

## LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-40

Driving with a revoked  
license--eliminate  
mandatory imprisonment  
when driver injures only  
self)

LAWS OF: 1986

CHAPTER 38

BILL NO: S1207

Sponsor(s): Gagliano

Date Introduced: Pre-filed

Committee: Assembly: Law &amp; Public Safety

Senate: Law, Public Safety and Defense

Amended during passage: Yes

Substituted for A2257 (not attached since  
identical to S1207). Amendments during  
passage denoted by asterisks.

Date of Passage:

Assembly:

May 15, 1986

Senate:

March 10, 1986

Date of Approval:

June 26, 1986

## Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

## Following were printed:

Reports:

No

Hearings:

No

SENATE, No. 1207

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator GAGLIANO

AN ACT concerning motor vehicles, amending R. S. 39:3-40, and supplementing chapter 3 of the Revised Statutes.

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

1 1. R. S. 39:3-40 is amended to read as follows:

2 39:3-40. No person to whom a driver's license has been refused  
3 or whose driver's license or reciprocity privilege has been suspend-  
4 ed or revoked, or who has been prohibited from obtaining driver's  
5 license, shall personally operate a motor vehicle during the period  
6 of refusal, suspension, revocation, or prohibition.

7 No person whose motor vehicle registration has been revoked  
8 shall operate or permit the operation of such motor vehicle during  
9 the period of such revocation.

10 A person violating this section shall be subject to the following  
11 penalties:

12 a. Upon conviction for a first offense, a fine of \$500.00;

13 b. Upon conviction for a second offense, a fine of \$750.00 and  
14 imprisonment in the county jail for not more than five days;

15 c. Upon conviction for a third offense, a fine of \$1,000.00 and  
16 imprisonment in the county jail for 10 days;

17 d. Upon conviction, the court shall impose or extend a period  
18 of suspension not to exceed six months;

19 e. Upon conviction, the court shall impose a period of imprison-  
20 ment for not less than 45 days, if while operating a vehicle in  
21 violation of this section a person is involved in an accident result-  
22 ing in personal injury to another person.

Matter printed in italics *thus* is new matter.

23 Notwithstanding paragraphs a. through e., any person violat-  
24 ing this section while under suspension issued pursuant to R. S.  
25 39:4-50, upon conviction, shall be fined \$500.00, shall have his  
26 license to operate a motor vehicle suspended for an additional  
27 period of not less than one year nor more than two years, and  
28 may be imprisoned in the county jail for not more than 90 days.

1 2. (New section) A person who, on the effective date of this  
2 1986 amendatory and supplementary act, is serving a mandatory  
3 sentence as provided for by subsection c. of R. S. 39:3-40, and  
4 has not been paroled or discharged, may move to have his sentence  
5 reviewed by the court. For good cause shown, the court may re-  
6 duce that sentence in accordance with R. S. 39:3-40 as amended  
7 by this act.

1 3. This act shall take effect immediately.

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#### MOTOR VEHICLES—OFFENSES

Eliminates the mandatory 45 days' imprisonment for a person  
who injures only himself while driving a motor vehicle with a  
revoked license.

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6-26-86

SENATE, No. 1207

**STATE OF NEW JERSEY**

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6    of refusal, suspension, revocation, or prohibition.

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9    the period of such revocation.

10   A person violating this section shall be subject to the following  
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15   c. Upon conviction for a third offense, a fine of \$1,000.00 and  
16   imprisonment in the county jail for 10 days;

17   d. Upon conviction, the court shall impose or extend a period  
18   of suspension not to exceed six months;

19   e. Upon conviction, the court shall impose a period of imprison-  
20   ment for not less than 45 days, if while operating a vehicle in  
21   violation of this section a person is involved in an accident result-  
22   ing in personal injury *to another person.*

**Matter printed in italics *thus* is new matter.**

23 Notwithstanding paragraphs a. through e., any person violat-  
24 ing this section while under suspension issued pursuant to R. S.  
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28 may be imprisoned in the county jail for not more than 90 days.

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2 1986 amendatory and supplementary act, is serving a mandatory  
3 sentence as provided for by subsection e. of R. S. 39:3-40, and  
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2 1985 amendatory and supplementary act, is serving a mandatory  
3 sentence as provided for by subsection e. of R. S. 39:3-40, and  
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#### STATEMENT

Under current law, a person who is involved in an accident resulting in personal injury while driving during a period of driver's license revocation, suspension, refusal or prohibition must serve at least 45 days' imprisonment. This period of imprisonment is imposed even if the only injury resulting from the accident is to the person who is driving while his license is revoked.

This bill amends R. S. 39:3-40 to stipulate that 45 days of imprisonment will be imposed only when the accident results in personal injury to another person other than the person who is driving during a period of driver's license revocation, suspension, refusal, or prohibition.

51207 (1986)

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND CORRECTIONS COMMITTEE

STATEMENT TO

Senate Bill No. 1207

May 8, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill 1207.

Under current law as set forth in R.S. 39:3-40, a person who is involved in an accident resulting in personal injury while operating a motor vehicle during a period of license revocation, suspension, refusal, or prohibition must serve at least 45 days of imprisonment. This period of imprisonment is imposed even if the only injury resulting from the accident is to the person who is operating while his license is revoked.

This bill amends R.S. 39:3-40 to stipulate that 45 days of imprisonment will be imposed only when a motor vehicle accident results in personal injury to a person other than the person who is operating the vehicle during a period of license revocation, suspension, refusal, or prohibition.

This bill as released by the committee is identical to Assembly Bill 2257.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 1207**

**STATE OF NEW JERSEY**

DATED: MARCH 6, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 1207.

Under current law (R. S. 39:3-40), a person who is involved in an accident resulting in personal injury while driving during a period of driver's license revocation, suspension, refusal or prohibition must serve at least 45 days' imprisonment. This period of imprisonment is imposed even if the only injury resulting from the accident is to the person who is driving while his license is revoked.

This bill amends R. S. 39:3-40 to stipulate that 45 days of imprisonment will be imposed only when the accident results in personal injury to another person other than the person who is driving during a period of driver's license revocation, suspension, refusal, or prohibition.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.