

**LEGISLATIVE HISTORY CHECKLIST**  
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(Intoxicated Driver Resource  
Center Fee)

**NJSA:** 39:4-50

**LAWS OF:** 1995 **CHAPTER:** 243

**BILL NO:** S1171

**SPONSOR(S):** Ewing and Girgenti

**DATE INTRODUCED:** June 2, 1994

**COMMITTEE:** **ASSEMBLY** ---  
**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes **Amendments during passage**  
**First reprint enacted** denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** June 29, 1995  
**SENATE:** May 25, 1995

**DATE OF APPROVAL:** September 1, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No  
**SENATE:** Yes

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clippings:

"Program fee up for drunk drivers," 9-2-95, Courier News.

"Fees going up for the state's DWI program," 9-2-95, Atlantic City Press.

KBG:pp

[FIRST REPRINT]  
SENATE, No. 1171

STATE OF NEW JERSEY

INTRODUCED JUNE 2, 1994

By Senators EWING and GIRGENTI

1 AN ACT concerning the payment of Intoxicated Driver Resource  
2 Center fees and amending R.S.39:4-50.

3

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

6 1. 39:4-50 is amended to read as follows:

7 39:4-50. (a) A person who operates a motor vehicle while  
8 under the influence of intoxicating liquor, narcotic,  
9 hallucinogenic or habit-producing drug, or operates a motor  
10 vehicle with a blood alcohol concentration of 0.10% or more by  
11 weight of alcohol in the defendant's blood or permits another  
12 person who is under the influence of intoxicating liquor, narcotic,  
13 hallucinogenic or habit-producing drug to operate a motor vehicle  
14 owned by him or in his custody or control or permits another to  
15 operate a motor vehicle with a blood alcohol concentration of  
16 0.10% or more by weight of alcohol in the defendant's blood,  
17 shall be subject:

18 (1) For the first offense, to a fine of not less than \$250.00 nor  
19 more than \$400.00 and a period of detainment of not less than 12  
20 hours nor more than 48 hours spent during two consecutive days  
21 of not less than six hours each day and served as prescribed by  
22 the program requirements of the Intoxicated Driver Resource  
23 Centers established under subsection (f) of this section and, in the  
24 discretion of the court, a term of imprisonment of not more than  
25 30 days and shall forthwith forfeit his right to operate a motor  
26 vehicle over the highways of this State for a period of not less  
27 than six months nor more than one year.

28 (2) For a second violation, a person shall be subject to a fine of  
29 not less than \$500.00 nor more than \$1,000.00, and shall be  
30 ordered by the court to perform community service for a period  
31 of 30 days, which shall be of such form and on such terms as the  
32 court shall deem appropriate under the circumstances, and shall  
33 be sentenced to imprisonment for a term of not less than 48  
34 consecutive hours, which shall not be suspended or served on  
35 probation, nor more than 90 days, and shall forfeit his right to  
36 operate a motor vehicle over the highways of this State for a  
37 period of two years upon conviction, and, after the expiration of  
38 said period, he may make application to the Director of the  
39 Division of Motor Vehicles for a license to operate a motor  
40 vehicle, which application may be granted at the discretion of the  
41 director, consistent with subsection (b) of this section.

42 (3) For a third or subsequent violation, a person shall be

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:  
Senate SLP committee amendments adopted October 27, 1994.

1 subject to a fine of \$1,000.00, and shall be sentenced to  
2 imprisonment for a term of not less than 180 days, except that  
3 the court may lower such term for each day, not exceeding 90  
4 days, served performing community service in such form and on  
5 such terms as the court shall deem appropriate under the  
6 circumstances and shall thereafter forfeit his right to operate a  
7 motor vehicle over the highways of this State for 10 years.

8 If the driving privilege of any person is under revocation or  
9 suspension for a violation of any provision of this Title or Title  
10 2C of the New Jersey Statutes at the time of any conviction for a  
11 violation of this section, the revocation or suspension period  
12 imposed shall commence as of the date of termination of the  
13 existing revocation or suspension period. In the case of any  
14 person who at the time of the imposition of sentence is less than  
15 17 years of age, the forfeiture, suspension or revocation of the  
16 driving privilege imposed by the court under this section shall  
17 commence immediately, run through the offender's seventeenth  
18 birthday and continue from that date for the period set by the  
19 court pursuant to paragraphs (1) through (3) of this subsection. A  
20 court that imposes a term of imprisonment under this section  
21 may sentence the person so convicted to the county jail, to the  
22 workhouse of the county wherein the offense was committed, to  
23 an inpatient rehabilitation program or to an Intoxicated Driver  
24 Resource Center or other facility approved by the [Director of  
25 the Division of Alcoholism] chief of the Intoxicated Driving  
26 Program Unit in the Department of Health; provided that for a  
27 third or subsequent offense a person shall not serve a term of  
28 imprisonment at an Intoxicated Driver Resource Center as  
29 provided in subsection (f).

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

40 (b) A person convicted under this section must satisfy the  
41 screening, evaluation, referral, program and fee requirements of  
42 the Division of [Alcoholism's] Alcoholism and Drug Abuse  
43 Intoxicated Driving [Programs] Program Unit, and of the  
44 Intoxicated Driver Resource Centers and a program of alcohol  
45 education and highway safety, as prescribed by the Director of  
46 the Division of Motor Vehicles. The sentencing court shall inform  
47 the person convicted that failure to satisfy such requirements  
48 shall result in a mandatory two day term of imprisonment in a  
49 county jail and a driver license revocation or suspension and  
50 continuation of revocation or suspension until such requirements  
51 are satisfied, unless stayed by court order in accordance with  
52 Rule 7:8-2 of the [N.J. Court Rules, 1969] Rules Governing the  
53 Courts of the State of New Jersey, or R.S.39:5-22. Upon  
54 sentencing, the court shall forward to the Bureau of Alcohol

1 Countermeasures within the Intoxicated Driving [Programs]  
2 Program Unit a copy of a person's conviction record. A fee of  
3 ~~[\$80.00]~~ \$100.00 shall be payable to the Alcohol Education,  
4 Rehabilitation and Enforcement Fund established pursuant to  
5 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
6 Intoxicated Driving Programs Unit.

7 (c) Upon conviction of a violation of this section, the court  
8 shall collect forthwith the New Jersey driver's license or licenses  
9 of the person so convicted and forward such license or licenses to  
10 the Director of the Division of Motor Vehicles. The court shall  
11 inform the person convicted that if he is convicted of personally  
12 operating a motor vehicle during the period of license suspension  
13 imposed pursuant to subsection (a) of this section, he shall, upon  
14 conviction, be subject to the penalties established in R.S.39:3-40.  
15 The person convicted shall be informed orally and in writing. A  
16 person shall be required to acknowledge receipt of that written  
17 notice in writing. Failure to receive a written notice or failure to  
18 acknowledge in writing the receipt of a written notice shall not  
19 be a defense to a subsequent charge of a violation of  
20 R.S.39:3-40. In the event that a person convicted under this  
21 section is the holder of any out-of-State driver's license, the  
22 court shall not collect the license but shall notify forthwith the  
23 director, who shall, in turn, notify appropriate officials in the  
24 licensing jurisdiction. The court shall, however, revoke the  
25 nonresident's driving privilege to operate a motor vehicle in this  
26 State, in accordance with this section. Upon conviction of a  
27 violation of this section, the court shall notify the person  
28 convicted, orally and in writing, of the penalties for a second,  
29 third or subsequent violation of this section. A person shall be  
30 required to acknowledge receipt of that written notice in  
31 writing. Failure to receive a written notice or failure to  
32 acknowledge in writing the receipt of a written notice shall not  
33 be a defense to a subsequent charge of a violation of this section.

34 (d) The Director of the Division of Motor Vehicles shall  
35 promulgate rules and regulations pursuant to the "Administrative  
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to  
37 establish a program of alcohol education and highway safety, as  
38 prescribed by this act.

39 (e) Any person accused of a violation of this section who is  
40 liable to punishment imposed by this section as a second or  
41 subsequent offender shall be entitled to the same rights of  
42 discovery as allowed defendants pursuant to the Rules Governing  
43 Criminal Practice, as set forth in the Rules Governing the Courts  
44 of the State of New Jersey.

45 (f) The counties, in cooperation with the Division of  
46 Alcoholism and Drug Abuse and the Division of Motor Vehicles,  
47 but subject to the approval of the Division of Alcoholism and  
48 Drug Abuse, shall designate and establish on a county or regional  
49 basis Intoxicated Driver Resource Centers. These centers shall  
50 have the capability of serving as community treatment referral  
51 centers and as court monitors of a person's compliance with the  
52 ordered treatment, service alternative or community service. All  
53 centers established pursuant to this subsection shall be  
54 administered by a certified alcoholism counselor or other

1 professional with a minimum of five years' experience in the  
2 treatment of alcoholism. All centers shall be required to develop  
3 individualized treatment plans for all persons attending the  
4 centers; provided that the duration of any ordered treatment or  
5 referral shall not exceed one year. It shall be the center's  
6 responsibility to establish networks with the community alcohol  
7 education, treatment and rehabilitation resources and to receive  
8 monthly reports from the referral agencies regarding a person's  
9 participation and compliance with the program. Nothing in this  
10 subsection shall bar these centers from developing their own  
11 education and treatment programs; provided that they are  
12 approved by the Division of Alcoholism and Drug Abuse.

13 Upon a person's failure to report to the initial screening or any  
14 subsequent ordered referral, the Intoxicated Driver Resource  
15 Center shall promptly notify the sentencing court of the person's  
16 failure to comply.

17 Required detention periods at the Intoxicated Driver Resource  
18 Centers shall be determined according to the individual  
19 treatment classification assigned by the Bureau of Alcohol  
20 Countermeasures. Upon attendance at an Intoxicated Driver  
21 Resource Center, a person shall be [assessed] required to pay a  
22 per diem fee of [\$50.00] \$75.00 for the first offender program or  
23 a per diem fee of [\$75.00] \$100.00 for the second offender  
24 program, as appropriate. Any increases in the per diem fees  
25 after the first full year shall be determined pursuant to rules and  
26 regulations adopted by the Commissioner of Health in  
27 consultation with the Governor's Council on Alcoholism and Drug  
28 Abuse pursuant to the "Administrative Procedure Act," P.L.1968,  
29 c.410 (C.52:14B-1 et seq.).

30 The centers shall conduct a program of alcohol education and  
31 highway safety, as prescribed by the Director of the Division of  
32 Motor Vehicles.

33 The <sup>1</sup>[Director of the Division of Alcoholism] Commissioner of  
34 Health<sup>1</sup> shall adopt rules and regulations pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), in order to effectuate the purposes of this subsection.

37 (cf: P.L.1993, c.296, s.6)

38 2. This act shall take effect on <sup>1</sup>[June 1, 1994] the first day of  
39 the seventh month after its enactment<sup>1</sup>.

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Requires drunk driving offenders to pay certain increased fees.

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2 referral shall not exceed one year. It shall be the center's  
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8 education and treatment programs; provided that they are  
9 approved by the Division of Alcoholism and Drug Abuse.

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11 subsequent ordered referral, the Intoxicated Driver Resource  
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19 per diem fee of [~~\$50.00~~] \$75.00 for the first offender program or  
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21 program, as appropriate. Any increases in the per diem fees  
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24 consultation with the Governor's Council on Alcoholism and Drug  
25 Abuse pursuant to the "Administrative Procedure Act," P.L.1968,  
26 c.410 (C.52:14B-1 et seq.).

27 The centers shall conduct a program of alcohol education and  
28 highway safety, as prescribed by the Director of the Division of  
29 Motor Vehicles.

30 The Director of the Division of Alcoholism shall adopt rules  
31 and regulations pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
33 purposes of this subsection.

34 (cf: P.L.1993, c.296, s.6)

35 2. This act shall take effect on June 1, 1994.

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#### STATEMENT

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40 This bill requires motorists who are convicted of drunk or  
41 drugged driving offenses to remit the required per diem fees for  
42 attendance at Intoxicated Driver Resource Centers. First  
43 offenders must pay \$75 a day and second offenders \$100 a day to  
44 attend these facilities, an increase of \$25 per day over current  
45 fees. The fee of \$80 now payable to the Alcohol Education,  
46 Rehabilitation and Enforcement Fund to support the Intoxicated  
47 Driving Program Unit is increased to \$100. Future increases in  
48 the per diem fee would be determined by the Commissioner of  
49 Health, in consultation with the Governor's Council on  
50 Alcoholism and Drug Abuse.

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54 Requires drunk driving offenders to pay certain increased fees.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 1171**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 27, 1994

The Senate Law and Public Safety Committee favorably reports with committee amendments Senate Bill No. 1171.

This bill requires motorists who are convicted of drunk or drugged driving offenses to remit the required per diem fees for attendance at Intoxicated Driver Resource Centers. First offenders must pay \$75 a day and second offenders \$100 a day to attend these facilities, an increase of \$25 per day over current fees. The current fee of \$80 payable to the Alcohol Education, Rehabilitation and Enforcement Fund to support the Intoxicated Driving Program Unit is increased to \$100. Future increases in the per diem fee would be determined by the Commissioner of Health, in consultation with the Governor's Council on Alcoholism and Drug Abuse.

The committee amended the effective date of the bill so that it would be effective on the first day of the seventh month after enactment. As introduced, the bill would have been effective on June 1, 1994. The amendments also provide that the Commissioner of Health rather than the Director of the Division of Alcoholism would adopt rules and regulations to effectuate the provisions of R.S.39:4-50.

FISCAL NOTE TO  
[FIRST REPRINT]  
SENATE, No. 1171

STATE OF NEW JERSEY

DATED: June 14, 1995

Senate Bill No. 1171 [1R] increases certain fees levied upon motorists who are convicted of drunk or drugged driving offenses. The fee required to be paid to the Alcohol Education, Rehabilitation and Enforcement Fund to support the Department of Health's (DOH) Intoxicated Driving Programs Unit is increased from \$80 to \$100. The bill also increases per diem attendance fees payable to the Intoxicated Driver Resource Centers (IDRCs) from \$50 to \$75 a day for first offenders and from \$75 to \$100 for second offenders. The bill also grants the Commissioner of Health the authority to increase fees by regulation after the first year.

The Department of Health (DOH) estimated the cost of implementing this bill at \$670,000 annually, an amount equal to the additional revenues DOH estimated would be derived under the bill. The DOH estimate provided no supporting data.

The Office of Legislative Services (OLS) does not concur with this estimate. Based on information provided informally by DOH, OLS estimates that enactment of this bill would generate \$1,407,000 annually in additional fee revenues. Approximately 20,000 violators actually attended IDRC's in FY 1994. The bill's increase of \$20 in the Alcohol Education Rehabilitation and Enforcement Fund fee would increase revenues to the fund by approximately \$400,000 if a similar number of offenders paid this fee in the first year after enactment of the bill.

Of the 20,000 violators, 17,300 were first-time offenders and the remaining 2,700 were second-time offenders. Both groups are required to attend IDRCs for two days. Thus, the \$25 a day fee increase provided by this bill would generate additional revenues of \$1,000,000 annually for the IDRCs in the first year after enactment if at least 20,000 violators attend IDRCs and all pay the required fees. OLS observes that the provisions of this bill should not increase the costs of the Intoxicated Driving Programs Unit or the IDRCs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.



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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**  
**CONTACT: CARL GOLDEN**  
**777-2205**

**TRENTON, NJ 08625**  
**RELEASE: Sept. 1, 1995**

Gov. Christie Whitman signed legislation today increasing the fees charged to drunk and drugged drivers to supplement funding for alcohol education and enforcement.

“This bill will generate more than a million dollars to continue the highly effective education and enforcement efforts which have helped reduce the tragedy that driving under the influence leaves in its wake,” said Gov. Whitman.

S-1171/A-1654, sponsored by Senators John Ewing (R-Morris/Somerset) and John A. Girgenti (R-Passaic) and Assemblymen Richard Bagger (R-Middlesex/Morris/Somerset/Union) and Alan Augustine (R-Middlesex/Morris/Somerset/Union), increases the fees charged to persons convicted of drunk or drugged driving offenses.

Under the bill, first offenders will pay \$75 a day, rather than the current \$50, to attend the Intoxicated Driver Resource Centers, while second offenders will pay \$100 a day, instead of \$75.

The fee paid by convicted drivers to the Alcohol Education, Rehabilitation and Enforcement Fund to support the Intoxicated Driving Program Unit, is increased to \$100 by the legislation.