

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2394**

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably, with committee amendments, the Assembly Committee Substitute for Assembly Bill No. 2394.

The committee substitute, as amended, requires certain drivers whose driver's licenses are suspended or revoked to receive notice and receipt of payment concerning license restoration, and concerns penalties for operating a vehicle while a person's license is suspended or revoked under certain circumstances.

Current law provides that a person is required to act affirmatively in order to restore a suspended or revoked license by paying a restoration fee. A person who fails to pay the restoration fee will not have their license restored. When a driver has been issued an additional period of suspension for driving while suspended or revoked, the committee substitute requires the Chief Administrator of the Motor Vehicle Commission to provide notice:

- (1) of the period of the additional suspension or revocation term;
- (2) that the driver is required to pay the restoration fee once the period of suspension or revocation has ended; and
- (3) that the driver's license will remain suspended or revoked until the restoration fee is paid and any additional conditions ordered by the court for restoration of the driver's license or registration are satisfied.

The committee substitute further requires the chief administrator to provide a licensee with proof of payment of the restoration fee upon receipt of the payment. The proof of payment is required to include a disclaimer notifying a licensee that license restoration is subject to payment of the restoration fee and satisfaction of any conditions ordered by the court.

Current law also provides that a person operating a vehicle while the person's license is suspended or revoked may incur penalties including additional suspensions, fines, and terms of imprisonment.

Under the committee substitute, the court would not be permitted to impose a term of imprisonment, fine, or period of suspension, or revocation for a violation of driving while suspended or revoked if:

- (1) the original period of suspension or revocation is complete;

(2) the person has no other outstanding suspensions or revocations for which the period of suspension or revocation is incomplete or the restoration fee has not been paid;

(3) the person does not have any unsatisfied conditions ordered by the court for restoration of the person's driver's license or registration; and

(4) the person provides proof of payment of the restoration fee.

Lastly, current law provides for extended terms of imprisonment for certain violations involving the operation of a motor vehicle when a driver's license or registration is suspended or revoked. This committee substitute makes the imposition of an extended term discretionary in certain circumstances.

COMMITTEE AMENDMENTS

The committee amendments provide that the Chief Administrator of the Motor Vehicle Commission is required to include with proof of payment of the restoration fee a disclaimer notifying a licensee that license restoration is subject to payment of the restoration fee and satisfaction of any conditions ordered by the court. Additionally, the amendments provide that in order to avoid imposition of a term of imprisonment, fine, or period of suspension, or revocation for a violation of driving while suspended or revoked, as provided by the committee substitute, a person is required to have satisfied all conditions ordered by the court for restoration of the person's driver's license or registration.

FISCAL IMPACT

The Office of Legislative Services finds that this bill will result in indeterminate annual State expenditure increases from the new notification requirements imposed on the Motor Vehicle Commission. The bill also may result in lower fine and fee revenues for local governments and the State, respectively, as the bill prohibits the court from imposing any fine or additional period of license suspension or registration revocation for driving without a valid license or registration, provided that certain conditions are met by the driver. These conditions include the completion of the original period of suspension or revocation, the driver having no other suspensions or revocations that are open or for which the restoration fee is not paid, and the driver submits proof of payment of the restoration to the court. Local governments also could experience a decrease in expenditures as fewer individuals will be sentenced to county jails for driving without a valid license or registration as the bill prohibits the court from imposing a term of imprisonment for driving without a valid license or registration, provided that the aforementioned conditions are met.