

# 39:4-50.16 to 39:4-50.21

## LEGISLATIVE HISTORY CHECK

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**LAWS OF:** 1999            **CHAPTER:** 417  
**NJSA:** 39:4-50        (Interlock devices—drunk driving)  
**BILL NO:** A157        (Substituted for S1500)

**SPONSOR(S):** Bateman and Russo

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**        **ASSEMBLY:** Law & Public Safety

**SENATE:**        ----

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**        **ASSEMBLY:** January 10, 2000

**SENATE:**        January 10, 2000

**DATE OF APPROVAL:** January 18, 2000

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** Assembly Committee Substitute for A157/A2688 (1<sup>st</sup> Reprint)  
(Amendments during passage denoted by superscript numbers)

### **ASSEMBLY COMMITTEE SUBSTITUTE for A157 and A2688**

**SPONSORS STATEMENT:** No

**COMMITTEE STATEMENT:**            **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

### **A157**

**SPONSORS STATEMENT:** (Begins on page 8 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**            **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### **A2688**

**SPONSORS STATEMENT:** (Begins on page 8 of original bill) [Yes](#)

(continued)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S1500**

**SPONSORS STATEMENT:** (Begins on page 8 of original bill) [Yes](#)  
(Identical to A2688)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)  
Identical to Assembly Statement for ACS A157A/2688

**FLOOR AMENDMENT STATEMENTS:** [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** [Yes](#)

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"State approves lock device..." 1-19-00, Atlantic City Press, p. C7.

P.L. 1999, CHAPTER 417, *approved January 18, 2000*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 157 and 2688

1 **AN ACT** concerning ignition interlock devices, supplementing chapter  
2 4 of Title 39 of the Revised Statutes and amending R.S.39:4-50.

3

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

6

7 1. (New section) The Legislature finds and declares:

8 a. This State's penalties for drunk driving, including the mandatory  
9 suspension of driver's licenses and counseling for offenders, are among  
10 the strongest in the nation. However, despite the severity of existing  
11 penalties, far too many persons who have been convicted under the  
12 drunk driving law continue to imperil the lives of their fellow citizens  
13 by driving while intoxicated.

14 b. Ignition interlock devices, which permit a motor vehicle to be  
15 started only when the driver is sober, offer a technically feasible and  
16 effective means of further reducing the incidence of drunk driving.  
17 The use of these devices was initiated in California in 1986 and,  
18 according to the National Highway Traffic Safety Administration, they  
19 are presently being used or tested in at least 37 states.

20 c. The judicious deployment of ignition interlock devices, as  
21 provided under this act, will enhance and strengthen this State's  
22 existing efforts to keep drunk drivers off the highways.

23

24 2. (New section) a. In sentencing a first offender under  
25 R.S.39:4-50, the court may order, in addition to any other penalty  
26 imposed by that section, the installation of an interlock device in every  
27 motor vehicle owned, leased or regularly operated by the offender  
28 following the expiration of the period of license suspension imposed  
29 under that section. The device shall remain installed for not less than  
30 six months or more than one year, commencing immediately upon the  
31 return of the offender's driver's license after the required period of  
32 suspension has been served.

33 b. In sentencing a second or subsequent offender under  
34 R.S.39:4-50, the court may order, in addition to any other penalty  
35 imposed by that section, the installation of an interlock device in every  
36 motor vehicle owned, leased or regularly operated by the offender.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate floor amendments adopted December 6, 1999.**

1 The device shall remain installed for not less than one year or more  
2 than three years, commencing immediately upon the return of the  
3 offender's driver's license after the required period of suspension has  
4 been served.

5 <sup>1</sup>**[c.** The court shall determine whether the offender has the ability  
6 to pay for the installation of an interlock device. If the court  
7 determines a person is unable to pay, the court may order a payment  
8 plan. The plan may defer payment over a period that exceeds the  
9 period of the court's installation order. The offender shall pay the  
10 manufacturer of the interlock device or the manufacturer's agent  
11 directly for the cost of the device and its installation, in accordance  
12 with any payment schedule ordered by the court.

13 **d.] c.**<sup>1</sup> The court shall require that, for the duration of its order,  
14 an offender shall drive no vehicle other than one in which an interlock  
15 device has been installed pursuant to the order.

16 <sup>1</sup>**[e.] d.**<sup>1</sup> As used in this act, "ignition interlock device" or  
17 "device" means a blood alcohol equivalence measuring device which  
18 will prevent a motor vehicle from starting if the operator's blood  
19 alcohol content exceeds a predetermined level when the operator  
20 blows into the device.

21

22 3. (New section) <sup>1</sup>**[**When the court has ordered installation of an  
23 interlock device in a person's motor vehicle, the court shall require  
24 proof that the device has been installed before reinstatement of the  
25 person's driver's license that has been suspended pursuant to  
26 R.S.39:4-50.**]**<sup>1</sup> The court shall notify the Director of the Division of  
27 Motor Vehicles when a person has been ordered to install an interlock  
28 device in a vehicle owned, leased or regularly operated by the person.  
29 <sup>1</sup>The division shall require that the device be installed before  
30 reinstatement of the person's driver's license that has been suspended  
31 pursuant to R.S.39:4-50.<sup>1</sup> The division shall imprint a notation on the  
32 driver's license stating that the person shall not operate a motor vehicle  
33 unless it is equipped with an interlock device and shall enter this  
34 requirement in the person's driving record.

35

36 4. (New section) a. A person who fails to install an interlock  
37 device ordered by the court in a motor vehicle owned, leased or  
38 regularly operated by him shall have his driver's license suspended for  
39 one year, in addition to any other suspension or revocation imposed  
40 under R.S.39:4-50, unless the court determines a valid reason exists  
41 for the failure to comply. A person in whose vehicle an interlock  
42 device is installed pursuant to a court order who drives that vehicle  
43 after it has been started by any means other than his own blowing into  
44 the device or who drives a vehicle that is not equipped with such a  
45 device shall have his driver's license suspended for one year, in  
46 addition to any other penalty applicable by law.

1           b. A person is a disorderly person who:

2           (1) Blows into an interlock device or otherwise starts a motor  
3 vehicle equipped with such a device for the purpose of providing an  
4 operable motor vehicle to a person who has been ordered by the court  
5 to install the device in the vehicle.

6           (2) Tamper or in any way circumvents the operation of an  
7 interlock device.

8           (3) Knowingly rents, leases or lends a motor vehicle not equipped  
9 with an interlock device to a person who has been ordered by the court  
10 to install an interlock device in a vehicle he owns, leases or regularly  
11 operates.

12  
13           5. (New section) The director shall certify or cause to be certified  
14 ignition interlock devices required by this act and shall publish a list of  
15 approved devices. <sup>1</sup>A device shall not be certified unless the  
16 manufacturer enters into an agreement with the division for the  
17 provision of devices to indigent offenders, as determined by the  
18 director, at a reduced cost.<sup>1</sup> The director shall provide a copy of this  
19 list along with information on the purpose and proper use of interlock  
20 devices to persons who have been ordered by the court to install such  
21 a device in their vehicles.

22  
23           6. (New section) Pursuant to the "Administrative Procedure Act,"  
24 P.L.1968, c.410 (C.52:14B-1 et seq.), the division shall promulgate  
25 rules and regulations for the installation and use of ignition interlock  
26 devices. These regulations shall be consistent with the federal model  
27 specifications for ignition interlock devices issued by the National  
28 Highway Traffic Safety Administration. They shall include, but not be  
29 limited to, the following:

30           a. requiring that the ignition interlock system selected shall:

31           (1) not impede the safe operation of the vehicle;

32           (2) incorporate features that make circumvention difficult and that  
33 do not interfere with the normal use of the vehicle;

34           (3) correlate closely with established measures of alcohol  
35 impairment;

36           (4) operate accurately and reliably in an unsupervised environment;

37           (5) resist tampering and give evidence when tampering is  
38 attempted;

39           (6) be difficult to circumvent and require premeditation to do so;

40           (7) require a deep lung breath sample as a measure of blood  
41 alcohol concentration equivalence;

42           (8) operate reliably over the range of automobile environments;  
43 and

44           (9) be manufactured by a party who will provide liability  
45 insurance.

46           b. designating the facilities where ignition interlock devices may

1 be installed; <sup>1</sup>**[and]**<sup>1</sup>

2 c. establishing guidelines for the proper use of ignition interlock  
3 devices <sup>1</sup>; and

4 d. establishing guidelines for the provision of ignition interlock  
5 devices at reduced rates to persons who, according to standards  
6 specified by the division, qualify as indigent<sup>1</sup>.

7 The director may adopt at his discretion, in whole or in part, the  
8 guidelines, rules, regulations, studies, or independent laboratory tests  
9 performed on and relied upon in the certification of ignition interlock  
10 devices by other states, their agencies or commissions.

11

12 7. R.S.39:4-50 is amended to read as follows:

13 39:4-50. (a) <sup>1</sup>**[A]** Except as provided in subsection (g) of this  
14 section, a<sup>1</sup> person who operates a motor vehicle while under the  
15 influence of intoxicating liquor, narcotic, hallucinogenic or  
16 habit-producing drug, or operates a motor vehicle with a blood alcohol  
17 concentration of 0.10% or more by weight of alcohol in the  
18 defendant's blood or permits another person who is under the influence  
19 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug  
20 to operate a motor vehicle owned by him or in his custody or control  
21 or permits another to operate a motor vehicle with a blood alcohol  
22 concentration of 0.10% or more by weight of alcohol in the  
23 defendant's blood, shall be subject:

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

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

1 (3) For a third or subsequent violation, a person shall be subject  
2 to a fine of \$1,000.00, and shall be sentenced to imprisonment for a  
3 term of not less than 180 days, except that the court may lower such  
4 term for each day, not exceeding 90 days, served performing  
5 community service in such form and on such terms as the court shall  
6 deem appropriate under the circumstances and shall thereafter forfeit  
7 his right to operate a motor vehicle over the highways of this State for  
8 10 years.

9 Whenever an operator of a motor vehicle has been involved in an  
10 accident resulting in death, bodily injury or property damage, a police  
11 officer shall consider that fact along with all other facts and  
12 circumstances in determining whether there are reasonable grounds to  
13 believe that person was operating a motor vehicle in violation of this  
14 section.

15 A conviction of a violation of a law of a substantially similar nature  
16 in another jurisdiction, regardless of whether that jurisdiction is a  
17 signatory to the Interstate Driver License Compact pursuant to  
18 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction  
19 under this subsection unless the defendant can demonstrate by clear  
20 and convincing evidence that the conviction in the other jurisdiction  
21 was based exclusively upon a violation of a proscribed blood alcohol  
22 concentration of less than .10%.

23 If the driving privilege of any person is under revocation or  
24 suspension for a violation of any provision of this Title or Title 2C of  
25 the New Jersey Statutes at the time of any conviction for a violation  
26 of this section, the revocation or suspension period imposed shall  
27 commence as of the date of termination of the existing revocation or  
28 suspension period. In the case of any person who at the time of the  
29 imposition of sentence is less than 17 years of age, the forfeiture,  
30 suspension or revocation of the driving privilege imposed by the court  
31 under this section shall commence immediately, run through the  
32 offender's seventeenth birthday and continue from that date for the  
33 period set by the court pursuant to paragraphs (1) through (3) of this  
34 subsection. A court that imposes a term of imprisonment under this  
35 section may sentence the person so convicted to the county jail, to the  
36 workhouse of the county wherein the offense was committed, to an  
37 inpatient rehabilitation program or to an Intoxicated Driver Resource  
38 Center or other facility approved by the chief of the Intoxicated  
39 Driving Program Unit in the Department of Health and Senior  
40 Services; provided that for a third or subsequent offense a person shall  
41 not serve a term of imprisonment at an Intoxicated Driver Resource  
42 Center as provided in subsection (f).

43 A person who has been convicted of a previous violation of this  
44 section need not be charged as a second or subsequent offender in the  
45 complaint made against him in order to render him liable to the  
46 punishment imposed by this section on a second or subsequent

1 offender, but if the second offense occurs more than 10 years after the  
2 first offense, the court shall treat the second conviction as a first  
3 offense for sentencing purposes and if a third offense occurs more than  
4 10 years after the second offense, the court shall treat the third  
5 conviction as a second offense for sentencing purposes.

6 (b) A person convicted under this section must satisfy the  
7 screening, evaluation, referral, program and fee requirements of the  
8 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program  
9 Unit, and of the Intoxicated Driver Resource Centers and a program  
10 of alcohol and drug education and highway safety, as prescribed by the  
11 Director of the Division of Motor Vehicles. The sentencing court shall  
12 inform the person convicted that failure to satisfy such requirements  
13 shall result in a mandatory two-day term of imprisonment in a county  
14 jail and a driver license revocation or suspension and continuation of  
15 revocation or suspension until such requirements are satisfied, unless  
16 stayed by court order in accordance with <sup>1</sup>【Rule 7:8-2 of】<sup>1</sup> the Rules  
17 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
18 Upon sentencing, the court shall forward to the Division of Alcoholism  
19 and Drug Abuse's Intoxicated Driving Program Unit a copy of a  
20 person's conviction record. A fee of \$100.00 shall be payable to the  
21 Alcohol Education, Rehabilitation and Enforcement Fund established  
22 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
23 Intoxicated Driving Program Unit.

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



1 to acknowledge in writing the receipt of a written notice shall not be  
2 a defense to a subsequent charge of a violation of this section.

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

8 (e) Any person accused of a violation of this section who is liable  
9 to punishment imposed by this section as a second or subsequent  
10 offender shall be entitled to the same rights of discovery as allowed  
11 defendants pursuant to the <sup>1</sup>Rules Governing Criminal Practice, as set  
12 forth in the <sup>1</sup>Rules Governing the Courts of the State of New Jersey.

13 (f) The counties, in cooperation with the Division of Alcoholism  
14 and Drug Abuse and the Division of Motor Vehicles, but subject to the  
15 approval of the Division of Alcoholism and Drug Abuse, shall  
16 designate and establish on a county or regional basis Intoxicated  
17 Driver Resource Centers. These centers shall have the capability of  
18 serving as community treatment referral centers and as court monitors  
19 of a person's compliance with the ordered treatment, service  
20 alternative or community service. All centers established pursuant to  
21 this subsection shall be administered by a counselor certified by the  
22 Alcohol and Drug Counselor Certification Board of New Jersey or  
23 other professional with a minimum of five years' experience in the  
24 treatment of alcoholism. All centers shall be required to develop  
25 individualized treatment plans for all persons attending the centers;  
26 provided that the duration of any ordered treatment or referral shall  
27 not exceed one year. It shall be the center's responsibility to establish  
28 networks with the community alcohol and drug education, treatment  
29 and rehabilitation resources and to receive monthly reports from the  
30 referral agencies regarding a person's participation and compliance  
31 with the program. Nothing in this subsection shall bar these centers  
32 from developing their own education and treatment programs;  
33 provided that they are approved by the Division of Alcoholism and  
34 Drug Abuse.

35 Upon a person's failure to report to the initial screening or any  
36 subsequent ordered referral, the Intoxicated Driver Resource Center  
37 shall promptly notify the sentencing court of the person's failure to  
38 comply.

39 Required detention periods at the Intoxicated Driver Resource  
40 Centers shall be determined according to the individual treatment  
41 classification assigned by the Intoxicated Driving Program Unit. Upon  
42 attendance at an Intoxicated Driver Resource Center, a person shall be  
43 required to pay a per diem fee of \$75.00 for the first offender program  
44 or a per diem fee of \$100.00 for the second offender program, as  
45 appropriate. Any increases in the per diem fees after the first full year  
46 shall be determined pursuant to rules and regulations adopted by the

1 Commissioner of Health and Senior Services in consultation with the  
2 Governor's Council on Alcoholism and Drug Abuse pursuant to the  
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
4 seq.).

5 The centers shall conduct a program of alcohol and drug education  
6 and highway safety, as prescribed by the Director of the Division of  
7 Motor Vehicles.

8 The Commissioner of Health and Senior Services shall adopt rules  
9 and regulations pursuant to the "Administrative Procedure Act,"  
10 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
11 purposes of this subsection.

12 (g) <sup>1</sup>When a violation of this section occurs while:

13 (1) on any school property used for school purposes which is  
14 owned by or leased to any elementary or secondary school or school  
15 board, or within 1,000 feet of such school property:

16 (2) driving through a school crossing as defined in R.S.39:1-1 if  
17 the municipality, by ordinance or resolution, has designated the school  
18 crossing as such; or

19 (3) driving through a school crossing as defined in R.S.39:1-1  
20 knowing that juveniles are present if the municipality has not  
21 designated the school crossing as such by ordinance or resolution, the  
22 convicted person shall: for a first offense, be fined not less than \$500  
23 or more than \$800, be imprisoned for not more than 60 days and have  
24 his license to operate a motor vehicle suspended for a period of not  
25 less than one year or more than two years; for a second offense, be  
26 fined not less than \$1,000 or more than \$2000, perform community  
27 service for a period of 60 days, be imprisoned for not less than  
28 96 consecutive hours, which shall not be suspended or served on  
29 probation, nor more than 180 days, except that the court may lower  
30 such term for each day, not exceeding 90 days, served performing  
31 community service in such form and on such terms as the court shall  
32 deem appropriate under the circumstances and have his license to  
33 operate a motor vehicle suspended for a period of not less than four  
34 years; and, for a third offense, be fined \$2,000, imprisoned for  
35 180 days and have his license to operate a motor vehicle suspended for  
36 a period of 20 years; the period of license suspension shall commence  
37 upon the completion of any prison sentence imposed upon that person.

38 A map or true copy of a map depicting the location and boundaries  
39 of the area on or within 1,000 feet of any property used for school  
40 purposes which is owned by or leased to any elementary or secondary  
41 school or school board produced pursuant to section 1 of P.L.1997,  
42 c.101 (C.2C:35-7) may be used in a prosecution under paragraph (1)  
43 of this subsection.

44 It shall not be relevant to the imposition of sentence pursuant to  
45 paragraphs (1) or (2) of this subsection that the defendant was  
46 unaware that the prohibited conduct took place while on or within

1 1,000 feet of any school property or while driving through a school  
2 crossing. Nor shall it be relevant to the imposition of sentence that  
3 no juveniles were present on the school property or crossing zone at  
4 the time of the offense or that the school was not in session.

5 (h)<sup>1</sup> In addition to any penalty or condition imposed by law or  
6 regulation, a person who is subject to the provisions of this section  
7 shall also be subject to the provisions of P.L. , c. (C. ) (now  
8 pending before the Legislature as this bill).

9 (cf: P.L.1999, c.185, s.4)

10

11 8. The provisions of this act shall take effect upon the  
12 implementation of P.L.1999, c.28.

13

14

15

16

17 Provides for interlock devices to curb drunk driving.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 157 and 2688**

---

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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ADOPTED MARCH 4, 1999

**Sponsored by:**

**Assemblyman CHRISTOPHER "KIP" BATEMAN**

**District 16 (Morris and Somerset)**

**Assemblyman DAVID C. RUSSO**

**District 40 (Bergen and Passaic)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

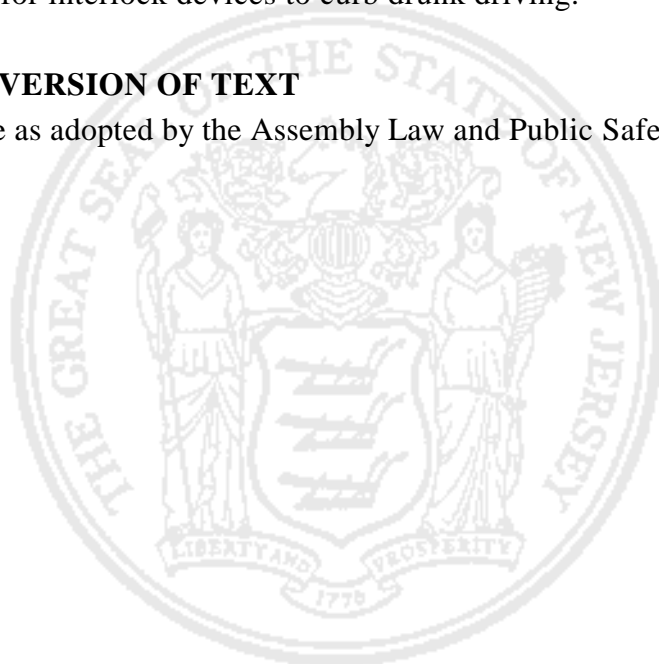
**Assemblymen LeFevre, Augustine, Assemblywoman Crecco, Assemblymen  
Conaway and Connors**

**SYNOPSIS**

Provides for interlock devices to curb drunk driving.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Law and Public Safety Committee.



**(Sponsorship Updated As Of: 11/16/1999)**

1 **AN ACT** concerning ignition interlock devices, supplementing chapter  
2 4 of Title 39 of the Revised Statutes and amending R.S.39:4-50.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. (New section) The Legislature finds and declares:

8 a. This State's penalties for drunk driving, including the mandatory  
9 suspension of driver's licenses and counseling for offenders, are among  
10 the strongest in the nation. However, despite the severity of existing  
11 penalties, far too many persons who have been convicted under the  
12 drunk driving law continue to imperil the lives of their fellow citizens  
13 by driving while intoxicated.

14 b. Ignition interlock devices, which permit a motor vehicle to be  
15 started only when the driver is sober, offer a technically feasible and  
16 effective means of further reducing the incidence of drunk driving.  
17 The use of these devices was initiated in California in 1986 and,  
18 according to the National Highway Traffic Safety Administration, they  
19 are presently being used or tested in at least 37 states.

20 c. The judicious deployment of ignition interlock devices, as  
21 provided under this act, will enhance and strengthen this State's  
22 existing efforts to keep drunk drivers off the highways.

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24 2. (New section) a. In sentencing a first offender under  
25 R.S.39:4-50, the court may order, in addition to any other penalty  
26 imposed by that section, the installation of an interlock device in every  
27 motor vehicle owned, leased or regularly operated by the offender  
28 following the expiration of the period of license suspension imposed  
29 under that section. The device shall remain installed for not less than  
30 six months or more than one year, commencing immediately upon the  
31 return of the offender's driver's license after the required period of  
32 suspension has been served.

33 b. In sentencing a second or subsequent offender under  
34 R.S.39:4-50, the court may order, in addition to any other penalty  
35 imposed by that section, the installation of an interlock device in every  
36 motor vehicle owned, leased or regularly operated by the offender.  
37 The device shall remain installed for not less than one year or more  
38 than three years, commencing immediately upon the return of the  
39 offender's driver's license after the required period of suspension has  
40 been served.

41 c. The court shall determine whether the offender has the ability  
42 to pay for the installation of an interlock device. If the court  
43 determines a person is unable to pay, the court may order a payment

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

**Matter underlined thus is new matter.**

1 plan. The plan may defer payment over a period that exceeds the  
2 period of the court's installation order. The offender shall pay the  
3 manufacturer of the interlock device or the manufacturer's agent  
4 directly for the cost of the device and its installation, in accordance  
5 with any payment schedule ordered by the court.

6 d. The court shall require that, for the duration of its order, an  
7 offender shall drive no vehicle other than one in which an interlock  
8 device has been installed pursuant to the order.

9 e. As used in this act, "ignition interlock device" or "device"  
10 means a blood alcohol equivalence measuring device which will  
11 prevent a motor vehicle from starting if the operator's blood alcohol  
12 content exceeds a predetermined level when the operator blows into  
13 the device.

14

15 3. (New section) When the court has ordered installation of an  
16 interlock device in a person's motor vehicle, the court shall require  
17 proof that the device has been installed before reinstatement of the  
18 person's driver's license that has been suspended pursuant to  
19 R.S.39:4-50. The court shall notify the Director of the Division of  
20 Motor Vehicles when a person has been ordered to install an interlock  
21 device in a vehicle owned, leased or regularly operated by the person.  
22 The division shall imprint a notation on the driver's license stating that  
23 the person shall not operate a motor vehicle unless it is equipped with  
24 an interlock device and shall enter this requirement in the person's  
25 driving record.

26

27 4. (New section) a. A person who fails to install an interlock  
28 device ordered by the court in a motor vehicle owned, leased or  
29 regularly operated by him shall have his driver's license suspended for  
30 one year, in addition to any other suspension or revocation imposed  
31 under R.S.39:4-50, unless the court determines a valid reason exists  
32 for the failure to comply. A person in whose vehicle an interlock  
33 device is installed pursuant to a court order who drives that vehicle  
34 after it has been started by any means other than his own blowing into  
35 the device or who drives a vehicle that is not equipped with such a  
36 device shall have his driver's license suspended for one year, in  
37 addition to any other penalty applicable by law.

38 b. A person is a disorderly person who:

39 (1) Blows into an interlock device or otherwise starts a motor  
40 vehicle equipped with such a device for the purpose of providing an  
41 operable motor vehicle to a person who has been ordered by the court  
42 to install the device in the vehicle.

43 (2) Tamper or in any way circumvents the operation of an  
44 interlock device.

45 (3) Knowingly rents, leases or lends a motor vehicle not equipped  
46 with an interlock device to a person who has been ordered by the court

1 to install an interlock device in a vehicle he owns, leases or regularly  
2 operates.

3

4 5. (New section) The director shall certify or cause to be certified  
5 ignition interlock devices required by this act and shall publish a list of  
6 approved devices. The director shall provide a copy of this list along  
7 with information on the purpose and proper use of interlock devices  
8 to persons who have been ordered by the court to install such a device  
9 in their vehicles.

10

11 6. (New section) Pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.), the division shall promulgate  
13 rules and regulations for the installation and use of ignition interlock  
14 devices. These regulations shall be consistent with the federal model  
15 specifications for ignition interlock devices issued by the National  
16 Highway Traffic Safety Administration. They shall include, but not be  
17 limited to, the following:

18 a. requiring that the ignition interlock system selected shall:

19 (1) not impede the safe operation of the vehicle;

20 (2) incorporate features that make circumvention difficult and that  
21 do not interfere with the normal use of the vehicle;

22 (3) correlate closely with established measures of alcohol  
23 impairment;

24 (4) operate accurately and reliably in an unsupervised environment;

25 (5) resist tampering and give evidence when tampering is  
26 attempted;

27 (6) be difficult to circumvent and require premeditation to do so;

28 (7) require a deep lung breath sample as a measure of blood  
29 alcohol concentration equivalence;

30 (8) operate reliably over the range of automobile environments;

31 and

32 (9) be manufactured by a party who will provide liability  
33 insurance.

34 b. designating the facilities where ignition interlock devices may  
35 be installed; and

36 c. establishing guidelines for the proper use of ignition interlock  
37 devices.

38 The director may adopt at his discretion, in whole or in part, the  
39 guidelines, rules, regulations, studies, or independent laboratory tests  
40 performed on and relied upon in the certification of ignition interlock  
41 devices by other states, their agencies or commissions.

42

43 7. R.S.39:4-50 is amended to read as follows:

44 39:4-50. (a) A person who operates a motor vehicle while under  
45 the influence of intoxicating liquor, narcotic, hallucinogenic or  
46 habit-producing drug, or operates a motor vehicle with a blood alcohol

1 concentration of 0.10% or more by weight of alcohol in the  
2 defendant's blood or permits another person who is under the influence  
3 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug  
4 to operate a motor vehicle owned by him or in his custody or control  
5 or permits another to operate a motor vehicle with a blood alcohol  
6 concentration of 0.10% or more by weight of alcohol in the  
7 defendant's blood, shall be subject:

8 (1) For the first offense, to a fine of not less than \$250.00 nor  
9 more than \$400.00 and a period of detainment of not less than  
10 12 hours nor more than 48 hours spent during two consecutive days  
11 of not less than six hours each day and served as prescribed by the  
12 program requirements of the Intoxicated Driver Resource Centers  
13 established under subsection (f) of this section and, in the discretion  
14 of the court, a term of imprisonment of not more than 30 days and  
15 shall forthwith forfeit his right to operate a motor vehicle over the  
16 highways of this State for a period of not less than six months nor  
17 more than one year.

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

31 (3) For a third or subsequent violation, a person shall be subject  
32 to a fine of \$1,000.00, and shall be sentenced to imprisonment for a  
33 term of not less than 180 days, except that the court may lower such  
34 term for each day, not exceeding 90 days, served performing  
35 community service in such form and on such terms as the court shall  
36 deem appropriate under the circumstances and shall thereafter forfeit  
37 his right to operate a motor vehicle over the highways of this State for  
38 10 years.

39 Whenever an operator of a motor vehicle has been involved in an  
40 accident resulting in death, bodily injury or property damage, a police  
41 officer shall consider that fact along with all other facts and  
42 circumstances in determining whether there are reasonable grounds to  
43 believe that person was operating a motor vehicle in violation of this  
44 section.

45 A conviction of a violation of a law of a substantially similar nature  
46 in another jurisdiction, regardless of whether that jurisdiction is a



1 signatory to the Interstate Driver License Compact pursuant to  
2 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction  
3 under this subsection unless the defendant can demonstrate by clear  
4 and convincing evidence that the conviction in the other jurisdiction  
5 was based exclusively upon a violation of a proscribed blood alcohol  
6 concentration of less than .10%.

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

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

36 (b) A person convicted under this section must satisfy the  
37 screening, evaluation, referral, program and fee requirements of the  
38 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program  
39 Unit, and of the Intoxicated Driver Resource Centers and a program  
40 of alcohol and drug education and highway safety, as prescribed by the  
41 Director of the Division of Motor Vehicles. The sentencing court shall  
42 inform the person convicted that failure to satisfy such requirements  
43 shall result in a mandatory two-day term of imprisonment in a county  
44 jail and a driver license revocation or suspension and continuation of  
45 revocation or suspension until such requirements are satisfied, unless  
46 stayed by court order in accordance with Rule 7:8-2 of the Rules

1 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
2 Upon sentencing, the court shall forward to the Division of Alcoholism  
3 and Drug Abuse's Intoxicated Driving Program Unit a copy of a  
4 person's conviction record. A fee of \$100.00 shall be payable to the  
5 Alcohol Education, Rehabilitation and Enforcement Fund established  
6 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
7 Intoxicated Driving Program Unit.

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

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

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

43 (f) The counties, in cooperation with the Division of Alcoholism  
44 and Drug Abuse and the Division of Motor Vehicles, but subject to the  
45 approval of the Division of Alcoholism and Drug Abuse, shall  
46 designate and establish on a county or regional basis Intoxicated

1 Driver Resource Centers. These centers shall have the capability of  
2 serving as community treatment referral centers and as court monitors  
3 of a person's compliance with the ordered treatment, service  
4 alternative or community service. All centers established pursuant to  
5 this subsection shall be administered by a counselor certified by the  
6 Alcohol and Drug Counselor Certification Board of New Jersey or  
7 other professional with a minimum of five years' experience in the  
8 treatment of alcoholism. All centers shall be required to develop  
9 individualized treatment plans for all persons attending the centers;  
10 provided that the duration of any ordered treatment or referral shall  
11 not exceed one year. It shall be the center's responsibility to establish  
12 networks with the community alcohol and drug education, treatment  
13 and rehabilitation resources and to receive monthly reports from the  
14 referral agencies regarding a person's participation and compliance  
15 with the program. Nothing in this subsection shall bar these centers  
16 from developing their own education and treatment programs;  
17 provided that they are approved by the Division of Alcoholism and  
18 Drug Abuse.

19 Upon a person's failure to report to the initial screening or any  
20 subsequent ordered referral, the Intoxicated Driver Resource Center  
21 shall promptly notify the sentencing court of the person's failure to  
22 comply.

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

35 The centers shall conduct a program of alcohol and drug education  
36 and highway safety, as prescribed by the Director of the Division of  
37 Motor Vehicles.

38 The Commissioner of Health and Senior Services shall adopt rules  
39 and regulations pursuant to the "Administrative Procedure Act,"  
40 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
41 purposes of this subsection.

42 (g) In addition to any penalty or condition imposed by law or  
43 regulation, a person who is subject to the provisions of this section  
44 shall also be subject to the provisions of P.L. , c. (C. ) (now  
45 pending before the Legislature as this bill).

46 (cf: P.L.1997, c.277, s.1)

1       8. The provisions of this act shall take effect upon the  
2 implementation of P.L.1999, c.28.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 157 and 2688

# STATE OF NEW JERSEY

DATED: MARCH 4, 1999

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 157 and 2688.

The substitute provides for the use of ignition interlock devices as a method of reducing the incidence of drunk driving in this State. These devices are attached to a motor vehicle to prevent it from being started when the alcohol level of the driver's breath exceeds a predetermined amount. According to the National Highway Traffic Safety Administration, interlock devices are being used in at least 37 states to insure that convicted drunk drivers do not repeat their offense.

The substitute gives a court discretion to order the installation of an interlock device on the motor vehicle for a first, second or subsequent drunk driving offense. The interlock requirement would be imposed by the court in addition to any other penalty required under R.S.39:4-50, the State's drunk driving statute. The court is authorized to order a first-time offender to install an interlock device on his vehicle for a period of six months to one year and a second or subsequent offender to install an interlock device for a period of one to three years. The period of installation is to commence immediately upon the return of the offender's driver's license after the required suspension has been completed.

Under the bill, the court is required to determine whether a person ordered to install an interlock device in his vehicle has the ability to pay for the device. If the court determines a person is unable to pay, the court is authorized to approve an installment payment plan.

The Director of the Division of Motor Vehicles in the Department of Transportation would be required to certify ignition interlock devices required by the bill and to publish a list of approved devices.

A person who fails to install an interlock device as ordered by the court is to have his driver's license suspended for an additional year. A similar penalty would be imposed on a person in whose vehicle an interlock device is installed who drives that vehicle after it has been started by another person or who drives a motor vehicle not equipped

with such a device. Under the bill, it is also unlawful to blow into an interlock device to start a motor vehicle for another person or to tamper with or circumvent the operation of an interlock device.

The effective date of this bill is to coincide with the implementation of P.L.1999, c.28, the act providing for 10-year digitized driver's licenses.

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 157 and 2688**

with Senate Floor Amendments  
(Proposed By Senator CONNORS)

ADOPTED: DECEMBER 6, 1999

The Assembly Committee Substitute for Assembly Bill Nos. 157 and 2688 provides for the use of ignition interlock devices as a method of reducing the incidence of drunk driving in this State.

These Senate amendments make the Director of the Division of Motor Vehicles, rather than the courts, responsible for: ensuring that an ignition interlock device is installed prior to reinstating a person's driver's license previously suspended for the drunk driving conviction; determining whether an offender is qualified to lease a device at a reduced rate based on indigency; and certifying for installation only those devices whose manufacturer agrees to provide such devices to indigent offenders at reduced rates.

The amendments also conform the bill to the provisions of P.L.1999, c.185 and correct references to the New Jersey Court Rules.

# ASSEMBLY, No. 157

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman CHRISTOPHER "KIP" BATEMAN**

**District 16 (Morris and Somerset)**

**Assemblyman DAVID C. RUSSO**

**District 40 (Bergen and Passaic)**

**SYNOPSIS**

Provides for interlock devices to curb drunk driving.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





A157 BATEMAN, RUSSO

2

1 AN ACT concerning ignition interlock devices, supplementing chapter  
2 4 of Title 39 of the Revised Statutes and amending R.S.39:4-50.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) The Legislature finds and declares:

8 a. This State's penalties for drunk driving, including the mandatory  
9 suspension of driver's licenses and counseling for offenders, are among  
10 the strongest in the nation. However, despite the severity of existing  
11 penalties, far too many persons who have been convicted under the  
12 drunk driving law continue to imperil the lives of their fellow citizens  
13 by driving while intoxicated.

14 b. Ignition interlock devices, which permit a motor vehicle to be  
15 started only when the driver is sober, offer a technically feasible and  
16 effective means of further reducing the incidence of drunk driving.  
17 The use of these devices was initiated in California in 1986 and they  
18 are presently being used or tested in 20 states.

19 c. The judicious deployment of ignition interlock devices, as  
20 provided under this act, will enhance and strengthen this State's  
21 existing efforts to keep drunk drivers off the highways.

22  
23 2. (New section) a. In sentencing a first offender under  
24 R.S.39:4-50, the court may order, in addition to any other penalty  
25 imposed by that section, the installation of an interlock device in every  
26 motor vehicle owned, leased or regularly operated by the offender in  
27 lieu of the period of suspension. The device shall remain installed for  
28 not less than six months or more than one year.

29 b. In sentencing a second or subsequent offender under  
30 R.S.39:4-50, the court shall order, in addition to any other penalty  
31 imposed by that section, the installation of an interlock device in every  
32 motor vehicle owned, leased or regularly operated by the offender.  
33 The device shall remain installed for not less than one year or more  
34 than three years, commencing immediately upon the return of the  
35 offender's driver's license after the required period of suspension has  
36 been served.

37 c. The court shall determine whether the offender has the ability to  
38 pay for the installation of an interlock device. If the court determines  
39 a person is unable to pay, the court may order a payment plan. The  
40 plan may defer payment over a period that exceeds the period of the  
41 court's installation order. The offender shall pay the manufacturer of  
42 the interlock device or the manufacturer's agent directly for the cost  
43 of the device and its installation, in accordance with any payment

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

**Matter underlined thus is new matter.**

1 schedule ordered by the court. If the court determines there is no  
2 feasible way for the person to pay for the device, or if the  
3 manufacturer declines the person's application for a payment plan, the  
4 court shall not order an interlock device installed, but may order the  
5 person to perform an appropriate amount of community service.

6 d. The court shall require that, for the duration of its order, an  
7 offender shall drive no vehicle other than one in which an interlock  
8 device has been installed pursuant to the order.

9 e. As used in this act, "ignition interlock device" or "device" means  
10 a blood alcohol equivalence measuring device which will prevent a  
11 motor vehicle from starting if the operator's blood alcohol content  
12 exceeds a predetermined level when the operator blows into the  
13 device.

14  
15 3. (New section) When the court has ordered installation of an  
16 interlock device in a person's motor vehicle, the court shall require  
17 proof that the device has been installed before reinstatement of the  
18 person's driver's license that has been suspended pursuant to  
19 R.S.39:4-50. The court shall notify the Director of the Division of  
20 Motor Vehicles when a person has been ordered to install an interlock  
21 device in a vehicle owned, leased or regularly operated by the person.  
22 The division shall imprint a notation on the driver's license stating that  
23 the person shall not operate a motor vehicle unless it is equipped with  
24 an interlock device and shall enter this requirement in the person's  
25 driving record.

26  
27 4. (New section) a. A person who fails to install an interlock  
28 device ordered by the court in a motor vehicle owned, leased or  
29 regularly operated by him shall have his driver's license suspended for  
30 one year, in addition to any other suspension or revocation imposed  
31 under R.S.39:4-50, unless the court determines a valid reason exists  
32 for the failure to comply. A person in whose vehicle an interlock  
33 device is installed pursuant to a court order who drives that vehicle  
34 after it has been started by any means other than his own blowing into  
35 the device or who drives a vehicle that is not equipped with such a  
36 device shall have his driver's license suspended for one year, in  
37 addition to any other penalty applicable by law.

38 b. A person is a disorderly person who:

39 (1) Blows into an interlock device or otherwise starts a motor  
40 vehicle equipped with such a device for the purpose of providing an  
41 operable motor vehicle to a person who has been ordered by the court  
42 to install the device in the vehicle.

43 (2) Tamper or in any way circumvents the operation of an  
44 interlock device.

45 (3) Knowingly rents, leases or lends a motor vehicle not equipped  
46 with an interlock device to a person who has been ordered by the court

1 to install an interlock device in a vehicle he owns, leases or regularly  
2 operates.

3

4 5. (New section) The director shall certify or cause to be certified  
5 ignition interlock devices required by this act and shall publish a list  
6 of approved devices. The director shall provide a copy of this list  
7 along with information on the purpose and proper use of interlock  
8 devices to persons who have been ordered by the court to install such  
9 a device in their vehicles.

10

11 6. (New section) Pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.), the division shall promulgate  
13 rules and regulations for the installation and use of ignition interlock  
14 devices. These regulations shall be consistent with the federal model  
15 specifications of for ignition interlock devices issued by the National  
16 Highway Traffic Safety Administration. They shall include, but not be  
17 limited to, the following:

18 a. requiring that the ignition interlock system selected shall:

19 (1) not impede the safe operation of the vehicle;

20 (2) incorporate features that make circumvention difficult and that  
21 do not interfere with the normal use of the vehicle;

22 (3) correlate closely with established measures of alcohol  
23 impairment;

24 (4) operate accurately and reliably in an unsupervised environment;

25 (5) resist tampering and give evidence when tampering is  
26 attempted;

27 (6) be difficult to circumvent and require premeditation to do so;

28 (7) require a deep lung breath sample as a measure of blood  
29 alcohol concentration equivalence;

30 (8) operate reliably over the range of automobile environments;

31 and

32 (9) be manufactured by a party who will provide liability insurance.

33 b. designating the facilities where ignition interlock devices may be  
34 installed; and

35 c. establishing guidelines for the proper use of ignition interlock  
36 devices.

37 The director may adopt at his discretion, in whole or in part, the  
38 guidelines, rules, regulations, studies, or independent laboratory tests  
39 performed on and relied upon in the certification of ignition interlock  
40 devices by other states, their agencies or commissions.

41

42 7. R.S.39:4-50 is amended to read as follows:

43 39:4-50. (a) A person who operates a motor vehicle while under  
44 the influence of intoxicating liquor, narcotic, hallucinogenic or  
45 habit-producing drug, or operates a motor vehicle with a blood alcohol  
46 concentration of 0.10% or more by weight of alcohol in the

1 defendant's blood or permits another person who is under the influence  
2 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug  
3 to operate a motor vehicle owned by him or in his custody or control  
4 or permits another to operate a motor vehicle with a blood alcohol  
5 concentration of 0.10% or more by weight of alcohol in the  
6 defendant's blood, shall be subject:

7 (1) For the first offense, to a fine of not less than \$250.00 nor  
8 more than \$400.00 and a period of detainment of not less than 12  
9 hours nor more than 48 hours spent during two consecutive days of  
10 not less than six hours each day and served as prescribed by the  
11 program requirements of the Intoxicated Driver Resource Centers  
12 established under subsection (f) of this section and, in the discretion  
13 of the court, a term of imprisonment of not more than 30 days and  
14 ~~shall~~ may forthwith forfeit his right to operate a motor vehicle over  
15 the highways of this State for a period of not less than six months nor  
16 more than one year unless the judge, pursuant to the provisions  
17 of P.L. , c. (C. ), (now pending before the Legislature as this  
18 bill) has ordered the installation of an ignition interlock device.

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

32 (3) For a third or subsequent violation, a person shall be subject to  
33 a fine of \$1,000.00, and shall be sentenced to imprisonment for a term  
34 of not less than 180 days, except that the court may lower such term  
35 for each day, not exceeding 90 days, served performing community  
36 service in such form and on such terms as the court shall deem  
37 appropriate under the circumstances and shall thereafter forfeit his  
38 right to operate a motor vehicle over the highways of this State for 10  
39 years.

40 Whenever an operator of a motor vehicle has been involved in an  
41 accident resulting in death, bodily injury or property damage, a police  
42 officer shall consider that fact along with all other facts and  
43 circumstances in determining whether there are reasonable grounds to  
44 believe that person was operating a motor vehicle in violation of this  
45 section.

46 If the driving privilege of any person is under revocation or

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

20 A person who has been convicted of a previous violation of this  
21 section need not be charged as a second or subsequent offender in the  
22 complaint made against him in order to render him liable to the  
23 punishment imposed by this section on a second or subsequent  
24 offender, but if the second offense occurs more than 10 years after the  
25 first offense, the court shall treat the second conviction as a first  
26 offense for sentencing purposes and if a third offense occurs more than  
27 10 years after the second offense, the court shall treat the third  
28 conviction as a second offense for sentencing purposes.

29 (b) A person convicted under this section must satisfy the  
30 screening, evaluation, referral, program and fee requirements of the  
31 Division of Alcoholism and Drug Abuse Intoxicated Driving Program  
32 Unit, and of the Intoxicated Driver Resource Centers and a program  
33 of alcohol education and highway safety, as prescribed by the Director  
34 of the Division of Motor Vehicles. The sentencing court shall inform  
35 the person convicted that failure to satisfy such requirements shall  
36 result in a mandatory two-day term of imprisonment in a county jail  
37 and a driver license revocation or suspension and continuation of  
38 revocation or suspension until such requirements are satisfied, unless  
39 stayed by court order in accordance with Rule 7:8-2 of the Rules  
40 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
41 Upon sentencing, the court shall forward to the Bureau of Alcohol  
42 Countermeasures within the Intoxicated Driving Program Unit a copy  
43 of a person's conviction record. A fee of \$100.00 shall be payable to  
44 the Alcohol Education, Rehabilitation and Enforcement Fund  
45 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to  
46 support the Intoxicated Driving Programs Unit.

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

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

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

36 (f) The counties, in cooperation with the Division of Alcoholism  
37 and Drug Abuse and the Division of Motor Vehicles, but subject to the  
38 approval of the Division of Alcoholism and Drug Abuse, shall  
39 designate and establish on a county or regional basis Intoxicated  
40 Driver Resource Centers. These centers shall have the capability of  
41 serving as community treatment referral centers and as court monitors  
42 of a person's compliance with the ordered treatment, service  
43 alternative or community service. All centers established pursuant to  
44 this subsection shall be administered by a certified alcoholism  
45 counselor or other professional with a minimum of five years'  
46 experience in the treatment of alcoholism. All centers shall be required

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

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

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

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

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

34 (g) In addition to any penalty or condition imposed by law or  
35 regulation, a person who is subject to the provisions of this section  
36 shall also be subject to the provisions of P.L. , c. (C. )(now  
37 pending before the Legislature as this bill).

38 (cf: P.L.1995, c.243, s.1)

39

40 8. This act shall take effect immediately.

41

42

43

#### STATEMENT

44

45 This bill provides for the use of ignition interlock devices as a  
46 method of reducing the incidence of drunk driving in this State. These

1 devices are attached to a motor vehicle and prevent it from being  
2 started when the alcohol level of the driver's breath exceeds a  
3 predetermined amount. Interlock devices are being used in 20 states  
4 to insure that convicted drunk drivers do not repeat their offense.

5 The bill gives a court discretion to order the installation of an  
6 interlock device on the motor vehicle of a first-time drunk driving  
7 offender instead of suspending the offender's driver's license. The  
8 interlock requirement would be imposed by the court in addition to  
9 any other penalty required under R.S.39:4-50, the State's drunk  
10 driving statute. The court is authorized to order a first-offender to  
11 install an interlock on his vehicle for a period of six months to one  
12 year, which is the required period of suspension under R.S.39:4-50.

13 The bill requires a court to order the installation of an interlock  
14 device on the motor vehicle of a second or subsequent drunk driving  
15 offender. The installation would last for a period of one to three  
16 years, as determined by the court, and would commence immediately  
17 upon return of the offender's driver's license after the required period  
18 of suspension had been served.

19 The court would be required to determine whether a person ordered  
20 to install an interlock device in his vehicle has the ability to pay for the  
21 device. If the court determines a person is unable to pay, the court is  
22 authorized to approve an installment payment plan. If the court  
23 determines there is no feasible way for the person to pay for the  
24 device, or if the manufacturer of the device declines the person's  
25 application for a payment plan, the court may as an alternative order  
26 the person to perform an appropriate amount of community service.

27 The Director of the Division of Motor Vehicles in the Department  
28 of Law and Public Safety would be required to certify ignition  
29 interlock devices required by the act and to publish a list of approved  
30 devices.

31 A person who fails to install an interlock device as ordered by the  
32 court would have his driver's license suspended for an additional year.  
33 A similar penalty would be imposed on a person in whose vehicle an  
34 interlock device is installed who drives that vehicle after it has been  
35 started by another person or who drives a motor vehicle not equipped  
36 with such a device. Under the bill, it is also unlawful to blow into an  
37 interlock device to start a motor vehicle for another person or to  
38 tamper with or circumvent the operation of an interlock device.



# ASSEMBLY, No. 2688

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED DECEMBER 3, 1998

**Sponsored by:**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

**Assemblywoman Crecco**

**SYNOPSIS**

Requires ignition interlock devices on vehicles of repeat drunk driving offenders.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/7/2000)

1 AN ACT concerning ignition interlock devices, supplementing chapter  
2 4 of Title 39 of the Revised Statutes and amending R.S.39:4-50.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) a. In sentencing a second or subsequent offender  
8 under R.S.39:4-50, the court shall order, in addition to any other  
9 penalty imposed by that section, the installation of an ignition interlock  
10 device in every motor vehicle owned, leased or regularly operated by  
11 the offender. The device shall remain installed for not less than one  
12 year or more than three years, commencing immediately upon the  
13 return of the offender's driver's license after the required period of  
14 suspension has been served.

15 b. The court shall determine whether the offender has the ability to  
16 pay for the installation of an interlock device. If the court determines  
17 a person is unable to pay, the court may order a payment plan. The  
18 plan may defer payment over a period that exceeds the period of the  
19 court's installation order. The offender shall pay the manufacturer of  
20 the interlock device or the manufacturer's agent directly for the cost  
21 of the device and its installation, in accordance with any payment  
22 schedule ordered by the court. If the court determines there is no  
23 feasible way for the person to pay for the device, or if the  
24 manufacturer declines the person's application for a payment plan, the  
25 court shall not order an interlock device installed, but may order the  
26 person to perform an appropriate amount of community service.

27 c. The court shall require that, for the duration of its order, an  
28 offender shall drive no vehicle other than one in which an interlock  
29 device has been installed pursuant to the order.

30 d. As used in this act, "ignition interlock device," "interlock  
31 device," or "device" means a blood alcohol equivalence measuring  
32 device which will prevent a motor vehicle from starting if the  
33 operator's blood alcohol content exceeds a predetermined level when  
34 the operator blows into the device.

35  
36 2. (New section) When the court has ordered installation of an  
37 ignition interlock device in a person's motor vehicle, the court shall  
38 require proof that the device has been installed before reinstatement of  
39 the person's driver's license that has been suspended pursuant to  
40 R.S.39:4-50. The court shall notify the Director of the Division of  
41 Motor Vehicles when a person has been ordered to install an interlock  
42 device in a vehicle owned, leased or regularly operated by the person.  
43 The division shall imprint a notation on the driver's license stating that

**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.**

1 the person shall not operate a motor vehicle unless it is equipped with  
2 an interlock device and shall enter this requirement in the person's  
3 driving record.

4  
5 3. (New section) a. A person who fails to install an ignition  
6 interlock device ordered by the court in a motor vehicle the person  
7 owns, leases or regularly operates shall have his driver's license  
8 suspended for one year, in addition to any other suspension or  
9 revocation imposed under R.S.39:4-50, unless the court determines a  
10 valid reason exists for the failure to comply. A person in whose  
11 vehicle an interlock device is installed pursuant to a court order who  
12 drives that vehicle after it has been started by any means other than his  
13 own blowing into the device or who drives a vehicle that is not  
14 equipped with such a device shall have his driver's license suspended  
15 for one year, in addition to any other penalty applicable by law.

16 b. A person is a disorderly person who:

17 (1) Blows into an interlock device or otherwise starts a motor  
18 vehicle equipped with such a device for the purpose of providing an  
19 operable motor vehicle to a person who has been ordered by the court  
20 to install the device in the vehicle.

21 (2) Tampers or in any way circumvents the operation of an  
22 interlock device.

23 (3) Knowingly rents, leases or lends a motor vehicle not equipped  
24 with an interlock device to a person who has been ordered by the court  
25 to install an interlock device in a vehicle he owns, leases or regularly  
26 operates.

27  
28 4. (New section) The director shall certify or cause to be certified  
29 ignition interlock devices required by this act and shall publish a list  
30 of approved devices. The director shall provide a copy of this list  
31 along with information on the purpose and proper use of interlock  
32 devices to persons who have been ordered by the court to install such  
33 a device in their vehicles.

34  
35 5. (New section) Pursuant to the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.), the division shall promulgate  
37 rules and regulations for the installation and use of ignition interlock  
38 devices. These regulations shall be consistent with the federal model  
39 specifications for ignition interlock devices issued by the National  
40 Highway Traffic Safety Administration. They shall include, but not be  
41 limited to, the following:

42 a. requiring that the ignition interlock system selected shall:

43 (1) not impede the safe operation of the vehicle;

44 (2) incorporate features that make circumvention difficult and that  
45 do not interfere with the normal use of the vehicle;

46 (3) correlate closely with established measures of alcohol

1 impairment;

2 (4) operate accurately and reliably in an unsupervised environment;

3 (5) resist tampering and give evidence when tampering is  
4 attempted;

5 (6) be difficult to circumvent and require premeditation to do so;

6 (7) require a deep lung breath sample as a measure of blood  
7 alcohol concentration equivalence;

8 (8) operate reliably over the range of automobile environments;  
9 and

10 (9) be manufactured by a party who will provide liability insurance.

11 b. designating the facilities where ignition interlock devices may be  
12 installed; and

13 c. establishing guidelines for the proper use of ignition interlock  
14 devices.

15 The director may adopt at his discretion, in whole or in part, the  
16 guidelines, rules, regulations, studies, or independent laboratory tests  
17 performed on and relied upon in the certification of ignition interlock  
18 devices by other states, their agencies or commissions.

19

20 6. R.S.39:4-50 is amended to read as follows:

21 39:4-50. (a) A person who operates a motor vehicle while under  
22 the influence of intoxicating liquor, narcotic, hallucinogenic or  
23 habit-producing drug, or operates a motor vehicle with a blood alcohol  
24 concentration of 0.10% or more by weight of alcohol in the  
25 defendant's blood or permits another person who is under the influence  
26 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug  
27 to operate a motor vehicle owned by him or in his custody or control  
28 or permits another to operate a motor vehicle with a blood alcohol  
29 concentration of 0.10% or more by weight of alcohol in the  
30 defendant's blood, shall be subject:

31 (1) For the first offense, to a fine of not less than \$250.00 nor  
32 more than \$400.00 and a period of detainment of not less than 12  
33 hours nor more than 48 hours spent during two consecutive days of  
34 not less than six hours each day and served as prescribed by the  
35 program requirements of the Intoxicated Driver Resource Centers  
36 established under subsection (f) of this section and, in the discretion  
37 of the court, a term of imprisonment of not more than 30 days and  
38 shall forthwith forfeit his right to operate a motor vehicle over the  
39 highways of this State for a period of not less than six months nor  
40 more than one year.

41 (2) For a second violation, a person shall be subject to a fine of not  
42 less than \$500.00 nor more than \$1,000.00, and shall be ordered by  
43 the court to perform community service for a period of 30 days, which  
44 shall be of such form and on such terms as the court shall deem  
45 appropriate under the circumstances, and shall be sentenced to  
46 imprisonment for a term of not less than 48 consecutive hours, which

1 shall not be suspended or served on probation, nor more than 90 days,  
2 and shall forfeit his right to operate a motor vehicle over the highways  
3 of this State for a period of two years upon conviction, and, after the  
4 expiration of said period, he may make application to the Director of  
5 the Division of Motor Vehicles for a license to operate a motor  
6 vehicle, which application may be granted at the discretion of the  
7 director, consistent with subsection (b) of this section.

8 (3) For a third or subsequent violation, a person shall be subject to  
9 a fine of \$1,000.00, and shall be sentenced to imprisonment for a term  
10 of not less than 180 days, except that the court may lower such term  
11 for each day, not exceeding 90 days, served performing community  
12 service in such form and on such terms as the court shall deem  
13 appropriate under the circumstances and shall thereafter forfeit his  
14 right to operate a motor vehicle over the highways of this State for  
15 10 years.

16 Whenever an operator of a motor vehicle has been involved in an  
17 accident resulting in death, bodily injury or property damage, a police  
18 officer shall consider that fact along with all other facts and  
19 circumstances in determining whether there are reasonable grounds to  
20 believe that person was operating a motor vehicle in violation of this  
21 section.

22 A conviction of a violation of a law of a substantially similar nature  
23 in another jurisdiction, regardless of whether that jurisdiction is a  
24 signatory to the Interstate Driver License Compact pursuant to  
25 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction  
26 under this subsection unless the defendant can demonstrate by clear  
27 and convincing evidence that the conviction in the other jurisdiction  
28 was based exclusively upon a violation of a proscribed blood alcohol  
29 concentration of less than .10%.

30 If the driving privilege of any person is under revocation or  
31 suspension for a violation of any provision of this Title or Title 2C of  
32 the New Jersey Statutes at the time of any conviction for a violation  
33 of this section, the revocation or suspension period imposed shall  
34 commence as of the date of termination of the existing revocation or  
35 suspension period. In the case of any person who at the time of the  
36 imposition of sentence is less than 17 years of age, the forfeiture,  
37 suspension or revocation of the driving privilege imposed by the court  
38 under this section shall commence immediately, run through the  
39 offender's seventeenth birthday and continue from that date for the  
40 period set by the court pursuant to paragraphs (1) through (3) of this  
41 subsection. A court that imposes a term of imprisonment under this  
42 section may sentence the person so convicted to the county jail, to the  
43 workhouse of the county wherein the offense was committed, to an  
44 inpatient rehabilitation program or to an Intoxicated Driver Resource  
45 Center or other facility approved by the chief of the Intoxicated  
46 Driving Program Unit in the Department of Health and Senior

1 Services; provided that for a third or subsequent offense a person shall  
2 not serve a term of imprisonment at an Intoxicated Driver Resource  
3 Center as provided in subsection (f).

4 A person who has been convicted of a previous violation of this  
5 section need not be charged as a second or subsequent offender in the  
6 complaint made against him in order to render him liable to the  
7 punishment imposed by this section on a second or subsequent  
8 offender, but if the second offense occurs more than 10 years after the  
9 first offense, the court shall treat the second conviction as a first  
10 offense for sentencing purposes and if a third offense occurs more than  
11 10 years after the second offense, the court shall treat the third  
12 conviction as a second offense for sentencing purposes.

13 (b) A person convicted under this section must satisfy the  
14 screening, evaluation, referral, program and fee requirements of the  
15 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program  
16 Unit, and of the Intoxicated Driver Resource Centers and a program  
17 of alcohol and drug education and highway safety, as prescribed by the  
18 Director of the Division of Motor Vehicles. The sentencing court shall  
19 inform the person convicted that failure to satisfy such requirements  
20 shall result in a mandatory two-day term of imprisonment in a county  
21 jail and a driver license revocation or suspension and continuation of  
22 revocation or suspension until such requirements are satisfied, unless  
23 stayed by court order in accordance with Rule 7:8-2 of the Rules  
24 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
25 Upon sentencing, the court shall forward to the Division of Alcoholism  
26 and Drug Abuse's Intoxicated Driving Program Unit a copy of a  
27 person's conviction record. A fee of \$100.00 shall be payable to the  
28 Alcohol Education, Rehabilitation and Enforcement Fund established  
29 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
30 Intoxicated Driving Program Unit.

31 (c) Upon conviction of a violation of this section, the court shall  
32 collect forthwith the New Jersey driver's license or licenses of the  
33 person so convicted and forward such license or licenses to the  
34 Director of the Division of Motor Vehicles. The court shall inform the  
35 person convicted that if he is convicted of personally operating a  
36 motor vehicle during the period of license suspension imposed  
37 pursuant to subsection (a) of this section, he shall, upon conviction, be  
38 subject to the penalties established in R.S.39:3-40. The person  
39 convicted shall be informed orally and in writing. A person shall be  
40 required to acknowledge receipt of that written notice in writing.  
41 Failure to receive a written notice or failure to acknowledge in writing  
42 the receipt of a written notice shall not be a defense to a subsequent  
43 charge of a violation of R.S.39:3-40. In the event that a person  
44 convicted under this section is the holder of any out-of-State driver's  
45 license, the court shall not collect the license but shall notify forthwith  
46 the director, who shall, in turn, notify appropriate officials in the

1 licensing jurisdiction. The court shall, however, revoke the  
2 nonresident's driving privilege to operate a motor vehicle in this State,  
3 in accordance with this section. Upon conviction of a violation of this  
4 section, the court shall notify the person convicted, orally and in  
5 writing, of the penalties for a second, third or subsequent violation of  
6 this section. A person shall be required to acknowledge receipt of that  
7 written notice in writing. Failure to receive a written notice or failure  
8 to acknowledge in writing the receipt of a written notice shall not be  
9 a defense to a subsequent charge of a violation of this section.

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

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

20 (f) The counties, in cooperation with the Division of Alcoholism  
21 and Drug Abuse and the Division of Motor Vehicles, but subject to the  
22 approval of the Division of Alcoholism and Drug Abuse, shall  
23 designate and establish on a county or regional basis Intoxicated  
24 Driver Resource Centers. These centers shall have the capability of  
25 serving as community treatment referral centers and as court monitors  
26 of a person's compliance with the ordered treatment, service  
27 alternative or community service. All centers established pursuant to  
28 this subsection shall be administered by a counselor certified by the  
29 Alcohol and Drug Counselor Certification Board of New Jersey or  
30 other professional with a minimum of five years' experience in the  
31 treatment of alcoholism. All centers shall be required to develop  
32 individualized treatment plans for all persons attending the centers;  
33 provided that the duration of any ordered treatment or referral shall  
34 not exceed one year. It shall be the center's responsibility to establish  
35 networks with the community alcohol and drug education, treatment  
36 and rehabilitation resources and to receive monthly reports from the  
37 referral agencies regarding a person's participation and compliance  
38 with the program. Nothing in this subsection shall bar these centers  
39 from developing their own education and treatment programs;  
40 provided that they are approved by the Division of Alcoholism and  
41 Drug Abuse.

42 Upon a person's failure to report to the initial screening or any  
43 subsequent ordered referral, the Intoxicated Driver Resource Center  
44 shall promptly notify the sentencing court of the person's failure to  
45 comply.

46 Required detention periods at the Intoxicated Driver Resource

1 Centers shall be determined according to the individual treatment  
2 classification assigned by the Intoxicated Driving Program Unit. Upon  
3 attendance at an Intoxicated Driver Resource Center, a person shall be  
4 required to pay a per diem fee of \$75.00 for the first offender program  
5 or a per diem fee of \$100.00 for the second offender program, as  
6 appropriate. Any increases in the per diem fees after the first full year  
7 shall be determined pursuant to rules and regulations adopted by the  
8 Commissioner of Health and Senior Services in consultation with the  
9 Governor's Council on Alcoholism and Drug Abuse pursuant to the  
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
11 seq.).

12 The centers shall conduct a program of alcohol and drug education  
13 and highway safety, as prescribed by the Director of the Division of  
14 Motor Vehicles.

15 The Commissioner of Health and Senior Services shall adopt rules  
16 and regulations pursuant to the "Administrative Procedure Act,"  
17 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
18 purposes of this subsection.

19 (g) In addition to any penalty or condition imposed by this section  
20 or any other law or regulation, a person who is subject to the  
21 provisions of this section also shall also be subject to the provisions  
22 of P.L. , c. (C. )(now pending before the Legislature as this  
23 bill).

24 (cf: P.L.1997, c.277, s.1)

25

26 7. This act shall take effect immediately.

27

28

29

#### STATEMENT

30

31 This bill would require the use of ignition interlock devices on the  
32 motor vehicles of repeat drunk driving offenders. An ignition  
33 interlock device is attached to a motor vehicle to prevent it from  
34 being started when the alcohol level of the driver's breath exceeds a  
35 predetermined amount. Interlock devices are being used by many  
36 states to insure that convicted drunk drivers do not repeat their  
37 offense.

38 The interlock requirement would be imposed by the court in  
39 addition to any other penalty required under R.S.39:4-50, the State's  
40 drunk driving statute. These penalties for a second offender include  
41 a fine of at least \$500 and up to \$1,000; community service for 30  
42 days; imprisonment for 48 hours and a two-year driver's license  
43 suspension. A third or subsequent offender is subject to a fine of  
44 \$1,000; imprisonment for 180 days and a 10-year driver's license  
45 suspension.

46 The bill requires a court to order the installation of an interlock



1 device on the motor vehicle of a second or subsequent drunk driving  
2 offender. The installation would last for a period of one to three  
3 years, as determined by the court, and would commence immediately  
4 upon return of the offender's driver's license after the required period  
5 of suspension had been served.

6 The court would be required to determine whether a person ordered  
7 to install an interlock device in his vehicle has the ability to pay for the  
8 device. If the court determines a person is unable to pay, the court is  
9 authorized to approve an installment payment plan. If the court  
10 determines there is no feasible way for the person to pay for the  
11 device, or if the manufacturer of the device declines the person's  
12 application for a payment plan, the court may, as an alternative, order  
13 the person to perform an appropriate amount of community service.

14 The Director of the Division of Motor Vehicles in the Department  
15 of Transportation would be required to certify ignition interlock  
16 devices required by the act and to publish a list of approved devices.

17 A person who fails to install an interlock device as ordered by the  
18 court would have his driver's license suspended for an additional year.  
19 A similar penalty would be imposed on a person in whose vehicle an  
20 interlock device is installed who drives that vehicle after it has been  
21 started by another person or who drives a motor vehicle not equipped  
22 with such a device. Under the bill, it also is unlawful to blow into an  
23 interlock device to start a motor vehicle for another person or to  
24 tamper with or circumvent the operation of an interlock device.

# SENATE, No. 1500

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED NOVEMBER 23, 1998

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**  
**District 9 (Atlantic, Burlington and Ocean)**  
**Senator C. LOUIS BASSANO**  
**District 21 (Essex and Union)**

**Co-Sponsored by:**

**Senators Rice, Inverso and Singer**

**SYNOPSIS**

Requires ignition interlock devices on vehicles of repeat drunk driving offenders.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/19/1999)**

S1500 CONNORS, BASSANO

2

1 AN ACT concerning ignition interlock devices, supplementing chapter  
2 4 of Title 39 of the Revised Statutes and amending R.S.39:4-50.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) a. In sentencing a second or subsequent offender  
8 under R.S.39:4-50, the court shall order, in addition to any other  
9 penalty imposed by that section, the installation of an ignition interlock  
10 device in every motor vehicle owned, leased or regularly operated by  
11 the offender. The device shall remain installed for not less than one  
12 year or more than three years, commencing immediately upon the  
13 return of the offender's driver's license after the required period of  
14 suspension has been served.

15 b. The court shall determine whether the offender has the ability to  
16 pay for the installation of an interlock device. If the court determines  
17 a person is unable to pay, the court may order a payment plan. The  
18 plan may defer payment over a period that exceeds the period of the  
19 court's installation order. The offender shall pay the manufacturer of  
20 the interlock device or the manufacturer's agent directly for the cost  
21 of the device and its installation, in accordance with any payment  
22 schedule ordered by the court. If the court determines there is no  
23 feasible way for the person to pay for the device, or if the  
24 manufacturer declines the person's application for a payment plan, the  
25 court shall not order an interlock device installed, but may order the  
26 person to perform an appropriate amount of community service.

27 c. The court shall require that, for the duration of its order, an  
28 offender shall drive no vehicle other than one in which an interlock  
29 device has been installed pursuant to the order.

30 d. As used in this act, "ignition interlock device," "interlock  
31 device," or "device" means a blood alcohol equivalence measuring  
32 device which will prevent a motor vehicle from starting if the  
33 operator's blood alcohol content exceeds a predetermined level when  
34 the operator blows into the device.

35  
36 2. (New section) When the court has ordered installation of an  
37 ignition interlock device in a person's motor vehicle, the court shall  
38 require proof that the device has been installed before reinstatement of  
39 the person's driver's license that has been suspended pursuant to  
40 R.S.39:4-50. The court shall notify the Director of the Division of  
41 Motor Vehicles when a person has been ordered to install an interlock  
42 device in a vehicle owned, leased or regularly operated by the person.  
43 The division shall imprint a notation on the driver's license stating that

**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.**

1 the person shall not operate a motor vehicle unless it is equipped with  
2 an interlock device and shall enter this requirement in the person's  
3 driving record.

4  
5 3. (New section) a. A person who fails to install an ignition  
6 interlock device ordered by the court in a motor vehicle the person  
7 owns, leases or regularly operates shall have his driver's license  
8 suspended for one year, in addition to any other suspension or  
9 revocation imposed under R.S.39:4-50, unless the court determines a  
10 valid reason exists for the failure to comply. A person in whose  
11 vehicle an interlock device is installed pursuant to a court order who  
12 drives that vehicle after it has been started by any means other than his  
13 own blowing into the device or who drives a vehicle that is not  
14 equipped with such a device shall have his driver's license suspended  
15 for one year, in addition to any other penalty applicable by law.

16 b. A person is a disorderly person who:

17 (1) Blows into an interlock device or otherwise starts a motor  
18 vehicle equipped with such a device for the purpose of providing an  
19 operable motor vehicle to a person who has been ordered by the court  
20 to install the device in the vehicle.

21 (2) Tamper or in any way circumvents the operation of an  
22 interlock device.

23 (3) Knowingly rents, leases or lends a motor vehicle not equipped  
24 with an interlock device to a person who has been ordered by the court  
25 to install an interlock device in a vehicle he owns, leases or regularly  
26 operates.

27  
28 4. (New section) The director shall certify or cause to be certified  
29 ignition interlock devices required by this act and shall publish a list  
30 of approved devices. The director shall provide a copy of this list  
31 along with information on the purpose and proper use of interlock  
32 devices to persons who have been ordered by the court to install such  
33 a device in their vehicles.

34  
35 5. (New section) Pursuant to the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.), the division shall promulgate  
37 rules and regulations for the installation and use of ignition interlock  
38 devices. These regulations shall be consistent with the federal model  
39 specifications for ignition interlock devices issued by the National  
40 Highway Traffic Safety Administration. They shall include, but not be  
41 limited to, the following:

42 a. requiring that the ignition interlock system selected shall:

43 (1) not impede the safe operation of the vehicle;

44 (2) incorporate features that make circumvention difficult and that  
45 do not interfere with the normal use of the vehicle;

1 (3) correlate closely with established measures of alcohol  
2 impairment;

3 (4) operate accurately and reliably in an unsupervised environment;

4 (5) resist tampering and give evidence when tampering is  
5 attempted;

6 (6) be difficult to circumvent and require premeditation to do so;

7 (7) require a deep lung breath sample as a measure of blood  
8 alcohol concentration equivalence;

9 (8) operate reliably over the range of automobile environments;  
10 and

11 (9) be manufactured by a party who will provide liability insurance.

12 b. designating the facilities where ignition interlock devices may be  
13 installed; and

14 c. establishing guidelines for the proper use of ignition interlock  
15 devices.

16 The director may adopt at his discretion, in whole or in part, the  
17 guidelines, rules, regulations, studies, or independent laboratory tests  
18 performed on and relied upon in the certification of ignition interlock  
19 devices by other states, their agencies or commissions.

20

21 6. R.S.39:4-50 is amended to read as follows:

22 39:4-50. (a) A person who operates a motor vehicle while under  
23 the influence of intoxicating liquor, narcotic, hallucinogenic or  
24 habit-producing drug, or operates a motor vehicle with a blood alcohol  
25 concentration of 0.10% or more by weight of alcohol in the  
26 defendant's blood or permits another person who is under the influence  
27 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug  
28 to operate a motor vehicle owned by him or in his custody or control  
29 or permits another to operate a motor vehicle with a blood alcohol  
30 concentration of 0.10% or more by weight of alcohol in the  
31 defendant's blood, shall be subject:

32 (1) For the first offense, to a fine of not less than \$250.00 nor  
33 more than \$400.00 and a period of detainment of not less than 12  
34 hours nor more than 48 hours spent during two consecutive days of  
35 not less than six hours each day and served as prescribed by the  
36 program requirements of the Intoxicated Driver Resource Centers  
37 established under subsection (f) of this section and, in the discretion  
38 of the court, a term of imprisonment of not more than 30 days and  
39 shall forthwith forfeit his right to operate a motor vehicle over the  
40 highways of this State for a period of not less than six months nor  
41 more than one year.

42 (2) For a second violation, a person shall be subject to a fine of not  
43 less than \$500.00 nor more than \$1,000.00, and shall be ordered by  
44 the court to perform community service for a period of 30 days, which  
45 shall be of such form and on such terms as the court shall deem  
46 appropriate under the circumstances, and shall be sentenced to

1 imprisonment for a term of not less than 48 consecutive hours, which  
2 shall not be suspended or served on probation, nor more than 90 days,  
3 and shall forfeit his right to operate a motor vehicle over the highways  
4 of this State for a period of two years upon conviction, and, after the  
5 expiration of said period, he may make application to the Director of  
6 the Division of Motor Vehicles for a license to operate a motor  
7 vehicle, which application may be granted at the discretion of the  
8 director, consistent with subsection (b) of this section.

9 (3) For a third or subsequent violation, a person shall be subject to  
10 a fine of \$1,000.00, and shall be sentenced to imprisonment for a term  
11 of not less than 180 days, except that the court may lower such term  
12 for each day, not exceeding 90 days, served performing community  
13 service in such form and on such terms as the court shall deem  
14 appropriate under the circumstances and shall thereafter forfeit his  
15 right to operate a motor vehicle over the highways of this State for 10  
16 years.

17 Whenever an operator of a motor vehicle has been involved in an  
18 accident resulting in death, bodily injury or property damage, a police  
19 officer shall consider that fact along with all other facts and  
20 circumstances in determining whether there are reasonable grounds to  
21 believe that person was operating a motor vehicle in violation of this  
22 section.

23 A conviction of a violation of a law of a substantially similar nature  
24 in another jurisdiction, regardless of whether that jurisdiction is a  
25 signatory to the Interstate Driver License Compact pursuant to  
26 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction  
27 under this subsection unless the defendant can demonstrate by clear  
28 and convincing evidence that the conviction in the other jurisdiction  
29 was based exclusively upon a violation of a proscribed blood alcohol  
30 concentration of less than .10%.

31 If the driving privilege of any person is under revocation or  
32 suspension for a violation of any provision of this Title or Title 2C of  
33 the New Jersey Statutes at the time of any conviction for a violation  
34 of this section, the revocation or suspension period imposed shall  
35 commence as of the date of termination of the existing revocation or  
36 suspension period. In the case of any person who at the time of the  
37 imposition of sentence is less than 17 years of age, the forfeiture,  
38 suspension or revocation of the driving privilege imposed by the court  
39 under this section shall commence immediately, run through the  
40 offender's seventeenth birthday and continue from that date for the  
41 period set by the court pursuant to paragraphs (1) through (3) of this  
42 subsection. A court that imposes a term of imprisonment under this  
43 section may sentence the person so convicted to the county jail, to the  
44 workhouse of the county wherein the offense was committed, to an  
45 inpatient rehabilitation program or to an Intoxicated Driver Resource  
46 Center or other facility approved by the chief of the Intoxicated

1 Driving Program Unit in the Department of Health and Senior  
2 Services; provided that for a third or subsequent offense a person shall  
3 not serve a term of imprisonment at an Intoxicated Driver Resource  
4 Center as provided in subsection (f).

5 A person who has been convicted of a previous violation of this  
6 section need not be charged as a second or subsequent offender in the  
7 complaint made against him in order to render him liable to the  
8 punishment imposed by this section on a second or subsequent  
9 offender, but if the second offense occurs more than 10 years after the  
10 first offense, the court shall treat the second conviction as a first  
11 offense for sentencing purposes and if a third offense occurs more than  
12 10 years after the second offense, the court shall treat the third  
13 conviction as a second offense for sentencing purposes.

14 (b) A person convicted under this section must satisfy the  
15 screening, evaluation, referral, program and fee requirements of the  
16 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program  
17 Unit, and of the Intoxicated Driver Resource Centers and a program  
18 of alcohol and drug education and highway safety, as prescribed by the  
19 Director of the Division of Motor Vehicles. The sentencing court shall  
20 inform the person convicted that failure to satisfy such requirements  
21 shall result in a mandatory two-day term of imprisonment in a county  
22 jail and a driver license revocation or suspension and continuation of  
23 revocation or suspension until such requirements are satisfied, unless  
24 stayed by court order in accordance with Rule 7:8-2 of the Rules  
25 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
26 Upon sentencing, the court shall forward to the Division of Alcoholism  
27 and Drug Abuse's Intoxicated Driving Program Unit a copy of a  
28 person's conviction record. A fee of \$100.00 shall be payable to the  
29 Alcohol Education, Rehabilitation and Enforcement Fund established  
30 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the  
31 Intoxicated Driving Program Unit.

32 (c) Upon conviction of a violation of this section, the court shall  
33 collect forthwith the New Jersey driver's license or licenses of the  
34 person so convicted and forward such license or licenses to the  
35 Director of the Division of Motor Vehicles. The court shall inform the  
36 person convicted that if he is convicted of personally operating a  
37 motor vehicle during the period of license suspension imposed  
38 pursuant to subsection (a) of this section, he shall, upon conviction, be  
39 subject to the penalties established in R.S.39:3-40. The person  
40 convicted shall be informed orally and in writing. A person shall be  
41 required to acknowledge receipt of that written notice in writing.  
42 Failure to receive a written notice or failure to acknowledge in writing  
43 the receipt of a written notice shall not be a defense to a subsequent  
44 charge of a violation of R.S.39:3-40. In the event that a person  
45 convicted under this section is the holder of any out-of-State driver's  
46 license, the court shall not collect the license but shall notify forthwith

1 the director, who shall, in turn, notify appropriate officials in the  
2 licensing jurisdiction. The court shall, however, revoke the  
3 nonresident's driving privilege to operate a motor vehicle in this State,  
4 in accordance with this section. Upon conviction of a violation of this  
5 section, the court shall notify the person convicted, orally and in  
6 writing, of the penalties for a second, third or subsequent violation of  
7 this section. A person shall be required to acknowledge receipt of that  
8 written notice in writing. Failure to receive a written notice or failure  
9 to acknowledge in writing the receipt of a written notice shall not be  
10 a defense to a subsequent charge of a violation of this section.

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

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

21 (f) The counties, in cooperation with the Division of Alcoholism  
22 and Drug Abuse and the Division of Motor Vehicles, but subject to the  
23 approval of the Division of Alcoholism and Drug Abuse, shall  
24 designate and establish on a county or regional basis Intoxicated  
25 Driver Resource Centers. These centers shall have the capability of  
26 serving as community treatment referral centers and as court monitors  
27 of a person's compliance with the ordered treatment, service  
28 alternative or community service. All centers established pursuant to  
29 this subsection shall be administered by a counselor certified by the  
30 Alcohol and Drug Counselor Certification Board of New Jersey or  
31 other professional with a minimum of five years' experience in the  
32 treatment of alcoholism. All centers shall be required to develop  
33 individualized treatment plans for all persons attending the centers;  
34 provided that the duration of any ordered treatment or referral shall  
35 not exceed one year. It shall be the center's responsibility to establish  
36 networks with the community alcohol and drug education, treatment  
37 and rehabilitation resources and to receive monthly reports from the  
38 referral agencies regarding a person's participation and compliance  
39 with the program. Nothing in this subsection shall bar these centers  
40 from developing their own education and treatment programs;  
41 provided that they are approved by the Division of Alcoholism and  
42 Drug Abuse.

43 Upon a person's failure to report to the initial screening or any  
44 subsequent ordered referral, the Intoxicated Driver Resource Center  
45 shall promptly notify the sentencing court of the person's failure to  
46 comply.



1 Required detention periods at the Intoxicated Driver Resource  
2 Centers shall be determined according to the individual treatment  
3 classification assigned by the Intoxicated Driving Program Unit. Upon  
4 attendance at an Intoxicated Driver Resource Center, a person shall be  
5 required to pay a per diem fee of \$75.00 for the first offender program  
6 or a per diem fee of \$100.00 for the second offender program, as  
7 appropriate. Any increases in the per diem fees after the first full year  
8 shall be determined pursuant to rules and regulations adopted by the  
9 Commissioner of Health and Senior Services in consultation with the  
10 Governor's Council on Alcoholism and Drug Abuse pursuant to the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.).

13 The centers shall conduct a program of alcohol and drug education  
14 and highway safety, as prescribed by the Director of the Division of  
15 Motor Vehicles.

16 The Commissioner of Health and Senior Services shall adopt rules  
17 and regulations pursuant to the "Administrative Procedure Act,"  
18 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
19 purposes of this subsection.

20 (g) In addition to any penalty or condition imposed by this section  
21 or any other law or regulation, a person who is subject to the  
22 provisions of this section also shall also be subject to the provisions  
23 of P.L. , c. (C. )(now pending before the Legislature as this  
24 bill).

25 (cf: P.L.1997, c.277, s.1)

26

27 7. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill would require the use of ignition interlock devices on the  
33 motor vehicles of repeat drunk driving offenders. An ignition  
34 interlock device is attached to a motor vehicle to prevent it from  
35 being started when the alcohol level of the driver's breath exceeds a  
36 predetermined amount. Interlock devices are being used by many  
37 states to insure that convicted drunk drivers do not repeat their  
38 offense.

39 The interlock requirement would be imposed by the court in  
40 addition to any other penalty required under R.S.39:4-50, the State's  
41 drunk driving statute. These penalties for a second offender include  
42 a fine of at least \$500 and up to \$1,000; community service for 30  
43 days; imprisonment for 48 hours and a two-year driver's license  
44 suspension. A third or subsequent offender is subject to a fine of  
45 \$1,000; imprisonment for 180 days and a 10-year driver's license  
46 suspension.

1       The bill requires a court to order the installation of an interlock  
2 device on the motor vehicle of a second or subsequent drunk driving  
3 offender. The installation would last for a period of one to three  
4 years, as determined by the court, and would commence immediately  
5 upon return of the offender's driver's license after the required period  
6 of suspension had been served.

7       The court would be required to determine whether a person ordered  
8 to install an interlock device in his vehicle has the ability to pay for the  
9 device. If the court determines a person is unable to pay, the court is  
10 authorized to approve an installment payment plan. If the court  
11 determines there is no feasible way for the person to pay for the  
12 device, or if the manufacturer of the device declines the person's  
13 application for a payment plan, the court may, as an alternative, order  
14 the person to perform an appropriate amount of community service.

15       The Director of the Division of Motor Vehicles in the Department  
16 of Transportation would be required to certify ignition interlock  
17 devices required by the act and to publish a list of approved devices.

18       A person who fails to install an interlock device as ordered by the  
19 court would have his driver's license suspended for an additional year.  
20 A similar penalty would be imposed on a person in whose vehicle an  
21 interlock device is installed who drives that vehicle after it has been  
22 started by another person or who drives a motor vehicle not equipped  
23 with such a device. Under the bill, it also is unlawful to blow into an  
24 interlock device to start a motor vehicle for another person or to  
25 tamper with or circumvent the operation of an interlock device.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1500**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 18, 1999

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1500.

The substitute provides for the use of ignition interlock devices as a method of reducing the incidence of drunk driving in this State. These devices are attached to a motor vehicle to prevent it from being started when the alcohol level of the driver's breath exceeds a predetermined amount. According to the National Highway Traffic Safety Administration, interlock devices are being used in at least 37 states to insure that convicted drunk drivers do not repeat their offense.

The substitute gives a court discretion to order the installation of an interlock device on the motor vehicle for a first, second or subsequent drunk driving offense. The interlock requirement would be imposed by the court in addition to any other penalty required under R.S.39:4-50, the State's drunk driving statute. The court is authorized to order a first-time offender to install an interlock device on his vehicle or any vehicle he regularly uses for a period of six months to one year and a second or subsequent offender to install an interlock device for a period of one to three years. The period of installation is to commence immediately upon the return of the offender's driver's license after the required suspension has been completed.

Under the bill, the court is required to determine whether a person ordered to install an interlock device in his vehicle has the ability to pay for the device. If the court determines a person is unable to pay, the court is authorized to approve an installment payment plan.

The Director of the Division of Motor Vehicles in the Department of Transportation would be required to certify ignition interlock devices required by the bill and to publish a list of approved devices.

A person who fails to install an interlock device as ordered by the court is to have his driver's license suspended for an additional year. A similar penalty would be imposed on a person in whose vehicle an interlock device is installed who drives that vehicle after it has been started by another person or who drives a motor vehicle not equipped with such a device. Under the bill, it is also unlawful to blow into an

interlock device to start a motor vehicle for another person or to tamper with or circumvent the operation of an interlock device.

The effective date of this bill is to coincide with the implementation of P.L.1999, c.28, the act providing for 10-year digitized driver's licenses.

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1500**

with Senate Floor Amendments  
(Proposed By Senator CONNORS)

ADOPTED: DECEMBER 6, 1999

The Senate Committee Substitute for Senate Bill No. 1500 provides for the use of ignition interlock devices as a method of reducing the incidence of drunk driving in this State.

These Senate amendments make the Director of the Division of Motor Vehicles, rather than the courts, responsible for: ensuring that an ignition interlock device is installed prior to reinstating a person's driver's license previously suspended for the drunk driving conviction; determining whether an offender is qualified to lease a device at a reduced rate based on indigency; and certifying for installation only those devices whose manufacturer agrees to provide such devices to indigent offenders at reduced rates.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Laura Otterbourg  
609-777-2600

RELEASE: January 18, 2000

**Governor Signs Bills to Save Lives by  
Keeping More Drunk Drivers Off Roads**

Governor Christie Whitman today signed two pieces of legislation that will further the state's efforts to prevent drunk driving.

"As Governor, my mission is to make New Jersey the best place to live, work and raise a family, and that means making people safe from the harm of drunk driving," said Gov. Whitman. "Drunk drivers can hurt themselves as well as others. We need to make it as difficult as possible for someone drunk to drive."

"These two bills will deter intoxicated people from getting behind the wheel of a car," continued the Governor.

Below is a summary of the two pieces of legislation signed today by Gov. Whitman:

**ACS for A-157 and 2688**, sponsored by Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset), Christopher J. Connors (R-Atlantic/Burlington/Ocean), Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and David C. Russo (R-Bergen/Passaic) and Senators C. Louis Bassano (R-Essex/Union) and Leonard T. Connors Jr.(R-Atlantic/Burlington/Ocean), provides for ignition interlock devices to curb drunk driving.

**ACS for A-2117 and 2126**, sponsored by Assembly Members Peter J. Barnes, Jr.(D-Middlesex), Christopher "Kip" Bateman (R-Morris/ Somerset), Peter J. Biondi (R-Morris/Somerset) and James W. Holzapfel (R-Monmouth/Ocean) and Senators Jack Sinagra (R- Middlesex) and Robert W. Singer (R-Burlington/Monmouth /Ocean), creates a disorderly persons offense for a parent or guardian to drive while intoxicated (DWI) with a minor over whom the parent or guardian has supervisory authority in the vehicle.