SENATE, No. 1631

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:
Senator Turner

SYNOPSIS

Clarifies when penalty points are to be assessed for convictions of driving in an unsafe manner.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning assessment of points for certain motor vehicle violations and amending P.L.2000, c.75.

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

1. Section 1 of P.L.2000, c.75 (C.39:4-97.2) is amended to read as follows:

1. a. Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.

b. A person convicted of a first offense under subsection a. of this section shall be subject to a fine of not less than **[**$50.00**]** $50 or more than **[**$150.00**]** $150 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

c. A person convicted of a second offense under subsection a. of this section shall be subject to a fine of not less than **[**$100.00**]** $100 or more than **[**$250.00**]** $250 and shall not be assessed any motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).

d. A person convicted of a third **[**or subsequent**]** offense under subsection a. of this section shall be subject to the following penalties:

(1) a fine of not less than **[**$200.00**]** $200 or more than **[**$500.00**]** $500; and **[**shall be assessed**]**

(2) an assessment of motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) if the person's third offense occurs within five years of a second violation of subsection a. of this section for which the person was convicted.

e. **[**An offense committed under this section that occurs more than five years after the prior offense shall not be considered a subsequent offense for the purpose of assessing motor vehicle penalty points under subsection d. of this section.**]**. A person convicted of an offense under subsection a. subsequent to the third offense shall be subject to the following penalties:

(1) a fine of $500; and

(2) an assessment of motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) if the subsequent offense occurs within five years of a third violation, or, if the person has more than three violations, within five years of the immediately preceding violation of subsection a. of this section for which the person was convicted.

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.

f. In addition to any fine, fee or other charge imposed pursuant to law, the court shall assess a person convicted of an offense under subsection a. of this section a surcharge of $250 which shall be collected by the court and distributed to the Division of Revenue in the Department of the Treasury as a New Jersey Merit Rating Plan surcharge pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35). The surcharge shall be assessed for offenses occurring on or after July 24, 2000 but before the first day of the first month next following the date the written notification required pursuant to subsection b. of section 2 of P.L.2019, c.301 (C.52:9S-3.1) is transmitted to the State Treasurer and the Chief Administrator of the Motor Vehicle Commission. The commission shall have no legal authority to collect any surcharge, together with any interest and administrative fees, that have been assessed but remain unpaid, or that may be levied and required to be paid, on or after that date.

(cf: P.L.2019, c.301, s.5)

2. This act shall take effect immediately.

STATEMENT

This bill revises the manner in which motor vehicle penalty points are imposed for operating a motor vehicle in an unsafe manner.

The bill modifies the current penalty structure to prescribe that: upon a third conviction for unsafe operation of a vehicle, penalty points are to be assessed only if that third offense occurred within five years of the second conviction of unsafe driving; and, upon a fourth or subsequent conviction, penalty points are to be assessed only if the offense occurred within five years of the immediately preceding conviction for unsafe driving. The bill further provides that the fine for a fourth or subsequent conviction is $500. Currently, the fine for fourth and subsequent convictions ranges from $200 to $500.