

39:4-50.1

R.S 39:4 - 50.1 et seq.

May 19, 1967

Legislative History of R.S. 39:4 - 50.1 et seq. (Driving while impaired by alcohol)

In the period 1954 - 1966, 61 bills on drunk driving were introduced in the Legislature.

Hearings were held in 1963:

974.90 New Jersey. Legislature. Senate, Committee on Highways, Transportation
L767 and Public Utilities.
1963 Public hearing on A46 (Driving while under the influence of
alcohol.) Held April 10, 1963.

The bills which became law were:

- ✓ L. 1966, c. 141 and 142 - S8 and S9
Introduced January 18 by Senator Crabel and 8 others
No statement on either bill.

April 18 passed Senate amended
June 3 & 8 passed Assembly
June 18 approved

Hearings on S8 & S9 were held:

974.90 New Jersey. Legislature. Senate. Committee on Law and Public
A939 Public hearing on S8 & S9... 2vols. 2/21/66 & 2/28/66
1966

For **general background**, see clippings file: V.F. New Jersey--Drunken Driving

39:4-50

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:4-50

Laws of 1966 Chapter 141

Bill No. S 8

Sponsor(s) Crabiel

Date Introduced Jan. 18, 1966

Committee: Assembly Judiciary

Senate Law & Public Safety

Amended during passage Yes ~~No~~

Amendments during passage denoted by asterisks

Date of passage: Assembly June 3

Senate April 18

Date of approval June 18

Following statements are attached if available:

Sponsor statement ~~Yes~~ No

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings Yes ~~No~~

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

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10/4/76

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SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

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

Referred to Committee on Law and Public Safety

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

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

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

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

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

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

30 *(b) A person who operates a motor vehicle while his ability to operate*
31 *such motor vehicle is impaired by the consumption of alcohol shall be sub-*
32 *ject, for a first offense, to a fine of not less than \$50.00 nor more than \$100.00*
33 *and shall forthwith forfeit his right to operate a motor vehicle over the high-*
34 *ways of this State for a period of 6 months from the date of his conviction.*
35 *For a subsequent violation, he shall be fined not less than \$100.00 nor more*
36 *than \$300.00 and shall forthwith forfeit his right to operate a motor vehicle*
37 *over the highways of this State for a period of 2 years from the date of his*
38 *conviction. After the expiration of said period of forfeiture, he may make*
39 *application to the Director of the Division of Motor Vehicles for a license to*
40 *operate a motor vehicle which application may be granted at the discretion*
41 *of the director.*

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

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

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

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

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

1 3. No person shall be convicted of violating both the provisions of section
2 39:4-50(a) of the Revised Statutes and the provisions of section 39:4-50(b)
3 of the Revised Statutes as a result of the same incident or occurrence; pro-
4 vided, however, that nothing herein shall be deemed to prohibit the prosecu-
5 tion and conviction of any person for a violation of the provisions of section
6 39:4-50(b) notwithstanding that such a person may have been previously
7 found not guilty of violating the provisions of section 39:4-50(a) of the Re-
8 vised Statutes.

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

SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, HUGHES, MUSTO, PARSEKIAN and GUARINI

Referred to Committee on Law and Public Safety

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

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

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

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

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

30 *(b) A person who operates a motor vehicle while his ability to operate*
31 *such motor vehicle is impaired by the consumption of alcohol shall be sub-*
32 *ject, for a first offense, to a fine of not less than \$50.00 nor more than \$100.00*
33 *and shall forthwith forfeit his right to operate a motor vehicle over the high-*
34 *ways of this State for a period of 6 months from the date of his conviction.*
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39 *application to the Director of the Division of Motor Vehicles for a license to*
40 *operate a motor vehicle which application may be granted at the discretion*
41 *of the director.*

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

7 (1) If there was at that time 0.05% or less by weight of alcohol in the
8 defendant's blood, it shall be presumed that the defendant's ability to oper-
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12 any presumption that the defendant's ability to operate a motor vehicle was or
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17 defendant's blood, it shall be presumed that the defendant's ability to oper-
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19 (b) The foregoing provisions of this section shall not be construed as re-
20 quiring that evidence of the amount of alcohol in the defendant's blood must
21 be presented, nor shall they be construed as limiting the introduction of any
22 other competent evidence bearing upon the question whether or not the de-
23 fendant's ability to operate a motor vehicle was impaired by the consumption
24 of alcohol.

1 3. No person shall be convicted of violating both the provisions of section
2 39:4-50(a) of the Revised Statutes and the provisions of section 39:4-50(b)
3 of the Revised Statutes as a result of the same incident or occurrence; pro-
4 vided, however, that nothing herein shall be deemed to prohibit the prosecu-
5 tion and conviction of any person for a violation of the provisions of section
6 39:4-50(b) notwithstanding that such a person may have been previously
7 found not guilty of violating the provisions of section 39:4-50(a) of the Re-
8 vised Statutes.

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

SENATE COMMITTEE AMENDMENT TO

SENATE No. 8

STATE OF NEW JERSEY

ADOPTED APRIL 4, 1966

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

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SENATE No. 8

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

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

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chapter 4 of Title 39 of the Revised Statutes.

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6 or in his custody or control, shall be subject, for the first offense, to a fine of
7 not less than \$200.00 nor more than \$500.00, or imprisonment for a term of
8 not less than 30 days nor more than 3 months or both, in the discretion of
9 the magistrate, and shall forthwith forfeit his right to operate a motor vehicle
10 over the highways of this State for a period of 2 years from the date of his
11 conviction or until he reaches the age of 21 years, whichever is the greater
12 period of time, in the case of a person who at the time of his conviction is
13 under the age of 21 years. Except as hereinafter provided, for a subsequent
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24 need not be charged as a second offender in the complaint made against him
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40 *operate a motor vehicle which application may be granted at the discretion*
41 *of the director.*

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

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

10 (2) If there was at that time the existence of 0.05% but less than 0.10%
11 by weight of alcohol in the defendant's blood, such fact shall not give rise to
12 any presumption that the defendant's ability to operate a motor vehicle was or
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19 (b) The foregoing provisions of this section shall not be construed as re-
20 quiring that evidence of the amount of alcohol in the defendant's blood must
21 be presented, nor shall they be construed as limiting the introduction of any
22 other competent evidence bearing upon the question whether or not the de-
23 fendant's ability to operate a motor vehicle was impaired by the consumption
24 of alcohol.

1 3. No person shall be convicted of violating both the provisions of section
2 39:4-50(a) of the Revised Statutes and the provisions of section 39:4-50(b)
3 of the Revised Statutes as a result of the same incident or occurrence; pro-
4 vided, however, that nothing herein shall be deemed to prohibit the prosecu-
5 tion and conviction of any person for a violation of the provisions of section
6 39:4-50(b) notwithstanding that such a person may have been previously
7 found not guilty of violating the provisions of section 39:4-50(a) of the Re-
8 vised Statutes.

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

SENATE BILL NO. 8, 1966

FROM: OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: WEDNESDAY
June 8, 1966

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

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

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

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

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

####

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

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

CHAPTER 143 LAWS OF N. J. 1966
APPROVED 6/18/66

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SENATE No. 9

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, MUSTO, PARSEKIAN, GUARINI, FERNICOLA,
FORSYTHE, SCHOLZ, O'CONNOR and WADDINGTON

Referred to Committee on Law and Public Safety

AN ACT concerning motor vehicles and to amend and supplement "An act concerning traffic regulation, and amending and supplementing chapter 4 of Title 39 of the Revised Statutes and certain other statutes relating thereto," approved April 5, 1951 (P. L. 1951, c. 23).

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

1 1. Section 30 of the act of which this act is amendatory is amended to
2 read as follows:

3 30. In any prosecution for a violation of section 39:4-50 of [Title 39 of]
4 the Revised Statutes relating to driving a vehicle while under the influence of
5 intoxicating liquor, the amount of alcohol in the defendant's blood at the time
6 alleged as shown by chemical analysis of the defendant's blood, urine, breath,
7 or other bodily substance shall give rise to the following presumptions:

8 [1.] (1) If there was at that time 0.05% or less by weight of alcohol in
9 the defendant's blood, it shall be presumed that the defendant was not under
10 the influence of intoxicating liquor;

11 [2.] (2) If there was at that time in excess of 0.05% but less than 0.15%
12 by weight of alcohol in the defendant's blood, such fact shall not give rise to
13 any presumption that the defendant was or was not under the influence

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

14 of intoxicating liquor, but such fact may be considered with other compe-
15 tent evidence in determining the guilt or innocence of the defendant;

16 **[3.]** (3) If there was at that time 0.15% or more by weight of alcohol in
17 the defendant's blood, it shall be presumed that the defendant was under the
18 influence of intoxicating liquor.

19 The foregoing provisions of this section shall not be construed as re-
20 quiring that evidence of the amount of alcohol in the defendant's blood must
21 be presented, nor shall they be construed as limiting the introduction of any
22 other competent evidence bearing upon the question whether or not the de-
23 fendant was under the influence of intoxicating liquor. **[No chemical analy-**
24 **sis, as provided in this section, or specimen necessary thereto, may be made**
25 **or taken unless expressly consented to, or requested by, the defendant.]**

1 2. (a) Any person who operates a motor vehicle on any public road,
2 street or highway **or quasi-public area** in this State shall be deemed to
3 have given his consent to the taking of samples of his breath for the purpose
4 of making chemical tests to determine the content of alcohol in his blood; pro-
5 vided, however, that the taking of samples is made in accordance with the
6 provisions of this act and at the request of a police officer who has reasonable
7 grounds to believe that such person has been operating a motor vehicle in
8 violation of the provisions of section 39:4-50 of the Revised Statutes.

9 (b) A record of the taking of any such sample, disclosing the date and
10 time thereof, as well as the result of any chemical test, shall be made and a
11 copy thereof, upon his request, shall be furnished or made available to the
12 person so tested.

13 (c) In addition to the samples taken and tests made at the direction of a
14 police officer hereunder, the person tested shall be permitted to have such
15 samples taken and chemical tests of his breath, urine or blood made by a
16 person or physician of his own selection.

17 (d) The police officer shall inform the person tested of his rights under
18 subsections (b) and (c) of this section.

19 (e) No chemical test, as provided in this section, or specimen necessary
 20 thereto, may be made or taken forcibly and against physical resistance thereto
 20A by the defendant.

21 **3. Chemical analyses of the arrested person's breath, to be considered*
 22 *valid under the provisions of this act, shall have been performed according*
 23 *to methods approved by the Attorney General, and by a person certified for*
 24 *this purpose by the Attorney General. The Attorney General is authorized*
 25 *to approve satisfactory techniques or methods, to ascertain the qualifications*
 26 *and competence of individuals to conduct such analyses, and to make certifica-*
 27 *tions of such individuals, which certifications shall be subject to termination*
 28 *or revocation at the discretion of the Attorney General.**

1 **[3.]* *4.* If an operator of a motor vehicle, after being arrested for a*
 2 *violation of section 39:4-50 of the Revised Statutes, shall refuse to submit to*
 3 *the chemical test provided for in section 2 of this act when requested to do so,*
 4 *the arresting officer shall cause to be delivered to the Director of Motor*
 5 *Vehicles his sworn report of such refusal in which report he shall specify*
 6 *the circumstances surrounding the arrest and the grounds upon which his be-*
 7 *lief was based that the person was driving or operating a motor vehicle in*
 8 *violation of the provisions of section 39:4-50 of the Revised Statutes. Upon*
 9 *receipt of such a report, if the director shall find that the arresting officer*
 10 *acted in accordance with the provisions of this act, he shall, upon written*
 11 *notice, suspend the person's license or permit to drive or operate a motor*
 12 *vehicle, or if such person is a nonresident, the privilege to drive or operate*
 13 *a motor vehicle within this State, unless such person, within 10 days of the*
 14 *date of such notice, shall have requested, in writing, a hearing before the*
 15 *director. Upon such request, the director shall hold a hearing on the*
 16 **[issue]* *issues* of *[reasonableness of the person's refusal to submit to*
 17 *the test]* *whether the arresting officer had reasonable grounds to believe*
 18 *the person had been driving or was in actual physical control of a motor*
 19 *vehicle on the public highways or quasi-public areas of this State while*

20 *under the influence of intoxicating liquor, whether the person was placed*
21 *under arrest, and whether he refused to submit to the test upon request of*
22 *the officer**. If no such hearing is requested within the time allowed, or if
23 after a hearing the director shall find against the person on such ***[issue]***
24 *issues**, he shall revoke such person's license or permit to drive or operate a
25 motor vehicle, ***[or if the person is a nonresident,]*** *or** the privilege to
26 drive or operate a motor vehicle within this State *if such person is a non-*
27 *resident** for a period of 6 months from the date of the ***[alleged offense]***
28 *director's determination**, or if such person is a resident without a license
29 or permit to drive or operate a motor vehicle in this State, the director shall
30 deny to such person the issuance of any such license or permit within 6
31 months from the date of the ***[alleged offense]*** *director's determination**.
32 Such revocation shall be independent of any revocation imposed by virtue of
33 a conviction under the provisions of section 39:4-50 of the Revised Statutes.

1 ***[4.]*** *5.** If any provision of this act, or any particular application
2 thereof, be found invalid, the same shall be deemed severable to the end that
3 such invalidity shall not affect other provisions or applications hereof.

1 ***[5.]*** *6.** This act shall take effect on the ninety-first day following the
2 date of enactment.

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SENATE No. 9

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INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, MUSTO, PARSEKIAN, GUARINI,
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5 intoxicating liquor, the amount of alcohol in the defendant's blood at the time
6 alleged as shown by chemical analysis of the defendant's blood, urine, breath,
7 or other bodily substance shall give rise to the following presumptions:

8 **[1.]** (1) If there was at that time 0.05% or less by weight of alcohol in
9 the defendant's blood, it shall be presumed that the defendant was not under
10 the influence of intoxicating liquor;

11 **[2.]** (2) If there was at that time in excess of 0.05% but less than 0.15%
12 by weight of alcohol in the defendant's blood, such fact shall not give rise to
13 any presumption that the defendant was or was not under the influence

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14 of intoxicating liquor, but such fact may be considered with other compe-
15 tent evidence in determining the guilt or innocence of the defendant;

16 **【3.】** (3) If there was at that time 0.15% or more by weight of alcohol in
17 the defendant's blood, it shall be presumed that the defendant was under the
18 influence of intoxicating liquor.

19 The foregoing provisions of this section shall not be construed as re-
20 quiring that evidence of the amount of alcohol in the defendant's blood must
21 be presented, nor shall they be construed as limiting the introduction of any
22 other competent evidence bearing upon the question whether or not the de-
23 fendant was under the influence of intoxicating liquor. **【No chemical analy-
24 sis, as provided in this section, or specimen necessary thereto, may be made
25 or taken unless expressly consented to, or requested by, the defendant.】**

1 2. (a) Any person who operates a motor vehicle on any public road,
2 street or highway **or quasi-public area** in this State shall be deemed to
3 have given his consent to the taking of samples of his breath for the purpose
4 of making chemical tests to determine the content of alcohol in his blood; pro-
5 vided, however, that the taking of samples is made in accordance with the
6 provisions of this act and at the request of a police officer who has reasonable
7 grounds to believe that such person has been operating a motor vehicle in
8 violation of the provisions of section 39:4-50 of the Revised Statutes.

9 (b) A record of the taking of any such sample, disclosing the date and
10 time thereof, as well as the result of any chemical test, shall be made and a
11 copy thereof, upon his request, shall be furnished or made available to the
12 person so tested.

13 (c) In addition to the samples taken and tests made at the direction of a
14 police officer hereunder, the person tested shall be permitted to have such
15 samples taken and chemical tests of his breath, urine or blood made by a
16 person or physician of his own selection.

17 (d) The police officer shall inform the person tested of his rights under
18 subsections (b) and (c) of this section.

19 (e) No chemical test, as provided in this section, or specimen necessary

20 thereto, may be made or taken forcibly and against physical resistance thereto
20A by the defendant.

21 **3. Chemical analyses of the arrested person's breath, to be considered*
22 *valid under the provisions of this act, shall have been performed according*
23 *to methods approved by the Attorney General, and by a person certified for*
24 *this purpose by the Attorney General. The Attorney General is authorized*
25 *to approve satisfactory techniques or methods, to ascertain the qualifications*
26 *and competence of individuals to conduct such analyses, and to make certifica-*
27 *tions of such individuals, which certifications shall be subject to termination*
28 *or revocation at the discretion of the Attorney General.**

1 **[3.]* *4.* If an operator of a motor vehicle, after being arrested for a*
2 *violation of section 39:4-50 of the Revised Statutes, shall refuse to submit to*
3 *the chemical test provided for in section 2 of this act when requested to do so,*
4 *the arresting officer shall cause to be delivered to the Director of Motor*
5 *Vehicles his sworn report of such refusal in which report he shall specify*
6 *the circumstances surrounding the arrest and the grounds upon which his be-*
7 *lief was based that the person was driving or operating a motor vehicle in*
8 *violation of the provisions of section 39:4-50 of the Revised Statutes. Upon*
9 *receipt of such a report, if the director shall find that the arresting officer*
10 *acted in accordance with the provisions of this act, he shall, upon written*
11 *notice, suspend the person's license or permit to drive or operate a motor*
12 *vehicle, or if such person is a nonresident, the privilege to drive or operate*
13 *a motor vehicle within this State, unless such person, within 10 days of the*
14 *date of such notice, shall have requested, in writing, a hearing before the*
15 *director. Upon such request, the director shall hold a hearing on the*
16 **[issue]* *issues* of *[reasonableness of the person's refusal to submit to*
17 *the test]* *whether the arresting officer had reasonable grounds to believe*
18 *the person had been driving or was in actual physical control of a motor*
19 *vehicle on the public highways or quasi-public areas of this State while*
20 *under the influence of intoxicating liquor, whether the person was placed*
21 *under arrest, and whether he refused to submit to the test upon request of*
22 *the officer*. If no such hearing is requested within the time allowed, or if*

23 after a hearing the director shall find against the person on such ***[issue]***
24 **issues**, he shall revoke such person's license or permit to drive or operate a
25 motor vehicle, ***[or if the person is a nonresident,]*** **or** the privilege to
26 drive or operate a motor vehicle within this State **if such person is a non-*
27 *resident** for a period of 6 months from the date of the ***[alleged offense]***
28 **director's determination**, or if such person is a resident without a license
29 or permit to drive or operate a motor vehicle in this State, the director shall
30 deny to such person the issuance of any such license or permit within 6
31 months from the date of the ***[alleged offense]*** **director's determination**.
32 Such revocation shall be independent of any revocation imposed by virtue of
33 a conviction under the provisions of section 39:4-50 of the Revised Statutes.

1 ***[4.]*** **5.** If any provision of this act, or any particular application
2 thereof, be found invalid, the same shall be deemed severable to the end that
3 such invalidity shall not affect other provisions or applications hereof.

1 ***[5.]*** **6.** This act shall take effect on the ninety-first day following the
2 date of enactment.

SENATE No. 9

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senators CRABIEL, MUSTO, PARSEKIAN and GUARINI

Referred to Committee on Law and Public Safety

AN ACT concerning motor vehicles and to amend and supplement "An act concerning traffic regulation, and amending and supplementing chapter 4 of Title 39 of the Revised Statutes and certain other statutes relating thereto," approved April 5, 1951 (P. L. 1951, c. 23).

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

1 1. Section 30 of the act of which this act is amendatory is amended to
2 read as follows:

3 30. In any prosecution for a violation of section 39:4-50 of **[Title 39 of]**
4 the Revised Statutes relating to driving a vehicle while under the influence of
5 intoxicating liquor, the amount of alcohol in the defendant's blood at the time
6 alleged as shown by chemical analysis of the defendant's blood, urine, breath,
7 or other bodily substance shall give rise to the following presumptions:

8 **[1.]** (1) If there was at that time 0.05% or less by weight of alcohol in
9 the defendant's blood, it shall be presumed that the defendant was not under
10 the influence of intoxicating liquor;

11 **[2.]** (2) If there was at that time in excess of 0.05% but less than 0.15%
12 by weight of alcohol in the defendant's blood, such fact shall not give rise to
13 any presumption that the defendant was or was not under the influence
14 of intoxicating liquor, but such fact may be considered with other compe-
15 tent evidence in determining the guilt or innocence of the defendant;

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

16 **[3.]** (3) If there was at that time 0.15% or more by weight of alcohol in
17 the defendant's blood, it shall be presumed that the defendant was under the
18 influence of intoxicating liquor.

19 The foregoing provisions of this section shall not be construed as re-
20 quiring that evidence of the amount of alcohol in the defendant's blood must
21 be presented, nor shall they be construed as limiting the introduction of any
22 other competent evidence bearing upon the question whether or not the de-
23 fendant was under the influence of intoxicating liquor. **[No chemical analy-**
24 **sis, as provided in this section, or specimen necessary thereto, may be made**
25 **or taken unless expressly consented to, or requested by, the defendant.]**

1 2. (a) Any person who operates a motor vehicle on any public road,
2 street or highway in this State shall be deemed to have given his consent to
3 the taking of samples of his breath for the purpose of making chemical
4 tests to determine the content of alcohol in his blood; provided, however,
5 that the taking of samples is made in accordance with the provisions of this
6 act and at the request of a police officer who has reasonable grounds to be-
7 lieve that such person has been operating a motor vehicle in violation of
8 the provisions of section 39:4-50 of the Revised Statutes.

9 (b) A record of the taking of any such sample, disclosing the date and
10 time thereof, as well as the result of any chemical test, shall be made and a
11 copy thereof, upon his request, shall be furnished or made available to the
12 person so tested.

13 (c) In addition to the samples taken and tests made at the direction of a
14 police officer hereunder, the person tested shall be permitted to have such
15 samples taken and chemical tests of his breath, urine or blood made by a
16 person or physician of his own selection.

17 (d) The police officer shall inform the person tested of his rights under
18 subsections (b) and (c) of this section.

19 (e) No chemical test, as provided in this section, or specimen necessary
20 thereto, may be made or taken forcibly and against physical resistance thereto
21 by the defendant.

1 3. If an operator of a motor vehicle, after being arrested for a violation
2 of section 39:4-50 of the Revised Statutes, shall refuse to submit to the
3 chemical test provided for in section 2 of this act when requested to do so,
4 the arresting officer shall cause to be delivered to the Director of Motor
5 Vehicles his sworn report of such refusal in which report he shall specify
6 the circumstances surrounding the arrest and the grounds upon which his be-
7 lief was based that the person was driving or operating a motor vehicle in
8 violation of the provisions of section 39:4-50 of the Revised Statutes. Upon
9 receipt of such a report, if the director shall find that the arresting officer
10 acted in accordance with the provisions of this act, he shall, upon written
11 notice, suspend the person's license or permit to drive or operate a motor
12 vehicle, or if such person is a nonresident, the privilege to drive or operate
13 a motor vehicle within this State, unless such person, within 10 days of the
14 date of such notice, shall have requested, in writing, a hearing before the
15 director. Upon such request, the director shall hold a hearing on the issue
16 of reasonableness of the person's refusal to submit to the test. If no such
17 hearing is requested within the time allowed, or if after a hearing the direc-
18 tor shall find against the person on such issue, he shall revoke such person's
19 license or permit to drive or operate a motor vehicle, or if the person is a
20 nonresident, the privilege to drive or operate a motor vehicle within this
21 State for a period of 6 months from the date of the alleged offense, or if
22 such person is a resident without a license or permit to drive or operate a
23 motor vehicle in this State, the director shall deny to such person the issu-
24 ance of any such license or permit within 6 months from the date of the
25 alleged offense. Such revocation shall be independent of any revocation im-
26 posed by virtue of a conviction under the provisions of section 39:4-50 of the
27 Revised Statutes.

1 4. If any provision of this act, or any particular application thereof, be
2 found invalid, the same shall be deemed severable to the end that such inva-
3 lidity shall not affect other provisions or applications hereof.

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

SENATE COMMITTEE AMENDMENTS TO

SENATE No. 9

STATE OF NEW JERSEY

ADOPTED APRIL 4, 1966

Amend page 2, section 2, line 2, after the word "highway", insert "or quasi-public area".

Amend page 2, section 2, line 21, after line 21, insert the following new section:

"3. Chemical analyses of the arrested person's breath, to be considered valid under the provisions of this act, shall have been performed according to methods approved by the Attorney General, and by a person certified for this purpose by the Attorney General. The Attorney General is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to make certifications of such individuals, which certifications shall be subject to termination or revocation at the discretion of the Attorney General."

Amend page 3, section 3, line 1, delete "3", and renumber this section "4".

Amend page 3, section 3, line 15, change "issue" to "issues".

Amend page 3, section 3, line 16, delete "reasonableness of the person's refusal to submit to the test", and insert in lieu thereof the following: "whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle on the public highways or quasi-public areas of this State while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer."

Amend page 3, section 3, line 18, change "issue" to "issues".

Amend page 3, section 3, line 19, delete "or if the person is a".

Amend page 3, section 3, line 20, delete "nonresident," and insert in lieu thereof "or".

Amend page 3, section 3, line 21, after the word "State", insert "if such person is a nonresident".

Amend page 3, section 3, line 21, delete the words "alleged offense", and insert in lieu thereof the words "director's determination".

Amend page 3, section 3, line 25, delete the words "alleged offense", and insert in lieu thereof the words "director's determination".

Amend page 3, section 4, line 1, delete "4", and renumber this section "5".

Amend page 3, section 5, line 1, delete "5", and renumber this section "6".

SENATE BILL NO. 9, 1966

FROM: OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: WEDNESDAY
June 8, 1966

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

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

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

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

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

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SENATE BILL NO. 8, 1966

" " " 9 "

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