

**Fines and Penalties of  
*Driving While Intoxicated (“DWI”),  
Permitting DWI, DWI in a School Zone  
and Refusal Offenses***

**N.J.S.A. 39:4-50; N.J.S.A. 39:4-50(g); 39:4-50.4a**

**JANUARY 10, 2011**

# DRIVING WHILE INTOXICATED, PERMITTING DWI

## N.J.S.A. 39:4-50

*Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.*

N.J.S.A.	Title	1 <sup>st</sup> Offense – BAC 0.08% or higher, but less than .10%, or observation case	1 <sup>st</sup> Offense – BAC 0.10% or higher or operation under influence of drugs	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50	Driving While Intoxicated	\$250 to \$400 fine, and	\$300 to \$500 fine, and		\$500 to \$1000 fine, and	\$1000 fine, and
		VCCA \$50, DDEF \$100, SNSF \$75, \$100 surcharge, and	VCCA \$50, DDEF \$100, SNSF \$75, \$100 surcharge, and		VCCA \$50, DDEF \$100, SNSF \$75, \$100 surcharge, and	VCCA \$50, DDEF \$100, SNSF \$75, and \$100 surcharge, and
		In court's discretion, imprisonment not exceeding 30 days, and	In court's discretion, imprisonment not exceeding 30 days, and		Imprisonment of not less than 48 consecutive hours, which shall not be suspended or served on probation, nor more than 90 days (court may authorize 2 days through IDRC), and	Imprisonment not less than 180 days in county jail or workhouse – <b><u>no work-release, out-patient, etc.: must do time in confinement.</u></b> Except the court may order defendant to serve up to 90 days of that sentence participating in a drug or alcohol inpatient rehabilitation program approved by the IDRC, and

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## N.J.S.A. 39:4-50

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N.J.S.A.	Title	1 <sup>st</sup> Offense – BAC 0.08% or higher, but less than .10%, or observation case	1 <sup>st</sup> Offense – BAC 0.10% or higher or operation under influence of drugs	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50 Continued	Driving While Intoxicated	Driver's license suspension for a period of 3 months, and	Driver's license suspension for not less than 7 months nor more than 1 year, and		Driver's license suspension for 2 years, and  Community service for 30 days, and	Driver's license suspension for 10 years, and
		IDRC 12 to 48 hours spent during 2 consecutive days of not less than 6 hours each day, and	IDRC 12 to 48 hours spent during 2 consecutive days of not less than 6 hours each day, and			
		May order participation in supervised visitation program as either a condition of probation or form of community service, and	May order participation in supervised visitation program as either a condition of probation or form of community service, and		May order participation in supervised visitation program as either a condition of probation or form of community service, and	May order participation in a supervised visitation program as either a condition of probation or form of community service and

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N.J.S.A.	Title	1 <sup>st</sup> Offense – BAC 0.08% or higher, but less than .10%, or observation case	1 <sup>st</sup> Offense – BAC 0.10% or higher or operation under influence of drugs	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50 Continued	Driving While Intoxicated	<b>May</b> order installation of an interlock device for not less than 6 mos. nor more than 1 year commencing immediately on return of offender's driver's license (39:4-50.17), and	<b>If BAC is less than .15% may</b> order installation of an ignition interlock device for not less than 6 mos. nor more than 1 year commencing immediately on return of offender's driver's license, and		<b>Shall</b> order installation of ignition interlock device during license suspension and for not less than 1 year nor more than 3 years commencing immediately upon return of offender's driver's license, and	<b>Shall</b> order installation of ignition interlock device during license suspension and for not less than 1 year nor more than 3 years commencing immediately upon return of offender's driver's license, and
			<b>BAC of .15% or higher shall</b> order installation of ignition interlock device during period of suspension and for not less than 6 mos. nor more than 1 year beginning immediately upon return of offender's driver's license.			

# DRIVING WHILE INTOXICATED, PERMITTING DWI

## N.J.S.A. 39:4-50

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N.J.S.A.	Title	1 <sup>st</sup> Offense – BAC 0.08% or higher, but less than .10%, or observation case	1 <sup>st</sup> Offense – BAC 0.10% or higher or operation under influence of drugs	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50 Continued		Satisfy the screening evaluation and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are satisfied.	Satisfy the screening evaluation and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are satisfied.		Satisfy screening evaluation and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are satisfied.	Satisfy the screening evaluation and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are satisfied

# DWI (AND PERMITTING DWI) IN A SCHOOL ZONE

**N.J.S.A. 39:4-50(g)**

*Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.*

N.J.S.A.	Title	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50(g)	1. Driving while intoxicated on school property used for school purposes or within 1,000 feet of same; 2. Driving through a school crossing; 3. Driving in an area where juveniles crossing and present, even if not designated as an official crossing by municipality	\$500 to \$800 fine, and	\$1000 to \$2000 fine, and	\$2000 fine, and
		VCCA \$50, DDEF \$100, SNSF \$75, and \$100 surcharge, and	VCCA \$50, DDEF \$100, SNSF \$75, and \$100 surcharge, and	VCCA \$50, DDEF \$100, SNSF \$75, and \$100 surcharge, and

# DWI (AND PERMITTING DWI) IN A SCHOOL ZONE

**N.J.S.A. 39:4-50(g)**

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N.J.S.A.	Title	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:4-50(g) Continued		Imprisonment not exceeding 60 days, and	Imprisonment of not less than 96 consecutive hours which shall not be suspended or served on probation, nor more than 180 days. Can substitute up to 90 days of community service for imprisonment, and	Imprisonment not less than 180 days in a county jail or workhouse <b>- no work-release, out-patient, etc.: must do time in confinement.</b> Except that the court may lower such term for each day, not exceeding 90 days, to be served in drug or alcohol inpatient rehab approved by IDRC, and
		Driver's license suspension for not less than 1 year nor more than 2 years, and	Driver's license suspension for 4 years, and  Community service for 60 days, and	Driver's license suspension for 20 years to start upon completion of any prison sentence, and
		<b>If BAC of .08% or higher, but less than .15%, may</b> order installation of an ignition interlock device commencing on return of offender's driver's license		
		<b>BAC of .15% or higher SHALL</b> order installation of ignition interlock device during period of suspension and for not less than 6 mos. nor more than 1 year beginning immediately following return of offender's driver's license, and	<b>SHALL</b> order installation of ignition interlock device during period of suspension and for not less than 1 year nor more than 3 years, beginning immediately following return of offender's driver's license, and	<b>SHALL</b> order installation of ignition interlock device during license suspension for not less than 1 year nor more than 3 years beginning immediately upon return of offender's driver's license, and

# DWI (AND PERMITTING DWI) IN A SCHOOL ZONE

***N.J.S.A. 39:4-50(g)***

***Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.***

39:4-50(g) Continued		Satisfy the screening, evaluation, and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are met.	Satisfy the screening, evaluation, and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are met.	Satisfy the screening evaluation and referral requirements of the IDRC. If these requirements are not met, then mandatory 2-day term of imprisonment and driver's license suspension until requirements are satisfied
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# REFUSAL TO SUBMIT TO CHEMICAL TEST

## N.J.S.A. 39:4-50.4a

*Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.*

N.J.S.A.	Title	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:50.4a <b>REFUSAL</b>	Refusal to submit to chemical test (penalty provision at N.J.S.A. 39:4-50.4a(a))	\$300 to \$500 fine, and	\$500 to \$1000 fine, and	\$1000 fine, and
		DDEF \$100, and	DDEF \$100, and	DDEF \$100, and
		Driver's license suspension not less than 7 mos. nor more than 1 year (consecutive to any revocation under N.J.S.A. 39:4-50 unless part of a permitted plea agreement in which event the suspension may be concurrent) and	Driver's license suspension for 2 years (consecutive to any revocation under N.J.S.A. 39:4-50), and	Driver's license suspension for 10 years (consecutive to any revocation under N.J.S.A. 39:4-50), and
		Shall order offender to IDRC, and	Shall order offender to IDRC, and	Shall order offender to IDRC, and
		Shall order installation of ignition interlock device during period of suspension and for not less than 6 mos. nor more than 1 year, beginning immediately upon return of offender's driver's license.	Shall order installation of ignition interlock device during period of suspension and for not less than 1 year nor more than 3 years, beginning immediately upon return of offender's driver's license.	Shall order installation of ignition interlock device during period of suspension and for not less than 1 year nor more than 3 years, beginning immediately upon return of offender's driver's license.

# REFUSAL TO SUBMIT TO CHEMICAL TEST IN A SCHOOL ZONE

**N.J.S.A. 39:4-50.4a(b)**

*Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.*

<p>39:4-50.4a(b) <b>REFUSAL SCHOOL ZONE</b></p>	<p>Refusal to submit to chemical test while 1. On school property used for school purposes or within 1,000 feet of same; 2. Driving through a school crossing; 3. Driving in an area where juveniles are crossing and present, even if not designated as an official crossing by municipality.</p>	<p>\$600 to \$1,000 fine, and  DDEF \$100, and</p>	<p>\$1,000 to \$2,000 fine, and  DDEF \$100, and</p>	<p>\$2,000 fine, and  DDEF \$100, and</p>
		<p>Driver's license suspension not less than 1 year nor more than 2 years (consecutive to any revocation under N.J.S.A. 39:4-50 unless part of a permitted plea agreement in which event the suspension may be concurrent), and</p>	<p>Driver's license suspension for 4 years (consecutive to any revocation under N.J.S.A. 39:4-50), and</p>	<p>Driver's license suspension for 20 years (consecutive to any revocation under N.J.S.A. 39:4-50), and</p>

# REFUSAL TO SUBMIT TO CHEMICAL TEST IN A SCHOOL ZONE

## N.J.S.A. 39:4-50.4a(b)

*Please note: If the second offense for 39:4-50 occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes. If the third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes. There is no 'step-down' for a fourth or subsequent offense.*

<p>39:4-50.4a(b) <b>REFUSAL SCHOOL ZONE</b></p>		<p>Shall order offender to IDRC, and</p>	<p>Shall order offender to IDRC, and</p>	<p>Shall order offender to IDRC, and</p>
		<p>Shall order installation of ignition interlock device during period of suspension and for not less than 6 mos. nor more than 1 year, beginning immediately upon return of offender's driver's license.</p>	<p>Shall order installation of ignition interlock device during period of suspension and for not less than 1 year nor more than 3 years, beginning immediately upon return of offender's driver's license.</p>	<p>Shall order installation of ignition interlock device during period of suspension and for not less than 1 year nor more than 3 years, beginning immediately upon return of offender's driver's license.</p>

**Fines and Penalties of  
*Driving While Suspended*  
Offenses**

**N.J.S.A. 39:3-40 inclusive**

**JANUARY 10, 2011**

## DRIVING WHILE SUSPENDED

N.J.S.A. 39:3-40 Inclusive

*Please Note: For all offenses under N.J.S.A. 39:3-40 that involve an accident resulting in personal injury to another, the court is required to impose a period of imprisonment for not less than 45 days, or more than 180 days. N.J.S.A. 39:3-40(e)*

N.J.S.A.	OFFENSE	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:3-40	Driving while license or registration suspended – general provision. If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.	\$500 fine, and	\$750 fine, and	\$1000 fine, and
			Imprisonment for at least 1 but not more than 5 days, and	Imprisonment for 10 days, and
			If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.	If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.
		Driver's license suspension – to range from 1 day to a maximum of 6 mos.	Driver's license suspension – to range from 1 day to a maximum of 6 mos.	Driver's license suspension – to range from 1 day to a maximum of 6 mos.
			If 2 <sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40, then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).	If 3 <sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40, then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).

## DRIVING WHILE SUSPENDED

### N.J.S.A. 39:3-40 Inclusive

*Please Note: For all offenses under N.J.S.A. 39:3-40 that involve an accident resulting in personal injury to another, the court is required to impose a period of imprisonment for not less than 45 days, or more than 180 days. N.J.S.A. 39:3-40(e)*

N.J.S.A.	OFFENSE	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:3-40 (f) (1)	Driving while license or registration is suspended due to conviction for N.J.S.A. 39:6B-2 (driving without insurance)	\$1,000 fine, and	\$1,250 fine, and	\$1,500 fine, and
		<b>May</b> impose imprisonment not more than 90 days, and	<b>Shall</b> impose imprisonment of 1-5 days. <b>May</b> impose additional period of imprisonment of not more than 90 days, and	<b>Shall</b> impose imprisonment of 10 days. <b>May</b> impose additional imprisonment for not more than 90 days, and
			If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.	If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.
		Driver's license suspension not less than 12 mos. and 1 day, nor more than 30 mos.	Driver's license suspension not less than 12 mos. and 1 day, nor more than 30 mos., and	Driver's license suspension not less than 12 mos. and 1 day, nor more than 30 mos., and
			If 2 <sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).	If 3 <sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).

## DRIVING WHILE SUSPENDED

N.J.S.A. 39:3-40 Inclusive

*Please Note: For all offenses under N.J.S.A. 39:3-40 that involve an accident resulting in personal injury to another, the court is required to impose a period of imprisonment for not less than 45 days, or more than 180 days. N.J.S.A. 39:3-40(e)*

N.J.S.A.	OFFENSE	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:3-40 (f) (2)	Driving while license or registration is suspended due to conviction for: 1. N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test) or 3. N.J.S.A. 39:5-30 a to .30e (habitual offender)	\$1000 fine, and	\$1250 fine, and	\$1500 fine, and
		Imprisonment of not less than 10 days, nor more than 90 days, and	<b>Shall</b> impose imprisonment of 1-5 days. <b>Shall</b> impose additional Imprisonment of not less than 10 days, nor more than 90 days, and	<b>Shall</b> impose imprisonment of 10 days. <b>Shall</b> impose additional imprisonment of not less than 10 days, nor more than 90 days, and
			If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for prior offense, and	If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for prior offense, and
		Driver's license suspension of not less than 12 mos. and 1 day, nor more than 30 mos., and	Driver's license suspension of not less than 12 mos. and 1 day, nor more than 30 mos., and	Driver's license suspension of not less than 12 mos. and 1 day, nor more than 30 mos., and
		Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)	Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)	Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

## DRIVING WHILE SUSPENDED

N.J.S.A. 39:3-40 Inclusive

*Please Note: For all offenses under N.J.S.A. 39:3-40 that involve an accident resulting in personal injury to another, the court is required to impose a period of imprisonment for not less than 45 days, or more than 180 days. N.J.S.A. 39:3-40(e)*

N.J.S.A.	OFFENSE	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:3-40 (f) (3)	Driving while license or registration is suspended in a school zone due to conviction for: 1. N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test)	\$1000 fine, and	\$1250 fine, and	\$1500 fine, and
		Imprisonment of not less than 60 days or more than 90 days.	<b>Shall</b> impose imprisonment of 1-5 days. <b>Shall</b> impose additional imprisonment of not less than 120 days nor more than 150 days, and	<b>Shall</b> impose imprisonment of 10 days. <b>Shall</b> impose additional imprisonment for 180 days, concurrent to the 10 days ( <u>State v. Owens</u> , 54 N.J. 153), and
			If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense, and	If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense, and
		Driver's license suspension for not less than 12 mos. and 1 day, nor more than 30 mos., and	Driver's license suspension for not less than 12 mos. and 1 day, nor more than 30 mos., and	Driver's license suspension for not less than 12 mos. and 1 day, nor more than 30 mos., and
			If 2 <sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40, then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).	If 3 <sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40, then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1).

## DRIVING WHILE SUSPENDED

N.J.S.A. 39:3-40 Inclusive

*Please Note: For all offenses under N.J.S.A. 39:3-40 that involve an accident resulting in personal injury to another, the court is required to impose a period of imprisonment for not less than 45 days, or more than 180 days. N.J.S.A. 39:3-40(e)*

N.J.S.A.	OFFENSE	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> or Subsequent Offense
39:3-40 (i)	Driving while license or registration is suspended for failure to respond to failure to appear notice or to pay parking judgment or for failure to comply with a time payment order.	Maximum \$100 fine upon proof that the violator has satisfied the parking tickets, or brought the installment payments current.		

# **Condensed Version of *DWI, Permitting DWI, Refusal & Driving While Suspended Fines & Penalties***

**For ease of reference, the following charts summarize the information presented above.**

**The data in the charts is the same as that presented above, except that assessments and costs are included, as indicated.**

## DWI PENALTIES FOR OFFENSES As of January 10, 2011 -- N.J.S.A. 39:4-50(a)

<b>First Offense:</b>	(Operating or allowing operation) 0.08% but less than 0.10% (per se) or under the influence of intoxicating liquor (observation)
<b>Fine:</b>	\$250.00 to \$400.00
DWI Surcharge	\$100.00
DDEF Surcharge	\$100.00
Assessments	\$6.00
Court Costs	Up to \$33.00
Safe Neighborhood (SNSF)	\$75.00
VCCA	\$50.00
<b>IDRC**:</b>	12 to 48 Hours
<b>Jail:</b>	Up to 30 Days
<b>Loss of D.L.:</b>	3 Months
<b>Interlock for Principal Vehicle :</b>	Optional – 6 months to 1 year (if required-only following the suspension period) Optional
<b>Facility Visitation:</b>	
<b>First Offense:</b>	(Operating or allowing operation) 0.10% or higher (per se) or under the influence of drugs(observation)
<b>Fine:</b>	\$300.00 to \$500.00
DWI Surcharge	\$100.00
DDEF Surcharge	\$100.00
Assessments	\$6.00
Court Costs	Up to \$33.00
Safe Neighborhood (SNSF)	\$75.00
VCCA	\$50.00
<b>IDRC:</b>	12 to 48 Hours
<b>Jail:</b>	Up to 30 Days
<b>Loss of D.L.:</b>	7 Months to 1 Year
<b>Interlock for principal vehicle:</b>	Mandatory 6 months to 1 year if .15 or higher BAC. Required during license suspension and this additional period. Optional-if less than .15 BAC - 6 months to 1 year following suspension period. Optional
<b>Facility Visitation:</b>	
<b>Second Offense:</b>	(Operating or allowing operation) 0.08% or higher (per se) or under the influence of intoxicating liquor or drugs (observation)
<b>Fine:</b>	\$500.00 to \$1,000.00
DWI Surcharge	\$100.00
DDEF Surcharge	\$100.00
Assessments	\$6.00
Court Costs	Up to \$33.00
Safe Neighborhood (SNSF)	\$75.00
VCCA	\$50.00
<b>IDRC:</b>	In accordance with individual treatment classification (usually 48 Hours)
<b>Jail:</b>	2 Days to 90 Days (Court may authorize two days through IDRC)
<b>Loss of D.L.:</b>	2 Years
<b>Community Service:</b>	30 Days
<b>Interlock for principal vehicle:</b>	1-3 years mandatory- required during license suspension and this additional period Optional
<b>Facility Visitation:</b>	
<b>Third Offense:</b>	(Operating or allowing operation) 0.08% or higher (per se) or under the influence of intoxicating liquor or drugs (observation)
<b>Fine:</b>	\$1,000.00
DWI Surcharge	\$100.00
DDEF Surcharge	\$100.00
Assessments	\$6.00
Court Costs	Up to \$33.00
Safe Neighborhood (SNSF)	\$75.00
VCCA	\$50.00
<b>IDRC</b>	In accordance with individual treatment classification
<b>Jail:</b>	180 Days (up to 90 days can be served through inpatient program approved by IDRC). <b>Note: Jail cannot be served through IDRC, Community Service or Work Release (SLAP)**.</b>
<b>Loss of D.L.:</b>	10 Years
<b>Interlock for principal vehicle:</b>	1 – 3 Years Mandatory- required during license suspension and additional period Optional
<b>Facility Visitation:</b>	

\* "IDRC" – Intoxicated Driver Resource Centers

\*\* State v. Luthe, 383 N.J.Super. 512 (App. Div. March 6, 2006)

**SCHOOL ZONE DWI PENALTIES FOR OFFENSES**  
**As of January 10, 2011 -- N.J.S.A. 39-4-50(g)**

**First Offense:** (Operating or allowing operation) 0.08% or higher (*per se*) or under the influence of intoxicating liquor or drugs (observation)

**Fine:**  
 DWI Surcharge \$500 to \$800.00  
 DDEF Surcharge \$100.00  
 Assessments \$100.00  
 Court Costs \$6.00  
 Safe Neighborhood (SNSF) Up to \$33.00  
 VCCA \$75.00  
**IDRC\*:** \$50.00  
 12 to 48 Hours  
**Jail:** Up to 60 Days  
 1 to 2 Years  
**Loss of D.L.:** Optional – if less than .15 BAC - 6 months to 1 year following the suspension period. If .15 BAC or higher – mandatory during license suspension period and an additional 6 months to 1 year following the suspension period  
**Interlock for principal vehicle:** Optional  
**Facility Visitation:** Optional

**Second Offense:** (Operating or allowing operation) 0.08% or higher (*per se*) or under the influence of intoxicating liquor or drugs (observation)

**Fine:**  
 DWI Surcharge \$1,000.00 to \$2,000.00  
 DDEF Surcharge \$100.00  
 Assessments \$100.00  
 Court Costs \$6.00  
 Safe Neighborhood (SNSF) Up to \$33.00  
 VCCA \$75.00  
**IDRC\*:** \$50.00  
 In accordance with individual treatment classification (usually 48 Hours)  
**Jail:** 4 to 180 Days (up to 90 Days can be through Community Service) (Court may authorize two days through IDRC)  
 4 Years  
 60 Days  
**Loss of D.L.:** 1 – 3 Years Mandatory- required during license suspension and this additional period  
**Community Service:** Optional  
**Interlock for principal vehicle:** Optional  
**Facility Visitation:** Optional

**Third Offense:** (Operating or allowing operation) 0.08% or higher (*per se*) or under the influence of intoxicating liquor or drugs (observation)

**Fine:**  
 DWI Surcharge \$2,000.00  
 DDEF Surcharge \$100.00  
 Assessments \$100.00  
 Court Costs \$6.00  
 Safe Neighborhood (SNSF) Up to \$33.00  
 VCCA \$75.00  
**IDRC:** \$50.00  
 In accordance with individual treatment classification  
**Jail:** 180 Days (up to 90 days can be served through inpatient program approved by IDRC). **Note: Jail cannot be served through Community Service, Work Release (SLAP) or any alternative program\*\***  
 20 Years  
 1 – 3 Years Mandatory-required during license suspension and this additional period  
**Loss of D.L.:** Optional  
**Interlock for principal vehicle:** Optional  
**Facility Visitation:** Optional

**Third Offense:**  
**Continued**

\* "IDRC" – Intoxicated Driver Resource Centers  
 Div. March 6, 2006)

\*\* **State v. Luthe**, 383 N.J.Super. 512 (App.

**PENALTIES FOR REFUSAL TO SUBMIT TO A BREATH ALCOHOL TEST**  
**As of January 10, 2011\***  
**N.J.S.A. 39:4-50.4a(a)**

**First**

Refusal to submit to chemical test (Penalty provision at **N.J.S.A. 39:4-50.4a(a)**)

**Offense:**

**Fine:** \$300.00 to \$500.00

DDEF Surcharge \$100.00

Court Costs Up to \$33.00

**IDRC:** 12 to 48 Hours

**Loss of D.L.:** Not less than 7 months or more than 1 year

(May be concurrent or consecutive to any revocation imposed under **N.J.S.A. 39:4-50**)

**Interlock for principal**

**Vehicle:**

6 months to 1 year mandatory-required during license suspension and this additional period

**Second**

Refusal to submit to chemical test (Penalty provision at **N.J.S.A. 39:4-50.4a(a)**)

**Offense:**

**Fine:** \$500.00 to \$1000.00

DDEF Surcharge \$100.00

Court Costs Up to \$33.00

**IDRC:** In accordance with individual treatment classification (usually 48 Hours)

**Loss of D.L.:** 2 years (Must be consecutive to any revocation imposed under **N.J.S.A. 39:4-50**)

**N.J.S.A. 39:4-50**)

**Interlock for principal**

**vehicle:**

1-3 years mandatory-required during license suspension and this additional period

**Third or**

**Subsequent**

Refusal to submit to chemical test (Penalty provision at **N.J.S.A. 39:4-50.4a(a)**)

**Offense:**

**Fine:** \$1,000.00

DDEF Surcharge \$100.00

Court Costs Up to \$33.00

**IDRC:** In accordance with individual treatment classification

**Loss of D.L.:** 10 Years (Must be consecutive to any revocation imposed under **N.J.S.A. 39:4-50**)

**N.J.S.A. 39:4-50**)

**Interlock for principal**

**vehicle:**

1-3 years mandatory-required during license suspension and this additional period

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\* **Note:** Burden of proof standard is beyond a reasonable doubt. **State v. Cummings, 184 N.J. 84 (2005)**

# SCHOOL ZONE PENALTIES FOR REFUSAL TO SUBMIT TO A BREATH ALCOHOL

## TEST

As of January 10, 2011\*

N.J.S.A. 39:4-50.4a(b)

**First Offense:** Refusal to submit to a chemical test on school property (Penalty provision at N.J.S.A. 39:4-50.4a(b))

**Fine:** \$600.00 to \$1000.00  
DDEF Surcharge \$100.00  
Court Costs Up to \$33.00

**IDRC:** 12 to 48 Hours

**Loss of D.L.:** Not less than 1 year or more than 2 years  
(May be concurrent or consecutive to any revocation imposed under N.J.S.A. 39:4-50)

**Interlock for principal Vehicle:** 6 months to 1 year mandatory-required during license suspension and this additional period

**Second Offense:** Refusal to submit to a chemical test on school property (Penalty provision at N.J.S.A. 39:4-50.4a(b))

**Fine:** \$1,000.00 to \$2,000.00  
DDEF Surcharge \$100.00  
Court Costs Up to \$33.00

**IDRC:** In accordance with individual treatment classification (usually 48 Hours)

**Loss of D.L.:** 4 Years  
(Must be consecutive to any revocation imposed under N.J.S.A. 39:4-50)

**Interlock for principal vehicle:** 1-3 years Mandatory-required during license suspension and this additional period

**Third or Subsequent Offense:** Refusal to submit to a chemical test on school property (Penalty provision at N.J.S.A. 39:4-50.4a(b))

**Fine:** \$2,000.00  
DDEF Surcharge \$100.00  
Court Costs Up to \$33.00

**IDRC:** In accordance with individual treatment classification

**Loss of D.L.:** 20 Years  
(Must be consecutive to any revocation imposed under N.J.S.A. 39:4-50)

**Interlock for principal vehicle:** 1-3 years Mandatory –required during license suspension and this additional period

\* **Note:** Burden of proof standard is beyond a reasonable doubt. State v. Cummings 184 N.J. 84 (2005).

**PENALTIES FOR DRIVING WHILE SUSPENDED**  
**As of January 10, 2011 -- N.J.S.A. 39:3-40 Inclusive**

**N.J.S.A. 39:3-40**

**First Offense:** Driving while license or registration suspended – general provision. If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$500.00  
Court Costs Up to \$33.00  
**Loss of D.L.:** Drivers' license suspension – to range from 1 day to a maximum of 6 months

**Second Offense:** Driving while license or registration suspended – general provision. If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$750.00  
Court Costs Up to \$33.00  
**Loss of D.L.:** Drivers' license suspension – to range from 1 day to a maximum of 6 months

**Revocation of registration**  
If 2<sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail**  
Imprisonment for at least 1 but not more than 5 days, and  
If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.

**Third or Subsequent Offense:** Driving while license or registration suspended – general provision. If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$1,000.00  
Court Costs Up to \$33.00  
**Loss of D.L.:** Drivers' license suspension – to range from 1 day to a maximum of 6 months

**Revocation of registration**  
If 3<sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail**  
Imprisonment for 10 days, and  
If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense.

**N.J.S.A. 39:3-40(f)(1)**

**Driving while license or registration suspended due to conviction for N.J.S.A. 39:6B-2 (driving without insurance).**

**First Offense:** Driving while license or registration suspended due to conviction for N.J.S.A. 39:6B-2 (driving without insurance). If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$1,000.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Jail** **May** impose imprisonment not more than 90 days

**Second Offense:** Driving while license or registration suspended due to conviction for N.J.S.A. 39:6B-2 (driving without insurance). If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$1,250.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration** If 2<sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration

**Jail** certificates for the period drivers license is suspended (see N.J.S.A. 39:3-40. 1)

**Jail** **Shall** impose imprisonment of 1-5 days. **May** impose additional period of imprisonment of not more than 90 days

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**Third or Subsequent Offense:** Driving while license or registration suspended due to conviction for N.J.S.A. 39:6B-2 (driving without insurance). If accident with bodily injury, then imprisonment for not less than 45 days or more than 180 days.

**Fine:** \$1,500.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration** If 3<sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration

**Jail** certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40. 1)

**Shall** impose imprisonment of 10 days. **May** impose additional imprisonment for not more than 90 days

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**N.J.S.A. 39:3-40(f)(2)**

**Driving while license or registration is suspended due to conviction for:**

1. **N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test) or  
3. N.J.S.A. 39:5-30 a to .30e (habitual offender)**

**First Offense:**

Driving while license or registration is suspended due to conviction for:

1. N.J.S.A. 39:4-50 (DWI) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test) or
3. N.J.S.A. 39:5-30 a to .30e (habitual offender)

**Fine:** \$1,000.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration**

Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail** Imprisonment of not less than 10 days, nor more than 90 days

**Second Offense:**

Driving while license or registration is suspended due to conviction for:

1. N.J.S.A. 39:4-50 (DWI) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test) or
3. N.J.S.A. 39:5-30 a to .30e (habitual offender)

**Fine:** \$1,250.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration**

Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail** **Shall** impose imprisonment of 1-5 days. **Shall** impose additional period of imprisonment of not less than 10 days, nor more than 90 days, and

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**Third or Subsequent Offense:**

Driving while license or registration is suspended due to conviction for:

1. N.J.S.A. 39:4-50 (DWI) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test) or
3. N.J.S.A. 39:5-30 a to .30e (habitual offender)

**Fine:** \$1,500.00

**Court Costs** Up to \$33.00

**Loss of D.L.:** Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration**

Revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail** **Shall** impose imprisonment of 10 days. **Shall** impose additional imprisonment of not less than 10 days, nor more than 90 days, and

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**N.J.S.A. 39:3-40(f)(3)**

**Driving while license or registration is suspended in a school zone due to conviction for:**

- 1. N.J.S.A. 39:4-50 (driving while intoxicated) or**
- 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test)**

**First**

Driving while license or registration is suspended in a school zone due to conviction for:

**Offense:**

1. N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test)

**Fine:**

\$1,000.00

**Court Costs**

Up to \$33.00

**Loss of D.L.:**

Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Jail**

Imprisonment of not less than 60 days, nor more than 90 days

**Second**

Driving while license or registration is suspended in a school zone due to conviction for:

**Offense:**

1. N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test)

**Fine:**

\$1,250.00

**Court Costs**

Up to \$33.00

**Loss of D.L.:**

Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration**

If 2<sup>nd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40, then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail**

**Shall** impose imprisonment of 1-5 days. **Shall** impose additional period of imprisonment of not less than 120 nor more than 150 days, and

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**Third or**

**Subsequent**

**Offense:**

- Driving while license or registration is suspended in a school zone due to conviction for:
1. N.J.S.A. 39:4-50 (driving while intoxicated) or 2. N.J.S.A. 39:4-50.4a (refusal to submit to chemical test)

**Fine:**

\$1,500.00

**Court Costs**

Up to \$33.00

**Loss of D.L.:**

Drivers' license suspension – not less than 12 mos and 1 day, nor more than 30 months

**Revocation of registration**

If 3<sup>rd</sup> offense occurs within 5 years of a conviction for N.J.S.A. 39:3-40 then revocation of all registration certificates for the period driver's license is suspended (see N.J.S.A. 39:3-40.1)

**Jail**

**Shall** impose imprisonment of 10 days. **Shall** impose additional imprisonment for 180 days, concurrent to the 10 days.

If offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for previous offense

**N.J.S.A. 3-3-40 (i)**

**Driving while license is suspended for failure to respond to failure to appear notice or to pay parking judgment or for failure to comply with a time payment order**

**First Offense:** Driving while license is suspended for failure to respond to failure to appear notice or to pay parking judgment or for failure to comply with a time payment order

**Fine:** Maximum \$100 fine upon proof that the violator has satisfied the parking tickets, or brought the installment payments current.  
Up to \$33.00

Court Costs