

39:5-30.2 to 39:5-30.4

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:5-30.2 to 39:5-30.4 (Changes in point system; driver improvement center)

LAWS OF 1977 CHAPTER 27

Bill No. S1420 (Part of MV package)

Sponsor(s) Maressa & Vreeland

Date Introduced April 26, 1976

Committee: Assembly Transportation & Communications

Senate Law, Public Safety & Defense

Amended during passage Yes ~~XX~~

Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 6, 1976

Senate June 3, 1976

Date of approval Feb. 24, 1977

Following statements are attached if available:

Sponsor statement Yes ~~XX~~ (Below)

Committee Statement: Assembly ~~XX~~ No

Senate Yes ~~XX~~

Fiscal Note ~~XX~~ No

Veto Message ~~XX~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports Yes ~~XX~~

Hearings ~~XX~~ No

Sponsor's Statement:

This bill is a recommendation of the Motor Vehicle Study Commission designed to reflect the proposed administrative changes in the "point system" and the change in the name of Motor Vehicle Improvement Schools to reflect the several improvement "programs" recommended by the Study Commission.

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Report mentioned in Sponsor's Statement:

974.90 N.J. Motor Vehicle Study Commission.
A939 Report. Trenton, 1975.
1975 "Driver Improvement Programs" -p. 101-113
"Point System" -p. 114-125

[OFFICIAL COPY REPRINT]

SENATE, No. 1420

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1976

By Senators MARESSA and VREELAND

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and traffic regulation ***[and]*** **, *
 amending P. L. 1969, c. 261 and P. L. 1972, c. 38 *and supple-
 menting Title 39 of the Revised Statutes*.

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

1 1. Section 1 of P. L. 1969, c. 261 (C. 39:5-30.2) is amended to
 2 read as follows:

3 1. Any moving violation of the motor vehicle law which carries
 4 with it a penalty of suspension or revocation of a driver's license
 5 may, after the effective date of this act, be subject to review by
 6 the director. The director, in his discretion, may permit a driver
 7 subject to suspension or revocation to elect to attend a Division of
 8 Motor Vehicles Driver Improvement **[School]** Program in lieu of
 9 all or part of a period of suspension **[when the violation is a first**
 10 **offense of speeding in excess of 10 miles per hour over the legal**
 11 **limit]**. *This discretionary authority shall not apply to those sec-*
 12 *tions of the motor vehicle law which require the imposition of a*
 13 *mandatory suspension term.*

1 2. Section 2 of P. L. 1969, c. 261 (C. 39:5-30.3) is amended to
 2 read as follows:

3 2. An accumulation of 12 points **[within a 3 year period]** may
 4 cause a driver to be subject to a hearing before the Director of the
 5 Division of Motor Vehicles or a hearing officer designated by the
 6 director on a rule to show cause why his driver's license should not
 7 be suspended, or the driver may elect to attend a Division of Motor
 8 Vehicles Driver Improvement **[School]** Program. The director,
 9 in his discretion, may permit a driver subject to suspension under
 10 this section to elect to attend a Division of Motor Vehicles Driver
 11 Improvement **[School]** Program in lieu of all or part of a period

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

12 of suspension. **The record of points assessed against any driver*
 13 *shall be reduced by 3 points for each 12 months subsequent to the*
 14 *assessment of points of driving without conviction of a moving*
 15 *violation.**

1 3. Section 1 of P. L. 1972, c. 38 (C. 39:5-30.4) is amended to
 2 read as follows:

3 1. Persons attending a Division of Motor Vehicles Driver Im-
 4 provement **[School]** *Program* shall pay such fee therefor not to
 5 exceed **[\$25.00]** *\$30.00*, as prescribed in regulations promulgated
 6 by the director. The driver's license of any person failing to pay
 7 the prescribed fee shall be subject to suspension or revocation.

1 **4. The record of points assessed against every driver for viola-*
 2 *tions occurring prior to the effective date of this act, shall be reduced*
 3 *by 6 points, provided his record shall not have been assessed any*
 4 *points during the year immediately preceding the effective date*
 5 *of this act. If said driver has been assessed less than 6 points, his*
 6 *record of points shall be expunged.**

1 ***[4.]*** **5.* This act shall take effect immediately.*

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SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1420

STATE OF NEW JERSEY

DATED: MAY 21, 1976

This bill would allow the implementation of administrative changes in the point system by changing the Motor Vehicle Driver Improvement School to a Motor Vehicles Driver Improvement Program. Under the bill, the director may allow a driver to attend in lieu of a period of suspension. The requirement that attendance at the school is contingent upon a first violation in excess of 10 miles per hour, is removed and the director is given full discretionary authority except where the suspension is based on a mandatory suspension.

The fee for attending the Program is raised from \$25.00 to \$30.00. The fee increase is intended to reflect increased costs from both existing law and commission cost estimates.

This bill is based upon recommendations of the Motor Vehicle Study Commission in their September, 1975 *Report*. It is intended to more closely tailor a driver improvement program to the individual drivers' problems as evidenced through their driving records.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FEBRUARY 24, 1977

FOR FURTHER INFORMATION

ED RAMSEY

A series of bills which will have a major impact on the State's more than 4.5 million motorists was signed into law today by Governor Brendan Byrne.

The new laws revise the Driver Manual, require licensed drivers to take eye tests every ten years, allow for the erasing of points for violation-free driving and establish a single standard for the drinking and driving offense.

"These laws will update the State's motor vehicle regulations and will provide a basis for improving safety on our highways," said Byrne.

The bills were based on recommendations made to the Governor and Legislature by the Motor Vehicle Study Commission headed by Barry E. Evenchick, a Newark lawyer. The seventeen member commission held numerous working sessions and three public hearings before issuing a report in September, 1975 with recommendations designed to deal with the problems of highway safety and improved effectiveness of the Division of Motor Vehicles.

The bills, (S-1416, S-1417, S-1419, S-1420, S-1422, S-1423), all sponsored by Senator Joseph A. Marassa, D-Camden, provide that:

- All driver license applicants with no prior driving experience will, after successfully completing the written and road test, be issued a probationary license for the first two years. The license document will look the same as all other New Jersey licenses, but during the two year probationary period the new driver's accident and violation records will be carefully

monitored and remedial action, when indicated, will be instituted before illegal or dangerous driving habits become ingrained. The age for a driving permit will be lowered to 16 for use in driver education courses. At age 16 1/2, the new driver may use the permit for practice driving between sunrise and sunset when accompanied by a licensed driver with at least three years experience. At age 17, a permit holder may drive anytime when accompanied by a licensed driver. A permit holder may take the test for the initial probationary license at age 17.

- A new Driver Manual will be issued which will have, as its primary objectives, information designed to raise the level of safe driving knowledge among license applicants. The new manual will be improved as to "readability," and will be a summary of the New Jersey Motor Vehicle Laws as well as a practical guide for safe and efficient driving practices.

- Drivers will be required to submit to a vision test every ten years to see if corrective glasses are needed or currently used eyeglasses are adequate. A medical/vision advisory panel will devise better licensing standards in this area and assist the Division in adjudicating cases concerning drivers who suffer from identified medical or vision problems. The panel will consist of medical doctors and licensing officials who will review existing policies and procedures and make recommendations for changes or improvements, if indicated. In addition to those with vision problems, the State maintains certain standards for handicapped persons and for those with a history of serious medical problems.

- A single standard for the drinking and driving offense will be established which lowers the level of blood alcohol at which a person is presumed to be under the influence. The present level of .15% will be tightened to .10%. Under the revised law, the term "impaired" will not be used. Individuals found to have less than .05% blood alcohol content (BAC) will be presumed to be sober for driving purposes. At BAC levels of .05% up to but not including .10%, no presumptions will be raised that the driver is or is not under the influence, but other evidence going to that question will be admissible.

Licenses will not be restored until the convicted driver completes mandated education and rehabilitation. Persons not judged to be problem drinkers must participate in informational courses in a school operated under the auspices of DMV which emphasizes responsible driving techniques and attitudes. Those who are found to be problem drinkers will be required to seek help from organizations such as Alcoholics Anonymous or register as an outpatient in an alcohol rehabilitation program run by a hospital or clinic.

A "grandfather clause" in the legislation provides that drivers currently suspended under the old drunken driving law will be eligible to apply for license restoration upon satisfactory completion of the education or rehabilitation program, after completion of at least six months suspension.

The new statute calls for a license suspension of not less than 60 days and not more than 180 days for the first offense, with a fine of not less than \$200 nor more than \$400.

A subsequent conviction would result in a license suspension of not less than one year nor more than three years and a fine of not less than \$500 nor more than \$1000.

A third conviction within ten years will require a five year suspension and a fine of \$1000.

Jail terms on the first conviction could be up to 30 days and up to 90 days on a subsequent conviction. For a third offense, the term of imprisonment will be not less than 30 days nor more than 180 days.

more

Refusal to take a breath test after arrest for suspected drunken driving will result in a 90 day license suspension if no prior conviction exists and a one year suspension if there has been a prior conviction within 15 years.

- The accumulation of 12 points in moving violations will continue to constitute cause for license suspension. However, the Motor Vehicles Director or a hearing officer designated by him may permit the driver to participate in a Driver Improvement Program operated by the Division. Successful completion of driver improvement school will give the driver a reduction in points.

When a driver accumulates between six and eleven points, the Division will send an official notice warning the driver that subsequent violations may result in the loss of driving privileges.

- Under the new moving violation law, DMV will adjust all points accumulated over the past three years to a new, reduced point system. Motorists will receive a one-time 6 point reduction if no points were assessed over the last year. Drivers not eligible for the first time 6 point reduction can earn a 3 point reduction for each additional year without conviction for a moving violation. Everyone will get a 3 point reduction for each additional year of conviction-free driving; however, no point totals will be reduced below zero. This is to encourage improved violation-free driving by all motorists.

Motor Vehicles Director John A. Waddington said that the new laws will be implemented as quickly as possible.