

39:5-30a to 39:5-30e

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:5-30a to 39:5-30e (Drivers licenses - extended suspension after suspensions in 3 years)

LAWS 1982 CHAPTER 85

Bill No. A764

Sponsor(s) Karcher

Date Introduced February 1, 1982

Committee: Assembly ---

Senate ---

Amended during passage Yes ~~NO~~ Amendments denoted by asteri
according to Governor's recommendations Substituted for S899(not
Date of Passage: Assembly 2-8-82, re-enacted 5-15-82 attached since identical to
original A764)

Senate 2-25-82, re-enacted 6-3-83

Date of approval July 23, 1982

Following statements are attached if available:

Sponsor statement	Yes	NO
Committee Statement: Assembly	Yes X	No
Senate	Yes X	No
Fiscal Note	Yes X	No
Veto Message	Yes	No XX
Message on signing	Yes X	NO
Following were printed:		
Reports	Yes X	No
Hearings	Yes X	No

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ASSEMBLY, No. 764

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman KARCHER

(Without Reference)

AN ACT concerning habitual offenders of the motor vehicle laws and supplementing chapter 4 of 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. As used in this act:

2 "Habitual offender" means a person who has his license to
3 operate a motor vehicle suspended three times for violations oc-
4 ccurring within a 3-year period.

1 2. The director ***[shall]*** **may** suspend for a ***[fixed minimum]***
2 period of **no more than** 3 years, the license to operate a motor
3 vehicle of any person who, within a period of 3 years, commits
4 motor vehicle violations, other than a violation of section 2 of P. L.
5 1972, c. 197 (C. 39:6B-2), which ultimately result in the licensee
6 having his license suspended three times. Where any given suspen-
7 sion is based on an accumulation of points involving more than
8 one conviction for violations, the ***[3-year]*** period ** of suspension**
8A shall be calculated from the date of commission of the latest viola-
8B tion.

9 The proposed notice of suspension shall be mailed to the licensee
10 at his last address of record with the Division of Motor Vehicles
11 and shall clearly state the reason for the suspension. The suspen-
12 sion shall become effective 15 days from the date of the mailing of
13 the notice unless the director for cause establishes another date
14 for commencement of the suspension, or, the licensee notifies the
15 director in writing within 10 days of the mailing of the notice of
16 his intention to personally appear at a hearing to challenge the
17 suspension.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted in accordance with Governor's recom-
mendations May 3, 1982.

18 The administrative law judge presiding at a hearing held pur-
 19 suant to this section shall only consider evidence of the actual
 20 number of suspensions and the time period during which the vio-
 21 lations leading to the suspensions were committed in issuing a
 22 suspension for the ***fixed minimum*** period provided for by this
 23 act. He may admit evidence relevant to the circumstances set out in
 24 section 3 of this act in considering the appropriateness of any
 25 portion of ***a*** *in excess of the 3 year period* suspension issued
 25A ***in excess of the 3-year period***.

26 Any person who fails without reasonable cause to appear at a
 27 hearing provided for by this section shall have his license to op-
 28 erate a motor vehicle suspended forthwith by the director for a
 29 fixed minimum period of 3 years ***or for the period contained in**
 30 **the proposed notice of suspension issued by the director, whichever**
 31 **is greater***.

1 3. In determining the appropriateness of issuing a suspension
 2 ***in excess of*** *for* the ***fixed minimum*** *maximum* period
 3 *of 3 years* established by this act, the director may consider the
 3A following circumstances:

4 a. The latest offense was of such a nature that it evinced an
 5 unreasonable disregard by the licensee for the safety and welfare
 6 of himself or others;

7 b. The number and seriousness of the offenses contained in the
 8 prior driving record of the licensee, evince a pattern or patterns
 9 of unreasonable disregard by the licensee for the safety and wel-
 10 fare of himself or others;

11 c. The nature and extent of the driving record of the licensee
 12 establish a substantial risk that licensee will commit another of-
 13 fense.

1 4. A suspension issued pursuant to this act shall not run con-
 2 currently with any other suspension issued pursuant to law. A
 3 licensee may apply to the director for reinstatement of his license
 4 following the period of suspension issued.

1 5. Unless otherwise provided, an habitual offender convicted of
 2 operating a motor vehicle or motorized bicycle, while suspended
 3 pursuant to this act, shall pay a fine of \$1,000.00 and ***shall***
 4 *may* be sentenced to a term of imprisonment in a county jail,
 5 penitentiary, or workhouse, as the case may be, for a period of 30
 6 days, provided, however, that if the habitual offender is involved
 7 in an accident resulting in bodily injury *to another*, he shall, in
 8 addition to the fine, be sentenced to a term of imprisonment for not
 9 less than 45 days.

1 6. This act shall take effect on the first day of the third month
 2 next following enactment.

Tolling of the various time periods under this act is calculated as of the date of the violations that resulted in the three suspensions. The director has the discretion to issue a longer suspension where certain aggravating circumstances are present. The minimum 3 year suspension period would not run concurrently with any other suspension.

In addition the bill establishes a mandatory fine of \$1,000.00 and imprisonment for 30 days for driving while suspended under the act. Where personal injury occurs the sentence would be for 45 days.

ASSEMBLY, No. 764

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman KARCHER

(Without Reference)

AN ACT concerning habitual offenders of the motor vehicle laws and supplementing chapter 4 of 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. As used in this act:

2 "Habitual offender" means a person who has his license to
3 operate a motor vehicle suspended three times for violations oc-
4 ccurring within a 3-year period.

1 2. The director shall suspend for a fixed minimum period of 3
2 years, the license to operate a motor vehicle of any person who,
3 within a period of 3 years, commits motor vehicle violations, other
4 than a violation of section 2 of P. L. 1972, c. 197 (C. 39:6B-2),
5 which ultimately result in the licensee having his license
6 suspended three times. Where any given suspension is based on an
6A accumulation of points involving more than one conviction for
7 violations, the 3-year period shall be calculated from the date of
8 commission of the latest violation.

9 The proposed notice of suspension shall be mailed to the licensee
10 at his last address of record with the Division of Motor Vehicles
11 and shall clearly state the reason for the suspension. The suspen-
12 sion shall become effective 15 days from the date of the mailing of
13 the notice unless the director for cause establishes another date
14 for commencement of the suspension, or, the licensee notifies the
15 director in writing within 10 days of the mailing of the notice of
16 his intention to personally appear at a hearing to challenge the
17 suspension.

18 The administrative law judge presiding at a hearing held pur-
19 suant to this section shall only consider evidence of the actual
20 number of suspensions and the time period during which the vio-
21 lations leading to the suspensions were committed in issuing a
22 suspension for the fixed minimum period provided for by this act.

23 He may admit evidence relevant to the circumstances set out in
24 section 3 of this act in considering the appropriateness of any
25 portion of a suspension issued in excess of the 3-year period.

26 Any person who fails without reasonable cause to appear at a
27 hearing provided for by this section shall have his license to op-
28 erate a motor vehicle suspended forthwith by the director for a
29 fixed minimum period of 3 years or for the period contained in
30 the proposed notice of suspension issued by the director, whichever
31 is greater.

1 3. In determining the appropriateness of issuing a suspension
2 in excess of the fixed minimum period established by this act, the
3 director may consider the following circumstances:

4 a. The latest offense was of such a nature that it evinced an
5 unreasonable disregard by the licensee for the safety and welfare
6 of himself or others;

7 b. The number and seriousness of the offenses contained in the
8 prior driving record of the licensee, evince a pattern or patterns
9 of unreasonable disregard by the licensee for the safety and wel-
10 fare of himself or others;

11 c. The nature and extent of the driving record of the licensee
12 establish a substantial risk that licensee will commit another of-
13 fense.

1 4. A suspension issued pursuant to this act shall not run con-
2 currently with any other suspension issued pursuant to law. A
3 licensee may apply to the director for reinstatement of his license
4 following the period of suspension issued.

1 5. Unless otherwise provided, an habitual offender convicted of
2 operating a motor vehicle or motorized bicycle, while suspended
3 pursuant to this act, shall pay a fine of \$1,000.00 and shall be sen-
4 tenced to a term of imprisonment in the county jail, penitentiary,
5 or workhouse, as the case may be, for a period of 30 days, provided,
6 however, that if the habitual offender is involved in an accident
7 resulting in bodily injury, he shall, in addition to the fine, be sen-
8 tenced to a term of imprisonment for not less than 45 days.

1 6. This act shall take effect on the first day of the third month
2 next following enactment.

STATEMENT

This bill would establish a minimum suspension period of 3 years for any person who has had his motor vehicle operator's license suspended three times during a 3 year period. It would not apply to suspensions for failure to have compulsory insurance.

Tolling of the various time periods under this act is calculated as of the date of the violations that resulted in the three suspensions. The director has the discretion to issue a longer suspension where certain aggravating circumstances are present. The minimum 3 year suspension period would not run concurrently with any other suspension.

In addition the bill establishes a mandatory fine of \$1,000.00 and imprisonment for 30 days for driving while suspended under the act. Where personal injury occurs the sentence would be for 45 days.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

May 3, 1982

ASSEMBLY BILL NO. 764

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 764 with my objections and recommendations for amendment.

This bill provides for the suspension of driving privileges for a minimum period of three years if a person loses their driving privileges three times within a three-year period. The Director of the Division of Motor Vehicles may impose a longer--but unspecified--period of suspension. If the person is caught driving while on the revoked list, there is a mandatory 30-day jail term. If there is an accident that results in bodily injury, there is a mandatory 45-day jail term.

I am in accord with the purpose of this bill: to crack down on those drivers who fail to get the message when their driving privileges are revoked. At the same time, however, I am opposed to rigid and inflexible approaches to specific problems. I believe that requiring a minimum three-year suspension could work an injustice in some instances. Therefore, my preference is to give the Director of the Division of Motor Vehicles discretion to suspend a license for up to three years and to remove the unspecified authority to suspend it for a greater period of time. Similarly, I am uncomfortable with required jail terms for motor vehicle offenders. There is a serious jail overcrowding problem in this State, and we should not add to the problem by adding motor vehicle offenders. Jail terms should be discretionary.

Lastly, the provision requiring 45 days in jail if the habitual offender has an accident that results in bodily injury could result in the jailing of a motor vehicle offender who only injures himself. To avert such a bizarre situation, I am suggesting a minor change.

NOTED FOR GENERAL MAY BE PROTECTED BY
NOTICE TO THE PUBLIC AND TITLE 17, U.S. CODE

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

- 2 -

Therefore, I herewith return Assembly Bill No. 764 and recommend that it be amended as follows:

- Page 1, Section 2, Line 1: Omit "shall" and insert "may"
- Page 1, Section 2, Line 1: Omit "fixed minimum" and after "of" insert "no more than"
- Page 1, Section 2, Line 7: Omit "3-year" and after "period" insert "of suspension"
- Page 1, Section 2, Line 22: Omit "fixed minimum"
- Page 2, Section 2, Line 25: Omit "a" and omit "in excess of the 3 year period"
- Page 2, Section 2, Lines 29-31: Omit the remainder of the paragraph after "years"
- Page 2, Section 3, Line 2: Omit "in excess of" and insert "for"
- Page 2, Section 3, Line 2: Omit "fixed minimum" and insert "maximum"
- Page 2, Section 3, Line 2: After "period" insert "of 3 years"
- Page 2, Section 5, Line 3: Omit "shall" and insert "may"
- Page 2, Section 5, Line 7: After "injury" insert "to another"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

CHIEF COUNSEL

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: CARL GOLDEN

FRIDAY, JULY 23, 1982

Governor Thomas H. Kean today signed the following bills into law:

A-1755, sponsored by Assemblyman Martin A. Herman (D-Salem), provides a supplemental appropriation of \$472,368 for the Parole Board, to enable them to fulfill their responsibilities pursuant to the new County Parole Law and other initiatives contained in the Governor's Prison Overcrowding Package.

A-1366, sponsored by Speaker of the Assembly, Alan J. Karcher (D-Middlesex), requires that all State chartered credit unions be required to have insurance on shares and deposits in accordance with the Federal Credit Union Act, or that they obtain comparable insurance which must be approved by the Commissioner of Banking.

A-1648, sponsored by Assemblyman Thomas H. Cowan (D-Hudson), amends the definition of motorcycles to exclude three-wheeled vehicles. These vehicles are commonly used by parking garages and local police departments to inexpensively patrol parking areas. The bill enables operators and occupants to avoid the helmet requirement and the need to obtain a motorcycle license.

A-609, sponsored by Assemblyman John W. Markert (R-Bergen), allows policemen to be employed in liquor stores. Under current Alcoholic Beverage Control regulations, policemen are prohibited from working in liquor stores and bars in towns outside their municipality of employment if they handle or serve liquor. This bill abolishes those regulations.

A-1691, sponsored by Assemblyman Christopher Jackman, (D-Hudson), to provide the Department of Insurance review, under the Plain Language Act, life and health insurance contracts.

A-764, sponsored by Assembly Speaker Alan Karcher, provides for a three-year suspension of driving privileges if a person loses his/her license three times in a three-year period.

S-1601, sponsored by Senator Laurence Weiss, (D-Middlesex), appropriating \$701,000 to pay claims made against the State.

~~none~~