

SENATE, No. 1080

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 22, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes restricted use driver's license endorsement for certain motor vehicle offenders with suspended license.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a restricted use driver's license endorsement,
2 amending R.S.39:3-40, and supplementing Title 39 of the
3 Revised Statutes.

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

7
8 1. R.S.39:3-40 is amended to read as follows:

9 39:3-40. **[No]** A person to whom a driver's license has been
10 refused or whose driver's license or reciprocity privilege has been
11 suspended or revoked, or who has been prohibited from obtaining a
12 driver's license, shall not personally operate a motor vehicle during
13 the period of refusal, suspension, revocation, or prohibition, except
14 as provided in section 3 of P.L. , c. (C.) (pending before
15 the Legislature as this bill).

16 **[No]** A person whose motor vehicle registration has been
17 revoked shall not operate or permit the operation of **[such]** the
18 motor vehicle during the period of **[such]** revocation.

19 Except as provided in subsections i. and j. of this section, a
20 person violating this section shall be subject to the following
21 penalties:

22 a. Upon conviction for a first offense, a fine of **[\$500.00]** \$500
23 and, if that offense involves the operation of a motor vehicle during
24 a period when the violator's driver's license is suspended for a
25 violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-
26 50.4a), revocation of the violator's motor vehicle registration
27 privilege in accordance with the provisions of sections 2 through 6
28 of P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5);

29 b. Upon conviction for a second offense, a fine of **[\$750.00]**
30 \$750, imprisonment in the county jail for at least one but not more
31 than five days and, if the second offense involves the operation of a
32 motor vehicle during a period when the violator's driver's license is
33 suspended and that second offense occurs within five years of a
34 conviction for that same offense, revocation of the violator's motor
35 vehicle registration privilege in accordance with the provisions of
36 sections 2 through 6 of P.L.1995, c.286 (C.39:3-40.1 through
37 C.39:3-40.5);

38 c. Upon conviction for a third offense or subsequent offense, a
39 fine of **[\$1,000.00]** \$1,000 and imprisonment in the county jail for
40 10 days. If the third or a subsequent offense involves the operation
41 of a motor vehicle during a period when the violator's driver's
42 license is suspended and the third or subsequent offense occurs
43 within five years of a conviction for the same offense, revocation of
44 the violator's motor vehicle registration privilege in accordance

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

Matter underlined thus is new matter.

1 with the provisions of sections 2 through 6 of P.L.1995,
2 c.286 (C.39:3-40.1 through C.39:3-40.5);

3 d. Upon conviction, the court shall impose or extend a period
4 of suspension not to exceed six months;

5 e. Upon conviction, the court shall impose a period of
6 imprisonment for not less than 45 days or more than 180 days, if
7 while operating a vehicle in violation of this section a person is
8 involved in an accident resulting in bodily injury to another person;

9 f. (1) In addition to any penalty imposed under the provisions
10 of subsections a. through e. of this section, any person violating this
11 section while under suspension issued pursuant to section 2 of
12 P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined
13 **[\$500.00]** \$500, shall have his license to operate a motor vehicle
14 suspended for an additional period of not less than one year nor
15 more than two years, and may be imprisoned in the county jail for
16 not more than 90 days.

17 (2) In addition to any penalty imposed under the provisions of
18 subsections a. through e. of this section and paragraph (1) of this
19 subsection, any person violating this section under suspension
20 issued pursuant to R.S.39:4-50, section 2 of P.L.1981,
21 c.512 (C.39:4-50.4a) or P.L.1982, c.85 (C.39:5-30a et seq.), shall be
22 fined \$500, shall have his license to operate a motor vehicle
23 suspended for an additional period of not less than one year or more
24 than two years, and shall be imprisoned in the county jail for not
25 less than 10 days or more than 90 days.

26 (3) In addition to any penalty imposed under the provisions of
27 subsections a. through e. of this section and paragraphs (1) and (2)
28 of this subsection, a person shall have his license to operate a motor
29 vehicle suspended for an additional period of not less than one year
30 or more than two years, which period shall commence upon the
31 completion of any prison sentence imposed upon that person, shall
32 be fined \$500 and shall be imprisoned for a period of 60 to 90 days
33 for a first offense, imprisoned for a period of 120 to 150 days for a
34 second offense, and imprisoned for 180 days for a third or
35 subsequent offense, for operating a motor vehicle while in violation
36 of paragraph (2) of this subsection while:

37 (a) 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 (b) 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 (c) 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 A map or true copy of a map depicting the location and
47 boundaries of the area on or within 1,000 feet of any property used
48 for school purposes which is owned by or leased to any elementary

1 or secondary school or school board produced pursuant to section 1
2 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
3 subparagraph (a) of this paragraph.

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

11 g. (Deleted by amendment, P.L.2009, c.224);

12 h. A person who owns or leases a motor vehicle and permits
13 another to operate the motor vehicle commits a violation and is
14 subject to suspension of his license to operate a motor vehicle and
15 to revocation of registration pursuant to sections 2 through 6 of
16 P.L.1995, c.286 (C.39:3-40.1 through C.39:3-40.5) if the person:

17 (1) Knows that the operator's license or reciprocity privilege to
18 operate a motor vehicle has been suspended for a violation of
19 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a); or

20 (2) Knows that the operator's license or reciprocity privilege to
21 operate a motor vehicle is suspended and that the operator has been
22 convicted, within the past five years, of operating a vehicle while
23 the person's license was suspended or revoked.

24 In any case where a person who owns or leases a motor vehicle
25 knows that the operator's license or reciprocity privilege of the
26 person he permits to operate the motor vehicle is suspended or
27 revoked for any violation of R.S.39:4-50 or section 2 of P.L.1981,
28 c.512 (C.39:4-50.4a), the person also shall be subject to the
29 following penalties: for a first or second offense, a fine of \$1,000,
30 imprisonment for not more than 15 days, or both; and for a third or
31 subsequent offense, a fine of \$1,000, imprisonment for not more
32 than 15 days, or both, and forfeiture of the right to operate a motor
33 vehicle over the highways of this State for a period of 90 days;

34 i. If the violator's driver's license to operate a motor vehicle
35 has been suspended pursuant to section 9 of P.L.1985, c.14 (C.39:4-
36 139.10) or for failure to comply with a time payment order, the
37 violator shall be subject to a maximum fine of \$100 upon proof that
38 the violator has paid all fines and other assessments related to the
39 parking violation that were the subject of the Order of Suspension,
40 or if the violator makes sufficient payments to become current with
41 respect to payment obligations under the time payment order;

42 j. If a person is convicted for a second or subsequent violation
43 of this section and the second or subsequent offense involves a
44 motor vehicle moving violation, the term of imprisonment for the
45 second or subsequent offense shall be 10 days longer than the term
46 of imprisonment imposed for the previous offense.

47 For the purposes of this subsection, a "motor vehicle moving
48 violation" means any violation of the motor vehicle laws of this

1 State for which motor vehicle points are assessed by the chief
2 administrator pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).
3 (cf: P.L.2009, c.332, s.1)
4

5 2. (New section) As used in this act:

6 “Chief Administrator” means the Chief Administrator of the
7 New Jersey Motor Vehicle Commission.

8 “Restricted use driver’s license endorsement” or “endorsement”
9 means an endorsement to a basic driver’s license issued to a person
10 whose driver’s license has been suspended or revoked which
11 authorizes the person to operate a motor vehicle exclusively
12 between the person’s residence and the person’s place of
13 employment; in the person’s course of employment when operating
14 a motor vehicle is necessary in order to perform the duties of the
15 person’s primary employment; an accredited educational institution;
16 a mandated treatment program; a health care facility; or a child care
17 facility.
18

19 3. (New section) a. A person whose driver’s license is
20 suspended or revoked under any of the following circumstances
21 may apply to the chief administrator for a restricted use driver’s
22 license endorsement:

23 (1) failure to pay a surcharge levied by the chief administrator
24 pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) if the person
25 also agrees to a payment plan approved by the chief administrator,
26 except that a person who failed to pay a surcharge levied for a
27 conviction pursuant to R.S.39:4-50 or section 2 of P.L.1981, c.512
28 (C.39:4-50.4a) shall not be eligible for an endorsement;

29 (2) accumulation of motor vehicle penalty points pursuant to
30 section 4 of P.L.1982, c.43 (C.39:5-30.8) if the person attends a
31 Driver Improvement Program offered by the New Jersey Motor
32 Vehicle Commission; or

33 (3) failure to pay any other surcharge administratively levied by
34 the chief administrator for a violation of Title 39 of the Revised
35 Statutes if the person also agrees to a payment plan approved by the
36 chief administrator.

37 b. The chief administrator shall issue, in a form and manner
38 prescribed by the chief administrator, an application for an
39 endorsement to a person whose driver’s license has been suspended
40 or revoked for any of the offenses set forth in subsection a. of this
41 section.

42 c. The endorsement shall be issued as promptly as is
43 practicable in accordance with procedures established by the chief
44 administrator.

45 d. The chief administrator may impose a fee of not more than
46 \$25 for the endorsement.

47 e. An endorsement shall expire when the person’s driver’s
48 license is restored following the period of suspension or revocation.

1 f. Provided the applicant meets the requirements set forth in
2 this section, an endorsement shall only be issued to a person whose
3 driver's license is suspended or revoked after or within 10 years
4 prior to the effective date of this act.

5 g. The chief administrator may promulgate rules and
6 regulations pursuant to the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the
8 purposes of this act.

9
10 4. (New section) Notwithstanding the provisions of R.S.39:3-
11 11, the following penalties shall apply with regard to a restricted
12 use driver's license endorsement:

13 a. The suspension or revocation of the driver's license of an
14 applicant for an endorsement shall be extended for one year if the
15 applicant deliberately falsifies an application for the endorsement.

16 b. A driver who operates a motor vehicle between points other
17 than as authorized by the endorsement shall immediately forfeit the
18 endorsement and be subject to the following penalties:

19 (1) a fine of not less than \$500 or more than \$1,000, community
20 service for a period of 30 days, and an additional one year driver's
21 license suspension or revocation;

22 (2) if the driver is convicted of causing an accident resulting in
23 personal injury or death to another person, a fine of not less than
24 \$1,000 or more than \$5,000, community service for a period of 30
25 days, and an additional two years driver's license suspension or
26 revocation; and

27 (3) if the driver is convicted of a violation of R.S.39:4-50 or
28 section 2 of P.L.1981, c.512 (C.39:4-50.4a), a fine of not less than
29 \$1,000 or more than \$5,000, and an additional five years driver's
30 license suspension or revocation.

31 c. The penalties in this section shall be in addition to any other
32 penalties required by law for a violation of this State's motor
33 vehicle laws.

34
35 5. This act shall take effect on the first day of the 13th month
36 next following enactment, but the chief administrator may take any
37 anticipatory acts in advance of that date as may be necessary for the
38 timely implementation of this act.

39
40
41 STATEMENT

42
43 This bill establishes a restricted use driver's license endorsement
44 to a basic driver's license for drivers whose licenses have been
45 suspended or revoked for failure to pay certain motor vehicle
46 surcharges or an accumulation of motor vehicle penalty points.

47 The bill authorizes a driver with a restricted use driver's license
48 endorsement to operate a motor vehicle exclusively between the

1 driver's residence and place of employment, as well as during the
2 person's employment if necessary to perform his or her duties; an
3 accredited educational institution; a mandated treatment program; a
4 health care facility; or a child care facility.

5 Drivers may apply for the endorsement if their driver's licenses
6 have been suspended or revoked for failure to pay motor vehicle
7 surcharges and they agree to a payment plan approved by the chief
8 administrator, or for an accumulation of motor vehicle penalty
9 points, but only if they attend a driver improvement program. A
10 person who has been convicted of drunk driving or refusing to take
11 a breathalyzer test or has been assessed surcharges resulting from
12 those convictions would not be eligible for an endorsement under
13 the bill.

14 The bill requires the Chief Administrator of the New Jersey
15 Motor Vehicle Commission (MVC) to develop and issue an
16 application for the restricted use driver's license endorsement and
17 to promptly issue the endorsement to applicants. If an applicant for
18 an endorsement provides false information on the application, the
19 applicant's driver's license is to be suspended or revoked for an
20 additional year. The chief administrator may charge a fee of up to
21 \$25 for the endorsement. The endorsement is to expire when the
22 person's driver's license is restored following the period of
23 suspension or revocation.

24 The bill also establishes penalties for operating a motor vehicle
25 between points other than those authorized by the endorsement.
26 The endorsement is to be immediately forfeited and the driver is
27 subject to a fine of not less than \$500 or more than \$1,000;
28 community service for a period of 30 days; and an additional one
29 year driver's license suspension or revocation. A driver who is
30 convicted of causing an accident resulting in personal injury or
31 death to another person while driving between unauthorized points
32 is subject to a fine of between \$1,000 and \$5,000; community
33 service for a period of 30 days; and an additional two years driver's
34 license suspension or revocation. A driver who is convicted of
35 drunk driving or refusing to take a breathalyzer while operating a
36 motor vehicle between unauthorized points is subject to a fine of
37 between \$1,000 and \$5,000 and an additional five years driver's
38 license suspension or revocation.

39 Under the bill, a person whose driver's license is suspended or
40 revoked after or within 10 years of the effective date of the bill
41 would be eligible for an endorsement, provided the person meets
42 the requirements set forth in the bill.