

ASSEMBLY, No. 848

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COTTRELL and MALONE

1 AN ACT concerning drunk driving surcharges and amending P.L.1984,
2 c.4.

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

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7 1. Section 1 of P.L.1984, c.4 (C.39:4-50.8) is amended to read as
8 follows:

9 1. Upon a conviction of a violation of R.S.39:4-50, the court shall
10 collect from the defendant a surcharge of \$100.00 in addition to and
11 independent of any fine imposed on that defendant. The court shall
12 forward the surcharge to the Director of the Division of Motor
13 Vehicles who shall deposit \$95.00 of the surcharge into a "Drunk
14 Driving Enforcement Fund" (hereinafter referred to as the "fund").
15 This fund shall be used to establish a Statewide drunk driving
16 enforcement program to be supervised by the director. The remaining
17 \$5.00 of each surcharge shall be deposited by the director into a
18 separate fund for administrative expenses.

19 A municipality shall be entitled to periodic grants from the "Drunk
20 Driving Enforcement Fund" in amounts representing its proportionate
21 contribution to the fund. A municipality shall be deemed to have
22 contributed to the fund the portion of the surcharge allocated to the
23 fund, collected pursuant to this section if the violation of R.S.39:4-50
24 occurred within the municipality and the arrest resulting in conviction
25 was made by the member of a municipal police force. The grants from
26 the fund shall be used by the municipality to increase enforcement of
27 R.S.39:4-50 by subsidizing additional law enforcement patrols and
28 through other measures approved by the director. A municipality
29 which chooses not to conduct additional patrols shall be eligible to
30 receive its grant for the purchase of law enforcement equipment. The
31 Division of State Police, interstate law enforcement agencies and
32 county law enforcement agencies shall be entitled to periodic grants

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

Matter underlined thus is new matter.

1 from the fund in amounts representing their proportionate contribution
2 to the fund. The Division of State Police or county or interstate law
3 enforcement agency shall be deemed to have contributed to the fund
4 the portion of the surcharge allocated to the fund collected pursuant
5 to this section if the arrest resulting in a conviction was made by a
6 member of the Division of State Police or county or interstate law
7 enforcement agency. The grants from the fund shall be used by the
8 Division of State Police or county or interstate law enforcement
9 agency to increase enforcement of R.S.39:4-50 by subsidizing
10 additional law enforcement patrols and through other measures
11 approved by the director.

12 The surcharge described herein shall not be considered a fine,
13 penalty or forfeiture to be distributed pursuant to R.S.39:5-41.

14 The director shall promulgate rules and regulations in order to
15 effectuate the purposes of this section.

16 (cf: P.L.1984, c.4, s.1)

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18 2. This act shall take effect immediately.

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STATEMENT

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23 Persons convicted of drunk driving are required to pay a surcharge
24 of \$100 which is deposited in the Drunk Driving Enforcement Fund.
25 Monies in the fund are distributed to municipalities, in proportion to
26 the number of drunk driving convictions resulting from arrests within
27 their borders, for additional drunk driving patrols and other purposes
28 determined by the Director of the Division of Motor Vehicles.

29 Under rules of the Office of Highway Traffic Safety in the
30 Department of Law and Public Safety, which administers this program,
31 a municipality may use its grant funds to purchase equipment only if
32 it also elects to conduct additional law enforcement patrols. Any
33 equipment purchased also must be used in connection with such
34 patrols. However, it is impractical for certain municipalities to mount
35 additional patrols and, hence, they are unable to receive the surcharge
36 funds collected for offenses within their boundaries.

37 This bill would enable a municipality, which elects not to conduct
38 additional patrols, to use its proportional share of surcharge funds for
39 the purchase of law enforcement equipment.

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44 Broadens use of drunk driving surcharge funds.