

[Fifth Reprint]

SENATE, No. 3011

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

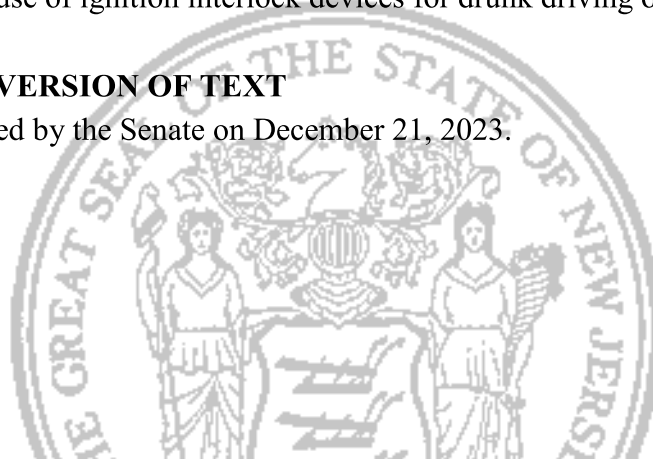
Assemblywoman Reynolds-Jackson

SYNOPSIS

Concerns use of ignition interlock devices for drunk driving offenses.

CURRENT VERSION OF TEXT

As amended by the Senate on December 21, 2023.



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2

1 AN ACT concerning certain drunk driving offenses ³[and] ³
2 amending ¹[P.L.2019, c.248] various sections of the statutory
3 law^{1 3}, and supplementing Title 39 of the Revised Statutes³.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 7 of P.L.2019, c.248 is amended to read as follows:

9 7. This act shall take effect on the first day of the fourth month
10 after enactment and shall apply to any offense occurring on or after
11 that date; the **[act]** amendments to R.S.39:4-50 ¹enacted by
12 P.L.2019, c.248¹; section 2 of P.L.1981, c.512 (C.39:4-50.4a)
13 ¹enacted by P.L.2019, c.248¹; section 2 of P.L.1999, c.417
14 (C.39:4-50.17) ¹enacted by P.L.2019, c.248¹; section 3 of P.L.1999,
15 c.417 (C.39:4-50.18) ¹enacted by P.L.2019, c.248¹; and
16 supplemental sections 1 and 6 ¹enacted by P.L.2019, c.248¹ shall
17 expire on the first day of the **[fifth]** tenth year next following the
18 effective date. The Chief Administrator of the New Jersey Motor
19 Vehicle Commission may take any anticipatory administrative
20 action in advance of the date as shall be necessary to implement the
21 provisions of this act.
22 (cf: P.L.2019, s.248, s.7)
23

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

25 39:4-50. (a) A person who operates a motor vehicle while under
26 the influence of intoxicating liquor, narcotic, hallucinogenic or
27 habit-producing drug, or operates a motor vehicle with a blood
28 alcohol concentration of 0.08% or more by weight of alcohol in the
29 defendant's blood or permits another person who is under the
30 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
31 producing drug to operate a motor vehicle the person owns or which
32 is in the person's custody or control or permits another to operate a
33 motor vehicle with a blood alcohol concentration of 0.08% or more
34 by weight of alcohol in the defendant's blood shall be subject:

35 (1) For the first offense:

36 (i) if the person's blood alcohol concentration is 0.08% or
37 higher but less than 0.10%, or the person operates a motor vehicle
38 while under the influence of intoxicating liquor, or the person
39 permits another person who is under the influence of intoxicating
40 liquor to operate a motor vehicle owned by him or in his custody or

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1 motor vehicle, to a fine of not less than \$250 nor more than \$400
2 and a period of detainment of not less than 12 hours nor more than
3 48 hours spent during two consecutive days of not less than six
4 hours each day and served as prescribed by the program
5 requirements of the Intoxicated Driver Resource Centers established
6 under subsection (f) of this section and, in the discretion of the
7 court, a term of imprisonment of not more than 30 days. In addition,
8 the court shall order the person to forfeit the right to operate a
9 motor vehicle over the highways of this State until the person
10 installs an ignition interlock device in one motor vehicle the person
11 owns, leases, or principally operates, whichever the person most
12 often operates, for the purpose of complying with the provisions of
13 P.L.1999, c.417 (C.39:4-50.16 et al.). A person who ²[was] ²has²
14 been arrested for a violation of this section whose blood alcohol
15 concentration was at least 0.08% but less than 0.10% or who was
16 otherwise under the influence of intoxicating liquor may, upon
17 arrest and prior to any conviction, voluntarily install an ignition
18 interlock device in one motor vehicle the person owns, leases, or
19 principally operates, whichever the person most often operates, and
20 request from the New Jersey Motor Vehicle Commission a driver's
21 license with a notation stating that the person shall not operate a
22 motor vehicle unless it is equipped with an ignition interlock device
23 pursuant to subsection b. of section 3 of P.L.1999, c.417 (C.39:4-
24 50.18). ⁴The request shall include a copy of the interlock installer's
25 certification and ⁵[a copy of a court order indicating the date of
26 installation and the related charges,] documentation of pending
27 charges as determined by the Chief Administrator of the Motor
28 Vehicle Commission⁵ to be submitted no later than seven days after
29 ⁵[the date of the court order] receipt of the documentation⁵ . ⁴ A
30 person who installs an ignition interlock device and obtains a
31 driver's license with the appropriate notation pursuant to this
32 subparagraph shall not be subject to a fine pursuant to this
33 subparagraph ⁴if the person possessed a valid New Jersey driver's
34 license in good standing at the time of the offense and maintained a
35 license in good standing until the date of conviction⁴;

36 (ii) if the person's blood alcohol concentration is 0.10% or
37 higher, or the person operates a motor vehicle while under the
38 influence of a narcotic, hallucinogenic or habit-producing drug, or
39 the person permits another person who is under the influence of a
40 narcotic, hallucinogenic or habit-producing drug to operate a motor

1 court, a term of imprisonment of not more than 30 days. A person
2 who has been arrested for a violation of this section whose blood
3 alcohol concentration was 0.10% or higher may, upon arrest and
4 prior to any conviction, voluntarily install an ignition interlock
5 device in one motor vehicle the person owns, leases, or principally
6 operates, whichever the person most often operates, and request
7 from the Motor Vehicle Commission a driver's license with a
8 notation stating that the person shall not operate a motor vehicle
9 unless it is equipped with an ignition interlock device pursuant to
10 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The
11 request shall include a copy of the interlock installer's certification
12 and ⁵[a copy of a court order indicating the date of installation and
13 the related charges,] documentation of pending charges as
14 determined by the Chief Administrator of the New Jersey Motor
15 Vehicle Commission⁵ to be submitted no later than seven days after
16 ⁵[the date of the court order] receipt of the documentation⁵. ⁴ A
17 person who installs an ignition interlock device and obtains a
18 driver's license with the appropriate notation pursuant to this
19 subparagraph shall not be subject to a fine pursuant to this
20 subparagraph ⁴if the person possessed a valid New Jersey driver's
21 license in good standing at the time of the offense and maintained a
22 license in good standing until the date of conviction⁴;

23 in the case of a person who is convicted of operating a motor
24 vehicle while under the influence of a narcotic, hallucinogenic or
25 habit-producing drug or permitting another person who is under the
26 influence of a narcotic, hallucinogenic or habit-producing drug to
27 operate a motor vehicle owned by the person or under the person's
28 custody or control, the person shall forfeit the right to operate a
29 motor vehicle over the highways of this State for a period of not
30 less than seven months nor more than one year;

31 in the case of a person whose blood alcohol concentration is
32 0.10% or higher but less than 0.15%, the person shall forfeit the
33 right to operate a motor vehicle over the highways of this State until
34 the person installs an ignition interlock device in one motor vehicle
35 the person owns, leases, or principally operates, whichever the
36 person most often operates, for the purpose of complying with the
37 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

38 in the case of a person whose blood alcohol concentration is
39 0.15% or higher, the person shall forfeit the right to operate a motor
40 vehicle over the highways of this State for a period of [not less than

1 one motor vehicle the person owns, leases, or principally operates,
2 whichever the person most often operates, and request from the
3 Motor Vehicle Commission a driver's license with a notation
4 stating that the person shall not operate a motor vehicle unless it is
5 equipped with an ignition interlock device pursuant to subsection b.
6 of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The request shall
7 include a copy of the interlock installer's certification and ⁵[a copy
8 of a court order indicating the date of installation and the related
9 charges,] documentation of pending charges as determined by the
10 Chief Administrator of the New Jersey Motor Vehicle Commission⁵
11 to be submitted no later than seven days after ⁵[the date of the court
12 order] receipt of the documentation⁵ . ⁴ A person who installs an
13 ignition interlock device and obtains a driver's license with the
14 appropriate notation pursuant to this subparagraph shall receive a
15 ²one day² credit ²against the period that the person is required to
16 forfeit the right to operate a motor vehicle over the highways of this
17 State pursuant to this subparagraph² for ²[each day] every two
18 days² that the person has an ignition interlock device installed and a
19 driver's license with the appropriate notation ²[against the period
20 that the person is required to forfeit the right to operate a motor
21 vehicle over the highways of this State pursuant to this
22 subparagraph] and shall not be subject to a fine pursuant to this
23 subparagraph ⁴if the person possessed a valid New Jersey driver's
24 license in good standing at the time of the offense and maintained a
25 license in good standing until the date of conviction⁴ . A person
26 shall not be entitled to a credit against the period that the person is
27 required to forfeit the right to operate a motor vehicle over the
28 highways of this State pursuant to this subparagraph if the violation
29 of this section resulted in serious bodily injury as defined in
30 N.J.S.2C:11-1 to another person²;

31 (iii) (Deleted by amendment, P.L.2019, c.248)

32 (2) For a second violation, a person shall be subject to a fine of
33 not less than \$500 nor more than \$1,000, and shall be ordered by
34 the court to perform community service for a period of 30 days,
35 which shall be of such form and on terms the court shall deem
36 appropriate under the circumstances, and shall be sentenced to
37 imprisonment for a term of not less than 48 consecutive hours,
38 which shall not be suspended or served on probation, or more than
39 90 days, and shall forfeit the right to operate a motor vehicle over
40 the highways of this State for a period of not less than one year or

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1 unless it is equipped with an ignition interlock device pursuant to
2 subsection b. of section 3 of P.L.1999, c.417 (C.39:4-50.18). ⁴The
3 request shall include a copy of the interlock installer's certification
4 and ⁵[a copy of a court order indicating the date of installation and
5 the related charges.] documentation of pending charges as
6 determined by the Chief Administrator of the New Jersey Motor
7 Vehicle Commission⁵ to be submitted no later than seven days after
8 ⁵[the date of the court order] receipt of the documentation⁵. ⁴ A
9 person who installs an ignition interlock device and obtains a
10 driver's license with the appropriate notation pursuant to this
11 paragraph shall receive a ²one day² credit ²against the period that
12 the person is required to forfeit the right to operate a motor vehicle
13 over the highways of this State pursuant to this paragraph² for
14 ²[each day] every two days² that the person has an ignition
15 interlock device installed and a driver's license with the appropriate
16 notation ²against the period that the person is required to forfeit
17 the right to operate a motor vehicle over the highways of this State
18 pursuant to this paragraph]² and shall not be subject to a fine
19 pursuant to this paragraph ⁴if the person possessed a valid New
20 Jersey driver's license in good standing at the time of the offense
21 and maintained a license in good standing until the date of
22 conviction⁴. ²A person shall not be entitled to a credit against the
23 period that the person is required to forfeit the right to operate a
24 motor vehicle over the highways of this State pursuant to this
25 paragraph if the violation of this section resulted in serious bodily
26 injury as defined in N.J.S.2C:11-1 to another person.²

27 After the expiration of the license forfeiture period, the person
28 may make application to the Chief Administrator of the New Jersey
29 Motor Vehicle Commission for a license to operate a motor vehicle,
30 which application may be granted at the discretion of the chief
31 administrator, consistent with subsection (b) of this section. For a
32 second violation, a person also shall be required to install an
33 ignition interlock device under the provisions of P.L.1999, c.417
34 (C.39:4-50.16 et al.).

35 (3) For a third or subsequent violation, a person shall be subject
36 to a fine of \$1,000, and shall be sentenced to imprisonment for a
37 term of not less than 180 days in a county jail or workhouse, except
38 that the court may lower such term for each day, not exceeding 90
39 days, served participating in a drug or alcohol inpatient
40 rehabilitation program approved by the Intoxicated Driver Resource

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1 a driver's license with a notation stating that the person shall not
2 operate a motor vehicle unless it is equipped with an ignition
3 interlock device pursuant to subsection b. of section 3 of P.L.1999,
4 c.417 (C.39:4-50.18). ⁴The request shall include a copy of the
5 interlock installer's certification and ⁵[a copy of a court order
6 indicating the date of installation and the related charges,]
7 documentation of pending charges as determined by the Chief
8 Administrator of the New Jersey Motor Vehicle Commission⁵ to be
9 submitted no later than seven days after ⁵[the date of the court
10 order] receipt of the documentation⁵ . ⁴ A person who installs an
11 ignition interlock device and obtains a driver's license with the
12 appropriate notation pursuant to this paragraph shall receive a ²one
13 day² credit ²against the period that the person is required to forfeit
14 the right to operate a motor vehicle over the highways of this State
15 pursuant to this paragraph² for ²[each day] every two days² that the
16 person has an ignition interlock device installed and a driver's
17 license with the appropriate notation ²[against the period that the
18 person is required to forfeit the right to operate a motor vehicle over
19 the highways of this State pursuant to this paragraph]² and shall not
20 be subject to a fine pursuant to this paragraph ⁴if the person
21 possessed a valid New Jersey driver's license in good standing at
22 the time of the offense and maintained a license in good standing
23 until the date of conviction⁴. ²A person shall not be entitled to a
24 credit against the period that the person is required to forfeit the
25 right to operate a motor vehicle over the highways of this State
26 pursuant to this paragraph if the violation of this section resulted in
27 serious bodily injury as defined in N.J.S.2C:11-1 to another
28 person.²

29 For a third or subsequent violation, a person also shall be
30 required to install an ignition interlock device under the provisions
31 of P.L.1999, c.417 (C.39:4-50.16 et al.).

32 ²[Upon] Notwithstanding any judicial directive to the contrary,
33 upon² recommendation by the prosecutor, a plea agreement under
34 this section is ²[specifically]² authorized under the appropriate
35 factual basis ²consistent with any other violation of Title 39 of the
36 Revised Statutes or offense under Title 2C of the New Jersey
37 Statutes² ⁴; provided, however, that if a person is convicted of
38 operating a motor vehicle while under the influence of a narcotic,
39 hallucinogenic, or habit-producing drug or permitting another

1 As used in this section, the phrase "narcotic, hallucinogenic or
2 habit-producing drug" includes an inhalant or other substance
3 containing a chemical capable of releasing any toxic vapors or
4 fumes for the purpose of inducing a condition of intoxication, such
5 as any glue, cement or any other substance containing one or more
6 of the following chemical compounds: acetone and acetate, amyl
7 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
8 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
9 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
10 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
11 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
12 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
13 any other chemical substance capable of causing a condition of
14 intoxication, inebriation, excitement, stupefaction or the dulling of
15 the brain or nervous system as a result of the inhalation of the
16 fumes or vapors of such chemical substance.

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

23 A conviction of a violation of a law of a substantially similar
24 nature in another jurisdiction, regardless of whether that jurisdiction
25 is a 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
27 conviction under this subsection unless the defendant can
28 demonstrate by clear and convincing evidence that the conviction in
29 the other jurisdiction was based exclusively upon a violation of a
30 proscribed blood alcohol concentration of less than 0.08%.

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
33 of the New Jersey Statutes at the time of any conviction for a
34 violation of this section, the revocation or suspension period
35 imposed shall commence as of the date of termination of the
36 existing revocation or suspension period. In the case of any person
37 who at the time of the imposition of sentence is less than 17 years
38 of age, the forfeiture, suspension or revocation of the driving
39 privilege imposed by the court under this section shall commence
40 immediately, run through the offender's seventeenth birthday and
41 continue from that date for the period set by the court pursuant to

1 subsequent offense a person shall not serve a term of imprisonment
2 at an Intoxicated Driver Resource Center as provided in subsection
3 (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
6 the 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
9 the first offense, the court shall treat the second conviction as a first
10 offense for sentencing purposes and if a third offense occurs more
11 than 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 Mental Health and Addiction Services' Intoxicated
16 Driving Program Unit, and of the Intoxicated Driver Resource
17 Centers and a program of alcohol and drug education and highway
18 safety, as prescribed by the chief administrator. The sentencing
19 court shall inform the person convicted that failure to satisfy such
20 requirements shall result in a mandatory two-day term of
21 imprisonment in a county jail and a driver license revocation or
22 suspension and continuation of revocation or suspension until such
23 requirements are satisfied, unless stayed by court order in
24 accordance with the Rules Governing the Courts of the State of
25 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
26 forward to the Division of Mental Health and Addiction Services'
27 Intoxicated Driving Program Unit a copy of a person's conviction
28 record. A fee of \$100 shall be payable to the Alcohol Education,
29 Rehabilitation and Enforcement Fund established pursuant to
30 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 chief administrator. The court shall inform the person convicted
36 that if he is convicted of personally operating a motor vehicle
37 during the period of license suspension imposed pursuant to
38 subsection (a) of this section, he shall, upon conviction, be subject
39 to the penalties established in R.S.39:3-40. The person convicted
40 shall be informed orally and in writing. A person shall be required
41 to acknowledge receipt of that written notice in writing. Failure to

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

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

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

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

40 Upon a person's failure to report to the initial screening or any
41 subsequent ordered referral, the Intoxicated Driver Resource Center

1 as appropriate. Any increases in the per diem fees after the first full
2 year shall be determined pursuant to rules and regulations adopted
3 by the Commissioner of Health in consultation with the Governor's
4 Council on Alcoholism and Drug Abuse pursuant to the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.).

7 The centers shall conduct a program of alcohol and drug
8 education and highway safety, as prescribed by the chief
9 administrator.

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

14 (g) (Deleted by amendment, P.L.2019, c.248)

15 (h) A court also may order a person convicted pursuant to
16 subsection (a) of this section, to participate in a supervised
17 visitation program as either a condition of probation or a form of
18 community service, giving preference to those who were under the
19 age of 21 at the time of the offense. Prior to ordering a person to
20 participate in such a program, the court may consult with any
21 person who may provide useful information on the defendant's
22 physical, emotional and mental suitability for the visit to ensure that
23 it will not cause any injury to the defendant. The court also may
24 order that the defendant participate in a counseling session under
25 the supervision of the Intoxicated Driving Program Unit prior to
26 participating in the supervised visitation program. The supervised
27 visitation program shall be at one or more of the following facilities
28 which have agreed to participate in the program under the
29 supervision of the facility's personnel and the probation department:

30 (1) a trauma center, critical care center or acute care hospital
31 having basic emergency services, which receives victims of motor
32 vehicle accidents for the purpose of observing appropriate victims
33 of drunk drivers and victims who are, themselves, drunk drivers;

34 (2) a facility which cares for advanced alcoholics or drug
35 abusers, to observe persons in the advanced stages of alcoholism or
36 drug abuse; or

37 (3) if approved by a county medical examiner, the office of the
38 county medical examiner or a public morgue to observe appropriate
39 victims of vehicle accidents involving drunk drivers.

40 As used in this section, "appropriate victim" means a victim
41 whose condition is determined by the facility's supervisory

1 defendant. The program may include a personal conference after
2 the visitation, which may include the sentencing judge or the judge
3 who coordinates the program for the court, the defendant,
4 defendant's counsel, and, if available, the defendant's parents to
5 discuss the visitation and its effect on the defendant's future
6 conduct. If a personal conference is not practicable because of the
7 defendant's absence from the jurisdiction, conflicting time
8 schedules, or any other reason, the court shall require the defendant
9 to submit a written report concerning the visitation experience and
10 its impact on the defendant. The county, a court, any facility visited
11 pursuant to the program, any agents, employees, or independent
12 contractors of the court, county, or facility visited pursuant to the
13 program, and any person supervising a defendant during the
14 visitation, are not liable for any civil damages resulting from injury
15 to the defendant, or for civil damages associated with the visitation
16 which are caused by the defendant, except for willful or grossly
17 negligent acts intended to, or reasonably expected to result in, that
18 injury or damage.

19 The Supreme Court may adopt court rules or directives to
20 effectuate the purposes of this subsection.

21 (i) In addition to any other fine, fee, or other charge imposed
22 pursuant to law, the court shall assess a person convicted of a
23 violation of the provisions of this section a surcharge of \$125, of
24 which amount \$50 shall be payable to the municipality in which the
25 conviction was obtained, \$50 shall be payable to the Treasurer of
26 the State of New Jersey for deposit into the General Fund, and \$25
27 which shall be payable as follows: in a matter where the summons
28 was issued by a municipality's law enforcement agency, to that
29 municipality to be used for the cost of equipping police vehicles
30 with mobile video recording systems pursuant to the provisions of
31 section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the
32 summons was issued by a county's law enforcement agency, to that
33 county; and in a matter where the summons was issued by a State
34 law enforcement agency, to the General Fund.¹

35 (cf: P.L.2019, c.248, s.2)

36

37 ¹3. Section 2 of P.L.1999, c.417 (C.39:4-50.17) is amended to read
38 as follows:

39 2. a. (1) Except as provided in paragraph (2) of this subsection,
40 (a) in sentencing a first offender under subparagraph (i) of paragraph
41 (1) of subsection (a) of R.S.39:4-50, whose blood alcohol

1 concentration was 0.10% or higher, but less than 0.15%, the court shall
2 order, in addition to any other penalty imposed, the installation of an
3 ignition interlock device in one motor vehicle owned, leased, or
4 principally operated by the offender, whichever the offender most
5 often operates, which shall remain installed for not less than seven
6 months or more than one year.

7 (2) If the first offender's blood alcohol concentration is 0.15% or
8 higher, or the offender violated section 2 of P.L.1981, c.512
9 (C.39:4-50.4a), the court shall order, in addition to any other penalty
10 imposed under R.S.39:4-50 or section 2 of P.L.1981, c.512
11 (C.39:4-50.4a), the installation of an ignition interlock device in one
12 motor vehicle owned, leased, or principally operated by the offender,
13 whichever the offender most often operates, during and following the
14 expiration of the period of license forfeiture imposed under those
15 sections. In addition to installation during the period of license
16 suspension, the device shall remain installed for not less than **[nine]**
17 12 months or more than 15 months in the case of a first offender
18 whose blood alcohol concentration is 0.15% or higher and shall remain
19 installed for not less than nine months or more than 15 months in the
20 case of an offender who violated section 2 of P.L.1981, c.512
21 (C.39:4-50.4a), commencing immediately upon installation of the
22 device and the return of the offender's driver's license pursuant to
23 section 3 of P.L.1999, c.417 (C.39:4-50.18) after the required period of
24 forfeiture has been served.

25 b. In sentencing a second or subsequent offender under R.S.39:4-
26 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the court shall
27 order, in addition to any other penalty imposed by that section, the
28 installation of an ignition interlock device in the motor vehicle
29 principally operated by the offender during and following the
30 expiration of the period of license forfeiture imposed under
31 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). In
32 addition to installation during the period of license forfeiture, the
33 device shall remain installed for not less than two years or more than
34 four years, commencing immediately upon installation of the device
35 and the return of the offender's driver's license pursuant to section 3 of
36 P.L.1999, c.417 (C.39:4-50.18) after the required period of forfeiture
37 has been served.

38 c. The court shall require that, for the duration of its order, an
39 offender shall not drive any vehicle other than one in which an ignition
40 interlock device has been installed pursuant to the order.

41 The offender shall provide to the court information identifying the

1 access to operation of a motor vehicle and install an ignition interlock
2 device in the vehicle.

3 The driver's license of an offender who attests to not owning,
4 leasing, or operating a motor vehicle shall be forfeited for the ignition
5 interlock installation period required pursuant to subsections a. and b.
6 of this section.

7 d. As used in P.L.1999, c.417 (C.39:4-50.16 et al.), "ignition
8 interlock device" or "device" means a blood alcohol equivalence
9 measuring device which will prevent a motor vehicle from starting if
10 the operator's blood alcohol concentration exceeds a predetermined
11 level when the operator blows into the device.

12 e. The provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) and any
13 amendments and supplements thereto shall be applicable only to
14 violations of R.S.39:4-50 and section 2 of P.L.1981, c.512
15 (C.39:4-50.4a).

16 f. A person who does not possess a valid driver's license issued
17 by this State at the time of the imposition of a sentence pursuant to this
18 section shall be prohibited from obtaining a driver's license for the
19 duration of that sentence. Upon obtaining a driver's license, the person
20 shall be sentenced to a period of ignition interlock device installation
21 pursuant to the provisions of this section.¹

22 (cf: P.L.2019, c.248, s.4)

23

24 ¹4. Section 3 of P.L.1999, c.417 (C.39:4-50.18) is amended to
25 read as follows:

26 3. a. The court shall notify the Chief Administrator of the New
27 Jersey Motor Vehicle Commission when a person has been ordered
28 to install an ignition interlock device in a vehicle pursuant to the
29 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). The
30 commission shall require that the device be installed before
31 restoration of the person's driver's license that has been forfeited
32 pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-
33 50.4a).

34 A vendor may, without a court order, install an ignition interlock
35 device in a vehicle that a person owns, leases, or principally
36 operates if requested by a person who has been arrested for a
37 violation of R.S.39:4-50 as set forth in R.S.39:4-50. Upon proof
38 that the ignition interlock device has been installed, the
39 commission, upon request of the licensee, shall imprint a notation
40 on the person's driver's license pursuant to subsection b. of this
41 section. ⁴The licensee's request shall include a copy of the interlock

1 b. The commission shall imprint a notation on the driver's
2 license stating that the person shall not operate a motor vehicle
3 unless it is equipped with an ignition interlock device and shall
4 enter this requirement in the person's driving record. The expiration
5 date of the device requirement shall not be imprinted on the license.

6 c. Notwithstanding the provisions of section 2 of P.L.1999,
7 c.417 (C.39:4-50.17), an ignition interlock device shall be removed
8 on the date the person completes the installation period only if the
9 person submits to the chief administrator a certification from the
10 vendor that:

11 (1) during the final 30 days of the installation period there was
12 not more than one failure to take or pass a test with a blood alcohol
13 concentration of 0.08% or higher unless a re-test conducted within
14 five minutes of the initial test indicates a blood alcohol
15 concentration of less than 0.08%; and

16 (2) the person complied with all required maintenance, repair,
17 calibration, monitoring, and inspection requirements related to the
18 device.

19 d. If the vendor does not issue a certification to the person
20 because there were two or more violations of paragraph (1) of
21 subsection c. of this section, the vendor shall forward the violation
22 information to the chief administrator and the court. The court shall
23 decide whether to extend the period of ignition interlock device
24 installation for up to 90 days or issue the certification to the chief
25 administrator.¹

26 (cf: P.L.2019, c.248, s.5)

27
28 ¹5. Section 12 of P.L.1990, c.103 (C.39:3-10.20) is amended to
29 read as follows:

30 12. a. In addition to the imposition of any other penalty provided
31 by law, the chief administrator shall suspend for not less than one year
32 nor more than three years the commercial motor vehicle driving
33 privilege of a person convicted for a first violation of:

34 (1) R.S.39:4-50 if the motor vehicle was a commercial motor
35 vehicle or section 5 of P.L.1990, c.103 (C.39:3-10.13).

36 (2) R.S.39:4-129 if the motor vehicle was a commercial motor
37 vehicle operated by the person.

38 (3) Using a commercial motor vehicle in the commission of any
39 "crime" as defined in subsection a., c., or d. of N.J.S.2C:1-4, except in
40 circumstances where harsher penalties are provided by this section.

41 (4) Refusal to submit to a chemical test under section 2 of

1 the person was a commercial motor vehicle or a non-commercial
2 motor vehicle.

3 b. If a first violation of any of the violations specified in
4 subsection a. of this section takes place while transporting hazardous
5 material or takes place in a vehicle displaying a hazardous material
6 placard, the chief administrator shall suspend the commercial motor
7 vehicle driving privilege of the person for three years.

8 c. Subject to the provisions of subsection d. of this section, the
9 chief administrator shall revoke for life the commercial motor vehicle
10 driving privilege of a person for a second or subsequent violation of
11 any of the offenses specified in subsections a. and j. of this section or
12 any combination of those offenses arising from two or more separate
13 incidents.

14 d. The chief administrator may issue rules and regulations
15 establishing guidelines, including conditions under which a revocation
16 of commercial motor vehicle driving privilege for life under
17 subsection c. may be reduced to a period of not less than 10 years.

18 e. Notwithstanding any other provision of law to the contrary, the
19 chief administrator shall revoke for life the commercial motor vehicle
20 driving privilege of a person who uses a commercial motor vehicle or
21 a non-commercial motor vehicle in the commission of a crime
22 involving the manufacture, distribution, or dispensing of a controlled
23 substance or controlled substance analog, or possession with intent to
24 manufacture, distribute, or dispense a controlled substance or
25 controlled substance analog.

26 Notwithstanding any other provision of law to the contrary, the
27 chief administrator shall revoke for life the commercial motor vehicle
28 driving privilege of a person who is convicted of a crime involving an
29 act or practice described in section 1 of P.L.2005, c.77 (C.2C:13-8) or
30 involving an act or practice of one or more of the severe forms of
31 trafficking in persons as described in paragraph (11) of
32 22 U.S.C. S.7102, the federal "Trafficking Victims Protection Act of
33 2000."

34 A revocation under this subsection shall not be subject to reduction
35 in accordance with subsection d. of this section.

36 f. (1) The chief administrator shall suspend the commercial motor
37 vehicle driving privilege of a person for a period of not less than 60
38 days if the person is convicted of a serious traffic violation, other than
39 a violation arising in connection with a fatal accident as set forth in
40 paragraph (6) of subsection a. of this section, and that conviction
41 constitutes the second serious traffic violation committed in a

1 any other state arising from separate incidents occurring within a
2 three-year period.

3 (2) The chief administrator shall suspend the commercial motor
4 vehicle driving privilege of a person for a period of not less than 60
5 days if the person is convicted of a violation of R.S.39:4-128; section
6 68 of P.L.1951, c.23 (C.39:4-127.1); or section 10 of P.L.2005, c.147
7 (C.39:4-128.11). The chief administrator shall suspend the
8 commercial motor vehicle driving privilege for not less than 120 days
9 if the conviction constitutes the second violation of R.S.39:4-128;
10 section 68 of P.L.1951, c.23 (C.39:4-127.1); section 10 of P.L.2005,
11 c.147 (C.39:4-128.11) or any combination of such violations in this or
12 any other state arising from separate incidents occurring within a
13 three-year period. The chief administrator shall suspend the
14 commercial motor vehicle driving privilege for not less than one year
15 if the conviction constitutes the third or subsequent violation of
16 R.S.39:4-128; section 68 of P.L.1951, c.23 (C.39:4-127.1); section 10
17 of P.L.2005, c.147 (C.39:4-128.11) or any combination of such
18 violations in this or any other state arising from separate incidents
19 occurring within the past three years.

20 (3) The chief administrator shall suspend the commercial motor
21 vehicle driving privilege of a person for a period of not less than 180
22 days or more than one year if the person is convicted of violating a
23 driver, commercial motor vehicle, or motor carrier operation out-of-
24 service order while driving a commercial motor vehicle transporting
25 nonhazardous materials. The chief administrator shall suspend the
26 commercial motor vehicle driving privilege of a person for a period of
27 not less than two years or more than five years if the conviction
28 constitutes the second conviction in a separate incident in this or any
29 other state within a 10-year period of violating a driver, commercial
30 motor vehicle, or motor carrier operation out-of-service order while
31 driving a commercial motor vehicle transporting nonhazardous
32 materials. The chief administrator shall suspend the commercial motor
33 vehicle driving privilege of a person for a period of not less than three
34 years or more than five years if the conviction constitutes the third or
35 subsequent conviction in a separate incident in this or any other state
36 within a 10-year period of violating a driver, commercial motor
37 vehicle, or motor carrier operation out-of-service order while driving a
38 commercial motor vehicle transporting nonhazardous materials.

39 (4) The chief administrator shall suspend the commercial motor
40 vehicle driving privilege of a person for a period of not less than 180
41 days or more than two years if the person is convicted of violating a

1 incident within a 10-year period in this or any other state of violating a
2 driver, commercial motor vehicle, or motor carrier operation out-of-
3 service order while driving a commercial motor vehicle transporting
4 hazardous materials required to be placarded under Subpart F of 49
5 C.F.R. s.172, or while operating a vehicle designed to transport 16 or
6 more passengers, including the driver.

7 g. A court shall make a report to the chief administrator within
8 three days in such form as the chief administrator may require
9 concerning conviction for any violation or crime listed or described in
10 P.L.1990, c.103 (C.39:3-10.9 et seq.). The chief administrator shall
11 notify the Commercial Driver License Information System of the
12 suspension, revocation, or cancellation. In the case of non-residents,
13 the chief administrator also shall notify the licensing authority of the
14 state which issued the commercial driver license or the state where the
15 person is domiciled. The chief administrator shall provide these
16 notices within 10 days after the suspension, revocation, cancellation,
17 or disqualification.

18 h. The chief administrator shall in accordance with this section
19 suspend a commercial motor vehicle driving privilege of a person
20 holding, or required to hold, a commercial driver license issued by this
21 State if the person is convicted in another state or foreign jurisdiction
22 of an offense of a substantially similar nature to the offenses specified
23 in subsection a., e., f., g., h., i. or j. of this section. For purposes of this
24 section, a violation such as driving while intoxicated, driving under the
25 influence, or driving while ability is impaired shall be considered
26 substantially similar offenses. For purposes of this section, a violation
27 committed in another state but substantially similar to those
28 enumerated in subsection a., e., f., g., h., i. or j. of this section
29 committed in this State shall be included.

30 i. Notwithstanding any other provision of law to the contrary, a
31 conviction under this section, or section 5 or 16 of P.L.1990, c.103
32 (C.39:3-10.13 or C.39:3-10.24), shall not merge with a conviction for
33 a violation of R.S.39:4-50 or section 2 of P.L.1966, c.142
34 (C.39:4-50.2).

35 j. In addition to any other penalty provided by law, the chief
36 administrator shall suspend for one year the commercial motor vehicle
37 driving privilege of a person for a first violation of:

- 38 (1) R.S.39:4-50 while operating a non-commercial motor vehicle;
- 39 (2) R.S.39:4-129 while operating a non-commercial motor vehicle;
- 40 (3) Refusing to submit to a chemical test under section 2 of
41 P.L.1966, c.142 (C.39:4-50.2) while operating a non-commercial

1 pursuant to 49 C.F.R. s.383.52 because that person's driving has been
2 determined to constitute an imminent hazard.

3 1. The New Jersey Motor Vehicle Commission shall maintain
4 records of accidents, convictions, and disqualification for persons
5 holding, or required to hold, a commercial driver license in accordance
6 with 49 C.F.R. s.384.225 and the AAMVAnet, Inc.'s "Commercial
7 Driver License Information System State Procedures," as amended and
8 supplemented.

9 m. Any driver who is found to be in violation of the provisions of
10 paragraph (a) or (b) of 49 C.F.R. s.392.5, relating to the use of alcohol,
11 being under the influence of alcohol, having any measured alcohol
12 concentration or detected presence of alcohol, or possessing alcohol,
13 shall be placed out-of-service immediately for a period of 24 hours.

14 n. ²In addition to any penalty imposed under this section, in
15 sentencing a person convicted of a first violation of section 5 of
16 P.L.1990, c.103 (C.39:3-10.13) whose blood alcohol concentration
17 was at least 0.04% but less than 0.08%, the court shall order the
18 installation of an ignition interlock device in one motor vehicle owned,
19 leased, or principally operated by the offender, whichever the offender
20 most often operates, which shall remain installed for three to six
21 months. Notwithstanding the provisions of this section or any other
22 provision of law to the contrary, the chief administrator shall not
23 suspend the commercial motor vehicle driving privilege of an offender
24 who installs an ignition interlock device pursuant to this subsection.¹】

25 In sentencing a person convicted of a first violation of section 5 of
26 P.L.1990, c.103 (C.39:3-10.13) whose blood alcohol concentration
27 was at least 0.04% but less than 0.08%, the court shall not suspend the
28 person's basic driver's license, but shall order the installation of an
29 ignition interlock device in one non-commercial motor vehicle owned,
30 leased, or principally operated by the offender, whichever the offender
31 most often operates, which shall remain installed during the period that
32 the person's commercial motor vehicle driving privilege is
33 suspended.²

34 (cf: P.L.2022, c.11, s.1)

35

36 ¹6. Section 2 of P.L.1981, c.512 ²[(C:39:4-50.4a)]
37 (C.39:4-50.4a)² is amended to read as follows:

38 2. a. The municipal court shall order any person who, after being
39 arrested for a violation of R.S.39:4-50 or section 1 of P.L.1992, c.189
40 (C.39:4-50.14), refuses to submit, upon request, to a test provided for
41 in section 2 of P.L. 1966, c.142 (C.39:4-50.2):

1 (2) if the refusal was in connection with a second offense under
2 this section, to forfeit the right to operate a motor vehicle over the
3 highways of this State for a period of not less than one year or more
4 than two years following the installation of an ignition interlock device
5 in one motor vehicle owned, leased, or principally operated by the
6 person, whichever the person most often operates, for the purpose of
7 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
8 al.);

9 (3) if the refusal was in connection with a third or subsequent
10 offense under this section, to forfeit the right to operate a motor
11 vehicle over the highways of this State for a period of eight years
12 following the installation of an ignition interlock device in one motor
13 vehicle owned, leased, or principally operated by the person,
14 whichever the person most often operates, for the purpose of
15 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
16 al.). A conviction or administrative determination of a violation of a
17 law of a substantially similar nature in another jurisdiction, regardless
18 of whether that jurisdiction is a signatory to the Interstate Driver
19 License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall
20 constitute a prior conviction under this section.

21 The municipal court shall determine by a preponderance of the
22 evidence whether the arresting officer had probable cause to believe
23 that the person had been driving or was in actual physical control of a
24 motor vehicle on the public highways or quasi-public areas of this
25 State while the person was under the influence of intoxicating liquor or
26 a narcotic, hallucinogenic, or habit-producing drug, or marijuana or
27 cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33);
28 whether the person was placed under arrest, if appropriate, and
29 whether he refused to submit to the test upon request of the officer;
30 and if these elements of the violation are not established, no conviction
31 shall issue. In addition to any other requirements provided by law, a
32 person whose operator's license is revoked for refusing to submit to a
33 test shall be referred to an Intoxicated Driver Resource Center
34 established by subsection (f) of R.S.39:4-50 and shall satisfy the same
35 requirements of the center for refusal to submit to a test as provided
36 for in section 2 of P.L.1966, c.142 (C.39:4-50.2) in connection with a
37 first, second, third or subsequent offense under this section that must
38 be satisfied by a person convicted of a commensurate violation of this
39 section, or be subject to the same penalties as such a person for failure
40 to do so. For a first offense, the revocation may be concurrent with or
41 consecutive to any revocation imposed for a conviction under the

1 ²[Upon] Notwithstanding any judicial directive to the contrary,
2 upon² recommendation by the prosecutor, a plea agreement under this
3 section is authorized under the appropriate factual basis ²consistent
4 with any other violation of Title 39 of the Revised Statutes or offense
5 under Title 2C of the New Jersey Statutes^{2 4}; provided, however, that
6 if a person is convicted of operating a motor vehicle while under the
7 influence of a narcotic, hallucinogenic, or habit-producing drug or
8 permitting another person who is under the influence of a narcotic,
9 hallucinogenic, or habit-producing drug to operate a motor vehicle
10 owned by the person or under the person's custody or control pursuant
11 to the provisions of R.S.39:4-50 or a person is convicted of operating a
12 commercial motor vehicle under the influence of a controlled
13 substance pursuant to section 5 of P.L.1990, c.103 (C.39:3-10.13), the
14 person shall forfeit the right to operate a motor vehicle over the
15 highways of this State for a period of not less than six months⁴.

16 b. (Deleted by amendment, P.L.2019, c.248)¹
17 (cf: P.L.2021, c.16, s.82)

18
19 ²7. Nothing in P.L. _____, c. _____ (pending before the Legislature as this
20 bill) shall be construed to preclude the installation of an ignition
21 interlock device for a violation of Title 39 of the Revised Statutes
22 under the appropriate factual basis.²

23
24 ³8. (New section) ⁴[The] Notwithstanding the⁴ provisions of
25 ⁴[sections 2 through 7 of P.L. _____, c. _____ (pending before the
26 Legislature as this bill) shall not apply to] R.S.39:4-50,⁴ a person
27 who has been arrested or convicted of operating a motor vehicle
28 while under the influence of a narcotic, hallucinogenic, or habit-
29 producing drug or permitting another person who is under the
30 influence of a narcotic, hallucinogenic, or habit-producing drug to
31 operate a motor vehicle owned by the person or under the person's
32 custody or control pursuant to the provisions of R.S.39:4-50 or a
33 person who has been convicted of operating a commercial motor
34 vehicle under the influence of a controlled substance pursuant to
35 section 5 of P.L.1990, c.103 (C.39:3-10.13) ⁴shall not be eligible,
36 based on the person's installation of an ignition interlock device, for
37 any waiver of the fine or for any credit against the period that the
38 person is required to forfeit the right to operate a motor vehicle on
39 the highways of this State^{4,3}.
40

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1 P.L. , c. ²(pending before the Legislature as this bill); section 3
2 of P.L.1999, c.417 (C.39:4-50.18) pursuant to P.L. , c. (pending
3 before the Legislature as this bill); and section 12 of P.L.1990,
4 c.103 (C.39:3-10.20) pursuant to P.L. , c. (pending before the
5 Legislature as this bill) shall expire on January 1, 2029¹.