

P.L. 2009, CHAPTER 201, *approved January 14, 2010*
Assembly, No. 3073 (*Third Reprint*)

1 AN ACT concerning ignition interlock devices, designated as Ricci's
2 Law, and amending R.S.39:4-50, ³[P.L.1999, c.417, and]³
3 P.L.1995, c.286 ³, P.L.1981, c.512, and amending and
4 supplementing P.L.1999, c.417³ .
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

- 9 1. R.S.39:4-50 is amended to read as follows:
10 39:4-50. (a) Except as provided in subsection (g) of this section,
11 a person who operates a motor vehicle while under the influence of
12 intoxicating liquor, narcotic, hallucinogenic or habit-producing
13 drug, or operates a motor vehicle with a blood alcohol concentration
14 of 0.08% or more by weight of alcohol in the defendant's blood or
15 permits another person who is under the influence of intoxicating
16 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
17 motor vehicle owned by him or in his custody or control or permits
18 another to operate a motor vehicle with a blood alcohol
19 concentration of 0.08% or more by weight of alcohol in the
20 defendant's blood shall be subject:
21 (1) For the first offense:
22 (i) if the person's blood alcohol concentration is 0.08% or
23 higher but less than 0.10%, or the person operates a motor vehicle
24 while under the influence of intoxicating liquor, or the person
25 permits another person who is under the influence of intoxicating
26 liquor to operate a motor vehicle owned by him or in his custody or
27 control or permits another person with a blood alcohol
28 concentration of 0.08% or higher but less than 0.10% to operate a
29 motor vehicle, to a fine of not less than \$250 nor more than \$400
30 and a period of detainment of not less than 12 hours nor more than
31 48 hours spent during two consecutive days of not less than six
32 hours each day and served as prescribed by the program
33 requirements of the Intoxicated Driver Resource Centers established
34 under subsection (f) of this section and, in the discretion of the
35 court, a term of imprisonment of not more than 30 days and shall
36 forthwith forfeit his right to operate a motor vehicle over the
37 highways of this State for a period of three months;
38 (ii) if the person's blood alcohol concentration is 0.10% or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted October 23, 2008.

²Assembly AJU committee amendments adopted June 8, 2009.

³Assembly floor amendments adopted January 7, 2010.

1 higher, or the person operates a motor vehicle while under the
2 influence of narcotic, hallucinogenic or habit-producing drug, or the
3 person permits another person who is under the influence of
4 narcotic, hallucinogenic or habit-producing drug to operate a motor
5 vehicle owned by him or in his custody or control, or permits
6 another person with a blood alcohol concentration of 0.10% or more
7 to operate a motor vehicle, to a fine of not less than \$300 nor more
8 than \$500 and a period of detainment of not less than 12 hours nor
9 more than 48 hours spent during two consecutive days of not less
10 than six hours each day and served as prescribed by the program
11 requirements of the Intoxicated Driver Resource Centers established
12 under subsection (f) of this section and, in the discretion of the
13 court, a term of imprisonment of not more than 30 days and shall
14 forthwith forfeit his right to operate a motor vehicle over the
15 highways of this State for a period of not less than seven months
16 nor more than one year;

17 (iii) For a first offense, a person also shall be **[subject]**
18 ²**[required to install an ignition interlock device pursuant]** subject²
19 to the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

20 (2) For a second violation, a person shall be subject to a fine of
21 not less than \$500.00 nor more than \$1,000.00, and shall be ordered
22 by the court to perform community service for a period of 30 days,
23 which shall be of such form and on such terms as the court shall
24 deem appropriate under the circumstances, and shall be sentenced to
25 imprisonment for a term of not less than 48 consecutive hours,
26 which shall not be suspended or served on probation, nor more than
27 90 days, and shall forfeit his right to operate a motor vehicle over
28 the highways of this State for a period of two years upon
29 conviction, and, after the expiration of said period, he may make
30 application to the Chief Administrator of the New Jersey Motor
31 Vehicle Commission for a license to operate a motor vehicle, which
32 application may be granted at the discretion of the chief
33 administrator, consistent with subsection (b) of this section. For a
34 second violation, a person also shall be required to install an
35 ignition interlock device under the provisions of P.L.1999, c.417
36 (C.39:4-50.16 et al.) **[or shall have his registration certificate and**
37 **registration plates revoked for two years under the provisions of**
38 **section 2 of P.L.1995, c.286 (C.39:3-40.1)].**

39 (3) For a third or subsequent violation, a person shall be subject
40 to a fine of \$1,000.00, and shall be sentenced to imprisonment for a
41 term of not less than 180 days in a county jail or workhouse, except
42 that the court may lower such term for each day, not exceeding 90
43 days, served participating in a drug or alcohol inpatient
44 rehabilitation program approved by the Intoxicated Driver Resource
45 Center and shall thereafter forfeit his right to operate a motor
46 vehicle over the highways of this State for 10 years. For a third or
47 subsequent violation, a person also shall be required to install an
48 ignition interlock device under the provisions of P.L.1999, c.417

1 (C.39:4-50.16 et al.) [or shall have his registration certificate and
2 registration plates revoked for 10 years under the provisions of
3 section 2 of P.L.1995, c.286 (C.39:3-40.1)].

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

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

26 A conviction of a violation of a law of a substantially similar
27 nature in another jurisdiction, regardless of whether that jurisdiction
28 is a signatory to the Interstate Driver License Compact pursuant to
29 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
30 conviction under this subsection unless the defendant can
31 demonstrate by clear and convincing evidence that the conviction in
32 the other jurisdiction was based exclusively upon a violation of a
33 proscribed blood alcohol concentration of less than 0.08%.

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

1 an inpatient rehabilitation program or to an Intoxicated Driver
2 Resource Center or other facility approved by the chief of the
3 Intoxicated Driving Program Unit in the Department of Health and
4 Senior Services. For a third or subsequent offense a person shall
5 not serve a term of imprisonment at an Intoxicated Driver Resource
6 Center as provided in subsection (f).

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

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

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

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

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

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

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

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

48 Required detention periods at the Intoxicated Driver Resource

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

12 The centers shall conduct a program of alcohol and drug
13 education and highway safety, as prescribed by the chief
14 administrator.

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

19 (g) When a violation of this section occurs while:

20 (1) on any school property used for school purposes which is
21 owned by or leased to any elementary or secondary school or school
22 board, or within 1,000 feet of such school property;

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

26 (3) driving through a school crossing as defined in R.S.39:1-1
27 knowing that juveniles are present if the municipality has not
28 designated the school crossing as such by ordinance or resolution,
29 the convicted person shall: for a first offense, be fined not less than
30 \$500 or more than \$800, be imprisoned for not more than 60 days
31 and have his license to operate a motor vehicle suspended for a
32 period of not less than one year or more than two years; for a
33 second offense, be fined not less than \$1,000 or more than \$2,000,
34 perform community service for a period of 60 days, be imprisoned
35 for not less than 96 consecutive hours, which shall not be suspended
36 or served on probation, nor more than 180 days, except that the
37 court may lower such term for each day, not exceeding 90 days,
38 served performing community service in such form and on such
39 terms as the court shall deem appropriate under the circumstances
40 and have his license to operate a motor vehicle suspended for a
41 period of four years; and, for a third offense, be fined \$2,000,
42 imprisoned for 180 days in a county jail or workhouse, except that
43 the court may lower such term for each day, not exceeding 90 days,
44 served participating in a drug or alcohol inpatient rehabilitation
45 program approved by the Intoxicated Driver Resource Center, and
46 have his license to operate a motor vehicle suspended for a period
47 of 20 years; the period of license suspension shall commence upon
48 the completion of any prison sentence imposed upon that person.

1 A map or true copy of a map depicting the location and
2 boundaries of the area on or within 1,000 feet of any property used
3 for school purposes which is owned by or leased to any elementary
4 or secondary school or school board produced pursuant to section 1
5 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
6 paragraph (1) of this subsection.

7 It shall not be relevant to the imposition of sentence pursuant to
8 paragraph (1) or (2) of this subsection that the defendant was
9 unaware that the prohibited conduct took place while on or within
10 1,000 feet of any school property or while driving through a school
11 crossing. Nor shall it be relevant to the imposition of sentence that
12 no juveniles were present on the school property or crossing zone at
13 the time of the offense or that the school was not in session.

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

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

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

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

39 As used in this section, "appropriate victim" means a victim
40 whose condition is determined by the facility's supervisory
41 personnel and the probation officer to be appropriate for
42 demonstrating the results of accidents involving drunk drivers
43 without being unnecessarily gruesome or traumatic to the
44 defendant.

45 If at any time before or during a visitation the facility's
46 supervisory personnel and the probation officer determine that the
47 visitation may be or is traumatic or otherwise inappropriate for that
48 defendant, the visitation shall be terminated without prejudice to the

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 \$100, of
24 which amount \$50 shall be payable to the municipality in which the
25 conviction was obtained and \$50 shall be payable to the Treasurer
26 of the State of New Jersey for deposit into the General Fund.

27 (cf: P.L.2004, c.8, s.2)

28

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

31 2. a. ²[In] (1) Except as provided in paragraph (2) of this
32 subsection, in² sentencing a first offender under R.S.39:4-50, the
33 court [may] ²[shall] may² order, in addition to any other penalty
34 imposed by that section, the installation of an ¹ignition¹ interlock
35 device in ³[every] the³ motor vehicle ³[owned, leased or regularly]
36 principally³ operated by the offender ²[¹during and¹]² following
37 the expiration of the period of license suspension imposed under
38 that section. ³In sentencing a first offender under section 2 of
39 P.L.1981, c.512 (C.39:4-50.4a), the court shall order, in addition to
40 any other penalty imposed by that section, the installation of an
41 ignition interlock device in the motor vehicle principally operated
42 by the offender during and following the expiration of the period of
43 license suspension imposed under that section.³ [The] ²[In
44 addition to installation during the period of license suspension, the]
45 The² device shall remain installed for not less than six months or
46 more than one year, commencing immediately upon the return of
47 the offender's driver's license after the required period of

1 suspension has been served.

2 ²(2) If the first offender's blood alcohol concentration is 0.15 %
3 or higher, the court shall order, in addition to any other penalty
4 imposed under R.S.39:4-50, the installation of an ignition interlock
5 device in ³[every] the³ motor vehicle ³[owned, leased or regularly]
6 principally³ operated by the offender during and following the
7 expiration of the period of license suspension imposed under that
8 section. In addition to installation during the period of license
9 suspension, the device shall remain installed for not less than six
10 months or more than one year, commencing immediately upon the
11 return of the offender's driver's license after the required period of
12 suspension has been served.²

13 b. In sentencing a second or subsequent offender under
14 R.S.39:4-50 ³or section 2 of P.L.1981, c.512 (C.39:4-50.4a)³, the
15 court [may] shall order, in addition to any other penalty imposed
16 by that section, the installation of an ²ignition² interlock device in
17 ³[every] the³ motor vehicle ³[owned, leased or regularly]
18 principally³ operated by the offender during and following the
19 expiration of the period of license suspension imposed under
20 R.S.39:4-50 ³or section 2 of P.L.1981, c.512 (C.39:4-50.4a)³.
21 [The] In addition to installation during the period of license
22 suspension, the device shall remain installed for not less than one
23 year or more than three years, commencing immediately upon the
24 return of the offender's driver's license after the required period of
25 suspension has been served.

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

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

34 ³e. The provisions of P.L.1999, c.417 (C.39:4-50.16 et al) and
35 any amendments and supplements thereto shall be applicable only
36 to violations of R.S.39:4-50 and section 2 of P.L.1981, c.512
37 (C.39:4-50.4a).³

38 (cf: P.L.2000, c.83, s.4)

39

40 3. Section 4 of P.L.1999, c.417 (C.39:4-50.19) is amended to
41 read as follows:

42 4. a. A person who fails to install an interlock device ordered
43 by the court in a motor vehicle owned, leased or regularly operated
44 by him shall have his driver's license suspended for one year, in
45 addition to any other suspension or revocation imposed under
46 R.S.39:4-50, unless the court determines a valid reason exists for
47 the failure to comply. A person in whose vehicle an interlock

1 device is installed pursuant to a court order who drives that vehicle
2 after it has been started by any means other than his own blowing
3 into the device or who drives a vehicle that is not equipped with
4 such a device shall have his driver's license suspended for one year,
5 in addition to any other penalty applicable by law.

6 b. A person is a disorderly person who:

7 (1) ~~Blows~~ 'blows' blows¹ into an interlock device or
8 otherwise starts a motor vehicle equipped with such a device for the
9 purpose of providing an operable motor vehicle to a person who has
10 been ordered by the court to install the device in the vehicle~~].~~;

11 (2) ~~Tampers~~ tampers or in any way circumvents the operation
12 of an interlock device ~~].~~; or

13 (3) ~~Knowingly~~ knowingly rents, leases or lends a motor
14 vehicle not equipped with an interlock device to a person who has
15 been ordered by the court to install an interlock device in a vehicle
16 he owns, leases or regularly operates.

17 c. The provisions of subsection b. of this section shall not
18 apply if a motor vehicle required to be equipped with an ignition
19 interlock device is started by a person for the purpose of safety or
20 mechanical repair of the device or the vehicle, provided the person
21 subject to the court order does not operate the vehicle.

22 (cf: P.L.2000, c.83, s.4)

23
24 4. Section 2 of P.L.1995, c.286 (C.39:3-40.1) is amended to
25 read as follows:

26 2. a. Any motor vehicle registration certificate and registration
27 plates shall be revoked if a person is convicted of violating the
28 provisions of:

29 (1) subsection a. of R.S.39:3-40 for operating a motor vehicle
30 during a period when that violator's driver's license has been
31 suspended for a violation of R.S.39:4-50; or

32 (2) subsection b. or c. of R.S.39:3-40 for operating a motor
33 vehicle during a period when that violator's driver's license has been
34 suspended within a five-year period ~~];~~ or

35 (3) R.S.39:4-50 for a second or subsequent offense, if such
36 revocation is ordered by the court as authorized under that section].
37 (Deleted by amendment, P.L. _____, c. _____) (pending before the
38 Legislature as this bill)

39 This revocation of registration certificate and registration plates
40 shall apply to all passenger automobiles and motorcycles owned or
41 leased by the violator and registered under the provisions of
42 R.S.39:3-4 and all noncommercial trucks owned or leased by the
43 violator and registered under the provisions of section 2 of
44 P.L.1968, c.439 (C.39:3-8.1), including those passenger
45 automobiles, motorcycles and noncommercial trucks registered or
46 leased jointly in the name of the violator and the other owner of
47 record.

1 b. At the time of conviction, the court shall notify each violator
2 that the person's passenger automobile, motorcycle, and
3 noncommercial truck registrations are revoked. Notwithstanding
4 the provisions of R.S.39:5-35, the violator shall surrender the
5 registration certificate and registration plates of all passenger
6 automobiles, motorcycles, and noncommercial truck registrations
7 subject to revocation under the provisions of this section within 48
8 hours of the court's notice. The surrender shall be at a place and in
9 a manner prescribed by the Director of the Division of Motor
10 Vehicles pursuant to rule and regulation. The court also shall notify
11 the violator that a failure to surrender that vehicle registration
12 certificate and registration plates shall result in the impoundment of
13 the vehicle in accordance with the provisions of section 4 of
14 P.L.1995, c.286 (C.39:3-40.3) and the seizure of said registration
15 certificate and registration plates. The revocation authorized under
16 the provisions of this subsection shall remain in effect for the period
17 during which the violator's license to operate a motor vehicle is
18 suspended and shall be enforced so as to prohibit the violator from
19 registering or leasing any other vehicle, however acquired, during
20 that period.

21 c. If the violator subject to the penalties set forth in subsections
22 a. and b. of this section for conviction of violating the provisions of
23 R.S.39:3-40 was operating a motor vehicle owned or leased by
24 another person and that other owner or lessee permitted that
25 operation with knowledge that the violator's driver's license was
26 suspended, the court shall suspend the person's license to operate a
27 motor vehicle and revoke the registration certificate and registration
28 plates for that vehicle for a period of not more than six months.
29 Notwithstanding the provisions of R.S.39:3-35, the owner or lessee
30 shall surrender the registration certificate and registration plates of
31 that vehicle within 48 hours of the court's notice of revocation. The
32 surrender shall be at a place and in a manner prescribed by the
33 Director of the Division of Motor Vehicles pursuant to rule and
34 regulation. The court also shall notify the owner or lessee that a
35 failure to surrender the revoked registration certificate and
36 registration plates shall result in the impoundment of the vehicle in
37 accordance with the provisions of section 4 of P.L.1995, c.286
38 (C.39:3-40.3) and the seizure of said registration certificate and
39 registration plates. Nothing in this subsection shall be construed to
40 limit the court from finding that owner or lessee guilty of violating
41 R.S.39:3-39 or any other such statute concerning the operation of a
42 motor vehicle by an unlicensed driver.
43 (cf: P.L.2000, c.83, s.2)

44
45 ³⁵ Section 2 of P.L.1981, c.512 (C.39:4-50.4a) is amended to
46 read as follows:

47 2. a. Except as provided in subsection b. of this section, the
48 municipal court shall revoke the right to operate a motor vehicle of

1 any operator who, after being arrested for a violation of R.S.39:4-50
2 or section 1 of P.L.1992, c.189 (C.39:4-50.14), shall refuse to
3 submit to a test provided for in section 2 of P.L.1966, c.142
4 (C.39:4-50.2) when requested to do so, for not less than seven
5 months or more than one year unless the refusal was in connection
6 with a second offense under this section, in which case the
7 revocation period shall be for two years or unless the refusal was in
8 connection with a third or subsequent offense under this section in
9 which case the revocation shall be for ten years. A conviction or
10 administrative determination of a violation of a law of a
11 substantially similar nature in another jurisdiction, regardless of
12 whether that jurisdiction is a signatory to the Interstate Driver
13 License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.),
14 shall constitute a prior conviction under this section.

15 The municipal court shall determine by a preponderance of the
16 evidence whether the arresting officer had probable cause to believe
17 that the person had been driving or was in actual physical control of
18 a motor vehicle on the public highways or quasi-public areas of this
19 State while the person was under the influence of intoxicating
20 liquor or a narcotic, hallucinogenic, or habit-producing drug or
21 marijuana; whether the person was placed under arrest, if
22 appropriate, and whether he refused to submit to the test upon
23 request of the officer; and if these elements of the violation are not
24 established, no conviction shall issue. In addition to any other
25 requirements provided by law, a person whose operator's license is
26 revoked for refusing to submit to a test shall be referred to an
27 Intoxicated Driver Resource Center established by subsection (f.) of
28 R.S.39:4-50 and shall satisfy the same requirements of the center
29 for refusal to submit to a test as provided for in section 2 of
30 P.L.1966, c.142 (C.39:4-50.2) in connection with a first, second,
31 third or subsequent offense under this section that must be satisfied
32 by a person convicted of a commensurate violation of this section,
33 or be subject to the same penalties as such a person for failure to do
34 so. For a first offense, the revocation may be concurrent with or
35 consecutive to any revocation imposed for a conviction under the
36 provisions of R.S.39:4-50 arising out of the same incident. For a
37 second or subsequent offense, the revocation shall be consecutive to
38 any revocation imposed for a conviction under the provisions of
39 R.S.39:4-50. In addition to issuing a revocation, except as provided
40 in subsection b. of this section, the municipal court shall fine a
41 person convicted under this section, a fine of not less than \$300 or
42 more than \$500 for a first offense; a fine of not less than \$500 or
43 more than \$1,000 for a second offense; and a fine of \$1,000 for a
44 third or subsequent offense. The person also shall be required to
45 install an ignition interlock device pursuant to the provisions of
46 P.L.1999, c.417 (C39:4-50.16 et al.).

47 b. For a first offense, the fine imposed upon the convicted
48 person shall be not less than \$600 or more than \$1,000 and the

1 period of license suspension shall be not less than one year or more
2 than two years; for a second offense, a fine of not less than \$1,000
3 or more than \$2,000 and a license suspension for a period of four
4 years; and for a third or subsequent offense, a fine of \$2,000 and a
5 license suspension for a period of 20 years when a violation of this
6 section occurs while:

7 (1) on any school property used for school purposes which is
8 owned by or leased to any elementary or secondary school or school
9 board, or within 1,000 feet of such school property;

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

13 (3) driving through a school crossing as defined in R.S.39:1-1
14 knowing that juveniles are present if the municipality has not
15 designated the school crossing as such by ordinance or resolution.

16 A map or true copy of a map depicting the location and
17 boundaries of the area on or within 1,000 feet of any property used
18 for school purposes which is owned by or leased to any elementary
19 or secondary school or school board produced pursuant to section 1
20 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
21 paragraph (1) of this subsection.

22 It shall not be relevant to the imposition of sentence pursuant to
23 paragraph (1) or (2) of this subsection that the defendant was
24 unaware that the prohibited conduct took place while on or within
25 1,000 feet of any school property or while driving through a school
26 crossing. Nor shall it be relevant to the imposition of sentence that
27 no juveniles were present on the school property or crossing zone at
28 the time of the offense or that the school was not in session.³

29 (cf: P.L.2007, c.267, s.2)

30
31 ³6. (New section) a. If a person is required to install an ignition
32 interlock device and that person's family income does not exceed
33 100% of the federal poverty level, the monthly leasing fee shall be
34 50% of the fee established by regulation for persons who do not
35 qualify for the reduced fee.

36 b. If a person is required to install an ignition interlock device
37 and that person's family income does not exceed 149% of the
38 federal poverty level, the monthly leasing fee shall be 75% of the
39 fee established by regulation for persons who do not qualify for the
40 reduced fee.

41 c. Persons who qualify for a reduced fee pursuant to the
42 provisions of this section shall not be required to pay the
43 installation fee, the cost for monitoring of the device, or any fees
44 for calibration or removal of the device.³

45
46 ³[5.] 7.³ This act shall take effect immediately.

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“Ricci’s Law;” revises ignition interlock device requirements for
certain drunk driving offenders.