subsequently reversed by the credit card company or bank, **【the**
28 **driving privilege of the surcharged driver shall be suspended and】**
29 the driver shall be subject to the fee imposed for dishonored checks
30 pursuant to section 31 of P.L.1994, c.60 (C.39:5-36.1).

31 In addition to any other remedy provided by law, the commission
32 is authorized to utilize the provisions of the SOIL (Set off of
33 Individual Liability) program established pursuant to P.L.1981,
34 c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under
35 this section and collectible by the commission that is unpaid on or
36 after the effective date of this act. As an additional remedy, the
37 commission may issue a certificate to the Clerk of the Superior
38 Court stating that the person identified in the certificate is indebted
39 under this surcharge law in such amount as shall be stated in the
40 certificate. The certificate shall reference the statute under which
41 the indebtedness arises. Thereupon the clerk to whom such
42 certificate shall have been issued shall immediately enter upon the
43 record of docketed judgments the name of such person as debtor;
44 the State as creditor; the address of such person, if shown in the
45 certificate; the amount of the debt so certified; a reference to the
46 statute under which the surcharge is assessed, and the date of
47 making such entries. The docketing of the entries shall have the
48 same force and effect as a civil judgment docketed in the Superior

1 Court, and the commission shall have all the remedies and may take
2 all of the proceedings for the collection thereof which may be had
3 or taken upon the recovery of a judgment in an action, but without
4 prejudice to any right of appeal. Upon entry by the clerk of the
5 certificate in the record of docketed judgments in accordance with
6 this provision, interest in the amount specified by the court rules for
7 post-judgment interest shall accrue from the date of the docketing
8 of the certificate, however payment of the interest may be waived
9 by the commission or its designee. In the event that the surcharge
10 remains unpaid following the issuance of the certificate of debt and
11 the commission takes any further collection action including
12 referral of the matter to the Attorney General or his designee, the
13 fee imposed, in lieu of the actual cost of collection, may be 20
14 percent of surcharges of \$1,000 or more. The administrator or his
15 designee may establish a sliding scale, not to exceed a maximum
16 amount of \$200, for surcharge principal amounts of less than \$1,000
17 at the time the certificate of debt is forwarded to the Superior Court
18 for filing. The commission shall provide written notification to a
19 driver of the proposed filing of the certificate of debt at least 10
20 days prior to the proposed filing; such notice shall be mailed to the
21 driver's last address of record with the commission. Upon the filing
22 of a certificate of debt with the Clerk of the Superior Court, the
23 surcharged driver shall not be eligible for the restoration of his
24 driving privilege until at least five percent of each outstanding
25 surcharge assessment that has resulted in the suspension, including
26 interest and costs, if any, is paid to the commission. If a certificate
27 of debt is satisfied following a credit card payment, debit card
28 payment or payment by other electronic payment device and that
29 payment is reversed, a new certificate of debt shall be filed against
30 the surcharged driver unless the original is reinstated.

31 If the administrator or his designee approves a special payment
32 plan, of such duration as the administrator or his designee deems
33 appropriate, for repayment of the certificate of debt, and the driver
34 is complying with the approved plan, the plan may be continued for
35 any new surcharge not part of the certificate of debt.

36 All moneys collectible by the commission under subparagraph
37 (b) of paragraph (2) of this subsection b. shall be billed and
38 collected by the commission except as provided in P.L.1997, c.280
39 (C.2B:19-10 et al.) for the collection of unpaid surcharges.
40 Commencing on September 1, 1996, or such earlier time as the
41 Commissioner of Banking and Insurance shall certify to the State
42 Treasurer that amounts on deposit in the New Jersey Automobile
43 Insurance Guaranty Fund are sufficient to satisfy the current and
44 anticipated financial obligations of the New Jersey Automobile Full
45 Insurance Underwriting Association, all surcharges collected by the
46 commission under subparagraph (b) of paragraph (2) of this
47 subsection b. shall be remitted to the Division of Motor Vehicles
48 Surcharge Fund:

1 (i) for transfer to the Market Transition Facility Revenue Fund,
2 as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the
3 purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a
4 time as all the Market Transition Facility bonds, notes and
5 obligations and all Motor Vehicle Commission bonds, notes and
6 obligations issued pursuant to that section 4 of P.L.1994, c.57
7 (C.34:1B-21.4) and the costs thereof are discharged and no longer
8 outstanding; and

9 (ii) from and after the date of certification by the Commissioner
10 of Banking and Insurance that the moneys collectible under
11 subparagraph (b) of paragraph (2) of this subsection b. are no longer
12 needed to fund the association or at such time as all Market
13 Transition Facility bonds, notes and obligations and all Motor
14 Vehicle Commission bonds, notes and obligations issued pursuant
15 to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof
16 are discharged and no longer outstanding, for transfer to the Motor
17 Vehicle Surcharges Revenue Fund established pursuant to section 6
18 of the "Motor Vehicle Surcharges Securitization Act of 2004,"
19 P.L.2004, c.70 (C.34:1B-21.28) to be applied as set forth in section
20 6 that act. From and after such time as all bonds issued under
21 section 4 of the "Motor Vehicle Surcharges Securitization Act of
22 2004," P.L.2004, c.70 (C.34:1B-21.26) and the costs thereof are
23 discharged and no longer outstanding, all surcharges collected by
24 the commission under subparagraph (b) of paragraph (2) of this
25 subsection b. shall, subject to appropriation, be remitted to the New
26 Jersey Property-Liability Insurance Guaranty Association created
27 pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for
28 payment of any loans made by that association to the New Jersey
29 Automobile Insurance Guaranty Fund pursuant to paragraph (10) of
30 subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided
31 that all such payments shall be subject to and dependent upon
32 appropriation by the State Legislature.

33 All surcharges collected by the courts pursuant to subparagraph
34 (a) of paragraph (2) of this subsection b. shall be forwarded not less
35 frequently than monthly to the Division of Revenue. The Division
36 of Revenue shall transfer: all such surcharges received prior to July
37 1, 2006, to the General Fund, and commencing July 1, 2006, all
38 such surcharges to the Unsafe Driving Surcharge Revenue Fund
39 established pursuant to section 5 of the "Motor Vehicle Surcharges
40 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.27) to be
41 applied as set forth in section 5 of that act. From and after such
42 time as all bonds (including refunding bonds), notes and other
43 obligations issued under section 4 of the "Motor Vehicle Surcharges
44 Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.26), and
45 the costs thereof are discharged and no longer outstanding, all such
46 surcharges collected by the courts pursuant to subparagraph (a) of
47 paragraph (2) of this subsection b. and forwarded to the Division of
48 Revenue shall be transferred to the General Fund.

1 Upon request, the Administrative Office of the Courts shall
2 provide a monthly report to the Division of Revenue containing
3 information on the number of convictions for the offense of unsafe
4 driving pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2) that
5 were entered during such month, the amount of the surcharges that
6 were assessed by the courts pursuant to subsection f. of section 1 of
7 P.L.2000, c.75 (C.39:4-97.2) for such month, and the amount of the
8 surcharges collected by the courts pursuant to subsection f. of
9 section 1 of P.L.2000, c.75 (C.39:4-97.2) during such month.

10 (3) In addition to any other authority provided in P.L.1983, c.65
11 (C.17:29A-33 et al.), the commissioner, after consultation with the
12 commission, is specifically authorized (a) (Deleted by amendment,
13 P.L.1994, c.64), (b) to impose, in accordance with subparagraph (a)
14 of paragraph (1) of this subsection b., surcharges for motor vehicle
15 violations or convictions for which motor vehicle points are not
16 assessed under Title 39 of the Revised Statutes, or (c) to reduce the
17 number of points for which surcharges may be assessed below the
18 level provided in subparagraph (a) of paragraph (1) of this
19 subsection b., except that the dollar amount of all surcharges levied
20 under the Motor Vehicle Violations Surcharge System shall be
21 uniform on a Statewide basis for each filer, without regard to
22 classification or territory. Surcharges adopted by the commissioner
23 on or after January 1, 1984 for motor vehicle violations or
24 convictions for which motor vehicle points are not assessable under
25 Title 39 of the Revised Statutes shall not be retroactively applied
26 but shall take effect on the date of the New Jersey Register in which
27 notice of adoption appears or the effective date set forth in that
28 notice, whichever is later.

29 c. No motor vehicle violation surcharges shall be levied on an
30 automobile insurance policy issued or renewed on or after January
31 1, 1984, except in accordance with the Motor Vehicle Violations
32 Surcharge System, and all surcharges levied thereunder shall be
33 assessed, collected and distributed in accordance with subsection b.
34 of this section.

35 d. (Deleted by amendment, P.L.1990, c.8.)

36 e. The Commissioner of Banking and Insurance and the
37 commission as may be appropriate, shall adopt any rules and
38 regulations necessary or appropriate to effectuate the purposes of
39 this section.

40 (cf: P.L.2007, c.282, s.1)

41
42 15. Section 50 of P.L.1990, c.8 (C.17:33B-41) is amended to
43 read as follows:

44 50. a. Upon the termination of a policy of motor vehicle
45 liability insurance by cancellation for nonpayment of premium
46 pursuant to section 2 of P.L.1968, c.158 (C.17:29C-7), notice of
47 that cancellation shall be filed by the insurer with the [Division of

1 Motor Vehicles] New Jersey Motor Vehicle Commission not later
2 than 30 days following the effective date of that cancellation.

3 b. The [division] commission shall notify the person whose
4 policy was canceled that, unless proof of motor vehicle liability
5 insurance is filed with the [division] commission within 30 days of
6 the notification or some other allowable circumstance exists and the
7 division is notified of that circumstance within 30 days of the
8 notification, the sanctions and penalties of this section shall apply.

9 c. If the [Director] Chief Administrator of the [Division of
10 Motor Vehicles] New Jersey Motor Vehicle Commission has not
11 received proof of motor vehicle liability insurance or other
12 allowable circumstances within 30 days pursuant to subsection b. of
13 this section, [he] the chief administrator shall suspend the
14 registration of [such] vehicle, except that:

15 (1) Suspension shall not be made under this subsection upon the
16 basis of a cancellation of motor vehicle liability insurance if the
17 registration certificate and registration plates of the motor vehicle
18 are surrendered prior to the time at which the cancellation of
19 insurance becomes effective. [Such surrender] Surrender of the
20 certificate and plates shall be made to [such] officers of the
21 [division] commission as the [director] chief administrator shall
22 direct. For the purposes of this paragraph, the expiration of a
23 registration without renewal of that registration shall be deemed to
24 be a surrender of registration as of the date of expiration;

25 (2) Suspension shall not be made under this subsection upon a
26 cancellation of motor vehicle liability insurance if the vehicle has
27 been, or will be, prior to the date of that cancellation, removed from
28 the United States in North America and the Dominion of Canada for
29 the purpose of international traffic, provided that the owner of the
30 vehicle, prior to the date of that cancellation, has filed with the
31 [director] chief administrator a statement, in a form prescribed by
32 [him] the chief administrator, indicating that the vehicle has been,
33 or will be, so removed, and agreeing to notify the [director] chief
34 administrator immediately upon return of the vehicle to the United
35 States in North America or the Dominion of Canada. Upon receipt
36 of the statement the [director] chief administrator shall restrict the
37 use of the registration to [such] international traffic until new proof
38 that motor vehicle liability insurance has been secured for the
39 vehicle;

40 (3) Suspension need not be made under this subsection upon the
41 basis of a cancellation of motor vehicle liability insurance if the
42 period of time during which the motor vehicle remained both
43 registered and uninsured was not greater than 15 days. The
44 [director] chief administrator shall promulgate regulations
45 governing the conditions under which suspension action may be
46 withheld pursuant to this paragraph.

1 d. Notwithstanding the provisions of subsection c. of this
2 section, an order of suspension may be rescinded if the registrant
3 pays to the commissioner a civil penalty in the amount of \$4 for
4 each day up to 90 days for which motor vehicle liability insurance
5 was not in effect. The provisions of this subsection shall apply only
6 once during any 36-month period and only if the registrant
7 surrenders the certificate of registration and registration plates to
8 the **【director】** chief administrator not more than 90 days from the
9 date of cancellation of motor vehicle liability insurance coverage or
10 submits to the **【director】** chief administrator proof of motor vehicle
11 liability insurance which took effect not more than 90 days from the
12 cancellation of **【his】** the registrant's previous motor vehicle
13 liability insurance.

14 e. Any motor vehicle, the registration for which has been
15 suspended pursuant to this section, shall not be registered or
16 reregistered in the name of the **【same】** registrant, or in any other
17 name where the **【director】** chief administrator has reasonable
18 grounds to believe that **【such】** the registration or reregistration will
19 have the effect of defeating the purposes of this section, and no
20 other motor vehicle shall be registered in the name of **【such】** the
21 person during the period of suspension.

22 f. **【No registration】** Registration plates shall not be returned to
23 the registrant until proof of motor vehicle liability insurance is
24 submitted to the **【director】** chief administrator.

25 g. If a registrant has not surrendered his certificate of
26 registration and registration plates or obtained motor vehicle
27 liability insurance within 90 days from the date of cancellation of
28 motor vehicle liability insurance, the **【director】** chief administrator
29 **【shall】** may suspend the driver's license of **【any such】** the
30 registrant. The suspension shall take effect on the date specified in
31 the order and shall remain in effect until termination of the
32 suspension of the registrant's registration.

33 h. The **【Director】** Chief Administrator of the **【Division of**
34 **Motor Vehicles】** New Jersey Motor Vehicle Commission shall
35 adopt rules and regulations pursuant to the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement
37 the provisions of this section. The **【director】** chief administrator
38 may, by regulation, require that the provisions of this section shall
39 be applicable to the termination of policies of motor vehicle
40 liability insurance for reasons other than cancellation for
41 nonpayment of premium, including nonrenewals.

42 i. Within 180 days of the effective date of this act the
43 **【Division of Motor Vehicles】** New Jersey Motor Vehicle
44 Commission shall develop a format for electronic reporting by
45 insurers writing private passenger automobile insurance, to the
46 **【division】** commission, on a real-time basis, information regarding

1 the cancellation of policies of motor vehicle insurance, the issuance
2 of new policies of motor vehicle insurance, and changes of vehicle
3 on policies of motor vehicle insurance in force in order to verify
4 compliance with the motor vehicle liability insurance requirements
5 of section 1 of P.L.1972, c.197 (C.39:6B-1), and the mandatory
6 automobile insurance requirements of section 4 of P.L.1998, c.21
7 (C.39:6A-3.1). Information shall be maintained by driver's license
8 number of the named insured. Other information to be provided by
9 insurers shall be established by the **【director】** chief administrator
10 by regulation.

11 j. The **【director】** chief administrator shall establish an
12 electronic data base containing the information provided for in
13 subsection i. of this section, which shall be made available to all
14 law enforcement officers for the purpose of enforcing the
15 mandatory motor vehicle insurance requirements of section 1 of
16 P.L.1972, c.197 (C.39:6B-1). The data base shall not be made
17 available until every insurer writing private passenger insurance has
18 complied with regulations of the **【director】** chief administrator and
19 the information required by subsection i. of this section is reported
20 on a real-time basis. The **【Division of Motor Vehicles】** New Jersey
21 Motor Vehicle Commission shall establish security procedures to
22 protect the confidentiality of the information on the data base,
23 which shall preclude access to the information to any person not
24 otherwise entitled to it under this or any other law.

25 k. The data base shall be funded from the Uninsured Motorist
26 Prevention Fund established pursuant to section 2 of P.L.1983,
27 c.141 (C.39:6B-3).
28 (cf: P.L.1998, c.22, s.7)

29

30 16. R.S.33:1-81 is amended to read as follows:

31 33:1-81. It shall be unlawful for:

32 (a) A person under the legal age for purchasing alcoholic
33 beverages to enter any premises licensed for the retail sale of
34 alcoholic beverages for the purpose of purchasing, or having served
35 or delivered to him or her, any alcoholic beverage; or

36 (b) A person under the legal age for purchasing alcoholic
37 beverages to consume any alcoholic beverage on premises licensed
38 for the retail sale of alcoholic beverages, or to purchase, attempt to
39 purchase or have another purchase for him any alcoholic beverage;
40 or

41 (c) Any person to misrepresent or misstate his age, or the age of
42 any other person for the purpose of inducing any licensee or any
43 employee of any licensee, to sell, serve or deliver any alcoholic
44 beverage to a person under the legal age for purchasing alcoholic
45 beverages; or

46 (d) Any person to enter any premises licensed for the retail sale
47 of alcoholic beverages for the purpose of purchasing, or to purchase

1 alcoholic beverages, for another person who does not because of his
2 age have the right to purchase and consume alcoholic beverages.

3 Any person who shall violate any of the provisions of this
4 section shall be deemed and adjudged to be a disorderly person, and
5 upon conviction thereof, shall be punished by a fine of not less than
6 ~~【\$500.00】~~ \$500. **【In addition, the court shall suspend or postpone**
7 **the person's license to operate a motor vehicle for six months.**

8 Upon the conviction of any person under this section, the court
9 shall forward a report to the Division of Motor Vehicles stating the
10 first and last day of the suspension or postponement period imposed
11 by the court pursuant to this section. If a person at the time of the
12 imposition of a sentence is less than 17 years of age, the period of
13 license postponement, including a suspension or postponement of
14 the privilege of operating a motorized bicycle, shall commence on
15 the day the sentence is imposed and shall run for a period of six
16 months after the person reaches the age of 17 years.

17 If a person at the time of the imposition of a sentence has a valid
18 driver's license issued by this State, the court shall immediately
19 collect the license and forward it to the division along with the
20 report. If for any reason the license cannot be collected, the court
21 shall include in the report the complete name, address, date of birth,
22 eye color, and sex of the person as well as the first and last date of
23 the license suspension period imposed by the court.

24 The court shall inform the person orally and in writing that if the
25 person is convicted of operating a motor vehicle during the period
26 of license suspension or postponement, the person shall be subject
27 to the penalties set forth in R.S.39:3-40. A person shall be required
28 to acknowledge receipt of the written notice in writing. Failure to
29 receive a written notice or failure to acknowledge in writing the
30 receipt of a written notice shall not be a defense to a subsequent
31 charge of a violation of R.S.39:3-40.

32 If the person convicted under this section is not a New Jersey
33 resident, the court shall suspend or postpone, as appropriate given
34 the age at the time of sentencing, the non-resident driving privilege
35 of the person and submit to the division the required report. The
36 court shall not collect the license of a non-resident convicted under
37 this section. Upon receipt of a report by the court, the division shall
38 notify the appropriate officials in the licensing jurisdiction of the
39 suspension or postponement. **】**

40 In addition to the general penalties prescribed for an offense, the
41 court may require any person under the legal age to purchase
42 alcoholic beverages who violates this act to participate in an alcohol
43 education or treatment program authorized by the Department of
44 Health for a period not to exceed the maximum period of
45 confinement prescribed by law for the offense for which the
46 individual has been convicted.

47 (cf: P.L.1991, c.169, s.1)

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

3 **【No】** 1. A person shall not operate a motor vehicle on any
4 highway while knowingly having in **【his】** the person's possession
5 or in the motor vehicle any controlled dangerous substance as
6 classified in Schedules I, II, III, IV and V of the "New Jersey
7 Controlled Dangerous Substances Act," P.L. 1970, c. 226 (C. 24:21-
8 1 et seq.) or any prescription legend drug, unless the person has
9 obtained the substance or drug from, or on a valid written
10 prescription of, a duly licensed physician, veterinarian, dentist or
11 other medical practitioner licensed to write prescriptions intended
12 for the treatment or prevention of disease in **【man】** humans or
13 animals or unless the person possesses a controlled dangerous
14 substance pursuant to a lawful order of a practitioner or lawfully
15 possesses a Schedule V substance.

16 A person who violates this section shall be fined not less than
17 **【\$50.00 and shall forthwith forfeit his right to operate a motor**
18 **vehicle for a period of two years from the date of his conviction】**
19 \$50.

20 (cf: P.L.1985, c.239, s.1)

21

22 18. Section 1 of P.L.1967, c.305 (C.39:4-56.5) is amended to
23 read as follows:

24 1. a. It shall be unlawful for any person to abandon a motor
25 vehicle on or along any highway, other than a limited access
26 highway, or other public property or on any private property
27 without the consent of the owner or other person in charge of the
28 private property. A vehicle which has remained on or along any
29 highway or other public property or on private property without
30 such consent for a period of more than 48 hours or for any period
31 without current license plates shall be presumed to be an abandoned
32 motor vehicle. Vehicles used or to be used in the construction,
33 operation or maintenance of public utility facilities and which are
34 left in a manner which does not interfere with the normal movement
35 of traffic shall not be considered abandoned vehicles for the
36 purposes of this section.

37 b. It shall be unlawful for any person to abandon a motor
38 vehicle on or along any limited access highway without the consent
39 of the State Department of Transportation or other entity having
40 jurisdiction over the limited access highway, as the case may be. A
41 vehicle which remains on or along **【such a】** the highway for a
42 period of more than four hours or for any period without current
43 license plates shall be presumed to be an abandoned motor vehicle.
44 Legally parked vehicles, such as vehicles parked in a designated
45 rest area for not more than 12 hours, or vehicles used or to be used
46 in the construction, operation, or maintenance of public utility
47 facilities and which are left in a manner which does not interfere

1 with the normal movement of traffic shall not be considered
2 abandoned vehicles for the purposes of this section.

3 c. Any person who violates this section shall be subject for the
4 first offense to a fine of not less than \$100 nor more than \$500
5 **【and his license or driving privilege may be suspended or revoked**
6 **by the director for not more than two years】**. For any subsequent
7 violation **【he】** the person shall be subject to a fine of not less than
8 \$500 **【nor】** or more than \$1,000**【,** and his license or driving
9 privilege be suspended or revoked for a period of not more than five
10 years**】**.

11 (cf: P.L.1999, c.411, s.1)

12

13 19. Section 9 of P.L.1985, c.14 (C.39:4-139.10) is amended to
14 read as follows:

15 9. a. If a person has failed to respond to a failure to appear
16 notice or has failed to pay a parking judgment, the municipal court
17 may give notice of that fact to the commission in a manner
18 prescribed by the chief administrator. If notice has been given
19 under this section of a person's failure to respond to a failure to
20 appear notice or to pay a parking judgment and if the fines and
21 penalties are paid or if the case is dismissed or otherwise disposed
22 of, the municipal court shall promptly give notice to that effect to
23 the commission.

24 b. The judge or the commission may suspend the **【driver's**
25 **license, or the】** registration of the motor vehicle of an owner,
26 lessee, or operator who has not answered or appeared in response to
27 a failure to appear notice or has not paid or otherwise satisfied
28 outstanding parking fines or penalties.

29 If the **【license or】** registration suspension is the result of the
30 failure to pay outstanding parking fines or penalties, or respond to a
31 failure to appear notice, the commission shall:

32 (1) delay the imposition of the **【license or】** registration
33 suspension for at least 30 days after the date on which the
34 commission received a notice of suspension from the municipal
35 court; and

36 (2) upon receipt of a notice of suspension from the municipal
37 court, provide written notice advising the owner, lessee, or operator
38 that the suspension shall take effect 30 days after the date of the
39 commission's notice. The written notice issued by the commission
40 shall provide the reason for suspension, identify the municipal court
41 that issued the notice of suspension, and inform the owner, lessee,
42 or operator that the suspension may be avoided by contacting the
43 municipal court that issued the notice of suspension within the 30
44 day period to resolve the pending parking violation.

45 If an owner, lessee or operator has been found guilty of a parking
46 offense and has failed to pay or otherwise satisfy outstanding
47 parking fines or penalties, the court shall provide notice and an

1 opportunity to appear before a judge prior to suspending that
2 person's **【driver's license or】** motor vehicle registration. In
3 determining whether to suspend the person's **【driver's license or**
4 **the】** motor vehicle registration, the judge and the commission shall
5 take into consideration the area where the person resides and
6 whether or not the person has access to off-street parking. In
7 accordance with section 1 of P.L.1981, c.365 (C.39:4-203.1) and
8 section 1 of P.L.2009, c.317 (C.2B:12-23.1), a court may permit
9 alternatives to the payment of certain outstanding portions of
10 parking fines and penalties based on a person's ability to pay,
11 including allowing the payment of the fine in installments,
12 conversion of the fine to community service, or revoking portions
13 of the fine or penalty.

14 When a person whose **【license or】** registration has been
15 suspended appears at court proceedings or otherwise resolves
16 pending parking violations, or pays or otherwise satisfies all
17 parking fines or penalties, the municipal court shall provide the
18 person with a receipt of payment and shall give electronic notice to
19 the commission that the person's obligations have been satisfied and
20 the suspension ordered by the court shall not be imposed. If, prior
21 to the effective date of the suspension by the commission, the
22 person submits the receipt of payment to the commission or the
23 commission receives the electronic notice stating that the person's
24 obligations have been satisfied, the commission shall not suspend
25 the person's **【license or】** registration. If the commission receives
26 the receipt or electronic notice after the effective date of the
27 suspension, the person shall seek the restoration of the **【license or】**
28 registration through procedures adopted by the commission.

29 c. The commission shall keep a record of a suspension ordered
30 by the court pursuant to subsection b. of this section.

31 (cf: P.L.2017, c.75, s.1)

32

33 20. Section 2 of P.L.1993, c.296 (C.39:5-30.13) is amended to
34 read as follows:

35 2. The **【Director】** Chief Administrator of the **【Division of】**
36 New Jersey Motor 【Vehicles】 Vehicle Commission shall suspend,
37 revoke, or postpone the driving privilege in this State for a period of
38 **【not less than】** six months **【or more than two years】** of every
39 person convicted of or adjudicated delinquent for a drug offense in
40 any federal court or in the court of any other state, or the District of
41 Columbia. When a person whose license is subject to suspension,
42 revocation, or postponement under this act is less than 17 years of
43 age, the period of suspension, revocation or postponement imposed
44 by the **【director】** chief administrator shall commence immediately
45 and shall run for a period of not less than six months or more than
46 two years after the date the person reaches the age of 17. If the
47 driving privilege of any person is under revocation, suspension, or

1 postponement for a violation of Title 2C or Title 39 of the Revised
2 Statutes at the time of the imposition of suspension, revocation, or
3 postponement under this act, the revocation, suspension, or
4 postponement imposed herein shall commence as of the date of
5 termination of the existing suspension, revocation, or
6 postponement.
7 (cf: P.L.1993, c.296, s.2)

8
9 21. Section 27 of P.L.1952, c.174 (C.39:6-87) is amended to
10 read as follows:

11 27. Registration, etc. not restored until fund is reimbursed.

12 Where the license or privileges of any person, or the registration
13 of a motor vehicle registered in **【his】** the person's name, has been
14 suspended or cancelled under the Motor Vehicle Security-
15 Responsibility Law of this State, and the association has paid from
16 the fund any amount in settlement of a claim or towards satisfaction
17 of a judgment against that person, or for the payment of personal
18 injury protection benefits as provided in section 7 and section 10 of
19 this act, the cancellation or suspension shall not be removed, nor the
20 license, privileges, or registration restored, nor shall any new
21 license or privilege be issued or granted to, or registration be
22 permitted to be made by, that person until **【he】** the person has:

23 (a) Repaid in full to the association the amount **【so】** paid by
24 **【him】** the person together with interest **【thereon】** at **【8%】** eight
25 percent per annum from the date of **【such】** the payment; and

26 (b) Satisfied all requirements of **【said】** the Motor Vehicle
27 Security-Responsibility Law in respect of giving proof of ability to
28 respond in damages for future accidents, provided, that the court in
29 which **【such】** the judgment was rendered may, upon 10 days' notice
30 to the association, make an order permitting payment of the amount
31 of **【such】** the person's indebtedness to the fund, to be made in
32 installments, or in the event the fund makes personal injury
33 protection benefit payments, **【such】** the person and the fund by
34 agreement may provide for repayment to the fund to be made in
35 installments, and in such case, **【such】** the person's driver's license,
36 or **【his】** driving privileges, or registration certificate, if the same
37 have been suspended or revoked, or have expired, may be restored
38 or renewed and shall remain in effect unless and until **【such】** the
39 person defaults in making any installment payment specified in
40 **【such】** the order. In the event of **【any such】** a default, the New
41 Jersey Motor Vehicle Commission **【shall】** may upon notice of
42 **【such】** the default suspend **【such】** the person's driver's license, or
43 driving privileges or registration certificate until the amount of
44 **【his】** the person's indebtedness to the fund has been paid in full.
45 (cf: P.L.2003, c.89, s.32)

1 22. Section 15 of P.L.1972, c.70 (C.39:6A-15) is amended to
2 read as follows:

3 15. In any claim or action arising for benefits payable under a
4 standard automobile insurance policy under section 4 of P.L.1972,
5 c.70 (C.39:6A-4), any claim or action arising for medical expense
6 benefits payable under a basic automobile insurance policy under
7 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or any claim or action
8 arising for benefits payable under a special automobile insurance
9 policy pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3)
10 wherein any person obtains or attempts to obtain from any other
11 person, insurance company or Unsatisfied Claim and Judgment
12 Fund any money or other thing of value by (1) falsely or
13 fraudulently representing that **【such】** the person is entitled to
14 **【such】** the benefits; (2) falsely and fraudulently making statements
15 or presenting documentation in order to obtain or attempt to obtain
16 **【such】** the benefits; or (3) cooperates, conspires, or otherwise acts
17 in concert with any person seeking to falsely or fraudulently obtain,
18 or attempt to obtain, **【such】** the benefits may upon conviction be
19 fined not more than **【\$5,000.00】** \$5,000, or imprisoned for not
20 more than three years, or both, or in the event the sum **【so】**
21 obtained or attempted to be obtained is not more than **【\$500.00】**
22 \$500, may upon conviction, be fined not more than **【\$500.00】**
23 \$500, or imprisoned for not more than six months, or both, as a
24 disorderly person.

25 **【In addition to any penalties imposed by law, any person who is**
26 **either found by a court of competent jurisdiction to have violated**
27 **any provision of P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to**
28 **automobile insurance or been convicted of any violation of Title 2C**
29 **of the New Jersey Statutes arising out of automobile insurance**
30 **fraud shall not operate a motor vehicle over the highways of this**
31 **State for a period of one year from the date of judgment or**
32 **conviction.】**

33 (cf: P.L.2003, c.89, s.58)

34

35 23. Section 2 of P.L.1972, c.197 (C.39:6B-2) is amended to read
36 as follows:

37 2. An owner or registrant of a motor vehicle registered or
38 principally garaged in this State who operates or causes to be
39 operated a motor vehicle upon any public road or highway in this
40 State without motor vehicle liability insurance coverage required by
41 P.L.1972, c.197 (C.39:6B-1 et seq.), and an operator who operates
42 or causes a motor vehicle to be operated and who knows or should
43 know from the attendant circumstances that the motor vehicle is
44 without motor vehicle liability insurance coverage required by
45 P.L.1972, c.197 (C.39:6B-1 et seq.) shall be subject, for the first
46 offense, to a fine of not less than \$300 nor more than \$1,000 and a
47 period of community service to be determined by the court. The

1 court, in its discretion, also **【shall】** may suspend the person's right
2 to operate a motor vehicle over the highways of this State for a
3 period of up to one year from the date of conviction; provided,
4 however, the period of license suspension may be reduced or
5 eliminated if the person provides the court with satisfactory proof of
6 motor vehicle liability insurance at the time of the hearing. Upon
7 subsequent conviction, the person shall be subject to a fine of up to
8 \$5,000 and shall be subject to imprisonment for a term of 14 days
9 and shall be ordered by the court to perform community service for
10 a period of 30 days, which shall be of a form and on terms as the
11 court shall deem appropriate under the circumstances, and **【shall**
12 **forfeit the person's right to operate a motor vehicle for a period of】**
13 the court, in its discretion, may suspend the person's right to
14 operate a motor vehicle over the highways of this State for a period
15 of up to two years from the date of the conviction【, and, after】 . In
16 deciding the duration of the suspension of the person's right to
17 operate a motor vehicle pursuant to this section, the court shall
18 consider the circumstances of the violation and whether the loss of
19 driving privileges will result in extreme hardship and alternative
20 means of transportation are not available. After the expiration of
21 the **【forfeiture】** suspension, the person may make application to the
22 Chief Administrator of the New Jersey Motor Vehicle Commission
23 for a license to operate a motor vehicle, which application may be
24 granted at the discretion of the chief administrator. The chief
25 administrator's discretion shall be based upon an assessment of the
26 likelihood that the individual will operate or cause a motor vehicle
27 to be operated in the future without the insurance coverage required
28 by this act. A complaint for violation of this act may be made to a
29 municipal court at any time within six months after the date of the
30 alleged offense.

31 Failure to produce at the time of trial an insurance identification
32 card or an insurance policy which was in force for the time of
33 operation for which the offense is charged creates a rebuttable
34 presumption that the person was uninsured when charged with a
35 violation of this section.

36 (cf: P.L.2013, c.237, s.1)

37

38 24. Section 1 of P.L.2000, c.33 (C.40:48-1.2) is amended to read
39 as follows:

40 1. a. A municipality may enact an ordinance making it
41 unlawful for any person under the legal age who, without legal
42 authority, knowingly possesses or knowingly consumes an alcoholic
43 beverage on private property. The ordinance shall provide that a
44 violation shall be punished by a fine of \$250 for a first offense and
45 \$350 for any subsequent offense.

46 b. **【The ordinance shall provide that the court may, in addition**
47 **to the fine authorized for this offense, suspend or postpone for six**

1 months the driving privilege of the defendant. Upon the conviction
2 of any person and the suspension or postponement of that person's
3 driver's license, the court shall forward a report to the Division of
4 Motor Vehicles stating the first and last day of the suspension or
5 postponement period imposed by the court pursuant to this section.
6 If a person at the time of the imposition of a sentence is less than 17
7 years of age, the period of license postponement, including a
8 suspension or postponement of the privilege of operating a
9 motorized bicycle, shall commence on the day the sentence is
10 imposed and shall run for a period of six months after the person
11 reaches the age of 17 years.

12 If a person at the time of the imposition of a sentence has a valid
13 driver's license issued by this State, the court shall immediately
14 collect the license and forward it to the division along with the
15 report. If for any reason the license cannot be collected, the court
16 shall include in the report the complete name, address, date of birth,
17 eye color, and sex of the person, as well as the first and last date of
18 the license suspension period imposed by the court.

19 The court shall inform the person orally and in writing that if the
20 person is convicted of operating a motor vehicle during the period
21 of license suspension or postponement, the person shall be subject
22 to the penalties set forth in R.S.39:3-40. A person shall be required
23 to acknowledge receipt of the written notice in writing. Failure to
24 receive a written notice or failure to acknowledge in writing the
25 receipt of a written notice shall not be a defense to a subsequent
26 charge of a violation of R.S.39:3-40.

27 If the person convicted under such an ordinance is not a New
28 Jersey resident, the court shall suspend or postpone, as appropriate,
29 the non-resident driving privilege of the person based on the age of
30 the person and submit to the division the required report. The court
31 shall not collect the license of a non-resident convicted under this
32 section. Upon receipt of a report by the court, the division shall
33 notify the appropriate officials in the licensing jurisdiction of the
34 suspension or postponement. ~~](Deleted by amendment, P.L. , c.)~~
35 (pending before the Legislature as this bill)

36 c. (1) ~~【No】~~ An ordinance shall not prohibit an underaged
37 person from consuming or possessing an alcoholic beverage in
38 connection with a religious observance, ceremony, or rite or
39 consuming or possessing an alcoholic beverage in the presence of
40 and with the permission of a parent, guardian, or relative who has
41 attained the legal age to purchase and consume alcoholic beverages.

42 (2) As used in this section:

43 "Guardian" means a person who has qualified as a guardian of
44 the underaged person pursuant to testamentary or court
45 appointment.

46 "Relative" means the underaged person's grandparent, aunt or
47 uncle, sibling, or any other person related by blood or affinity.

1 d. **[No]** An ordinance shall not prohibit possession of alcoholic
2 beverages by any such person while actually engaged in the
3 performance of employment by a person who is licensed under Title
4 33 of the Revised Statutes, or while actively engaged in the
5 preparation of food while enrolled in a culinary arts or hotel
6 management program at a county vocational school or post
7 secondary educational institution; however, no ordinance enacted
8 pursuant to this section shall be construed to preclude the
9 imposition of a penalty under this section, R.S.33:1-81, or any other
10 section of law against a person who is convicted of unlawful
11 alcoholic beverage activity on or at premises licensed for the sale of
12 alcoholic beverages.

13 (cf: P.L.2003, c.33, s.1)

14

15 25. Section 2 of P.L.1991, c.214 (C.48:13A-12.2) is amended to
16 read as follows:

17 2. a. Any owner or operator who knowingly violates the
18 provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is guilty
19 of a crime of the third degree.

20 b. The provisions of N.J.S.2C:43-3 to the contrary
21 notwithstanding, any person convicted of a violation of the
22 provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is
23 subject to a fine of not less than **[\$7,500.00]** \$7,500 for a first
24 offense, not more than **[\$10,000.00]** \$10,000 for a second offense
25 and not more than **[\$25,000.00]** \$25,000 for a third and every
26 subsequent offense. Each day during which the violation continues
27 constitutes an additional, separate and distinct offense.

28 c. If a person is convicted of a violation of the provisions of
29 section 1 of P.L.1991, c.214 (C.48:13A-12.1), the court shall, in
30 addition to the penalties provided under this section, require the
31 person to perform community service for a term of not more than 90
32 days**],** and the person shall forthwith forfeit his right to operate a
33 motor vehicle over the highways of this State for a period of not
34 less than six months nor more than one year**].**

35 d. All conveyances used or intended for use in the unlawful
36 transportation of solid waste in violation of the provisions of
37 section 1 of P.L.1991, c.214 (C.48:13A-12.1) are subject to
38 forfeiture to the State pursuant to the provisions of P.L.1981, c.387
39 (C.13:1K-1 et seq.).

40 (cf: P.L.1991, c.214, s.2)

41

42 26. The following sections are repealed:

43 N.J.S.2B:12-31;

44 section 6 of P.L.1995, c.251 (C.2A:4A-43.3);

45 section 2 of P.L.1999, c.195 (C.2C:33-3.1); and

46 section 2 of P.L.1981, c.365 (C.39:4-203.2).

1 27. This act shall take effect on the first day of the fourth month
2 next following enactment.

3

4

5

STATEMENT

6

7 This bill eliminates mandatory driver's license suspension as a
8 penalty for various crimes and offenses unrelated to safely
9 operating a motor vehicle. The committee substitute also grants the
10 court discretion in determining whether a driver's license
11 suspension should be imposed for certain other crimes and offenses.
12 The bill further limits the driver's license suspension required for
13 criminal convictions related to the possession or sale of illegal
14 drugs to six months and removes the provision that a person's
15 driver's license be suspended by operation of law upon the issuance
16 of a child support-related warrant.

17 The bill eliminates driver's license suspension as a penalty for
18 convictions of the following crimes and offenses:

19 -any offense in which an adult or juvenile used a motor vehicle
20 in the course of committing the offense (up to two years);

21 -underage possession or consumption of alcoholic beverages on
22 public or private property and underage purchase of alcoholic
23 beverages (six months);

24 -using a motor vehicle for prostitution (six months);

25 -certain disorderly persons or petty disorderly persons offenses
26 for controlled dangerous substance violations for which the
27 defendant was placed on supervisory treatment (six months to two
28 years unless compelling circumstances warrant an exception);

29 -crimes for which certain fines, assessments, or restitution are
30 imposed and the defendant is in default without good cause
31 (suspension until past payments are made);

32 -underage gambling (six months);

33 -operating a vessel (boat) while intoxicated (three months to 10
34 years based on the number of offenses);

35 -illegal disposal of solid waste or illegal use of a solid waste
36 vehicle to transport fresh food (six months to one year);

37 -failure to pay motor vehicle violation surcharges (suspension
38 until five percent of the outstanding surcharges is paid or an
39 installment payment plan is established);

40 -illegal possession of a controlled dangerous substance in a
41 motor vehicle (two years);

42 -abandoning a motor vehicle on a highway (two to five years);

43 -failure to respond to a failure to appear notice or failure to pay a
44 parking judgment (suspension until payment is satisfied);

45 -automobile insurance fraud (two years);

46 -failure to appear in municipal court (suspension until matter is
47 adjudicated) or failure to satisfy a condition of the sentence, such as

1 pay an assessed fine or perform community service (suspension
2 until condition is satisfied);

3 -an act of graffiti committed by a person between 13 and 18
4 years old (one year for a first offense and two years for a second or
5 subsequent offense);

6 -initiating a false public alarm committed by a juvenile (six
7 months); and

8 -failure of an indigent defendant to comply with terms of an
9 installment payment plan for a motor vehicle traffic violation or
10 parking offense.

11 Under the committee substitute, the court is granted discretion in
12 imposing a driver's license suspension as a penalty for a conviction
13 of the following crimes and offenses:

14 -carjacking by a juvenile (up to two years); the court is to
15 consider the circumstances of the offense and the potential effect of
16 the loss of driving privileges on the juvenile's ability to be
17 rehabilitated;

18 -theft or unlawful taking of a motor vehicle (one to 10 years
19 depending on number of offenses); in deciding the duration of the
20 suspension, the court is to consider the circumstances of the offense
21 and whether the loss of driving privileges will result in extreme
22 hardship and alternative means of transportation are not available;

23 -selling, making, or possessing a false driver's license, birth
24 certificate, or other government document to prove identity or age
25 (six months to two years);

26 -failure to surrender registration and plates after cancellation of
27 motor vehicle liability insurance;

28 -defaulting on certain financial obligations to the Unsatisfied
29 Claim and Judgment Fund (until repaid); and

30 -failure to have compulsory motor vehicle liability insurance
31 (two years); in deciding the length of the suspension, the court is to
32 consider the circumstances of the violation and whether the loss of
33 driving privileges will result in extreme hardship and alternative
34 means of transportation are not available.

35 The bill further limits the driver's license suspension required for
36 criminal convictions related to the possession or sale of illegal
37 drugs in a State court, court in another state, or federal court.
38 Federal law requires a six-month suspension be imposed for these
39 offenses to avoid withholding of highway funds. State law
40 authorizes a suspension of six months to two years. The bill limits
41 the suspension to six months, which complies with federal law.

42 Finally, the bill removes the provision that a person's driver's
43 license be suspended by operation of law upon the issuance of a
44 child support-related warrant. The court retains discretion to
45 suspend the person's driver's license if, after notice and a hearing,
46 the court finds that suspension is warranted.

47 According to the sponsor, driver's licenses should not be
48 suspended for an offense unrelated to the ability to safely operate a

1 motor vehicle. The reentry efforts of ex-offenders are impeded by
2 the loss of a driver's license imposed as a collateral consequence
3 due to the resulting difficulty in remaining employed, attending
4 school, and obtaining necessary drug and alcohol treatment. Efforts
5 by those attempting to pay back child support arrearages also are
6 thwarted when their driver's licenses are suspended. Driver's
7 license suspension not only harms the ex-offender and child support
8 obligor, but also his or her family, and the community.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 5191

STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Law and Public Safety Committee reports an Assembly Committee Substitute for Assembly Bill No. 5191.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 5191 eliminates mandatory driver's license suspension as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle. The committee substitute also grants the court discretion in determining whether a driver's license suspension should be imposed for certain other crimes and offenses.

The committee substitute eliminates driver's license suspension as a penalty for convictions of the following crimes and offenses:

- underage possession or consumption of alcoholic beverages on private property and underage purchase of alcoholic beverages (six months);

- certain disorderly persons or petty disorderly persons offenses for controlled dangerous substance violations for which the defendant was placed on supervisory treatment (six months to two years unless compelling circumstances warrant an exception);

- crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause (suspension until past payments are made);

- underage gambling (six months);

- illegal disposal of solid waste or illegal use of a solid waste vehicle to transport fresh food (six months to one year);

- failure to pay motor vehicle violation surcharges (suspension until five percent of the outstanding surcharges is paid or an installment payment plan is established);

- simple possession of a controlled dangerous substance in a motor vehicle (six months);

- abandoning a motor vehicle on a highway (two to five years);

- failure to appear in municipal court (suspension until matter is adjudicated) or failure to satisfy a condition of the sentence, such as pay an assessed fine or perform community service (suspension until condition is satisfied);

- an act of graffiti committed by a person between 13 and 18 years old (one year for a first offense and two years for a second or subsequent offense);

- initiating a false public alarm committed by a juvenile (six months);

- failure of an indigent defendant to comply with terms of an installment payment plan for a motor vehicle traffic violation or parking offense; and

- failure to pay motor vehicle liability insurance premiums.

Under the committee substitute, the court is granted discretion in imposing a driver's license suspension as a penalty for a conviction of the following crimes and offenses:

- carjacking by a juvenile (up to two years);

- theft or unlawful taking of a motor vehicle (one to 10 years depending on number of offenses)

- selling, making, or possessing a false driver's license, birth certificate, or other government document to prove identity or age (six months to two years);

- defaulting on certain financial obligations to the Unsatisfied Claim and Judgment Fund (until repaid);

- illegal possession of a controlled dangerous substance, other than simple possession, in a motor vehicle (six months); and

- failure to respond to a failure to appear notice for a parking summons or failure to pay a parking judgment (suspension until payment is satisfied).

The committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The committee substitute limits the suspension to six months, which complies with federal law. The committee substitute eliminates the provision under current law that a person's driver's license is to be suspended by operation of law for offenses involving simple possession of a controlled dangerous substance pursuant to N.J.S.A.2C:35-10.

Additionally, the committee substitute removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The substitute further authorizes a restricted use driver's license endorsement for drivers who have lost their driving privileges for failure to respond to a failure to appear notice for a parking summons or failing to pay a parking judgment.

A restricted use driver's license endorsement, as established by the substitute, authorizes the person whose license is suspended to operate a motor vehicle during the suspension period exclusively between the person's residence and the person's place of employment, an accredited educational institution, a mandated treatment program, a

health care facility, or a child care facility; or in the person's course of employment when operating a motor vehicle is necessary in order to perform the duties of the person's primary employment.

As reported by the committee, this Assembly Committee Substitute for Assembly Bill No. 5191 is identical to the Senate Committee Substitute for Senate Bill No. 1080 (1R), as amended and reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 5191**

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5191 (ACS), with committee amendments.

As amended and reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 5191 eliminates mandatory driver's license suspension as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle. The amended committee substitute also grants the court discretion in determining whether a driver's license suspension should be imposed for certain other crimes and offenses.

The amended committee substitute eliminates driver's license suspension as a penalty for convictions of the following crimes and offenses:

- underage possession or consumption of alcoholic beverages on private property and underage purchase of alcoholic beverages (six months);

- certain disorderly persons or petty disorderly persons offenses for controlled dangerous substance violations for which the defendant was placed on supervisory treatment (six months to two years unless compelling circumstances warrant an exception);

- underage gambling (six months);

- illegal disposal of solid waste or illegal use of a solid waste vehicle to transport fresh food (six months to one year);

- failure to pay motor vehicle violation surcharges (suspension until five percent of the outstanding surcharges is paid or an installment payment plan is established);

- abandoning a motor vehicle on a highway (two to five years);

- failure to appear in municipal court (suspension until matter is adjudicated) or failure to satisfy a condition of the sentence, such as pay an assessed fine or perform community service (suspension until condition is satisfied);

- an act of graffiti committed by a person between 13 and 18 years old (one year for a first offense and two years for a second or subsequent offense);

- initiating a false public alarm committed by a juvenile (six months);

- failure of an indigent defendant to comply with terms of an installment payment plan for a motor vehicle traffic violation or parking offense; and

- failure to pay motor vehicle liability insurance premiums.

Under the amended committee substitute, the court is granted discretion in imposing a driver's license suspension as a penalty for a conviction of the following crimes and offenses:

- use of a motor vehicle by a juvenile the course of committing a crime;

- crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause (suspension until past payments are made);

- theft or unlawful taking of a motor vehicle (one to 10 years depending on number of offenses)

- selling, making, or possessing a false driver's license, birth certificate, or other government document to prove identity or age (six months to two years);

- defaulting on certain financial obligations to the Unsatisfied Claim and Judgment Fund (until repaid);

- illegal possession of a controlled dangerous substance, other than simple possession, in a motor vehicle (six months); and

- failure to respond to a failure to appear notice for a parking summons or failure to pay a parking judgment (suspension until payment is satisfied).

The amended committee substitute further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. State law authorizes a suspension of six months to two years. The committee substitute limits the suspension to six months, which complies with federal law. The amended committee substitute also eliminates the provision under current law that a person's driver's license is to be suspended by operation of law for offenses involving simple possession of a controlled dangerous substance pursuant to N.J.S.2C:35-10.

Additionally, the committee substitute removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The amended committee substitute also limits driver's license suspensions for automobile insurance fraud if the fraud is related to a claim for damages arising out of a motor vehicle accident.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 5191 is identical to the Senate Committee Substitute for Senate Bill No. 1080 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the Assembly committee substitute to:

- (1) require the court, prior to suspending the driver's license of a juvenile for an offense in which the juvenile used a motor vehicle in the course of committing the offense, to consider the circumstances of the act for which the juvenile was adjudicated delinquent;
- (2) make license suspensions discretionary for crimes for which certain fines, assessments, or restitution are imposed and the defendant is in default without good cause;
- (3) limit driver's license suspensions for automobile insurance fraud to fraudulent activity based on a claim for damages arising out of a motor vehicle accident;
- (4) eliminate the provisions of the substitute bill which authorize a restricted use driver's license endorsement for certain drivers; and
- (5) make technical changes to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

The OLS does not have access to detailed information related to the number of driver's license suspensions that may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver's license suspensions and thus a reduction in corresponding State, county, and municipal revenues. According to recent MVC reports, there were 660,046 driver's license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

The OLS recognizes that driver's license suspensions may be deterrents to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased State, county, and municipal revenues, other than revenue from driver's license suspensions; however, it is uncertain to what extent.

STATEMENT TO
[First Reprint]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5191

with Assembly Floor Amendments
(Proposed by Assemblyman KENNEDY)

ADOPTED: NOVEMBER 25, 2019

The Assembly Committee Substitute (1R) for Assembly Bill No. 5191 concerns driver's license suspensions for certain crimes and offenses.

These Assembly amendments eliminate the driver's license suspension required under current law for certain criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court, as well as mandatory driver's license suspensions for the illegal possession of a controlled dangerous substance in a motor vehicle. The amendments also remove the provisions of the bill which eliminate driver's license suspensions related to motor vehicle surcharges and non-payment of insurance premiums.

Federal law requires a six-month suspension to be imposed for drug offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years for criminal convictions related to the possession or sale of illegal drugs, and two years for illegal possession of a controlled dangerous substance in a motor vehicle. The Assembly amendments eliminate the driver's license suspension for both of these categories of drug offenses.

In order to avoid a conflict with federal law, the Assembly amendments provide that the provisions of the bill which eliminate driver's license suspensions for drug offenses are effective upon the adoption of Senate Concurrent Resolution No. 98 and Assembly Concurrent Resolution No. 248, and submission of the certification of the Governor to the United States Secretary of Transportation stating that: (1) the Governor is opposed to the enactment or enforcement of a law requiring driver's license suspension for drug offenses as set forth in 23 U.S.C. s.159(a)(3)(A); and (2) both Houses of the Legislature have adopted a resolution expressing their opposition to the enactment or enforcement of this federal mandate in accordance with 23 U.S.C. s.159.

In addition, the Assembly amendments reinstate current law, which provides for a driver's license suspension if a driver fails to pay a motor vehicle surcharge imposed for the accumulation of six or more motor vehicle points during the preceding 36-month period, a conviction for unsafe driving, or a conviction for driving while intoxicated. The suspended driver's license would not be restored

until at least five percent of each outstanding surcharge assessment resulting in a suspension has been paid, or installment payments established by the Motor Vehicle Commission are paid.

The Assembly amendments also reinstate current law which provides that a person's driver's license is to be suspended upon cancellation of a motor vehicle liability insurance policy based on non-payment of the premium.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5191
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: NOVEMBER 13, 2019

SUMMARY

- Synopsis:** Concerns driver’s license suspension and restricted use driver’s license endorsement for certain crimes and offenses; removes automatic suspension for child support arrearages.
- Type of Impact:** Annual State Expenditure Decrease; Annual Superior and Municipal Court Expenditure Increase; Annual State, County, and Municipal Revenue Decrease.
- Agencies Affected:** Department of Transportation; Motor Vehicle Commission; Administrative Office of the Courts; Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 2 and Thereafter</u>
State Expenditure Decrease	Indeterminate
Superior and Municipal Court Expenditure Increase	Indeterminate
State, County, Municipal Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.
- The OLS does not have access to detailed information related to the number of driver’s license suspensions that may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver’s license suspensions and thus a reduction in corresponding State, county, and municipal revenues. According to recent MVC reports, there were there were 660,046 driver’s license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal

Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

- The OLS recognizes that driver's license suspensions may be deterrents to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased State, county, and municipal revenues, other than revenue from driver's license suspensions; however, it is uncertain to what extent.

BILL DESCRIPTION

This legislation eliminates certain mandatory driver's license suspensions as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle and grants the court discretion in determining whether a driver's license suspension should be imposed.

The legislation limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs, except for simple possession, to six months and eliminates suspension for simple possession. The bill removes the provision that require a person's driver's license to be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The legislation further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years. The legislation limits the suspension to six months, except for single possession. The bill also authorizes a restricted use driver's license endorsement for individuals who have lost their driving privileges for not responding to a failure to appear notice for a parking summons or failing to pay a parking judgment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that the legislation potentially will decrease revenues from the following by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and AOC administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

According to recent MVC reports, there were 660,046 driver's license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020. The MVC

BB104 Annual Document provided in response to FY 2020 OLS Discussion Points is the source for this information.

State Expenditure Decrease: The OLS does not have access to detailed information on the number of driver's license suspensions which may be affected by the provisions of this legislation; however, a decrease in certain driver's license suspensions may decrease the MVC's and AOC's annual administrative workload. The OLS, however, does not have pertinent information to determine the scale of the decrease or details of how the MVC's and AOC's existing resources will be affected.

Superior and Municipal Court Expenditure Increase: As the legislation grants the court discretion in determining whether a driver's license suspension should be imposed for certain crimes and offenses rather than a mandatory driver's license suspension, the OLS estimates there may be an annual administrative workload increase. The OLS does not have information to determine the degree to which the workload would be increased and whether or not the Superior and municipal courts will be able to absorb the additional workload within their resources.

State, County, and Municipal Revenue Decrease: The legislation will potentially decrease annual State, county, and municipal revenue collections from fewer summonses that would have resulted in fees for suspended licenses, and fines for violations of driving on a suspended license. Revenue from summonses is divided evenly between the State, county, and municipality in which the violation occurred. The OLS cannot quantify annual State, county, and municipal fees and fine collection, as the amounts will depend on the number, circumstances, and types of violations that are subject to summonses as well as the ability of the State, counties, and municipalities to collect these outstanding liabilities.

The OLS estimates there will be a decrease in MVC revenue from restoration fees as the MVC requires payment of a \$100 fee for the restoration of any license or registration that has been suspended or revoked pursuant to any law or regulation. Although the OLS estimates a loss in revenue to the MVC from driver's license restoration, the OLS cannot quantify the revenue decrease amount.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5191
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: NOVEMBER 26, 2019

SUMMARY

- Synopsis:** Concerns driver’s license suspension for certain crimes and offenses.
- Type of Impact:** Annual State Expenditure Decrease; Annual Superior and Municipal Court Expenditure Increase; Annual State, County, and Municipal Revenue Decrease.
- Agencies Affected:** Department of Transportation; Motor Vehicle Commission; Administrative Office of the Courts; Counties and Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 2 and Thereafter</u>
State Expenditure Decrease	Indeterminate
Superior and Municipal Court Expenditure Increase	Indeterminate
State, County, Municipal Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill will potentially decrease the following revenues by indeterminate amounts: a) annual Motor Vehicle Commission (MVC) administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and Administrative Office of the Courts (AOC) administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.
- The OLS does not have access to detailed information related to the number of driver’s license suspensions that may be affected by the provisions of this legislation; however, the OLS estimates there will be a reduction in the overall number of driver’s license suspensions and thus a reduction in corresponding State, county, and municipal revenues. According to recent MVC reports, there were there were 660,046 driver’s license suspension orders issued in FY



2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were 662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020.

- The OLS recognizes that driver's license suspensions may be deterrents to committing certain crimes or offenses and incentivizes motorists to pay certain fees or fines. The OLS estimates that the elimination of the deterrent may result in decreased State, county, and municipal revenues, other than revenue from driver's license suspensions; however, it is uncertain to what extent.

BILL DESCRIPTION

This legislation eliminates certain mandatory driver's license suspensions as a penalty for various crimes and offenses unrelated to safely operating a motor vehicle and grants the court discretion in determining whether a driver's license suspension should be imposed.

The legislation limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs, except for simple possession, to six months and eliminates suspension for simple possession. The bill removes the provision that require a person's driver's license to be suspended by operation of law upon the issuance of a child support-related warrant. The court retains discretion to suspend the person's driver's license if, after notice and a hearing, the court finds that suspension is warranted.

The legislation further limits the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs in a State court, court in another state, or federal court. Federal law requires a six-month suspension be imposed for these offenses to avoid withholding of highway funds. Current State law authorizes a suspension of six months to two years. The legislation limits the suspension to six months, except for simple possession which would not result in a suspension.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that the legislation potentially will decrease revenues from the following by indeterminate amounts: a) annual MVC administrative fee collections; and b) annual State, county, and municipal motor vehicle traffic fine collections. The OLS anticipates an indeterminate expenditure decrease in annual MVC and AOC administrative expenses. Further, the OLS anticipates an indeterminate annual Superior and municipal court expenditure increase.

According to recent MVC reports, there were 660,046 driver's license suspension orders issued in FY 2017 and 635,171 suspension orders in FY 2018 through the AOC, the Superior and municipal Courts, and through Uninsured Motorist Suspensions. It is estimated there were

662,784 suspension orders in FY 2019 and that there will be 661,761 in FY 2020. The MVC BB104 Annual Document provided in response to FY 2020 OLS Discussion Points is the source for this information.

State Expenditure Decrease: The OLS does not have access to detailed information on the number of driver's license suspensions which may be affected by the provisions of this legislation; however, a decrease in certain driver's license suspensions may decrease the MVC's and AOC's annual administrative workload. The OLS, however, does not have pertinent information to determine the scale of the decrease or details of how the MVC's and AOC's existing resources will be affected.

Superior and Municipal Court Expenditure Increase: As the legislation grants the court discretion in determining whether a driver's license suspension should be imposed for certain crimes and offenses rather than a mandatory driver's license suspension, the OLS estimates there may be an annual administrative workload increase. The OLS does not have information to determine the degree to which the workload would be increased and whether or not the Superior and municipal courts will be able to absorb the additional workload within their resources.

State, County, and Municipal Revenue Decrease: The legislation will result in fewer summonses that would result in fewer fees for suspended licenses and fines for violations of driving on a suspended license. Accordingly, the legislation will potentially decrease annual State, county, and municipal revenue collections. Revenue from summonses is divided evenly between the State, county, and municipality in which the violation occurred. The OLS cannot quantify annual State, county, and municipal fees and fine collection, as the amounts will depend on the number, circumstances, and types of violations that are subject to summonses as well as the ability of the State, counties, and municipalities to collect these outstanding liabilities.

The MVC currently requires payment of a \$100 fee for the restoration of any license or registration that has been suspended or revoked pursuant to any law or regulation. As the bill would eliminate or reduce the need for license restorations the OLS estimates there will be a decrease in MVC revenue from the restoration fees. Although the OLS estimates a loss in revenue to the MVC from driver's license restoration, the OLS cannot quantify the revenue decrease amount.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Legislation Eliminating the Use of Mandatory Driver's License Suspensions as a Penalty for Certain Non-Moving Offenses

12/20/2019

TRENTON – Governor Phil Murphy today signed S1080, which eliminates the use of mandatory driver's license suspensions as a penalty for certain non-moving offenses.

"Driver's license suspensions for reasons unrelated to moving offenses are often overly punitive and can have a disproportionate financial impact on many working-class and minority families," **said Governor Murphy**. "A stronger and fairer New Jersey includes adapting our laws to support working families and not act against them."

"I agree with American Association of Motor Vehicle Administrators that we should not be suspending driver licenses for offenses unrelated to driving," **said Motor Vehicle Commission Chief Administrator Sue Fulton**. "Whether you're going to work, a doctor's appointment or taking children to school, a driver's license is a tool – a permit to drive on our public roads. It is no more nor less than a way for us to keep our roads and drivers safe."

S1080 eliminates mandatory driver's license suspensions for certain non-moving violations. The law also repeals the driver's license suspension required for criminal convictions related to the possession or sale of illegal drugs and removes the provision that a person's driver's license be suspended by operation of law upon the issuance of a child support-related warrant.

Primary sponsors of the bill include Senators Shirley Turner, Nicholas Scutari, and Assemblymembers James J. Kennedy, Eliana Pintor Marin, and Verlina Reynolds-Jackson.

"For far too long, our policies have penalized people with the loss of their driver licenses for offenses unrelated to driving or road safety, or because they are too poor to afford to pay their fines or surcharges," **said Senator Turner**. "A driver's license is needed to commute to and from work, but many jobs also require a valid driver's license just to apply. Suspending a person's license is counterproductive. We want our residents to have their driver's licenses so they can work and earn a living, pay off their fines, penalties and surcharges, take their children to school and doctor's appointments, and be productive citizens. Driver license suspensions only exacerbate income inequality and now our lower-income citizens will be on the road to economic recovery. The governor's signing this bill is an important step in the fight for economic and social justice."

"The punishment of a suspended driver's license for certain crimes and offenses, such as a failure to pay a fine, doesn't make any sense," **said Senator Scutari**. "We want people to be able to get to work and earn a paycheck so they can get ahead and actually pay their fines. This law eliminates the barriers preventing them from doing so."

"Driver's licenses should not be suspended for an offense unrelated to the ability to safely operate a motor vehicle," **said Assemblyman Kennedy**. "We've seen too many people get caught up in the vicious cycle of not being able to get a license because they can't pay fines, but they can't get to and from work to earn money to pay the fines if they can't get a license."

"I have personally heard horror stories from New Jerseyans who paid their motor vehicle fines, but didn't know they also owed late fees and then had their licenses suspended," **explained Assemblywoman Pintor Marin**. "It's just wrong to take someone's license away and make it extremely difficult for them to get to their jobs over fees, that in some cases are less than ten dollars. This law rights that wrong."

"Before today, a person in New Jersey could actually lose their driver's license for one year for an act of graffiti they may have committed when they were 13-years-old, years before they could legally get a license," **said Assemblywoman Reynolds-Jackson**. "Its idiotic scenarios like this that the law seeks to address."

"This bill is very important, way past due, as too many individuals, especially males, have been unfairly penalized for small possessions," **said Reverend Dr. Bryant Ali, Senior Pastor at the New Psalmist Worship Center**. "They have walked around for years, unable to work or driven illegally to get to work. Yes, this is a great bill!"