

2. NJ Senate proposed Bill 2427

NJ Senate proposed Bill 2427 would permit a restricted license for persons suspended for DWI to be able to drive to work. Ken Vercammen testified in favor of the "Restricted Driver's license" Ken also testified in favor of changes to the ignition interlock law to permit persons who do not own a car to be able to get a drivers license back.

This bill, as amended, revises penalties for various drunk-driving offenses. These revisions include mandating the installation of an ignition interlock device in the motor vehicle owned, leased, or principally operated by the offender and the operation of such vehicle under a restricted use driver's license, or alternatively, mandating the offender's forfeiture of the right to operate a motor vehicle if the offender instead does not own or lease a motor vehicle and there is no vehicle the offender principally operates.

Whenever a person commits the offense of driving under the influence (R.S.39: 50-4) or refusing to submit to a breath test (section 2 of P.L.1966,

c.142 (C.39: 4-50.2)), the person would be required to install an ignition interlock device. A court would first order the suspension of the person's driver's license for a period of 10 days, during which period the person would have to install the device, unless the person presented to the court at the time of sentencing satisfactory proof that a device is already installed, and additionally, for a second or subsequent offense, the person during this same 10-day period would be required to obtain a restricted use driver's license with various court ordered driving restrictions, issued by the Chief Administrator of the Motor Vehicle Commission in order to operate the affected motor vehicle; if the person did not own or lease a motor vehicle and there was no vehicle the person principally operated, the court would instead order the person to forfeit his right to operate a motor vehicle over the highways of this State.

For a first offender whose blood alcohol concentration is 0.08% or higher but less than 0.10%, the device would remain installed for a period of not less than three months or more than six months, commencing immediately upon the

restoration of the offender's driver's license after the 10-day period of license suspension or as indicated on the court order if no suspension occurs due to the prior installation of the device with satisfactory proof of installation to the court. For a first offender whose blood alcohol concentration is 0.10% or higher, or for refusing to submit to a breath test, the device would remain installed for a period of not less than seven months or more than one year, again commencing immediately upon the restoration of the offender's driver's license after the 10-day period of license suspension or as indicated on the court order if no suspension occurs due to the prior installation of the device with satisfactory proof of installation to the court. For a first offender who does not own or lease a motor vehicle, or if there is no motor vehicle the offender principally operates, the court would instead order forfeiture of the offender's right to operate a motor vehicle, with the period of forfeiture being the same as the period for which the ignition interlock device would have been installed (not less than three months or more than six months; or not less than seven months or more than one year, if a higher blood alcohol concentration). The second and third offenders

can also apply for a restricted driver's license.

The restricted use driver's license would be in a form prescribed by the chief administrator and be issued in accordance with procedures established by the chief administrator. The license would be of a color selected by the chief administrator, which readily distinguishes it from other driver's licenses issued by this State. The chief administrator could impose a fee of not more than \$25 for the issuance of a restricted use driver's license. Along with the restricted use driver's license, the chief administrator would issue a restricted use driver's placard to each approved licensee. The licensee would be required to prominently display the placard in the rear window, or other location determined by the chief administrator, of the motor vehicle equipped with the ignition interlock device for which the restricted use driver's license is issued.

The bill also addresses periods of incarceration and community service requirements for persons who commit multiple offenses generally (but not those more serious offenses that occur on school property or involve driving through a school

crossing (detailed in subsection (g) of R.S.39:4-50)). Under the bill, a person with a second drunk driving related offense would be sentenced to imprisonment for a term of not more than 90 days, except that the court could lower this term for each day served participating in a drug or alcohol inpatient rehabilitation program approved by the Intoxicated Driver Resource Center. Similarly, while a person with a third or subsequent drunk driving offense would be sentenced to imprisonment, the court could also lower this term for each day served participating in an approved drug or alcohol inpatient rehabilitation program. In both instances, there would be no cap on the potential number of days reduced from the term of imprisonment. As to community service requirements, the bill would establish that a person with a third or subsequent drunk driving offense be required to perform community service for a period of not less than 60 days, which would be in the form and on the terms as the court shall deem appropriate under the circumstances; this exceeds the current requirement placed upon a person with a second offense, which is the performance of community service for a period of 30 days.

More details at:

<http://traffic-law.blogspot.com/2013/02/nj-senate-proposed-bill-2427-would.html>