39:4-50

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-50

Laws of 1966 Chapter 141

Bill No. S 8

Sponsor(s) Crabiel

Date Introduced Jan. 18, 1966

Committee: Assembly Judiciary

Senate Law & Public Safety

Amended during passage Yes [redacted] Amendments during passage denoted by asterisks

Date of passage: Assembly June 3

Senate April 18

Date of approval June 18

Following statements are attached if available:

Sponsor statement [redacted] No

Committee Statement: Assembly [redacted] No

Senate [redacted] No

Fiscal Note [redacted] No

Veto message [redacted] No

Message on signing Yes [redacted]

Following were printed:

Reports [redacted] No

Hearings Yes [redacted]

DEPOSITORY COPY
Do Not Remove From Library

974.90
A939
1966 New Jersey. Legislature. Senate. Committee on Law & Public Safety.
Public hearing on Senate Bill No. 8 (driving while impaired bill) and Senate No. 9 (implied consent bill) held Feb. 21 & Feb. 28, 1966. 2v.

10/4/76

CHAPTER 171 LAWS OF N. J. 1966
APPROVED 6/18/66

CORRECTED COPY

[OFFICIAL COPY REPRINT]

SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, HUGHES, MUSTO, PARSEKIAN, GUARINI, FERNICOLA, FORSYTHE, SCHOLZ and WADDINGTON

Referred to Committee on Law and Public Safety

AN ACT concerning motor vehicles, amending section 39:4–50 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1. Section 39:4–50 of the Revised Statutes is amended to read as follows:

39:4–50. *(a)* A person who operates a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor or a narcotic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than $200.00 nor more than $500.00, or imprisonment for a term of not less than 30 days nor more than 3 months or both, in the discretion of the magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction or until he reaches the age of 21 years, whichever is the greater period of time, in the case of a person who at the time of his conviction is under the age of 21 years. Except as hereinafter provided, for a subsequent violation, he shall be imprisoned for a term of 3 months and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of 10 years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor

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

Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. A magistrate who imposes a term of imprisonment under this section may sentence the person so convicted either to the county jail or to the workhouse of the county wherein the offense was committed.

A person who has been convicted of a previous violation of this section need not be charged as a second offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second offender, but if the second offense occurs 10 or more years after the previous conviction the court may, in its discretion, suspend the sentence of imprisonment, impose a fine of not less than $300.00 nor more than $1,000.00 and place the person on probation.

(b) A person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject, for a first offense, to a fine of not less than $50.00 nor more than $100.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 6 months from the date of his conviction. For a subsequent violation, he shall be fined not less than $100.00 nor more than $300.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction. After the expiration of said period of forfeiture, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle which application may be granted at the discretion of the director.

2. (a) In any prosecution for a violation of section 39:4–50 of the Revised Statutes relating to operating a motor vehicle while the ability to operate such motor vehicle is impaired by the consumption of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance *[which]* **shall** give rise to the following presumptions:

(1) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired by the consumption of alcohol;

(2) If there was at that time the existence of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant's ability to operate a motor vehicle was or was not impaired by the consumption of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(3) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

(b) The foregoing provisions of this section shall not be construed as requiring that evidence of the amount of alcohol in the defendant's blood must be presented, nor shall they be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

3. No person shall be convicted of violating both the provisions of section 39:4–50(a) of the Revised Statutes and the provisions of section 39:4–50(b) of the Revised Statutes as a result of the same incident or occurrence; provided, however, that nothing herein shall be deemed to prohibit the prosecution and conviction of any person for a violation of the provisions of section 39:4–50(b) notwithstanding that such a person may have been previously found not guilty of violating the provisions of section 39:4–50(a) of the Revised Statutes.

4. This act shall take effect on the ninety-first day following the date of enactment.

SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, HUGHES, MUSTO, PARSEKIAN and GUARINI

Referred to Committee on Law and Public Safety

AN ACT concerning motor vehicles, amending section 39:4–50 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1. Section 39:4–50 of the Revised Statutes is amended to read as follows:

39:4–50. *(a)* A person who operates a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor or a narcotic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than $200.00 nor more than $500.00, or imprisonment for a term of not less than 30 days nor more than 3 months or both, in the discretion of the magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction or until he reaches the age of 21 years, whichever is the greater period of time, in the case of a person who at the time of his conviction is under the age of 21 years. Except as hereinafter provided, for a subsequent violation, he shall be imprisoned for a term of 3 months and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of 10 years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor

Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. A magistrate who imposes a term of imprisonment under this section may sentence the person so convicted either to the county jail or to the workhouse of the county wherein the offense was committed.

A person who has been convicted of a previous violation of this section need not be charged as a second offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second offender, but if the second offense occurs 10 or more years after the previous conviction the court may, in its discretion, suspend the sentence of imprisonment, impose a fine of not less than $300.00 nor more than $1,000.00 and place the person on probation.

(b) A person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject, for a first offense, to a fine of not less than $50.00 nor more than $100.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 6 months from the date of his conviction. For a subsequent violation, he shall be fined not less than $100.00 nor more than $300.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction. After the expiration of said period of forfeiture, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle which application may be granted at the discretion of the director.

2. (a) In any prosecution for a violation of section 39:4–50 of the Revised Statutes relating to operating a motor vehicle while the ability to operate such motor vehicle is impaired by the consumption of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance which give rise to the following presumptions;

(1) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired by the consumption of alcohol;

(2) If there was at that time the existence of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant's ability to operate a motor vehicle was or was not impaired by the consumption of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(3) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

(b) The foregoing provisions of this section shall not be construed as requiring that evidence of the amount of alcohol in the defendant's blood must be presented, nor shall they be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

3. No person shall be convicted of violating both the provisions of section 39:4–50(a) of the Revised Statutes and the provisions of section 39:4–50(b) of the Revised Statutes as a result of the same incident or occurrence; provided, however, that nothing herein shall be deemed to prohibit the prosecution and conviction of any person for a violation of the provisions of section 39:4–50(b) notwithstanding that such a person may have been previously found not guilty of violating the provisions of section 39:4–50(a) of the Revised Statutes.

4. This act shall take effect on the ninety-first day following the date of enactment.

SENATE COMMITTEE AMENDMENT TO

SENATE No. 8

STATE OF NEW JERSEY

ADOPTED APRIL 4, 1966

Amend page 2, section 2, line 6, delete the word "which", and insert in lieu thereof the word "shall".

[OFFICIAL COPY REPRINT]

SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, HUGHES, MUSTO, PARSEKIAN, GUARINI, FERNICOLA, FORSYTHE and SCHOLZ

Referred to Committee on Law and Public Safety

AN ACT concerning motor vehicles, amending section 39:4–50 and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

1. Section 39:4–50 of the Revised Statutes is amended to read as follows:

39:4–50. *(a)* A person who operates a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug, or permits another person who is under the influence of intoxicating liquor or a narcotic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, shall be subject, for the first offense, to a fine of not less than $200.00 nor more than $500.00, or imprisonment for a term of not less than 30 days nor more than 3 months or both, in the discretion of the magistrate, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction or until he reaches the age of 21 years, whichever is the greater period of time, in the case of a person who at the time of his conviction is under the age of 21 years. Except as hereinafter provided, for a subsequent violation, he shall be imprisoned for a term of 3 months and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of 10 years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor

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

Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. A magistrate who imposes a term of imprisonment under this section may sentence the person so convicted either to the county jail or to the workhouse of the county wherein the offense was committed.

A person who has been convicted of a previous violation of this section need not be charged as a second offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second offender, but if the second offense occurs 10 or more years after the previous conviction the court may, in its discretion, suspend the sentence of imprisonment, impose a fine of not less than $300.00 nor more than $1,000.00 and place the person on probation.

(b) A person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject, for a first offense, to a fine of not less than $50.00 nor more than $100.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 6 months from the date of his conviction. For a subsequent violation, he shall be fined not less than $100.00 nor more than $300.00 and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 2 years from the date of his conviction. After the expiration of said period of forfeiture, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle which application may be granted at the discretion of the director.

2. (a) In any prosecution for a violation of section 39:4–50 of the Revised Statutes relating to operating a motor vehicle while the ability to operate such motor vehicle is impaired by the consumption of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance *[which]* **shall** give rise to the following presumptions:

(1) If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired by the consumption of alcohol;

(2) If there was at that time the existence of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant's ability to operate a motor vehicle was or was not impaired by the consumption of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(3) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

(b) The foregoing provisions of this section shall not be construed as requiring that evidence of the amount of alcohol in the defendant's blood must be presented, nor shall they be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant's ability to operate a motor vehicle was impaired by the consumption of alcohol.

3. No person shall be convicted of violating both the provisions of section 39:4–50(a) of the Revised Statutes and the provisions of section 39:4–50(b) of the Revised Statutes as a result of the same incident or occurrence; provided, however, that nothing herein shall be deemed to prohibit the prosecution and conviction of any person for a violation of the provisions of section 39:4–50(b) notwithstanding that such a person may have been previously found not guilty of violating the provisions of section 39:4–50(a) of the Revised Statutes.

4. This act shall take effect on the ninety-first day following the date of enactment.

SENATE BILL NO. 8, 1966

FROM: OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: WEDNESDAY
June 8, 1966

STATEMENT BY GOVERNOR RICHARD J. HUGHES
ON PASSAGE OF IMPLIED CONSENT LEGISLATION IN THE ASSEMBLY

The Legislature today has enlarged upon an already proud record of achievement in the field of public safety.

With this measure and the impaired driver bill passed on Monday, it has acted to keep drunken drivers off our highways, to save the lives of hundreds of our citizens and to prevent needless tragedies.

I am proud of this achievement, and I wish to commend those who have once again proved themselves responsive to the public interest.

Their action will mean life instead of death and bereavement to countless New Jersey families.

#####

any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

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