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No

P.L. 2002, CHAPTER 28, *approved June 24, 2002*  
Assembly, No. 1727 (*First Reprint*)

1 AN ACT concerning penalties for unauthorized operation of a motor  
2 vehicle under certain circumstances and amending R.S.39:3-40.

3

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

6

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

8 39:3-40. No person to whom a driver's license has been refused or  
9 whose driver's license or reciprocity privilege has been suspended or  
10 revoked, or who has been prohibited from obtaining a driver's license,  
11 shall personally operate a motor vehicle during the period of refusal,  
12 suspension, revocation, or prohibition.

13 No person whose motor vehicle registration has been revoked shall  
14 operate or permit the operation of such motor vehicle during the  
15 period of such revocation.

16 Except as provided in <sup>1</sup>[subsection] subsections<sup>1</sup> i. <sup>1</sup>and j.<sup>1</sup> of this  
17 section, a person violating this section shall be subject to the following  
18 penalties:

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

26 b. Upon conviction for a second offense, a fine of \$750.00,  
27 imprisonment in the county jail for **[not more than]** <sup>1</sup>not more than<sup>1</sup>  
28 five days and, if the second offense involves the operation of a motor  
29 vehicle during a period when the violator's driver's license is suspended  
30 and that second offense occurs within five years of a conviction for  
31 that same offense, revocation of the violator's motor vehicle  
32 registration privilege in accordance with the provisions of sections 2  
33 through 6 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

34 c. Upon conviction for a third offense **[or subsequent offense]**  
35 <sup>1</sup>or subsequent offense<sup>1</sup>, a fine of \$1,000.00, imprisonment in the  
36 county jail for 10 days, <sup>1</sup>[The term of imprisonment for each  
37 subsequent offense shall be 10 days longer than the term of  
38 imprisonment imposed for the previous offense.]<sup>1</sup> **[and, if]** If the third  
39 or a subsequent offense involves the operation of a motor vehicle  
40 during a period when the violator's driver's license is suspended and

**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:**

<sup>1</sup> Assembly ALP committee amendments adopted February 21, 2002.

1 [that] the third or subsequent offense occurs within five years of a  
2 conviction for the same offense, revocation of the violator's motor  
3 vehicle registration privilege shall be revoked in accordance with the  
4 provisions of sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1  
5 through C.39:3-40.5);

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

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

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

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

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

1 of the area on or within 1,000 feet of any property used for school  
2 purposes which is owned by or leased to any elementary or secondary  
3 school or school board produced pursuant to section 1 of P.L.1987,  
4 c.101 (C.2C:35-7) may be used in a prosecution under subparagraph  
5 (a) of this paragraph.

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

13 g. In addition to the other applicable penalties provided under this  
14 section, a person violating this section whose license has been  
15 suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or  
16 the regulations adopted thereunder, shall be fined \$3,000. The court  
17 shall waive the fine upon proof that the person has paid the total  
18 surcharge imposed pursuant to section 6 of P.L.1983, c.65  
19 (C.17:29A-35) or the regulations adopted thereunder.  
20 Notwithstanding the provisions of R.S.39:5-41, the fine imposed  
21 pursuant to this subsection shall be collected by the Division of Motor  
22 Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), and  
23 distributed as provided in that section, and the court shall file a copy  
24 of the judgment of conviction with the director and with the Clerk of  
25 the Superior Court who shall enter the following information upon the  
26 record of docketed judgments: the name of the person as judgment  
27 debtor; the Division of Motor Vehicles as judgment creditor; the  
28 amount of the fine; and the date of the order. These entries shall have  
29 the same force and effect as any civil judgment docketed in the  
30 Superior Court;

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

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

39 (2) Knows that the operator's license to operate a motor vehicle is  
40 suspended and that the operator has been convicted, within the past  
41 five years, of operating a vehicle while the person's license was  
42 suspended or revoked;

43 i. If the violator's driver's license to operate a motor vehicle has  
44 been suspended pursuant to section 9 of P.L.1985, c.14  
45 (C.39:4-139.10), the violator shall be subject to a maximum fine of  
46 \$100 upon proof that the violator has satisfied the parking ticket or

1 tickets that were the subject of the Order of Suspension.

2 <sup>1</sup>j. If a person is convicted for a second or subsequent violation of  
3 this section and the second or subsequent offense involves a motor  
4 vehicle moving violation, the term of imprisonment for the second or  
5 subsequent offense shall be 10 days longer than the term of  
6 imprisonment imposed for the previous offense.

7 For the purposes of this subsection, a "motor vehicle moving  
8 violation" means any violation of the motor vehicle laws of this State  
9 for which motor vehicle points are assessed by the Director of the  
10 Division of Motor Vehicles pursuant to section 1 of P.L.1982, c.43  
11 (C.39:5-30.5).<sup>1</sup>

12 (cf: P.L.2001, c.213, s.1)

13

14 2. This act shall take effect immediately.

15

16

17

18

19 \_\_\_\_\_  
19 Increases jail time for repeat offenders who drive while licenses  
20 revoked.

# ASSEMBLY, No. 1727

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2002

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Fisher**

**SYNOPSIS**

Increases jail time for repeat offenders who drive while licenses revoked.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning penalties for unauthorized operation of a motor  
2 vehicle under certain circumstances and amending R.S.39:3-40.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.39:3-40 is amended to read as follows:

8 39:3-40. No person to whom a driver's license has been refused or  
9 whose driver's license or reciprocity privilege has been suspended or  
10 revoked, or who has been prohibited from obtaining a driver's license,  
11 shall personally operate a motor vehicle during the period of refusal,  
12 suspension, revocation, or prohibition.

13 No person whose motor vehicle registration has been revoked shall  
14 operate or permit the operation of such motor vehicle during the  
15 period of such revocation.

16 Except as provided in subsection i. of this section, a person  
17 violating this section shall be subject to the following penalties:

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

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

33 c. Upon conviction for a third offense [or subsequent offense],  
34 a fine of \$1,000.00, imprisonment in the county jail for 10 days. The  
35 term of imprisonment for each subsequent offense shall be 10 days  
36 longer than the term of imprisonment imposed for the previous  
37 offense. [and, if] If the third or a subsequent offense involves the  
38 operation of a motor vehicle during a period when the violator's  
39 driver's license is suspended and [that] the third or subsequent  
40 offense occurs within five years of a conviction for the same offense,  
41 revocation of the violator's motor vehicle registration privilege shall  
42 be revoked in accordance with the provisions of sections 2 through 6  
43 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

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

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

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

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

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

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

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

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

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

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

8 g. In addition to the other applicable penalties provided under this  
9 section, a person violating this section whose license has been  
10 suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or  
11 the regulations adopted thereunder, shall be fined \$3,000. The court  
12 shall waive the fine upon proof that the person has paid the total  
13 surcharge imposed pursuant to section 6 of P.L.1983, c.65  
14 (C.17:29A-35) or the regulations adopted thereunder.  
15 Notwithstanding the provisions of R.S.39:5-41, the fine imposed  
16 pursuant to this subsection shall be collected by the Division of Motor  
17 Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), and  
18 distributed as provided in that section, and the court shall file a copy  
19 of the judgment of conviction with the director and with the Clerk of  
20 the Superior Court who shall enter the following information upon the  
21 record of docketed judgments: the name of the person as judgment  
22 debtor; the Division of Motor Vehicles as judgment creditor; the  
23 amount of the fine; and the date of the order. These entries shall have  
24 the same force and effect as any civil judgment docketed in the  
25 Superior Court;

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

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

34 (2) Knows that the operator's license to operate a motor vehicle is  
35 suspended and that the operator has been convicted, within the past  
36 five years, of operating a vehicle while the person's license was  
37 suspended or revoked;

38 i. If the violator's driver's license to operate a motor vehicle has  
39 been suspended pursuant to section 9 of P.L.1985, c.14  
40 (C.39:4-139.10), the violator shall be subject to a maximum fine of  
41 \$100 upon proof that the violator has satisfied the parking ticket or  
42 tickets that were the subject of the Order of Suspension.

43 (cf: P.L.2001, c.213, s.1)

44  
45 2. This act shall take effect immediately.

1 STATEMENT

2

3 This bill is intended to reduce the alarming number of persons who  
4 continue to drive on the streets and highways of this State after their  
5 licenses have been suspended or revoked. It provides progressive jail  
6 sentences for repeat offenders.

7 Under current law, a person convicted for a third or subsequent  
8 offense of driving while his license is revoked is subject to a fine of  
9 \$1,000 and a 10 day term of imprisonment. This bill would require  
10 that the term of imprisonment be increased progressively by 10 days  
11 for each subsequent offense.

12 The bill also stiffens the penalty for a second offense of driving with  
13 a revoked license. A conviction for this offense presently carries a jail  
14 sentence of up to five days. This bill would require all second  
15 offenders to serve a full five-day jail term.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1727**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 21, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1727.

As amended and reported by the committee, the bill provides for progressive jail sentences for persons who continue to drive on the streets and highways of this State after their licenses have been suspended or revoked under certain circumstances.

The amended bill specifically provides that persons convicted for a second or subsequent offense of driving while their license is suspended or revoked, and that second or subsequent offense involves a motor vehicle moving violation, shall be imprisoned for 10 days longer than the term of imprisonment imposed for the previous offense. The bill defines a "motor vehicle moving violation" as any violation of the motor vehicle laws of this State for which motor vehicle points are assessed by the Director of Motor Vehicles.

Under current law, a person convicted for a first offense of driving while his license is revoked is subject to a fine of \$500; for a second offense, a fine of \$750 and a term of imprisonment of not more than five days; and for a third or subsequent offense, a fine of \$1,000 and a 10-day term of imprisonment.

As introduced, the bill would have required persons who committed a second offense of driving with a revoked license to serve a full five-day jail term, rather than a term of not more than five days and would have provided for the progressively increased term of imprisonment for fourth or subsequent offenses. At the sponsor's request, the committee amended the bill to delete the provision requiring five-days jail time for a second offense and to require the increased term of imprisonment for second and subsequent offenses, but only if that second or subsequent offense involved a moving motor vehicle violation. As amended, repeat offenders would not be subject to the increased term of imprisonment if the repeat offense involved a non-moving violation, such as a parking offense.

According to the sponsor, this bill is intended to reduce the alarming number of persons who continue to drive on the streets and highways of this State after their licenses have been suspended or revoked.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1727**

**STATE OF NEW JERSEY**

DATED: MAY 9, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 1727 (1R).

As amended and reported by the committee, the bill provides for progressive jail sentences for persons who continue to drive on the streets and highways of this State after their licenses have been suspended or revoked under certain circumstances.

The amended bill specifically provides that persons convicted for a second or subsequent offense of driving while their license is suspended or revoked, and that second or subsequent offense involves a motor vehicle moving violation, shall be imprisoned for 10 days longer than the term of imprisonment imposed for the previous offense. The bill defines a "motor vehicle moving violation" as any violation of the motor vehicle laws of this State for which motor vehicle points are assessed by the Director of Motor Vehicles.

Under current law, a person convicted for a first offense of driving while his license is revoked is subject to a fine of \$500; for a second offense, a fine of \$750 and a term of imprisonment of not more than five days; and for a third or subsequent offense, a fine of \$1,000 and a 10-day term of imprisonment.

As introduced, the bill would have required persons who committed a second offense of driving with a revoked license to serve a full five-day jail term, rather than a term of not more than five days and would have provided for the progressively increased term of imprisonment for fourth or subsequent offenses. At the sponsor's request, the committee amended the bill to delete the provision requiring five-days jail time for a second offense and to require the increased term of imprisonment for second and subsequent offenses, but only if that second or subsequent offense involved a moving motor vehicle violation. As amended, repeat offenders would not be subject to the increased term of imprisonment if the repeat offense involved a non-moving violation, such as a parking offense.

According to the sponsor, this bill is intended to reduce the alarming number of persons who continue to drive on the streets and

highways of this State after their licenses have been suspended or revoked.

This bill is identical to Senate Bill No. 1270, which also was released by the committee on this same date.

**SENATE, No. 1270**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED MARCH 7, 2002

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Increases jail time for repeat offenders who drive while licenses revoked.

**CURRENT VERSION OF TEXT**

As introduced.



S1270 INVERSO

2

1 AN ACT concerning penalties for unauthorized operation of a motor  
2 vehicle under certain circumstances and amending R.S.39:3-40.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.39:3-40 is amended to read as follows:

8 39:3-40. No person to whom a driver's license has been refused or  
9 whose driver's license or reciprocity privilege has been suspended or  
10 revoked, or who has been prohibited from obtaining a driver's license,  
11 shall personally operate a motor vehicle during the period of refusal,  
12 suspension, revocation, or prohibition.

13 No person whose motor vehicle registration has been revoked shall  
14 operate or permit the operation of such motor vehicle during the  
15 period of such revocation.

16 Except as provided in subsection i. of this section, a person  
17 violating this section shall be subject to the following penalties:

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

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

33 c. Upon conviction for a third offense [or subsequent offense],  
34 a fine of \$1,000.00, imprisonment in the county jail for 10 days. The  
35 term of imprisonment for each subsequent offense shall be 10 days  
36 longer than the term of imprisonment imposed for the previous  
37 offense. [and, if] If the third or a subsequent offense involves the  
38 operation of a motor vehicle during a period when the violator's  
39 driver's license is suspended and [that] the third or subsequent  
40 offense occurs within five years of a conviction for the same offense,  
41 revocation of the violator's motor vehicle registration privilege shall  
42 be revoked in accordance with the provisions of sections 2 through 6  
43 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**



**S1270 INVERSO**

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

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

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

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

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

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

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

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

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

**S1270 INVERSO**

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

8 g. In addition to the other applicable penalties provided under this  
9 section, a person violating this section whose license has been  
10 suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or  
11 the regulations adopted thereunder, shall be fined \$3,000. The court  
12 shall waive the fine upon proof that the person has paid the total  
13 surcharge imposed pursuant to section 6 of P.L.1983, c.65  
14 (C.17:29A-35) or the regulations adopted thereunder.  
15 Notwithstanding the provisions of R.S.39:5-41, the fine imposed  
16 pursuant to this subsection shall be collected by the Division of Motor  
17 Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), and  
18 distributed as provided in that section, and the court shall file a copy  
19 of the judgment of conviction with the director and with the Clerk of  
20 the Superior Court who shall enter the following information upon the  
21 record of docketed judgments: the name of the person as judgment  
22 debtor; the Division of Motor Vehicles as judgment creditor; the  
23 amount of the fine; and the date of the order. These entries shall have  
24 the same force and effect as any civil judgment docketed in the  
25 Superior Court;

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

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

34 (2) Knows that the operator's license to operate a motor vehicle is  
35 suspended and that the operator has been convicted, within the past  
36 five years, of operating a vehicle while the person's license was  
37 suspended or revoked;

38 i. If the violator's driver's license to operate a motor vehicle has  
39 been suspended pursuant to section 9 of P.L.1985, c.14  
40 (C.39:4-139.10), the violator shall be subject to a maximum fine of  
41 \$100 upon proof that the violator has satisfied the parking ticket or  
42 tickets that were the subject of the Order of Suspension.

43 (cf: P.L.2001, c.213, s.1)

**S1270 INVERSO**

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill is intended to reduce the alarming number of persons who  
7 continue to drive on the streets and highways of this State after their  
8 licenses have been suspended or revoked. It provides progressive jail  
9 sentences for repeat offenders.

10       Under current law, a person convicted for a third or subsequent  
11 offense of driving while his license is revoked is subject to a fine of  
12 \$1,000 and a 10 day term of imprisonment. This bill would require  
13 that the term of imprisonment be increased progressively by 10 days  
14 for each subsequent offense.

15       The bill also stiffens the penalty for a second offense of driving with  
16 a revoked license. A conviction for this offense presently carries a jail  
17 sentence of up to five days. This bill would require all second  
18 offenders to serve a full five-day jail term.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1270**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 9, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1270.

As amended and reported by the committee, the bill provides for progressive jail sentences for persons who continue to drive on the streets and highways of this State after their licenses have been suspended or revoked under certain circumstances.

The amended bill specifically provides that persons convicted for a second or subsequent offense of driving while their license is suspended or revoked, and that second or subsequent offense involves a motor vehicle moving violation, shall be imprisoned for 10 days longer than the term of imprisonment imposed for the previous offense. The bill defines a "motor vehicle moving violation" as any violation of the motor vehicle laws of this State for which motor vehicle points are assessed by the Director of Motor Vehicles.

Under current law, a person convicted for a first offense of driving while his license is revoked is subject to a fine of \$500; for a second offense, a fine of \$750 and a term of imprisonment of not more than five days; and for a third or subsequent offense, a fine of \$1,000 and a 10-day term of imprisonment.

As introduced, the bill would have required persons who committed a second offense of driving with a revoked license to serve a full five-day jail term, rather than a term of not more than five days, and would have provided for the progressively increased term of imprisonment for fourth or subsequent offenses. At the sponsor's request, the committee amended the bill to delete the provision requiring five-days jail time for a second offense and to require the increased term of imprisonment for second and subsequent offenses, but only if that second or subsequent offense involved a moving motor vehicle violation. As amended, repeat offenders would not be subject to the increased term of imprisonment if the repeat offense involved a non-moving violation, such as a parking offense. The committee also made a technical amendment to correct a grammatical error.

According to the sponsor, this bill is intended to reduce the alarming number of persons who continue to drive on the streets and highways of this State after their licenses have been suspended or revoked.

As amended and released by the committee, this bill is identical to Assembly Bill No. 1727 (1R), which also was released on the committee on this date. Although the amendments for Senate Bill No. 1270 also make technical corrections for grammatical errors, these bills shall be deemed identical for purposes of subsection b. of Senate Rule 17:3. It is the committee's understanding that, pursuant to R.S.1:3-1, the Legislative Counsel will propose to correct the grammatical error in Assembly Bill No. 1727 (1R) through a corrective memorandum for concurrence in by the Attorney General.

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**Press Releases**

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Contact: Paul Aronsohn  
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RELEASE: June 24, 2002

[Previous Screen](#)

### **Governor McGreevey Signs Legislation Increasing Jail Time for Persons Driving With a Revoked License**

(TRENTON)— Governor James E. McGreevey signed into law today legislation that will increase jail time for repeat offenders who drive while their licenses are revoked.

Assembly Bill 1727 requires persons convicted of a second or subsequent offense of driving with a revoked or suspended license, whose offense involves a moving motor vehicle violation, to serve a term of imprisonment that is 10 days longer than the term of imprisonment imposed for their previous offense.

“By increasing the amount of time repeat offenders will spend in jail, we are effectively deterring persons from getting behind the wheel after their driving privileges have been suspended or revoked,” said McGreevey. “This new law sends a strong, clear message to persons who drive without a valid license that—whether their license was revoked because of drinking and driving or other traffic violations—their behavior will not be tolerated.”

Under current law, there is no distinction between moving violations and technical violations. Recognizing that moving violations pose greater risk to the public than technical violations, the new law clearly defines moving violations and assigns stiffer penalties to suspended or revoked drivers who commit moving violations. Specifically, the bill defines a moving violation as any violation in which the Department of Motor Vehicles assesses points to an individual’s license.

“I would like to commend Assemblymen Cryan and Barnes as well as Senators Inverso and Allen for sponsoring legislation that serves to protect innocent children and families from the reckless and irresponsible behavior of people who drive with a suspended or revoked license,” said McGreevey.

The Assembly bill was sponsored by Assemblymen Joseph Cryan (D-Union) and Peter Barnes (D-Middlesex). Senate Bill 1270, sponsored by Senators Peter Inverso (R-Mercer, Middlesex), and Diane Allen (R-Burlington/Camden), was substituted by this bill. The law will go into effect immediately.