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LAW/RWH

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4302

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED DECEMBER 3, 2009

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

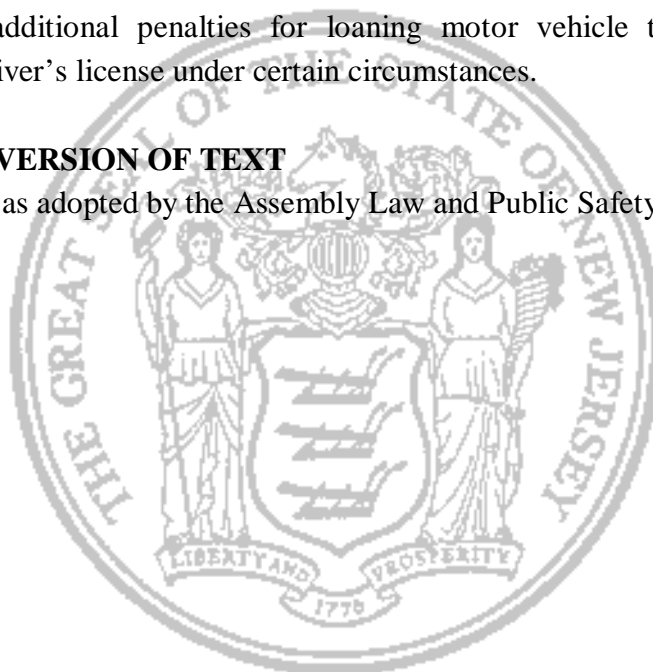
Senators Codey, Buono and Baroni

SYNOPSIS

Imposes additional penalties for loaning motor vehicle to person with suspended driver's license under certain circumstances.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Law and Public Safety Committee.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning owners of motor vehicles who permit certain
2 drivers with suspended licenses to operate those vehicles and
3 amending R.S.39:3-40.
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14 No person whose motor vehicle registration has been revoked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 j. of this section, a
18 person violating this section shall be subject to the following
19 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 and imprisonment in the county jail for 10 days.
38 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 in accordance with
43 the provisions of sections 2 through 6 of P.L.1995, c.286 (C.39:3-
44 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
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) In addition to any penalty imposed under the provisions of
8 subsections a. through e. of this section, any person violating this
9 section while under suspension issued pursuant to section 2 of
10 P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined
11 \$500.00, shall have his license to operate a motor vehicle suspended
12 for an additional period of not less than one year nor more than two
13 years, and may be imprisoned in the county jail for not more than
14 90 days.
- 15 (2) In addition to any penalty imposed under the provisions of
16 subsections a. through e. of this section and paragraph (1) of this
17 subsection, any person violating this section under suspension
18 issued pursuant to R.S.39:4-50, section 2 of P.L.1981, c.512
19 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et seq.), shall be fined
20 \$500, shall have his license to operate a motor vehicle suspended
21 for an additional period of not less than one year or more than two
22 years, and shall be imprisoned in the county jail for not less than 10
23 days or more than 90 days.
- 24 (3) In addition to any penalty imposed under the provisions of
25 subsections a. through e. of this section and paragraphs (1) and (2)
26 of this subsection, a person shall have his license to operate a motor
27 vehicle suspended for an additional period of not less than one year
28 or more than two years, which period shall commence upon the
29 completion of any prison sentence imposed upon that person, shall
30 be fined \$500 and shall be imprisoned for a period of 60 to 90 days
31 for a first offense, imprisoned for a period of 120 to 150 days for a
32 second offense, and imprisoned for 180 days for a third or
33 subsequent offense, for operating a motor vehicle while in violation
34 of paragraph (2) of this subsection while:
- 35 (a) on any school property used for school purposes which is
36 owned by or leased to any elementary or secondary school or school
37 board, or within 1,000 feet of such school property;
- 38 (b) driving through a school crossing as defined in R.S.39:1-1 if
39 the municipality, by ordinance or resolution, has designated the
40 school crossing as such; or
- 41 (c) driving through a school crossing as defined in R.S.39:1-1
42 knowing that juveniles are present if the municipality has not
43 designated the school crossing as such by ordinance or resolution.
- 44 A map or true copy of a map depicting the location and
45 boundaries of the area on or within 1,000 feet of any property used
46 for school purposes which is owned by or leased to any elementary
47 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 Motor Vehicle
19 Commission pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35),
20 and distributed as provided in that section, and the court shall file a
21 copy of the judgment of conviction with the chief administrator and
22 with the Clerk of the Superior Court who shall enter the following
23 information upon the record of docketed judgments: the name of the
24 person as judgment debtor; the commission as judgment creditor;
25 the amount of the fine; and the date of the order. These entries shall
26 have the same force and effect as any civil judgment docketed in
27 the Superior Court;

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

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

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

40 In any case where a person who owns or leases a motor vehicle
41 knows that the operator's license or reciprocity privilege of the
42 person he permits to operate the motor vehicle is suspended or
43 revoked for any violation of R.S.39:4-50 or section 2 of P.L.1981,
44 c.512 (C.39:4-50.4a), the person also shall be subject to the
45 following penalties: for a first or second offense, a fine of \$1,000,
46 imprisonment for not more than 15 days, or both; and for a third or
47 subsequent offense, a fine of \$1,000, imprisonment for not more

1 than 15 days, or both, and forfeiture of the right to operate a motor
2 vehicle over the highways of this State for a period of 90 days;

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

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

16 For the purposes of this subsection, a "motor vehicle moving
17 violation" means any violation of the motor vehicle laws of this
18 State for which motor vehicle points are assessed by the chief
19 administrator pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).
20 (cf: P.L.2007, c.187, s.1)

21
22 2. This act shall take effect on the first day of the nineteenth
23 month after enactment; provided however, the Chief Administrator
24 of the New Jersey Motor Vehicle Commission may take any
25 anticipatory administrative action prior to the effective date
26 necessary for its timely implementation.

ASSEMBLY, No. 4302

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Increases penalties for loaning motor vehicle to person with suspended driver's license in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2009)

1 AN ACT prohibiting the provision of motor vehicles to persons with
2 suspended driving privileges and amending P.L.2003,c.13.

3

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

6

7 1. Section 121 of P.L.2003, c.13 (C.39:3-37.1) is amended to
8 read as follows:

9 121. a. A person who has been issued a driver's license shall not
10 lend that driver's license for use by another person.

11 b. A person who owns, leases or otherwise has control or
12 custody of a motor vehicle registered under the provisions of this
13 title shall not allow that motor vehicle to be operated by an
14 unlicensed driver or a driver whose driver's license or reciprocity
15 privilege has been revoked or suspended.

16 c. **[The]** Except as provided in subsection d. of this section,
17 the penalty for a violation of this section shall be a fine of not less
18 than \$200 or more than \$500, imprisonment for not more than 15
19 days, or both.

20 d. In any case where a person knows that the driver's license or
21 reciprocity privilege of the person he allows to operate the motor
22 vehicle is suspended or revoked for any violation of R.S.39:4-50 or
23 section 2 of P.L.1981, c.512 (C.39:4-50.4a), the penalty for a
24 violation of subsection b. of this section shall be as follows:

25 (1) A fine of \$1,000, imprisonment for not more than 15 days,
26 or both, for a first or second offense; and

27 (2) A fine of \$1,000, imprisonment for not more than 15 days,
28 or both, and forfeiture of the right to operate a motor vehicle over
29 the highways of this State for a period of 90-days for a third or
30 subsequent offense.

31 (cf: P.L.2003, c.13, s.121)

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill would increase the penalties for loaning a motor vehicle
39 to a person whose driver's license has been suspended for driving
40 while intoxicated or suspended for refusal to submit to a chemical
41 test.

42 This bill would impose a of a fine of \$1,000, imprisonment for
43 not more than 15 days, or both, on any person who permits another
44 to operate a motor vehicle in his custody or control, knowing that
45 the driver's license or reciprocity privilege of the person receiving

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.

A4302 MCKEON, WISNIEWSKI

3

1 the motor vehicle has been suspended or revoked for either driving
2 while intoxicated or for refusal to submit to a chemical test.

3 A person who violates the provisions of this bill on three or more
4 occasions would also be subject to a 90-day driver's license
5 suspension.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4302

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4302.

This Assembly Committee Substitute imposes additional penalties on motor vehicle owners who loan their vehicles to drivers whose licenses are suspended for drunk driving or refusing to submit to a breathalyzer test.

In addition to the current penalties, a person who commits a first or second offense under the bill's provisions would be subject to a fine of \$1,000, imprisonment for not more than 15 days, or both. A person who commits a third or subsequent offense under the bill would be subject to a fine of \$1,000, imprisonment for not more than 15 days, or both. Third or subsequent offenders would also lose their licenses for 90 days.

SENATE, No. 2940

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 15, 2009

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator BARBARA BUONO

District 18 (Middlesex)

SYNOPSIS

Increases penalties for loaning motor vehicle to person with suspended driver's license in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT prohibiting the provision of motor vehicles to persons with
2 suspended driving privileges and amending P.L.2003,c.13.

3

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

6

7 1. Section 121 of P.L.2003, c.13 (C. 39:3-37.1) is amended to
8 read as follows:

9 121. a. A person who has been issued a driver's license shall not
10 lend that driver's license for use by another person.

11 b. A person who owns, leases or otherwise has control or
12 custody of a motor vehicle registered under the provisions of this
13 title shall not allow that motor vehicle to be operated by an
14 unlicensed driver or a driver whose driver's license or reciprocity
15 privilege has been revoked or suspended.

16 c. **【The】** Except as provided in subsection d. of this section,
17 the penalty for a violation of this section shall be a fine of not less
18 than \$200 or more than \$500, imprisonment for not more than 15
19 days, or both.

20 d. In any case where a person knows that the driver's license or
21 reciprocity privilege of the person he allows to operate the motor
22 vehicle is suspended or revoked for any violation of R.S.39:4-50 or
23 section 2 of P.L.1981, c.512 (C.39:4-50.4a), the penalty for a
24 violation of subsection b. of this section shall be as follows:

25 (1) A fine of \$1,000, imprisonment for not more than 15 days,
26 or both, for a first or second offense; and

27 (2) A fine of \$1,000, imprisonment for not more than 15 days,
28 or both, and forfeiture of the right to operate a motor vehicle over
29 the highways of this State for a period of 90-days for a third or
30 subsequent offense.

31 (cf: P.L.2003, c.13, s.121)

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill would increase the penalties for loaning a motor vehicle
39 to a person whose driver's license has been suspended for driving
40 while intoxicated or suspended for refusal to submit to a chemical
41 test.

42 This bill would impose a of a fine of \$1,000, imprisonment for
43 not more than 15 days, or both, on any person who permits another
44 to operate a motor vehicle in his custody or control, knowing that
45 the driver's license or reciprocity privilege of the person receiving

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.

S2940 CODEY, BUONO

3

1 the motor vehicle has been suspended or revoked for either driving
2 while intoxicated or for refusal to submit to a chemical test.

3 A person who violates the provisions of this bill on three or more
4 occasions would also be subject to a 90-day driver's license
5 suspension.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2940

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2940.

As amended and reported by the committee, this bill would increase the penalties for loaning a motor vehicle to a person whose driver's license has been suspended for driving while intoxicated or suspended for refusal to submit to a chemical test.

This bill would impose a fine of \$1,000, imprisonment for not more than 15 days, or both, on any person who permits another to operate a motor vehicle in his custody or control, knowing that the driver's license or reciprocity privilege of the person receiving the motor vehicle has been suspended or revoked for either driving while intoxicated or for refusal to submit to a chemical test.

A person who violates the provisions of this bill on three or more occasions would also be subject to a 90-day driver's license suspension.

The committee amended the bill to provide that, in order to be subject to penalties under the current law and the bill, the person must knowingly permit operation of the motor vehicle under his or her custody or control by the unlicensed driver or driver whose license has been revoked or suspended. The amendments also delay the effective date of the bill for 18 months to permit the Motor Vehicle Commission to make modifications to its computer system.