

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4800

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No, 4800, with committee amendments.

As amended and reported by the committee, Assembly Bill No. 4800 concerns the use of ignition interlock devices (IID) for drunk driving offenses.

P.L.2019, c.248 revised certain provisions of this State's drunk driving statutes. This legislation: 1) reduced the length of driver's license forfeiture for convictions of drunk driving and refusing to submit to a breathalyzer and increased the period of required IID installation for these offenses; 2) required the license of a drunk driver who attests to not owning, leasing, or operating a motor vehicle to be forfeited during the required period of IID installation; 3) imposed certain IID compliance requirements to be met before an IID may be removed after the required period of installation; and 4) removed enhanced penalties for drunk driving and refusal convictions occurring in a school zone. The legislation is scheduled to expire on the first day of the fifth year after the effective date, which is January 1, 2024.

As amended, this bill extends the expiration date of P.L.2019, c.248 so that the legislation will expire on the first day of the tenth year next following the effective date of P.L.2019, c.248, which is January 1, 2029. The amended bill also clarifies that only the amendatory language and supplemental sections of P.L.2019, c.248 will expire on January 1, 2029, and the text of the statutes amended in P.L.2019, c.248 will return to the text that was in effect prior to the enactment of P.L.2019, c.248. Under the amended bill, the amendatory language contained in this bill will also expire on January 1, 2029. The intent is for both the amendatory language and supplemental sections of P.L.2019, c.248, and the amendatory language in this bill, to expire on the same date.

In addition, under the amended bill, a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an IID in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a

notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID.

The amended bill provides that a person who has been arrested for a first DWI offense whose blood alcohol concentration (BAC) was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law.

Under the amended bill, a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine. The amended bill provides that a person is not entitled to the credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

The amended bill further provides that a person who has been arrested for a second, third or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law. A person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person.

Under current law, for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID and the IID is to remain installed for nine to 15 months after the period of license forfeiture. Under the amended bill, the person is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID, and the IID is to remain installed for 12 to 15 months after the period of license forfeiture.

Further, the amended bill provides that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual

basis consistent with any other violation of Title 39 of the Revised Statutes (the State's motor vehicle code) or offense under Title 2C of the New Jersey Statutes (the State's criminal code).

Under the amended bill, in addition to any penalty imposed under current law, in sentencing a person convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates, which is to remain installed for three to six months. Notwithstanding any provisions of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving privilege of an offender who installs an IID under this provision.

Finally, the bill provides that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that a person who has been arrested for certain driving while intoxicated (DWI) offenses may, upon arrest and prior to any conviction, voluntarily install an ignition interlock device (IID) in one motor vehicle the person owns, leases, or principally operates, whichever the person most often operates, and request from the Motor Vehicle Commission (MVC) a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an IID;

2) provide that a person who has been arrested for a first DWI offense whose BAC was at least 0.08% but less than 0.10%, who was otherwise under the influence of intoxicating liquor, or whose BAC was 0.10% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is not to be subject to a fine as set forth under current law;

3) provide that a person who has been arrested for a first DWI offense whose BAC was 0.15% or higher who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine; however, a person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the

violation of R.S.39:4-50 resulted in serious bodily injury to another person;

4) provide that a person who has been arrested for a second, third, or subsequent DWI violation who voluntarily installs an IID and obtains a driver's license with the appropriate notation pursuant to the amended bill's provisions is to receive a one day credit against the period that the person is required to forfeit the right to operate a motor vehicle under current law for every two days that the person has an IID installed and a driver's license with the appropriate notation and is not to be subject to a fine as set forth under current law; however, the person is not entitled to a credit against the period that the person is required to forfeit the right to operate a motor vehicle if the violation of R.S.39:4-50 resulted in serious bodily injury to another person;

5) provide that for a first DWI offense, a person whose BAC was 0.15% or higher is required to forfeit the right to operate a motor vehicle for a period of three months following installation of an IID and the IID is to remain installed for 12 to 15 months after the period of license forfeiture; under current law, the person is required to forfeit the right to operate a motor vehicle for a period of four to six months following installation of an IID, and the IID is to remain installed for nine to 15 months after the period of license forfeiture;

6) provide that a vendor may, without a court order, install an IID in a vehicle that a person owns, leases, or principally operates if requested by a person who has been arrested for a DWI offense;

7) provide that upon proof that the IID has been installed, the MVC, upon request of the licensee, is to imprint a notation on the person's driver's license stating that the person is not to operate a motor vehicle unless it is equipped with an IID as set forth under current law;

8) provide that notwithstanding any judicial directive to the contrary, upon recommendation by the prosecutor, a plea agreement for a DWI or refusal to submit to a breathalyzer offense is authorized under the appropriate factual basis consistent with any other violation of Title 39 of the Revised Statutes or offense under Title 2C of the New Jersey Statutes;

9) provide that in addition to any penalty imposed under current law, in sentencing a person who has been convicted of a first violation of operating a commercial motor vehicle with a BAC of 0.04% or more whose BAC was at least 0.04% but less than 0.08%, the court is required to order the installation of an IID in one motor vehicle owned, leased, or principally operated by the offender, whichever the offender most often operates; the IID is to remain installed for three to six months; and notwithstanding any provision of law to the contrary, the Chief Administrator of the Motor Vehicle Commission is not to suspend the commercial motor vehicle driving

privilege of an offender who installs an IID pursuant to this provision;

10) provide that nothing in the bill is to be construed to preclude the installation of an IID for a violation of Title 39 of the Revised Statutes under the appropriate factual basis;

11) provide that the amendatory language contained in this bill will expire on January 1, 2029;

12) change the effective date of certain provisions in the bill to 60 days after enactment; and

13) make clarifying and technical changes.

FISCAL IMPACT:

Fiscal information is not currently available.