

39:3-40

LEGISLATIVE HISTORY CHECKLIST
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(Driver license revocation)

NJSA: 39:3-40

LAWS OF: 1995 **CHAPTER:** 286

BILL NO: A2929

SPONSOR(S): Bucco and others

DATE INTRODUCED: June 1, 1995

COMMITTEE: **ASSEMBLY** Judiciary

SENATE: ---

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

DATE OF PASSAGE: **ASSEMBLY:** November 30, 1995

SENATE: December 11, 1995

DATE OF APPROVAL: December 21, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Drunken driving penalties toughened," 12-21-95, Courier-Post

KBP:pp

[FIRST REPRINT]
ASSEMBLY, No. 2929

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1995

By Assemblymen BUCCO, DeCROCE, Albohn, Bagger, Blee,
Connors, Mikulak, Moran and Solomon

1 AN ACT concerning the revocation of certain motor vehicle
2 registrations, amending R.S.39:3-40 and supplementing chapter
3 3 of Title 39 of the Revised Statutes.

4

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

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

8 39:3-40. No person to whom a driver's license has been
9 refused or whose driver's license or reciprocity privilege has
10 been suspended or revoked, or who has been prohibited from
11 obtaining a driver's license, shall personally operate a motor
12 vehicle during the period of refusal, suspension, revocation, or
13 prohibition.

14 No person whose motor vehicle registration has been revoked
15 shall operate or permit the operation of such motor vehicle
16 during the period of such revocation.

17 A person violating this section shall be subject to the following
18 penalties:

19 a. Upon conviction for a first offense, a fine of \$500.00 and, if
20 that offense involves the operation of a motor vehicle during a
21 period when the violator's driver's license is suspended for a
22 violation of R.S.39:4-50 ¹or section 2 of P.L.1981,
23 c.512(C.39:4-50.4a)¹, revocation of the violator's motor vehicle
24 registration ¹privilege¹ in accordance with the provisions of
25 sections 2 through 6 of P.L. , c. (C.)(now pending before
26 the Legislature as this bill);

27 b. Upon conviction for a second offense, a fine of \$750.00
28 [and] , imprisonment in the county jail for not more than five
29 days and, if the second offense involves the operation of a motor
30 vehicle during a period when the violator's driver's license is
31 suspended and that second offense occurs within five years of a
32 conviction for that same offense, revocation of the violator's
33 motor vehicle registration ¹privilege¹ in accordance with the
34 provisions of sections 2 through 6 of P.L. , c. (C.)(now
35 pending before the Legislature as this bill);

36 c. Upon conviction for a third offense ¹or subsequent
37 offense¹, a fine of \$1,000.00 [and] , imprisonment in the county
38 jail for 10 days and, if the third offense involves the operation of
39 a motor vehicle during a period when the violator's driver's
40 license is suspended and that third offense occurs ¹[with] within¹
41 five years of a conviction for the same offense, revocation of the
42 violator's motor vehicle registration ¹privilege¹ in accordance

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:

¹ Assembly AJL committee amendments adopted November 9, 1995.

1 with the provisions of sections 2 through 6 of P.L. , c. (C.
2)(now pending before the Legislature as this bill); ¹[and]¹

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

5 e. Upon conviction, the court shall impose a period of
6 imprisonment for not less than 45 days, if while operating a
7 vehicle in violation of this section a person is involved in an
8 accident resulting in personal injury to another person.

9 f. (1) Notwithstanding subsections a. through e., any person
10 violating this section while under suspension issued pursuant to
11 [R.S.39:4-50 or] section 2 of P.L.1972, c.197 (C.39:6B-2), upon
12 conviction, shall be fined \$500.00, shall have his license to
13 operate a motor vehicle suspended for an additional period of not
14 less than one year nor more than two years, and may be
15 imprisoned in the county jail for not more than 90 days.

16 (2) Notwithstanding the provisions of subsections a. through e.
17 of this section and paragraph (1) of this subsection, any person
18 violating this section under suspension issued pursuant to
19 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or
20 ¹[section 4 of P.L.1982, c.43 (C.39:45-30.8)] P.L.1982, c.85
21 (C.39:5-30a. et seq.)¹, shall be fined \$500, shall have his license
22 to operate a motor vehicle suspended for an additional period of
23 not less than one year or more than two years, and shall be
24 imprisoned in the county jail for not less than 10 days or more
25 than 90 days.

26 g. In addition to the other applicable penalties provided under
27 this section, a person violating this section whose license has
28 been suspended pursuant to section 6 of P.L.1983, c.65
29 (C.17:29A-35) or the regulations adopted thereunder, shall be
30 fined \$3,000. The court shall waive the fine upon proof that the
31 person has paid the total surcharge imposed pursuant to section 6
32 of P.L.1983, c.65 (C.17:29A-35) or the regulations adopted
33 thereunder. Notwithstanding the provisions of R.S.39:5-41, the
34 fine imposed pursuant to this subsection shall be collected by the
35 Division of Motor Vehicles pursuant to section 6 of P.L.1983, c.65
36 (C.17:29A-35), and distributed as provided in that section, and
37 the court shall file a copy of the judgment of conviction with the
38 director and with the Clerk of the Superior Court who shall enter
39 the following information upon the record of docketed judgments:
40 the name of the person as judgment debtor; the Division of Motor
41 Vehicles as judgment creditor; the amount of the fine; and the
42 date of the order. These entries shall have the same force and
43 effect as any civil judgment docketed in the Superior Court.

44 ¹h. A person who owns or leases a motor vehicle and permits
45 another to operate the motor vehicle commits a violation and is
46 subject to suspension of his license to operate a motor vehicle
47 and to revocation of registration pursuant to sections 2 through 6
48 of P.L. c. (C.) (now pending before the Legislature as sections
49 2 through 6 of this bill) if the person:

50 (1) Knows that the operator's license to operate a motor
51 vehicle has been suspended for a violation of R.S.39:4-50 or
52 section 2 of P.L.1981, c.512 (C.39:4-50.4a); or

53 (2) Knows that the operator's license to operate a motor
54 vehicle is suspended and that the operator has been convicted,

1 within the past five years, of operating a vehicle while the
2 person's license was suspended or revoked.¹

3 (cf: P.L.1994, c.64, s.2)

4 2. (New section) a. The motor vehicle registration certificate
5 and registration plates of any person who is convicted of violating
6 the provisions of subsection a. of R.S.39:3-40 for operating a
7 motor vehicle during a period when that violator's driver's
8 license has been suspended for a violation of R.S.39:4-50 or
9 subsection b. or c. of R.S.39:3-40 for operating a motor vehicle
10 during a period when that violator's driver's license has been
11 suspended within a five year period shall be revoked.

12 This revocation of registration certificate and registration
13 plates shall apply to all passenger automobiles and motor cycles
14 owned or leased by the violator and registered under the
15 provisions of R.S.39:3-4 and all noncommercial trucks owned or
16 leased by the violator and registered under the provisions of
17 section 2 of P.L.1968, c.439 (C.39:3-8.1), including those
18 passenger automobiles, motorcycles and noncommercial trucks
19 registered ¹or leased¹ jointly in the name of the violator and the
20 other owner of record.

21 b. At the time of conviction, the court shall notify each
22 violator that ¹[their] the person's¹ passenger automobile,
23 motorcycle, and noncommercial truck registrations are revoked.
24 Notwithstanding the provisions of R.S.39:5-35, the violator shall
25 surrender the registration certificate and registration plates of
26 all passenger automobiles, motorcycles, and noncommercial truck
27 registrations subject to revocation under the provisions of this
28 section within 48 hours of the court's notice. The surrender shall
29 be at a place and in a manner prescribed by the Director of the
30 Division of Motor Vehicles pursuant to rule and regulation. The
31 court also shall notify the violator that a failure to surrender that
32 vehicle registration certificate and registration plates shall result
33 in the impoundment of the vehicle in accordance with the
34 provisions of section 4 of P.L. ,c. (C.)(now pending before
35 the Legislature as this bill) and the seizure of said registration
36 certificate and registration plates. The revocation authorized
37 under the provisions of this subsection shall remain in effect for
38 the period during which the violator's license to operate a motor
39 vehicle is suspended ¹and shall be enforced so as to prohibit the
40 violator from registering or leasing any other vehicle, however
41 acquired, during that period¹.

42 c. If the violator subject to the penalties set forth in
43 subsection a. and b. of this section was operating a motor vehicle
44 owned or leased by another person and that other owner or lessee
45 permitted said operation with knowledge that the violator's
46 driver's license was suspended, the court shall ¹suspend the
47 person's license to operate a motor vehicle and¹ revoke the
48 registration certificate and registration plates for that vehicle
49 for a period of not more than six months. Notwithstanding the
50 provisions of R.S.39:3-35, the owner or lessee shall surrender the
51 registration certificate and registration plates of that vehicle
52 within 48 hours of the court's notice of revocation. The
53 surrender shall be at a place and in a manner prescribed by the
54 Director of the Division of Motor Vehicles pursuant to rule and

1 regulation. The court also shall notify the owner or lessee that a
2 failure to surrender the revoked registration certificate and
3 registration plates shall result in the impoundment of the vehicle
4 in accordance with the provisions of section 4 of P.L. , c.
5 (C.)(now pending before the Legislature as this bill) and the
6 seizure of said registration certificate and registration plates.
7 Nothing in this subsection shall be construed to limit the court
8 from finding that owner or lessor guilty of violating R.S.39:3-39
9 or any other such statute concerning the operation of a motor
10 vehicle by an unlicensed driver.

11 3. (New section) a. The director may issue a temporary
12 registration certificate and temporary registration plates for a
13 motor vehicle for which the registration certificate and
14 registration plates have been revoked under the provisions of
15 section 2 of P.L. , c. (C.)(now pending before the
16 Legislature as this bill) if:

17 (1) the name of the applicant for the temporary registration
18 appeared upon the revoked registration certificate as a joint
19 owner of the motor vehicle; ¹or¹

20 (2) the applicant for the temporary registration is the spouse,
21 child, dependent, parent or legal guardian of the violator ¹or
22 owner¹ and certifies, in a manner prescribed by the director, that
23 the operation of the motor vehicle is necessary for specified
24 employment, educational, health or medical purposes ¹; or

25 (3) the applicant for the temporary registration is owner or
26 lessee of a motor vehicle for which the registration has been
27 revoked under the provisions of subsection c. of section 2 of
28 P.L. , c. (C.)(now pending before the Legislature as this
29 bill)]¹.

30 The application shall be in a manner and form prescribed by the
31 director. The application also shall include a signed certification
32 that the applicant shall not knowingly permit the violator to
33 operate the motor vehicle until the violator's license and driving
34 privileges have been restored by the director and that any
35 violation of this provision shall result in the revocation of the
36 temporary registration issued for the motor vehicle under the
37 provisions of this section, that the motor vehicle shall be
38 ineligible for the temporary registration authorized under this
39 act, and that the motor vehicle may be impounded in accordance
40 with the provisions of section 4 of P.L. , c. (C.)(now
41 pending before the Legislature as this bill) and the temporary
42 registration certificate and temporary registration plates seized.

43 b. The director shall issue a temporary registration certificate
44 and temporary registration plates for a motor vehicle registered
45 under the provisions of this section. As prescribed by the
46 director, the temporary registration plates shall bear a special
47 series of numbers or letters so as to be readily identifiable by law
48 enforcement officers.

49 ¹c. The director may issue a new registration to a lessor of a
50 vehicle for which the registration has been revoked pursuant to
51 section 2 of P.L. c. (C.)(now pending before the
52 Legislature as section 2 of this bill) provided that the vehicle is
53 not leased to the same leasee.¹

1 1[c.] d.¹ The temporary registration authorized under this
2 section shall expire and become void on the last day of the sixth
3 month following the calendar month in which it was issued. All
4 such temporary registrations may be renewed, upon application,
5 by the director.

6 The fee schedule for the temporary registration authorized
7 under this section shall be prescribed by the director. The
8 schedule may provide for differing fees based upon the
9 manufacturer's shipping weight and the model year of the motor
10 vehicle; provided, however, that no such temporary registration
11 fee shall exceed \$75. The registrant also shall pay a
12 non-recurring \$25 fee for the temporary registration plates
13 issued by the director.

14 4. (New section) a. A motor vehicle subject to the provisions
15 of this act may be impounded by any law enforcement officer if
16 the registrant:

17 (1) knowingly permits an unlicensed driver to operate that
18 motor vehicle;

19 (2) operates or permits the operation of that motor vehicle
20 without a valid temporary registration or valid temporary
21 registration plates as authorized under section 3 of P.L. , c.
22 (C.)(now pending before the Legislature as this bill); or

23 (3) fails to surrender a registration certificate and registration
24 plates in accordance with the provisions of subsections b. or c. of
25 section 2 of P.L. , c. (C.)(now pending before the
26 Legislature as this bill).

27 A motor vehicle impounded under the provisions of this
28 subsection shall be removed to storage space or garage and its
29 registration certificate and registration plates seized. The
30 registrant shall be responsible for the cost of the removal and
31 storage of the impounded motor vehicle.

32 b. (1) If the registrant fails to claim the motor vehicle and
33 pay the reasonable costs of removal and storage by midnight of
34 the 30th day following impoundment, along with a fine of \$50 to
35 cover the administrative costs of the municipality wherein the
36 violation occurred, the municipality may sell the motor vehicle at
37 public auction. The municipality shall give notice of the sale by
38 certified mail to the registrant of the motor vehicle and to the
39 holder of any security interest filed with the director, and by
40 publication in a form to be prescribed by the director by one
41 insertion, at least five days before the date of the sale, in one or
42 more newspapers published in this State and circulating in the
43 municipality in which the motor vehicle has been impounded.

44 (2) At any time prior to the sale, the registrant or other person
45 entitled to the motor vehicle may reclaim possession of it upon
46 payment of the reasonable costs of removal and storage of the
47 motor vehicle and any outstanding fines or penalties; provided,
48 however, if the other person entitled to the motor vehicle is a
49 lessor or the holder of a lien on the motor vehicle, he may
50 reclaim the motor vehicle without payment. In such cases, the
51 violator shall be liable for all outstanding costs, fines and
52 penalties, and the municipality shall have a lien against the
53 property and income of that violator for the total amount of
54 those outstanding costs, fines and penalties.

- 1 (3) Any proceeds obtained from the sale of a motor vehicle at
2 public auction pursuant to paragraph (1) of this subsection in
3 excess of the amount owed to the municipality for the reasonable
4 costs of removal and storage of the motor vehicle and any
5 outstanding fines or penalties shall be returned to the registrant
6 of the vehicle.
- 7 5. (New section) A motor vehicle subject to the registration
8 restrictions set forth in sections 2 and 3 of P.L. , c. (C.)(now
9 pending before the Legislature as this bill) may not be sold or its
10 ownership transferred ¹; and the Division of Motor Vehicles shall
11 not issue a certificate of registration for that vehicle;¹ during
12 the period in which those restrictions remain in effect unless that
13 motor vehicle is sold or transferred for a ¹[valid consideration]
14 fair market value.¹
- 15 6. (New section) The director, in accordance with the
16 provisions of the "Administrative Procedure Act," P.L.1968,
17 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
18 to effectuate the purposes of this act. Those rules and
19 regulations shall include, but not be limited to, provisions
20 providing for a notice:
- 21 a. to the lessor or lienholder of any motor vehicle subject to a
22 revocation of registration under the provisions of this act; and
- 23 b. to each person whose driver's license has been suspended of
24 the penalties which may be imposed under the provisions of this
25 act.
- 26 7. This act shall take effect on the first day of the seventh
27 month following enactment.
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- 32 Revokes vehicle registration for driving while suspended for a
33 drunk driving offense and for second, and subsequent, driving
34 while suspended convictions; authorizes temporary registration.

1 *Sponsors* STATEMENT

2
3 This bill would revoke the motor vehicle registration privileges
4 of persons (1) convicted of driving during a period when their
5 driving privileges are suspended for a drunk driving offense and
6 (2) convicted twice within a five year period of driving during a
7 period when their driving privileges are suspended. The
8 provisions of the bill also apply to persons convicted of the same
9 offense a third time within a five year period. Current law
10 (R.S.39:3-40) imposes a fine of \$500 for a first offense, a fine of
11 \$750 and up to five days imprisonment on such violators for a
12 second conviction and a fine of \$1,000 and imprisonment for 10
13 days for a third conviction.

14 Under the provisions of the bill, persons who are convicted of
15 driving while their driver's licenses are suspended for a drunk
16 driving offense or for the second or third time within a five year
17 period while their license is suspended would be required to
18 surrender their registration certificate and plates to the Director
19 of the Division of Motor Vehicles within 48 hours of their
20 conviction. This revocation requirement would apply to all
21 noncommercial motor vehicles registered in violator's name or
22 on which the violator is listed as a co-owner. The revocation of
23 registration for these vehicles is to remain in effect for the
24 period during which the violator's driver's license is suspended.

25 The bill does, however, authorize the director to issue, upon
26 application, special, temporary registration certificates and
27 plates in cases where (1) the violator was a joint owner of the
28 vehicle in which the offense occurred or (2) the spouse, child,
29 dependent, parent or guardian of the violator certifies that the
30 continued operation of the vehicle is necessary for specified
31 employment, educational, health or medical purposes. The
32 application also is to include a certification that the applicant
33 will not permit the violator to operate the motor vehicle and a
34 notice that any violation of that provision will result in the
35 revocation of the temporary registration and an ineligibility for
36 any future temporary registration.

37 A temporary registration remains valid for six month and is
38 renewable upon application. The fee for this registration is to be
39 set by the director. While the amount of the fee may vary
40 depending upon the weight and model year of the vehicle, it may
41 not exceed \$75. A non-recurring fee of \$25 is set for the license
42 plates these motor vehicles are to display. These plates are to
43 bear a special series of numbers or letters to make them readily
44 available to law enforcement officers.

45 If a vehicle subject to the provisions of this bill is operated by
46 an unlicensed driver or fails to display valid temporary
47 registration plates, it may be impounded by any law enforcement
48 officer. A vehicle may also be impounded if the owner or lessee
49 fails to surrender his registration certificate and plates within 48
50 hours of the court order to do so. If the owner of the vehicle
51 fails to reclaim the vehicle within 30 days, the municipality may,
52 after notice, sell it at auction to recover the costs of
53 impoundment. Lessors and persons holding a lien on the vehicle
54 are permitted to claim the vehicle from the municipality without

1 paying the costs of impoundment and any fines or penalties. In
2 those cases, however, the bill affords the municipality a lien
3 against the property and income of the violator for the total
4 amount of those costs.

5 If the violator is not the owner or lessee of the motor vehicle
6 in which the offense occurred, the bill authorizes the court to
7 revoke the registration of that motor vehicle for a period of not
8 more than six months if it is determined that the owner or lessee
9 of that vehicle knew that the violator's driver's license was
10 suspended. The owner or lessee of that vehicle is eligible for the
11 temporary registration program offered under the bill.

12 The director is to promulgate rules and regulations that provide
13 for notices to go to lessors and lienholders when a vehicle they
14 have an interest in has its registration revoked and to persons
15 whose driver's licenses are suspended so that they are made
16 aware of the penalties which may be imposed under the provisions
17 of this bill.

18 Finally, the bill adds a new paragraph to subsection f. of
19 R.S.39:3-40 to impose a mandatory minimum jail sentence of 10
20 days for persons guilty of driving while their operating privileges
21 are suspended; drunk driving (R.S.39:4-50); refusing to submit to
22 an alcohol or drug test after being arrested for drunk driving
23 (section 2 of P.L.1981, c.512; C.39:4-50.4a), or having
24 accumulated too many motor vehicle penalty points (section 4 of
25 P.L.1982, c.43; C.39:5-30.8).

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30 Revokes vehicle registration for driving while suspended for a
31 drunk driving offense and for second, and subsequent, driving
32 while suspended convictions; authorizes temporary registration.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2929

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 12, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2929.

This bill amends and supplements R.S.39:3-40 concerning the revocation of the registration privilege for persons driving with a revoked or suspended driving license. Under the provisions of the bill, a person convicted of drunk driving while his driver's license is suspended or a person convicted of driving while his license is suspended for the second or third time within a five year period would have his motor vehicle registration privilege revoked. The bill would also add a new paragraph to subsection f. of R.S.39:3-40 to impose a mandatory minimum jail sentence of 10 days for persons guilty of driving while their operating privileges are suspended as the result of a drunk driving conviction; a conviction for refusing to submit to an alcohol or drug test after being arrested for drunk driving; or having accumulated too many motor vehicle registration points. The committee also added a new subsection h. to R.S.39:3-40 which provides that a owner or lessor of a motor vehicle who permits a person who he knows has a suspended license to operate the owner's or lessor's motor vehicle violates the provisions of the bill and would be subject to suspension of his license and revocation of his registration.

This revocation requirement would apply to all noncommercial motor vehicles registered in the violator's name or on which the violator is listed as a co-owner. The revocation of registration for these vehicles is to remain in effect for the period during which the violator's driver's license is suspended. The committee amended the bill to clarify that this revocation does not apply only to the vehicles the violator owned or leased at the time of the offense, but also applies prospectively to prohibit the violator from registering any vehicle that the violator may acquire during the period of suspension. If the violator is not the owner or lessee of the motor vehicle in which the offense occurred, the bill would authorize the court to revoke the registration of that motor vehicle for a period of not more than six months if it is determined that the owner or lessee of that vehicle knew that the violator's driver's license was suspended. The committee amended the bill to also authorize the court to suspend the person's license to operate the motor vehicle.

The bill does, however, authorize the director to issue, upon application, special, temporary registration certificates and plates in cases where (1) the violator was a joint owner of the vehicle in which the offense occurred or (2) the spouse, child, dependent, parent or guardian of the violator certifies that the continued operation of the vehicle is necessary for specified employment,

educational, health or medical purposes. The committee deleted language in the bill which would have authorized the director to issue temporary registration if the applicant was an owner or lessee of the motor vehicle.

The application also is to include a certification that the applicant will not permit the violator to operate the motor vehicle and a notice that any violation of that provision will result in the revocation of the temporary registration and an ineligibility for any future temporary registration. The committee also amended the bill to authorize the director to issue a new registration to a lessor of a vehicle for which the registration was revoked provided that the vehicle is not leased to the same leasee.

The bill also provides that a temporary registration remains valid for six month and is renewable upon application. The fee for this registration is to be set by the director. While the amount of the fee may vary depending upon the weight and model year of the vehicle, it may not exceed \$75. A non-recurring fee of \$25 is set for the license plates these motor vehicles are to display. These plates are to bear a special series of numbers or letters to make them readily available to law enforcement officers.

If a vehicle subject to the provisions of the bill is operated by an unlicensed driver or fails to display valid temporary registration plates, it may be impounded by any law enforcement officer. A vehicle may also be impounded if the owner or lessee fails to surrender his registration certificate and plates within 48 hours of the court order to do so. If the owner of the vehicle fails to reclaim the vehicle within 30 days, the municipality may, after notice, sell it at auction to recover the costs of impoundment. Lessors and persons holding a lien on the vehicle are permitted to claim the vehicle from the municipality without paying the costs of impoundment and any fines or penalties. In those cases, however, the bill affords the municipality a lien against the property and income of the violator for the total amount of those costs.

The director is to promulgate rules and regulations that provide for notices to go to lessors and lienholders when a vehicle they have an interest in has its registration revoked and to persons whose driver's licenses are suspended so that they are made aware of the penalties which may be imposed under the provisions of this bill.

The committee also adopted a number of technical amendments to the bill. One of these amendments clarified that a vehicle for which the registration has been revoked cannot be sold or transferred during the revocation period unless sold or transferred for fair market value.

These amendments make this bill identical to Senate Bill No. 2094 (1R).



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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RELEASE:Dec. 21, 1995

Gov. Christie Whitman today signed legislation which elevates the offense of death by motor vehicle to the crime of vehicular homicide in the second degree, if the defendant was driving under the influence of an intoxicating liquor or drugs while the person's license was suspended or revoked for drunk driving. Currently, it is a crime of the third degree.

The Governor also signed a second bill which will revoke the vehicle registration of person convicted of driving while suspended for a drunk driving offense and for second, and subsequent, driving while serving a suspended convictions.

"I wholeheartedly feel it is intolerable for someone to cause the death of another human being while the driver is incapacitated by some form of stimulant. This legislation will go a long way in helping to reduce the incidents of death and injuries on the roads and highways of New Jersey," said Gov. Whitman.

The legislation, A-2903/S-2095, was sponsored by Assemblymen Anthony Bucco (R-Morris) and Alex DeCroce (R-Essex/Morris/Passaic). The substituted version in the Senate was sponsored by Senator Donald DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Senator Gordon MacInnes (D-Morris). A-2929/S-2094, was sponsored by Assemblymen Anthony Bucco (R-Morris) and Alex DeCroce (R-Essex/Morris/Passaic). The substituted version in the Senate was sponsored by Senators William Gormley (R-Atlantic) and Senator Gordon MacInnes (D-Morris).

Under bill A-2903/S-2095, if a defendant was operating a vehicle (1) while under the influence of an intoxicating liquor or drug; or (2) while his license was suspended or revoked for drunk driving, failing to submit to a chemical test when arrested for drunk driving, or for accumulating too many motor vehicle penalty points, a court must impose a mandatory minimum term of imprisonment. The minimum term is to be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater. During the minimum term, the defendant is ineligible for parole.

Finally, the bill permits the prosecution, if the evidence so warrants, to seek an indictment and conviction for aggravated manslaughter. Aggravated manslaughter is a crime of the first degree.

A-2929, amends and supplements the statutes concerning the revocation of the registration privilege for persons driving with a revoked or suspended driver's license. Under the provisions of the bill, a person convicted of drunk driving while his driver's license is suspended