

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1368

STATE OF NEW JERSEY
216th LEGISLATURE

ADOPTED MAY 15, 2014

Sponsored by:

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District 22 (Middlesex, Somerset and Union)

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District 22 (Middlesex, Somerset and Union)

Senator JIM WHELAN

District 2 (Atlantic)

Co-Sponsored by:

**Assemblywoman Watson Coleman, Assemblyman Giblin, Assemblywoman
Spencer, Senators Pou, Stack, Beck and Weinberg**

SYNOPSIS

Revises penalty provisions for certain drunk driving violations, including use of and applicable time periods covering driver's license suspensions and installations of ignition interlock devices on motor vehicles.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 23, 2014, with amendments.

(Sponsorship Updated As Of: 2/6/2015)

1 AN ACT concerning certain drunk driving offenses, and amending
2 various parts of the statutory law.

3

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

6

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

8 39:4-50. (a) **[**Except as provided in subsection (g) of this section,
9 **a]** A person who operates a motor vehicle while under the influence
10 of intoxicating liquor, narcotic, hallucinogenic or habit-producing
11 drug, or operates a motor vehicle with a blood alcohol concentration
12 of 0.08% or more by weight of alcohol in the defendant's blood or
13 permits another person who is under the influence of intoxicating
14 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
15 motor vehicle owned by him or in his custody or control or permits
16 another to operate a motor vehicle with a blood alcohol
17 concentration of 0.08% or more by weight of alcohol in the
18 defendant's blood shall be subject:

19 (1) For the first offense:

20 (i) if the person's blood alcohol concentration is 0.08% or
21 higher but less than 0.10%, or the person operates a motor vehicle
22 while under the influence of intoxicating liquor, or the person
23 permits another person who is under the influence of intoxicating
24 liquor to operate a motor vehicle owned by him or in his custody or
25 control or permits another person with a blood alcohol
26 concentration of 0.08% or higher but less than 0.10% to operate a
27 motor vehicle, to a fine of not less than \$250 nor more than \$400
28 and a period of detainment of not less than 12 hours nor more than
29 48 hours spent during two consecutive days of not less than six
30 hours each day and served as prescribed by the program
31 requirements of the Intoxicated Driver Resource Centers established
32 under subsection (f) of this section and, in the discretion of the
33 court, a term of imprisonment of not more than 30 days ¹**[, and].** In
34 addition, the court¹ shall order ¹**[the installation of]** the person to
35 forfeit his right to operate a motor vehicle over the highways of this
36 State for a period of 10 days, during which period the person shall
37 install¹ an ignition interlock device pursuant to the provisions of
38 subparagraph (iii) of this paragraph in one motor vehicle owned,
39 leased, or principally operated by the person, whichever the person
40 most often operates ¹, and thereafter the person may operate that
41 motor vehicle upon reinstatement of the person's driver's license
42 pursuant to section 3 of P.L.1999, c.417 (C.39:4-50.18)¹, unless the
43 court is clearly convinced, based on the aggravating factors

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 23, 2014.

1 outweighing the mitigating factors set forth in subparagraph (iv) of
2 this paragraph to instead order a license suspension, or the person
3 does not own or lease a motor vehicle and there is no motor vehicle
4 the person principally operates, in which case the person shall
5 forthwith forfeit his right to operate a motor vehicle over the
6 highways of this State for a period of three months;

7 (ii) if the person's blood alcohol concentration is 0.10% or
8 higher, or the person operates a motor vehicle while under the
9 influence of narcotic, hallucinogenic or habit-producing drug, or the
10 person permits another person who is under the influence of
11 narcotic, hallucinogenic or habit-producing drug to operate a motor
12 vehicle owned by him or in his custody or control, or permits
13 another person with a blood alcohol concentration of 0.10% or more
14 to operate a motor vehicle, to a fine of not less than \$300 nor more
15 than \$500 and a period of detainment of not less than 12 hours nor
16 more than 48 hours spent during two consecutive days of not less
17 than six hours each day and served as prescribed by the program
18 requirements of the Intoxicated Driver Resource Centers established
19 under subsection (f) of this section and, in the discretion of the
20 court, a term of imprisonment of not more than 30 days and shall;

21 in the case of a person whose blood alcohol concentration is
22 0.10% or higher but less than 0.15%, order ¹【the installation of】 the
23 person to forfeit his right to operate a motor vehicle over the
24 highways of this State for a period of 10 days, during which period
25 the person shall install¹ an ignition interlock device pursuant to the
26 provisions of subparagraph (iii) of this paragraph in one motor
27 vehicle owned, leased, or principally operated by the person,
28 whichever the person most often operates ¹, and thereafter the
29 person may operate that motor vehicle upon reinstatement of the
30 person's driver's license pursuant to section 3 of P.L.1999, c.417
31 (C.39:4-50.18)¹, unless the court is clearly convinced, based on the
32 aggravating factors outweighing the mitigating factors set forth in
33 subparagraph (iv) of this paragraph to instead order a license
34 suspension, or the person does not own or lease a motor vehicle and
35 there is no motor vehicle the person principally operates, in which
36 case the person shall forthwith forfeit his right to operate a motor
37 vehicle over the highways of this State for a period of not less than
38 seven months nor more than one year;

39 in the case of a person whose blood alcohol concentration is
40 0.15% or higher, forthwith forfeit his right to operate a motor
41 vehicle over the highways of this State for a period of ¹【not less
42 than seven months nor more than one year and】 10 days, during
43 which period the person shall¹ install an ignition interlock device
44 pursuant to the provisions of subparagraph (iii) of this paragraph in
45 one motor vehicle owned, leased, or principally operated by the
46 person, whichever the person most often operates ¹, and maintain
47 installation of the device during a period of forfeiture of not less

1 than seven months nor more than one year¹ , unless the person does
2 not own or lease a motor vehicle and there is no motor vehicle the
3 person principally operates, in which case the person shall receive
4 an ¹【additional】 initial¹ period of ¹【suspension equal】 forfeiture of
5 not less than seven months nor more than one year and also receive
6 an additional period of forfeiture of not less than seven months nor
7 more than one year, being equivalent¹ to the ¹total¹ period the
8 person would have had an ignition interlock device installed¹,
9 pursuant to the provisions of this subparagraph and subparagraph
10 (iii) of this paragraph¹. The person may, after already having
11 forfeited his right to operate a motor vehicle for not less than 90
12 days during the designated forfeiture period, petition the court that
13 established the forfeiture period to restore the person's driving
14 privileges for the duration of that period, subject to the person
15 maintaining the installation of the ignition interlock device on the
16 motor vehicle pursuant to the provisions of subparagraph (iii) of
17 this paragraph. Additionally, a person ¹【who】 whose¹ driving
18 privileges were suspended for an additional period because the
19 person does not own or lease a motor vehicle and there is no motor
20 vehicle the person principally operates, may petition the court that
21 established the forfeiture period, upon proof of owning, leasing, or
22 principally operating a motor vehicle, to restore the person's driving
23 privileges for the duration of the initial and additional suspension
24 period, subject to the person maintaining the installation of an
25 ignition interlock device in that vehicle pursuant to the provisions
26 of subparagraph (iii) of this paragraph;

27 in the case of any other person subject to the penalty provisions
28 of this subparagraph, forthwith forfeit his right to operate a motor
29 vehicle over the highways of this State for a period of not less than
30 seven months nor more than one year;

31 (iii) For a first offense, a person also shall be subject to the
32 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.), concerning the
33 installation of motor vehicle ignition interlock devices, unless the
34 person does not own or lease a motor vehicle and there is no motor
35 vehicle the person principally operates;

36 (iv) In determining whether to order a license suspension for a
37 first offender instead of the installation of an ignition interlock
38 device pursuant to the provisions of subparagraph (iii) of this
39 paragraph, the court shall consider the following aggravating and
40 mitigating factors:

41 the nature and circumstances of the offender's conduct, including
42 whether the conduct posed a high risk of danger to the public or
43 caused physical harm or property damage;

44 the offender's driving record, including the offender's age and
45 length of time as a licensed driver, and the number, seriousness and
46 frequency of prior violations of Title 39 of the Revised Statutes or
47 other applicable motor vehicle laws;

1 whether the offender had a substantial period of time for which
2 no violation of Title 39 of the Revised Statutes or other applicable
3 motor vehicle laws occurred at the time of the most recent violation,
4 or whether the nature and extent of the offender's driving record
5 indicates there is a substantial risk that the offender will commit
6 another violation;

7 whether the character and attitude of the offender indicate that
8 the offender is likely or unlikely to commit another violation;

9 whether the offender's conduct was the result of circumstances
10 unlikely to recur;

11 whether a license suspension would cause excessive hardship to
12 the offender or the offender's dependents;

13 the need for personal and general deterrence; and

14 any other factor as the court shall deem relevant.

15 (2) For a second violation, a person shall be subject to a fine of
16 not less than ~~[\$500.00]~~ \$500 nor more than ~~[\$1,000.00]~~ \$1,000,
17 and shall be ordered by the court to perform community service for
18 a period of 30 days, which shall be of such form and on such terms
19 as the court shall deem appropriate under the circumstances, and
20 shall be sentenced to imprisonment for a term of not less than 48
21 consecutive hours, which shall not be suspended or served on
22 probation, nor more than 90 days ¹~~[, and]~~. In addition, the court¹
23 shall ¹order the person to¹ forfeit his right to operate a motor
24 vehicle over the highways of this State for a period ¹of 10 days,
25 during which period the person shall install an ignition interlock
26 device pursuant to the provisions of subparagraph (iii) of paragraph
27 (1) of this subsection in each motor vehicle owned, leased, or
28 operated by the person and maintain their installation during a
29 period of forfeiture¹ of not less than two years nor more than four
30 years ¹[upon conviction, and, after], unless the person does not
31 own or lease a motor vehicle and there is no motor vehicle the
32 person operates, in which case the person shall receive an initial
33 period of forfeiture of not less than two years nor more than four
34 years and also receive an additional period of forfeiture of not less
35 than one year nor more than three years, being equivalent to the
36 total period the person would have had an ignition interlock device
37 installed pursuant to the provisions of this paragraph and P.L.1999,
38 c.417 (C.39:4-50.16 et al.). After¹ the expiration of said period,
39 ¹[he] the person¹ may make application to the Chief Administrator
40 of the New Jersey Motor Vehicle Commission for a license to
41 operate a motor vehicle, which application may be granted at the
42 discretion of the chief administrator, consistent with subsection (b)
43 of this section. ¹[For a second violation, a person also shall be
44 required to install an ignition interlock device in each motor vehicle
45 owned, leased, or principally operated by the person and thereafter
46 maintain their installation for the court ordered period as set forth
47 under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.), unless

1 the person does not own or lease a motor vehicle and there is no
2 vehicle the person principally operates, in which case the person
3 shall receive an additional period of suspension equal to the period
4 the person would have had an ignition interlock device installed.】¹
5 A person who does not own or lease a motor vehicle or have a
6 motor vehicle the person ¹【principally】¹ operates, may petition the
7 court that established the forfeiture period, upon proof of owning,
8 leasing, or ¹【principally】¹ operating a motor vehicle, to restore the
9 person's driving privileges for the duration of the additional
10 suspension period, subject to the person maintaining the installation
11 of an ignition interlock device in that vehicle pursuant to the
12 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

13 (3) For a third or subsequent violation, a person shall be subject
14 to a fine of ~~【\$1,000.00】~~ \$1,000, and shall be ordered by the court to
15 perform community service for a period of not less than 60 days,
16 which shall be in the form and on the terms as the court shall deem
17 appropriate under the circumstances, and shall be sentenced to
18 imprisonment for a term of not less than 180 days in a county jail or
19 workhouse, except that the court may lower such term for each day,
20 not exceeding 90 days, served participating in a drug or alcohol
21 inpatient rehabilitation program approved by the Intoxicated Driver
22 Resource Center and shall thereafter forfeit his right to operate a
23 motor vehicle over the highways of this State for ¹a period of 10
24 days, during which period the person shall install an ignition
25 interlock device pursuant to the provisions of P.L.1999, c.417
26 (C.39:4-50.16 et al.) in each motor vehicle owned, leased, or
27 operated by the person and maintain their installation during a
28 period of forfeiture of¹ not less than 10 years nor more than 20
29 years ¹, unless the person does not own or lease a motor vehicle and
30 there is no motor vehicle the person operates, in which case the
31 person shall receive an initial period of forfeiture of not less than 10
32 years nor more than 20 years and also receive an additional period
33 of forfeiture of not less than one year nor more than three years,
34 being equivalent to the total period the person would have had an
35 ignition interlock device installed pursuant to the provisions of this
36 paragraph and P.L.1999, c.417 (C.39:4-50.16 et al.)¹. ¹【For a third
37 or subsequent violation, a person also shall be required to install an
38 ignition interlock device in each motor vehicle owned, leased, or
39 principally operated by the person and thereafter maintain their
40 installation for the court ordered period as set forth under the
41 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.), unless the
42 person does not own or lease a motor vehicle and there is no vehicle
43 the person principally operates, in which case the person shall
44 receive an additional period of suspension equal to the period the
45 person would have had an ignition interlock device installed.】¹ A
46 person who does not own or lease a motor vehicle or have a motor
47 vehicle the person ¹【principally】¹ operates, may petition the court

1 that established the forfeiture period, upon proof of owning, leasing,
2 or '【principally】¹ operating a motor vehicle, to restore the person's
3 driving privileges for the duration of the additional suspension
4 period, subject to the person maintaining the installation of an
5 ignition interlock device in that vehicle pursuant to the provisions
6 of P.L.1999, c.417 (C.39:4-50.16 et al.).

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

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

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

37 If the driving privilege of any person is under revocation or
38 suspension for a violation of any provision of this Title or Title 2C
39 of the New Jersey Statutes at the time of any conviction for a
40 violation of this section, the revocation or suspension period
41 imposed shall commence as of the date of termination of the
42 existing revocation or suspension period.

43 In the case of any person who at the time of the imposition of
44 sentence is less than 17 years of age, the forfeiture, suspension or
45 revocation of the driving privilege imposed by the court under this
46 section shall commence immediately, run through the offender's
47 seventeenth birthday and continue from that date for the period set

1 by the court pursuant to paragraphs (1) through (3) of this
2 subsection. A court that imposes a term of imprisonment for a first
3 or second offense under this section may sentence the person so
4 convicted to the county jail, to the workhouse of the county wherein
5 the offense was committed, to an inpatient rehabilitation program or
6 to an Intoxicated Driver Resource Center or other facility approved
7 by the chief of the Intoxicated Driving Program Unit in the Division
8 of 'Mental Health and' Addiction Services in the Department of
9 **【Health and Senior】** Human Services. For a third or subsequent
10 offense a person shall not serve a term of imprisonment at an
11 Intoxicated Driver Resource Center as provided in subsection (f) of
12 this section.

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

22 (b) A person convicted under this section must satisfy the
23 screening, evaluation, referral, program and fee requirements of the
24 Division of **【Alcoholism and Drug Abuse's】** 'Mental Health and'
25 Addiction Services' Intoxicated Driving Program Unit, and of the
26 Intoxicated Driver Resource Centers and a program of alcohol and
27 drug education and highway safety, as prescribed by the chief
28 administrator. The sentencing court shall inform the person
29 convicted that failure to satisfy such requirements shall result in a
30 mandatory two-day term of imprisonment in a county jail and a
31 driver license revocation or suspension and continuation of
32 revocation or suspension until such requirements are satisfied,
33 unless stayed by court order in accordance with the Rules
34 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
35 Upon sentencing, the court shall forward to the Division of
36 **【Alcoholism and Drug Abuse's】** 'Mental Health and' Addiction
37 Services' Intoxicated Driving Program Unit a copy of a person's
38 conviction record. A fee of **【\$100.00】** \$100 shall be payable to the
39 Alcohol Education, Rehabilitation and Enforcement Fund
40 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to
41 support the Intoxicated Driving Program Unit.

42 (c) Upon conviction of a violation of this section, the court shall
43 collect forthwith the New Jersey driver's license or licenses of the
44 person so convicted and forward such license or licenses to the
45 chief administrator. The court shall inform the person convicted
46 that if he is convicted of personally operating a motor vehicle
47 during the period of license suspension imposed pursuant to

1 subsection (a) of this section, he shall, upon conviction, be subject
2 to the penalties established in R.S.39:3-40. The person convicted
3 shall be informed orally and in writing. A person shall be required
4 to acknowledge receipt of that written notice in writing. Failure to
5 receive a written notice or failure to acknowledge in writing the
6 receipt of a written notice shall not be a defense to a subsequent
7 charge of a violation of R.S.39:3-40. In the event that a person
8 convicted under this section is the holder of any out-of-State
9 driver's license, the court shall not collect the license but shall
10 notify forthwith the chief administrator, who shall, in turn, notify
11 appropriate officials in the licensing jurisdiction. The court shall,
12 however, revoke the nonresident's driving privilege to operate a
13 motor vehicle in this State, for a period that is the equivalent of the
14 period of forfeiture of the right to operate a motor vehicle imposed
15 upon a person who does not own or lease a motor vehicle and there
16 is no vehicle the person principally operates, ¹or the person operates
17 in the case of a second, third or subsequent offense,¹ in accordance
18 with this section. Upon conviction of a violation of this section, the
19 court shall notify the person convicted, orally and in writing, of the
20 penalties for a second, third or subsequent violation of this section.
21 A person shall be required to acknowledge receipt of that written
22 notice in writing. Failure to receive a written notice or failure to
23 acknowledge in writing the receipt of a written notice shall not be a
24 defense to a subsequent charge of a violation of this section.

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

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

34 (f) The counties, in cooperation with the Division of
35 **【Alcoholism and Drug Abuse】** ¹Mental Health and¹ Addiction
36 Services and the commission, but subject to the approval of the
37 Division of **【Alcoholism and Drug Abuse】** ¹Mental Health and¹
38 Addiction Services, shall designate and establish on a county or
39 regional basis Intoxicated Driver Resource Centers. These centers
40 shall have the capability of serving as community treatment referral
41 centers and as court monitors of a person's compliance with the
42 ordered treatment, service alternative or community service. All
43 centers established pursuant to this subsection shall be administered
44 by a counselor certified by the **【Alcohol and Drug Counselor】**
45 Addiction Professionals Certification Board of New Jersey or other
46 professional with a minimum of five years' experience in the
47 treatment of alcoholism. All centers shall be required to develop

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

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

16 Required detention periods at the Intoxicated Driver Resource
17 Centers shall be determined according to the individual treatment
18 classification assigned by the Intoxicated Driving Program Unit.
19 Upon attendance at an Intoxicated Driver Resource Center, a person
20 shall be required to pay a per diem fee of **[\$75.00]** \$75 for the first
21 offender program or a per diem fee of **[\$100.00]** \$100 for the
22 second offender program, as appropriate. Any increases in the per
23 diem fees after the first full year shall be determined pursuant to
24 rules and regulations adopted by the Commissioner of **Health and**
25 **Senior** Human Services in consultation with the Governor's
26 Council on Alcoholism and Drug Abuse pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.).

29 The centers shall conduct a program of alcohol and drug
30 education and highway safety, as prescribed by the chief
31 administrator.

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

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

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

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

43 (3) driving through a school crossing as defined in R.S.39:1-1
44 knowing that juveniles are present if the municipality has not
45 designated the school crossing as such by ordinance or resolution,
46 the convicted person shall: for a first offense, be fined not less than
47 \$500 or more than \$800, be imprisoned for not more than 60 days

1 and have his license to operate a motor vehicle suspended for a
2 period of not less than one year or more than two years; for a
3 second offense, be fined not less than \$1,000 or more than \$2,000,
4 perform community service for a period of 60 days, be imprisoned
5 for not less than 96 consecutive hours, which shall not be suspended
6 or served on probation, nor more than 180 days, except that the
7 court may lower such term for each day, not exceeding 90 days,
8 served performing community service in such form and on such
9 terms as the court shall deem appropriate under the circumstances
10 and have his license to operate a motor vehicle suspended for a
11 period of four years; and, for a third offense, be fined \$2,000,
12 imprisoned for 180 days in a county jail or workhouse, except that
13 the court may lower such term for each day, not exceeding 90 days,
14 served participating in a drug or alcohol inpatient rehabilitation
15 program approved by the Intoxicated Driver Resource Center, and
16 have his license to operate a motor vehicle suspended for a period
17 of 20 years; the period of license suspension shall commence upon
18 the completion of any prison sentence imposed upon that person.

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

25 It shall not be relevant to the imposition of sentence pursuant to
26 paragraph (1) or (2) of this subsection that the defendant was
27 unaware that the prohibited conduct took place while on or within
28 1,000 feet of any school property or while driving through a school
29 crossing. Nor shall it be relevant to the imposition of sentence that
30 no juveniles were present on the school property or crossing zone at
31 the time of the offense or that the school was not in session.】
32 (Deleted by amendment, P.L. , c.) (pending before the
33 Legislature as this bill)

34 (h) A court also may order a person convicted pursuant to
35 subsection (a) of this section, to participate in a supervised
36 visitation program as either a condition of probation or a form of
37 community service, giving preference to those who were under the
38 age of 21 at the time of the offense. Prior to ordering a person to
39 participate in such a program, the court may consult with any
40 person who may provide useful information on the defendant's
41 physical, emotional and mental suitability for the visit to ensure that
42 it will not cause any injury to the defendant. The court also may
43 order that the defendant participate in a counseling session under
44 the supervision of the Intoxicated Driving Program Unit prior to
45 participating in the supervised visitation program. The supervised
46 visitation program shall be at one or more of the following facilities

1 which have agreed to participate in the program under the
2 supervision of the facility's personnel and the probation department:

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

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

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

13 As used in this section, "appropriate victim" means a victim
14 whose condition is determined by the facility's supervisory
15 personnel and the probation officer to be appropriate for
16 demonstrating the results of accidents involving drunk drivers
17 without being unnecessarily gruesome or traumatic to the
18 defendant.

19 If at any time before or during a visitation the facility's
20 supervisory personnel and the probation officer determine that the
21 visitation may be or is traumatic or otherwise inappropriate for that
22 defendant, the visitation shall be terminated without prejudice to the
23 defendant. The program may include a personal conference after
24 the visitation, which may include the sentencing judge or the judge
25 who coordinates the program for the court, the defendant,
26 defendant's counsel, and, if available, the defendant's parents to
27 discuss the visitation and its effect on the defendant's future
28 conduct. If a personal conference is not practicable because of the
29 defendant's absence from the jurisdiction, conflicting time
30 schedules, or any other reason, the court shall require the defendant
31 to submit a written report concerning the visitation experience and
32 its impact on the defendant. The county, a court, any facility visited
33 pursuant to the program, any agents, employees, or independent
34 contractors of the court, county, or facility visited pursuant to the
35 program, and any person supervising a defendant during the
36 visitation, are not liable for any civil damages resulting from injury
37 to the defendant, or for civil damages associated with the visitation
38 which are caused by the defendant, except for willful or grossly
39 negligent acts intended to, or reasonably expected to result in, that
40 injury or damage.

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

43 (i) In addition to any other fine, fee, or other charge imposed
44 pursuant to law, the court shall assess a person convicted of a
45 violation of the provisions of this section a surcharge of \$100, of
46 which amount \$50 shall be payable to the municipality in which the

1 conviction was obtained and \$50 shall be payable to the Treasurer
2 of the State of New Jersey for deposit into the General Fund.
3 (cf: P.L.2009, c.201, s.1)
4

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

7 2. a. **【Except as provided in subsection b. of this section, the】**
8 **【The municipal court shall 【revoke the right to operate a motor】**
9 **【vehicle of】, for any 【operator】 person who, after being arrested for**
10 **a violation of R.S.39:4-50 or section 1 of P.L.1992, c.189 (C.39:4-**
11 **50.14), 【shall refuse】 refuses to submit to a test provided for in**
12 **section 2 of P.L.1966, c.142 (C.39:4-50.2) when requested to do so**
13 **‘【.】’¹**

14 **order the ‘【installation of】 person to forfeit his right to operate a**
15 **motor vehicle over the highways of this State for a period of 10**
16 **days, during which period the person shall install¹ an ignition**
17 **interlock device pursuant to the provisions of P.L.1999, c.417**
18 **(C.39:4-50.16 et al.) in one motor vehicle owned, leased, or**
19 **principally operated by the person, whichever the person most often**
20 **operates, ¹and thereafter the person may operate that motor vehicle**
21 **upon reinstatement of the person’s driver’s license pursuant to**
22 **section 3 of P.L.1999, c.417 (C.39:4-50.18),¹ unless the court is**
23 **clearly convinced, based on the aggravating factors outweighing the**
24 **mitigating factors set forth in subparagraph (iv) of paragraph (1) of**
25 **R.S.39:4-50 to instead order a license suspension, or the person**
26 **does not own or lease a motor vehicle and there is no motor vehicle**
27 **the person principally operates, in which case the person shall**
28 **forthwith forfeit his right to operate a motor vehicle over the**
29 **highways of this State for a period of not less than seven months or**
30 **more than one year 【unless】 ;**

31 **if the refusal was in connection with a second offense under this**
32 **section, 【in which case】 the 【revocation】 court shall revoke the**
33 **right to operate a motor vehicle over the highways of this State for a**
34 **period 【shall be for】 ¹of 10 days, during which period the person**
35 **shall install an ignition interlock device pursuant to the provisions**
36 **of P.L.1999, c.417 (C.39:4-50.16 et al.) in each motor vehicle**
37 **owned, leased, or operated by the person and maintain their**
38 **installation during a period of forfeiture¹ of not less than two years**
39 **or 【unless】 more than four years ¹, unless the person does not own**
40 **or lease a motor vehicle and there is no motor vehicle the person**
41 **operates, in which case the person shall receive an initial period of**
42 **forfeiture of not less than two years nor more than four years and**
43 **also receive an additional period of forfeiture of not less than one**
44 **year nor more than three years, being equivalent to the total period**
45 **the person would have had an ignition interlock device installed**
46 **pursuant to the provisions of this subsection and section 2 of**

1 P.L.1999, c.417 (C.39:4-50.17). A person who does not own or
2 lease a motor vehicle or have a motor vehicle the person operates,
3 may petition the court that established the forfeiture period, upon
4 proof of owning, leasing, or operating a motor vehicle, to restore
5 the person's driving privileges for the duration of the additional
6 suspension period, subject to the person maintaining the installation
7 of an ignition interlock device in that vehicle pursuant to the
8 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.)¹ :

9 if the refusal was in connection with a third or subsequent
10 offense under this section [in which case], the [revocation] court
11 shall [be] revoke the right to operate a motor vehicle over the
12 highways of this State for a period ¹of 10 days, during which period
13 the person shall install an ignition interlock device pursuant to the
14 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) in each motor
15 vehicle owned, leased, or operated by the person and maintain their
16 installation during a period of forfeiture¹ of not less than ten years
17 or more than 20 years ¹, unless the person does not own or lease a
18 motor vehicle and there is no motor vehicle the person operates, in
19 which case the person shall receive an initial period of forfeiture of
20 not less than ten years nor more than 20 years and also receive an
21 additional period of forfeiture of not less than one year nor more
22 than three years, being equivalent to the total period the person
23 would have had an ignition interlock device installed pursuant to
24 the provisions of this subsection and section 2 of P.L.1999, c.417
25 (C.39:4-50.17). A person who does not own or lease a motor
26 vehicle or have a motor vehicle the person operates, may petition
27 the court that established the forfeiture period, upon proof of
28 owning, leasing, or operating a motor vehicle, to restore the
29 person's driving privileges for the duration of the additional
30 suspension period, subject to the person maintaining the installation
31 of an ignition interlock device in that vehicle pursuant to the
32 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.)¹.

33 A conviction or administrative determination of a violation of a
34 law of a substantially similar nature in another jurisdiction,
35 regardless of whether that jurisdiction is a signatory to the Interstate
36 Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et
37 seq.), shall constitute a prior conviction under this section.

38 The municipal court shall determine by a preponderance of the
39 evidence whether the arresting officer had probable cause to believe
40 that the person had been driving or was in actual physical control of
41 a motor vehicle on the public highways or quasi-public areas of this
42 State while the person was under the influence of intoxicating
43 liquor or a narcotic, hallucinogenic, or habit-producing drug or
44 marijuana; whether the person was placed under arrest, if
45 appropriate, and whether he refused to submit to the test upon
46 request of the officer; and if these elements of the violation are not
47 established, no conviction shall issue. In addition to any other

1 requirements provided by law, a person whose operator's license is
2 revoked for refusing to submit to a test shall be referred to an
3 Intoxicated Driver Resource Center established by subsection (f) of
4 R.S.39:4-50 and shall satisfy the same requirements of the center
5 for refusal to submit to a test as provided for in section 2 of
6 P.L.1966, c.142 (C.39:4-50.2) in connection with a first, second,
7 third or subsequent offense under this section that must be satisfied
8 by a person convicted of a commensurate violation of this section,
9 or be subject to the same penalties as such a person for failure to do
10 so. For a first offense, the revocation may be concurrent with or
11 consecutive to any revocation imposed for a conviction under the
12 provisions of R.S.39:4-50 arising out of the same incident. For a
13 second or subsequent offense, the revocation shall be consecutive to
14 any revocation imposed for a conviction under the provisions of
15 R.S.39:4-50. In addition to issuing a revocation, **【except as**
16 **provided in subsection b. of this section,】** the municipal court shall
17 fine a person convicted under this section, a fine of not less than
18 \$300 or more than \$500 for a first offense; a fine of not less than
19 \$500 or more than \$1,000 for a second offense; and a fine of \$1,000
20 for a third or subsequent offense. **【The】** ¹**【Except as provided in**
21 **this subsection for a first offense, the person also shall be required**
22 **to install an ignition interlock device pursuant to the provisions of**
23 **P.L.1999, c.417 (C.39:4-50.16 et al.), unless the person does not**
24 **own or lease a motor vehicle and there is no motor vehicle the**
25 **person principally operates, in which case the person shall receive**
26 **an additional period of suspension equal to the period the person**
27 **would have had an ignition interlock device installed. A person**
28 **with a second or subsequent offense whose driving privileges were**
29 **suspended for an additional period because the person does not own**
30 **or lease a motor vehicle and there is no motor vehicle the person**
31 **principally operates, may petition the court that established the**
32 **forfeiture period, upon proof of owning, leasing, or principally**
33 **operating a motor vehicle, to restore the person's driving privileges**
34 **for the duration of the additional suspension period, subject to the**
35 **person maintaining the installation of an ignition interlock device in**
36 **that vehicle pursuant to the provisions of P.L.1999, c.417 (C.39:4-**
37 **50.16 et al.).】**¹

38 b. **【For a first offense, the fine imposed upon the convicted**
39 **person shall be not less than \$600 or more than \$1,000 and the**
40 **period of license suspension shall be not less than one year or more**
41 **than two years; for a second offense, a fine of not less than \$1,000**
42 **or more than \$2,000 and a license suspension for a period of four**
43 **years; and for a third or subsequent offense, a fine of \$2,000 and a**
44 **license suspension for a period of 20 years when a violation of this**
45 **section occurs while:**

- 1 (1) on any school property used for school purposes which is
2 owned by or leased to any elementary or secondary school or school
3 board, or within 1,000 feet of such school property;
4 (2) driving through a school crossing as defined in R.S.39:1-1 if
5 the municipality, by ordinance or resolution, has designated the
6 school crossing as such; or
7 (3) driving through a school crossing as defined in R.S.39:1-1
8 knowing that juveniles are present if the municipality has not
9 designated the school crossing as such by ordinance or resolution.

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

16 It shall not be relevant to the imposition of sentence pursuant to
17 paragraph (1) or (2) of this subsection that the defendant was
18 unaware that the prohibited conduct took place while on or within
19 1,000 feet of any school property or while driving through a school
20 crossing. Nor shall it be relevant to the imposition of sentence that
21 no juveniles were present on the school property or crossing zone at
22 the time of the offense or that the school was not in session.】
23 (Deleted by amendment, P.L. , c.) (pending before the
24 Legislature as this bill)
25 (cf: P.L.2009, c.201, s.5)
26

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

29 2. a. (1) Except as provided in paragraph (2) of this subsection,
30 **【in】** (a) In sentencing a first offender under subparagraph (i) of
31 paragraph (1) of subsection (a) of R.S.39:4-50, if the court **【may**
32 **order】** orders, in addition to any other penalty imposed by that
33 section, the installation of an ignition interlock device in **【the】** one
34 motor vehicle owned, leased, or principally operated by the
35 offender **【following** the expiration of the period of license
36 suspension imposed under that section. In sentencing a first
37 offender under section 2 of P.L.1981, c.512 (C.39:4-50.4a), the
38 court shall order, in addition to any other penalty imposed by that
39 section, the installation of an ignition interlock device in the motor
40 vehicle principally operated by the offender during and following
41 the expiration of the period of license suspension imposed under
42 that section. **【The】** , whichever the offender most often operates, the
43 device shall remain installed for **【not less than six months or more**
44 **than one year, commencing immediately upon the return of the**
45 **offender's driver's license after the required period of suspension**
46 **has been served】** three months, and this designated installation
47 period shall be subject, as indicated on the court order, to extension

1 as set forth in subsection c. of this section if the offender attempts
2 to operate the affected motor vehicle with a blood alcohol
3 concentration of 0.08% or higher during the one-third period of the
4 designated installation period immediately preceding the date of
5 removal or the offender fails to present the affected motor vehicle
6 for device servicing during the designated installation period as
7 required by regulation of the chief administrator.

8 (b) In sentencing a first offender under subparagraph (ii) of
9 paragraph (1) of subsection (a) of R.S.39:4-50 for a violation
10 involving a person's blood alcohol concentration of 0.10% or higher
11 but less than 0.15%, or under section 2 of P.L.1981, c.512 (C.39:4-
12 50.4a), if the court orders, in addition to any other penalty imposed
13 by the applicable section, the installation of an ignition interlock
14 device in one motor vehicle owned, leased, or principally operated
15 by the offender, whichever the offender most often operates, the
16 device shall remain installed for not less than seven months or more
17 than one year, and this designated installation period shall be
18 subject, as indicated on the court order, to extension as set forth in
19 subsection c. of this section if the offender attempts to operate the
20 affected motor vehicle with a blood alcohol concentration of 0.08%
21 or higher during the one-third period of the designated installation
22 period immediately preceding the date of removal or the offender
23 fails to present the affected motor vehicle for device servicing
24 during the designated installation period as required by regulation
25 of the chief administrator.

26 (2) If the first offender's blood alcohol concentration is 0.15%
27 or higher, the court shall order, in addition to any other penalty
28 imposed under R.S.39:4-50, the installation of an ignition interlock
29 device in **the** one motor vehicle owned, leased, or principally
30 operated by the offender, whichever the offender most often
31 operates, if applicable, during and following the expiration of the
32 period of license suspension imposed under that section, which
33 period shall be considered to be the initial period imposed and not
34 any reduction in this period based on a restoration of a person's
35 driving privileges following a petition to the court pursuant to
36 subparagraph (ii) of paragraph (1) of subsection (a) of R.S.39:4-50.
37 **In** addition to installation during the period of license suspension,
38 **the** The device shall remain installed for not less than **six** seven
39 months or more than one year, commencing immediately **upon the**
40 **return of the offender's driver's license** after both the required
41 period of suspension, as herein described, has been served and the
42 offender's driver's license ¹**returned** reinstated pursuant to
43 section 3 of P.L.1999, c.417 (C.39:4-50.18)¹. The designated
44 installation period shall also be subject, as indicated on the court
45 order, to extension as set forth in subsection c. of this section if the
46 offender attempts to operate the affected motor vehicle with a blood
47 alcohol concentration of 0.08% or higher during the one-third

1 period of the designated installation period immediately preceding
2 the date of removal or the offender fails to present the affected
3 motor vehicle for device servicing during the designated installation
4 period as required by regulation of the chief administrator.

5 b. In sentencing a second or subsequent offender under
6 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the
7 court shall order, in addition to any other penalty imposed by that
8 section, the installation of an ignition interlock device in **the** each
9 motor vehicle owned, leased, or ¹principally¹ operated by the
10 offender, if applicable, during and following the expiration of the
11 period of license suspension imposed under R.S.39:4-50 or section
12 2 of P.L.1981, c.512 (C.39:4-50.4a). In addition to installation
13 during the period of license suspension, the **The** device shall
14 remain installed ¹in each motor vehicle¹ for not less than one year
15 or more than three years, commencing immediately upon the **upon the**
16 return of the offender's driver's license **after both** the required
17 period of suspension has been served and the offender's driver's
18 license ¹returned¹ reinstated pursuant to section 3 of P.L.1999,
19 c.417 (C.39:4-50.18)¹ . The designated installation period shall
20 also be subject, as indicated on the court order, to extension as set
21 forth in subsection c. of this section if the offender attempts to
22 operate ¹the¹ any¹ affected motor vehicle with a blood alcohol
23 concentration of 0.08% or higher during the one-third period of the
24 designated installation period immediately preceding the date of
25 removal or the offender fails to present ¹the¹ any¹ affected motor
26 vehicle for device servicing during the designated installation
27 period as required by regulation of the chief administrator.

28 c. (1) The court shall require that, for the duration of its order,
29 an offender shall drive no vehicle other than one in which an
30 interlock device has been installed pursuant to the order.

31 (2) The court shall require that, as a condition to the removal of
32 the one or more ignition interlock devices installed pursuant to this
33 section, the offender shall not attempt to operate, with a blood
34 alcohol concentration of 0.08% or higher, any motor vehicle in
35 which an ignition interlock device has been installed, causing the
36 device to lock the ignition on that vehicle, during the one-third
37 period of the designated installation period immediately preceding
38 the date of removal, or fail to present each motor vehicle for device
39 servicing during the designated installation period as required by
40 regulation of the chief administrator. If either event occurs, then
41 the designated installation period shall be extended by an additional
42 one-third period commencing immediately upon the termination of
43 the originally designated installation period, without need of further
44 court order, following notification to the court by the chief
45 administrator of the event, which notification shall be supported by
46 a certification from the ignition interlock device manufacturer,

1 installer, or other party set forth in regulation responsible for the
2 servicing or monitoring of the device. The extension of an
3 installation period by an additional one-third period shall occur for
4 each event properly noticed by the chief administrator.

5 d. As used in this act, "ignition interlock device" or "device"
6 means a blood alcohol equivalence measuring device which will
7 prevent a motor vehicle from starting if the operator's blood alcohol
8 **【content】** concentration exceeds a predetermined level when the
9 operator blows into the device.

10 e. The provisions of P.L.1999, c.417 (C.39:4-50.16 et al.) and
11 any amendments and supplements thereto shall be applicable only
12 to violations of R.S.39:4-50 and section 2 of P.L.1981, c.512
13 (C.39:4-50.4a).
14 (cf: P.L.2009, c.201, s.2)

15
16 ¹4. Section 3 of P.L.1999, c.417 (C.39:4-50.18) is amended to
17 read as follows:

18 3. The court shall notify the **【Director of the Division of Motor**
19 **Vehicles】** Chief Administrator of the Motor Vehicle Commission
20 when a person has been ordered, due to a violation of R.S.39:4-50
21 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), to install an ignition
22 interlock device in 【a vehicle】 the one or more motor vehicles
23 owned, leased or 【regularly】 operated by the person as set forth
24 under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). The
25 **【division】** commission shall require that the 【device】 one or more
26 devices be installed before reinstatement of the person's driver's
27 license that has been suspended pursuant to R.S.39:4-50 or section
28 2 of P.L.1981, c.512 (C.39:4-50.4a). The 【division】 commission
29 shall imprint a notation on the reinstated driver's license stating that
30 the person shall not operate a motor vehicle unless it is equipped
31 with an ignition interlock device and shall enter this requirement in
32 the person's driving record.¹

33 (cf: P.L.1999, c.417, s.3)

34
35 ¹**【4.】** ^{5.} Section 4 of P.L.1999, c.417 (C.39:4-50.19) is amended
36 to read as follows:

37 4. a. A person who fails to install an ignition interlock device
38 as ordered by the court pursuant to the provisions of P.L.1999,
39 c.417 (C.39:4-50.16 et al.) in 【a】 the one or more motor 【vehicle】
40 vehicles owned, leased or 【regularly】 principally operated by him
41 shall 【have his】 be guilty of a disorderly persons offense. The
42 court also shall suspend the person's driver's license 【suspended】
43 for 【one year, in addition to any other suspension or revocation】 the
44 period of time imposed under R.S.39:4-50, except that the
45 applicable period applied by the court shall be the period for a
46 second offense if the failure to install a device was committed by a

1 first offender under R.S.39:4-50 or section 2 of P.L.1981, c.512
2 (C.39:4-50.4a), and shall be the period for a third offense if the
3 failure to install a device was committed by a second offender under
4 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), unless
5 the court determines a valid reason exists for the failure to comply.
6 A person in whose vehicle an ignition interlock device is installed
7 pursuant to a court order who drives that vehicle after it has been
8 started by any means other than his own blowing into the device or
9 who drives a vehicle that is not equipped with such a device shall
10 be guilty of a disorderly persons offense and shall have his driver's
11 license suspended for [one year] the same period of time described
12 in this subsection as for a person who fails to install an ignition
13 interlock device, in addition to any other penalty applicable by law.

14 b. A person is a disorderly person who:

15 (1) blows into an ignition interlock device or otherwise starts a
16 motor vehicle equipped with such a device for the purpose of
17 providing an operable motor vehicle to a person who has been
18 ordered by the court to install the device in the vehicle;

19 (2) tampers or in any way circumvents the operation of an
20 ignition interlock device; or

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

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

30 (cf: P.L.2009, c.201, s.3)

31

32 ¹**[5.] 6.**¹ This act shall take effect on the first day of the fourth
33 month after enactment and shall apply to any offense occurring on
34 or after that date, and additionally the Chief Administrator of the
35 Motor Vehicle Commission may take any anticipatory
36 administrative action in advance of that date as shall be necessary to
37 implement the provisions of this act.