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P.L. 2007, CHAPTER 187, *approved October 12, 2007*
Senate, No. 2330 (*First Reprint*)

1 AN ACT concerning penalties for a driver's license suspension
2 ¹and¹ amending R.S.39:3-40 ¹**[and supplementing chapter 3 of**
3 **Title 39 of the Revised Statutes]**¹.

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 person to whom a driver's license has been refused
10 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 personally operate a motor vehicle during the
13 period of refusal, suspension, revocation, or prohibition.

14 No person whose motor vehicle registration has been revoked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

17 Except as provided in **[subsections i. and]** ¹**[subsection]**
18 subsections i and¹ j. of this section, a person violating this section
19 shall be subject to the following penalties:

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

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

36 c. Upon conviction for a third offense or subsequent offense, a
37 fine of \$1,000.00 ¹**[,]** and¹ imprisonment in the county jail for 10
38 days. If the third or a subsequent offense involves the operation of a
39 motor vehicle during a period when the violator's driver's license is
40 suspended and the third or subsequent offense occurs within five
41 years of a conviction for the same offense, revocation of the
42 violator's motor vehicle registration privilege ¹**[shall be revoked]**¹

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 STR committee amendments adopted November 27, 2006.

1 in accordance with the provisions of sections 2 through 6 of
2 P.L.1995, 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) **【Notwithstanding】** In addition to any penalty imposed
10 under the provisions of subsections a. through e. of this section, any
11 person violating this section while under suspension issued pursuant
12 to section 2 of P.L.1972, c.197 (C.39:6B-2), upon conviction, shall
13 be fined \$500.00, 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) **【Notwithstanding】** In addition to any penalty imposed under
18 the provisions of subsections a. through e. of this section and
19 paragraph (1) of this subsection, any person violating this section
20 under suspension issued pursuant to R.S.39:4-50, section 2 of
21 P.L.1981, c.512 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et
22 seq.), shall be fined \$500, shall have his license to operate a motor
23 vehicle suspended for an additional period of not less than one year
24 or more than two years, and shall be imprisoned in the county jail
25 for not less than 10 days or more than 90 days.

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

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

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

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

47 A map or true copy of a map depicting the location and
48 boundaries of the area on or within 1,000 feet of any property used

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

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

12 g. In addition to the other applicable penalties provided under
13 this section, a person violating this section whose license has been
14 suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or
15 the regulations adopted thereunder, shall be fined \$3,000. The
16 court shall waive the fine upon proof that the person has paid the
17 total surcharge imposed pursuant to section 6 of P.L.1983, c.65
18 (C.17:29A-35) or the regulations adopted thereunder.
19 Notwithstanding the provisions of R.S.39:5-41, the fine imposed
20 pursuant to this subsection shall be collected by the **【Division of**
21 **Motor Vehicles】** Motor Vehicle Commission pursuant to section 6
22 of P.L.1983, c.65 (C.17:29A-35), and distributed as provided in that
23 section, and the court shall file a copy of the judgment of conviction
24 with the **【director】** chief administrator and with the Clerk of the
25 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】** commission as judgment
28 creditor; the amount of the fine; and the date of the order. These
29 entries shall have the same force and effect as any civil judgment
30 docketed in the 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
33 subject to suspension of his license to operate a motor vehicle and
34 to 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
40 is suspended and that the operator has been convicted, within the
41 past 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
44 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
45 139.10), the violator shall be subject to a maximum fine of \$100
46 upon proof that the violator has satisfied the parking ticket or
47 tickets that were the subject of the Order of Suspension; **】** ¹**【Deleted**

1 by P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
2 bill).] If the violator's driver's license to operate a motor vehicle
3 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
4 139.10) or for failure to comply with a time payment order, the
5 violator shall be subject to a maximum fine of \$100 upon proof that
6 the violator has paid all fines and other assessments related to the
7 parking violation that were the subject of the Order of Suspension,
8 or if the violator makes sufficient payments to become current with
9 respect to payment obligations under the time payment order;¹

10 j. If a person is convicted for a second or subsequent violation
11 of this section and the second or subsequent offense involves a
12 motor vehicle moving violation, the term of imprisonment for the
13 second or subsequent offense shall be 10 days longer than the term
14 of imprisonment imposed for the previous offense.

15 For the purposes of this subsection, a "motor vehicle moving
16 violation" means any violation of the motor vehicle laws of this
17 State for which motor vehicle points are assessed by the [Director
18 of the Division of Motor Vehicles] chief administrator pursuant to
19 section 1 of P.L.1982, c.43 (C.39:5-30.5).
20 (cf: P.L.2002, c.28, s.1)

21
22 ¹[2. (New section) If the violator's driver's license to operate a
23 motor vehicle has been suspended pursuant to section 9 of
24 P.L.1985, c.14 (C.39:4-139.10) or for failure to comply with a time
25 payment order, the violator shall be subject to a maximum fine of
26 \$100 upon proof that the violator has paid all fines and other
27 assessments related to the parking violation that were the subject of
28 the Order of Suspension or makes sufficient payments to become
29 current with respect to payment obligations under the time payment
30 order.]¹

31
32 ¹[3.] 2.¹ This act shall take effect on the first day of the third
33 month after enactment.

34
35
36 _____
37
38 Clarifies that suspension for non-driving related offense is
39 distinct from suspension for driving related offense.

SENATE, No. 2330

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 13, 2006

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Clarifies that suspension for non-driving related offense is distinct from suspension for driving related offense.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/28/2006)

1 AN ACT concerning penalties for a driver's license suspension
2 amending R.S.39:3-40 and supplementing chapter 3 of Title 39
3 of the 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 person to whom a driver's license has been refused
10 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 personally operate a motor vehicle during the
13 period of refusal, suspension, revocation, or prohibition.

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

17 Except as provided in **[subsections i. and]** subsection j. of this
18 section, a person violating this section shall be subject to the
19 following penalties:

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

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

36 c. Upon conviction for a third offense or subsequent offense, a
37 fine of \$1,000.00, imprisonment in the county jail for 10 days. If the
38 third or a subsequent offense involves the operation of a motor
39 vehicle during a period when the violator's driver's license is
40 suspended and the third or subsequent offense occurs within five
41 years of a conviction for the same offense, revocation of the
42 violator's motor vehicle registration privilege shall be revoked in
43 accordance with the provisions of sections 2 through 6 of P.L.1995,
44 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
2 of 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
5 while operating a vehicle in violation of this section a person is
6 involved in an accident resulting in bodily injury to another person;

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

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

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

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

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

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

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

1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
2 subparagraph (a) of this paragraph.

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

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

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

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

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

41 i. **【** If the violator's driver's license to operate a motor vehicle
42 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
43 139.10), the violator shall be subject to a maximum fine of \$100
44 upon proof that the violator has satisfied the parking ticket or
45 tickets that were the subject of the Order of Suspension;**】** Deleted
46 by P.L. , c. (C.) (pending before the Legislature as this bill)

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

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

11 (cf: P.L. 2002, c.28, s.1)

12

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

22

23 3. This act shall take effect on the first day of the third month
24 after enactment.

25

26

27

STATEMENT

28

29 This bill clarifies that a person whose license has been suspended
30 for failure to comply with a time payment order or for failure to
31 respond to or pay a parking judgment is not subject to the same
32 penalties as a person whose license has been suspended for a
33 driving related offense.

34 Under current law, failure to comply with a time payment order
35 and failure to respond to or pay a parking judgment are codified as
36 serious driving related offenses. Offenders are subject to fines that
37 are not commensurate with the offense. For example, under the
38 current law, a person whose license was suspended twice for failure
39 to pay a parking ticket would be subject to the penalties set forth in
40 N.J.S.A.39:3-40 b. which includes imprisonment for not more than
41 5 days and a fine of \$750. It is the sponsor's belief that this penalty
42 is not appropriate for an offense such as failure to pay or respond to
43 a parking ticket.

44 The bill further clarifies that a person who commits a second
45 offense of driving with a suspended license must spend at least one
46 day imprisoned in a county jail. The bill also makes technical
47 amendments.

S2330 TURNER, SACCO

6

- 1 This bill was prompted by a recommendation from the Motor
- 2 Vehicles Affordability and Fairness Task Force.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2330

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Transportation Committee favorably reports Senate Bill No. 2330 with committee amendments.

This amended bill clarifies that a person whose license has been suspended for failure to comply with a time payment order or for failure to respond to or pay a parking judgment is not subject to the same penalties as a person whose license has been suspended for a driving related offense. Under current law, failure to comply with a time payment order and failure to respond to or pay a parking judgment are codified as serious driving-related offenses.

The bill provides for a maximum fine of \$100 for a person who has failed to respond to a failure to appear notice or has failed to pay a parking judgment or fails to comply with a time payment order in connection with a parking offense upon proof of making certain payments.

The bill further clarifies that a person who commits a second offense of driving with a suspended license must spend at least one day imprisoned in a county jail. The bill also makes technical amendments.

The committee amended the bill to incorporate the bill's principal changes in the body of R.S.39:3-40 rather than in a supplementary section of law.

ASSEMBLY, No. 3522

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED OCTOBER 19, 2006

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Co-Sponsored by:

Assemblyman Stack

SYNOPSIS

Clarifies that suspension for non-driving related offense is distinct from suspension for driving related offense.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2006)

A3522 QUIGLEY, WISNIEWSKI

2

1 AN ACT concerning penalties for a driver's license suspension
2 amending R.S.39:3-40 and supplementing chapter 3 of Title 39
3 of the 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 person to whom a driver's license has been refused
10 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 personally operate a motor vehicle during the
13 period of refusal, suspension, revocation, or prohibition.

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

17 Except as provided in **[subsections i. and]** subsection j. of this
18 section, a person violating this section shall be subject to the
19 following penalties:

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

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

36 c. Upon conviction for a third offense or subsequent offense, a
37 fine of \$1,000.00, imprisonment in the county jail for 10 days. If the
38 third or a subsequent offense involves the operation of a motor
39 vehicle during a period when the violator's driver's license is
40 suspended and the third or subsequent offense occurs within five
41 years of a conviction for the same offense, revocation of the
42 violator's motor vehicle registration privilege shall be revoked in
43 accordance with the provisions of sections 2 through 6 of P.L.1995,
44 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
2 of 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
5 while operating a vehicle in violation of this section a person is
6 involved in an accident resulting in bodily injury to another person;

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

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

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

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

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

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

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

1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
2 subparagraph (a) of this paragraph.

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

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

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

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

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

41 i. **【** If the violator's driver's license to operate a motor vehicle
42 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
43 139.10), the violator shall be subject to a maximum fine of \$100
44 upon proof that the violator has satisfied the parking ticket or
45 tickets that were the subject of the Order of Suspension;**】** Deleted
46 by P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

11 (cf: P.L.2002, c.28, s.1)

12

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

22

23 3. This act shall take effect on the first day of the sixth month
24 after enactment

25

26

27

STATEMENT

28

29 This bill clarifies that a person whose license has been suspended
30 for failure to comply with a time payment order or for failure to
31 respond to or pay a parking judgment is not subject to the same
32 penalties as a person whose license has been suspended for a
33 driving related offense.

34 Under current law, failure to comply with a time payment order
35 and failure to respond to or pay a parking judgment are codified as
36 serious driving related offenses. Offenders are subject to fines that
37 are not commensurate with the offense. For example, under the
38 current law, a person whose license was suspended twice for failure
39 to pay a parking ticket would be subject to the penalties set forth in
40 N.J.S.A.39:3-40 b. which includes imprisonment for not more than
41 5 days and a fine of \$750. It is the sponsor's belief that this penalty
42 is not appropriate for an offense such as failure to pay or respond to
43 a parking ticket.

44 The bill further clarifies that a person who commits a second
45 offense of driving with a suspended license must spend at least one
46 day imprisoned in a county jail. The bill also makes technical
47 amendments.

A3522 QUIGLEY, WISNIEWSKI

6

- 1 This bill was prompted by a recommendation from the Motor
- 2 Vehicles Affordability and Fairness Task Force.

ASSEMBLY TRANSPORTATION AND PUBLIC WORKS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3522

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2006

The Assembly Transportation and Public Works Committee reports favorably and with amendments Assembly Bill No. 3522.

As reported, this amended bill provides that a person whose license has been suspended for failure to comply with a time payment order or for failure to respond to or pay a parking judgment is not subject to the same penalties as a person whose license has been suspended for a driving related offense. Under current law, failure to comply with a time payment order and failure to respond to or pay a parking judgment are codified as serious driving-related offenses.

The bill provides for a maximum fine of \$100 for a person who has failed to respond to a failure to appear notice or has failed to pay a parking judgment or fails to comply with a time payment order in connection with a parking offense upon proof of making certain payments.

The bill further clarifies that a person who commits a second offense of driving with a suspended license must spend at least one day imprisoned in a county jail. The bill also makes technical amendments.

This bill was prompted by a recommendation from the Motor Vehicles Affordability and Fairness Task Force.

COMMITTEE AMENDMENTS

The committee amended the bill to incorporate the principal changes in the body of R.S.39:3-40 rather than a supplementary section of law and to amend the effective date to the first day of the third month after enactment. As released by the committee, this amended bill is identical to S2330 (1R).