

## COURT IMPOSED FINES AND PENALTIES

### Driving Under the Influence of Alcohol or Drugs (DUI)

A person who operates a motor vehicle with a blood alcohol concentration (BAC) of 0.08% or above is considered to be driving under the influence.

#### First Offense - BAC 0.08% but less than 0.10%

- 3 months driving privilege suspension
- \$250-\$400 fine
- 12-48 hours at intoxicated driver resource center (IDRC)
- Maximum 30 days imprisonment

#### First Offense - BAC 0.10% or higher

- 7 months to 1 year driving privilege suspension
- \$300-\$500 fine
- 12-48 hours IDRC
- 30 days maximum imprisonment\*

#### Second Offense

- 2 years driving privilege suspension
- \$500-\$1,000 fine
- 30 days community service
- 12-48 hours IDRC
- 48 hours - 90 days imprisonment\*

#### Third Offense

- 10 years driving privilege suspension
- \$1,000 fine
- 90 days maximum community service
- 12-48 hours IDRC
- 180 days imprisonment\*

### DUI in School Zone or School Crossing

#### First Offense

- 12-24 months driving privilege suspension
- \$500-\$800 fine
- 60 days imprisonment

#### Second Offense

- 48 months minimum driving privilege suspension
- \$1,000-\$2,000 fine
- 60 days community service
- 96 hours-180 days imprisonment\*

#### Third Offense

- 20 years driving privilege suspension
- \$2,000 fine
- 180 days imprisonment

### Refusing the Chemical Test

#### First Offense

- 7 months to 1 year driving privilege suspension
- \$300-\$500 fine
- 12 hours minimum IDRC

#### Second Offense

- 2 years driving privilege suspension
- \$500-\$1,000 fine
- 12 hours minimum IDRC

\*New Jersey Statutes Annotated

### Refusing the Chemical Test, Cont'd

#### Third and Subsequent Offenses

- 10 years driving privilege suspension
- \$1,000 fine
- 12 hours minimum IDRC

### Refusing Chemical Test in School Zone or Crossing

#### First Offense

- 1 to 2 years driving privilege suspension
- \$600-\$1,000 fine
- 12 hours minimum IDRC

#### Second Offense

- 4 years driving privilege suspension
- \$1,000-\$2,000 fine
- 12 hours minimum IDRC

#### Third and Subsequent Offenses

- 20 years driving privilege suspension
- \$2,000 fine
- 12 hours minimum IDRC

### Underage

For persons under 21 (the legal age in NJ to purchase an alcoholic beverage) who consume an alcoholic beverage, then drive a vehicle when their BAC is 0.01% or more, but less than 0.08%, the penalties are:

#### Minimum

- 30-90 day driving privilege suspension if currently licensed; or
- 30-90 day prohibition from becoming a licensed driver at age 17 years; and,
- 15-30 days mandatory community service; and
- participation in an IDRC or other alcohol education; and
- completion of a highway safety program

or

- a combination of the minimum sentences above and DUI sentences (see schedule)

#### Maximum

- DUI sentences (see schedule). If the BAC is 0.08% or higher, underage persons will receive DUI sentences as noted.

### Interlock Device Requirements

The courts may require first and repeat DUI offenders to use an ignition interlock device. To start the vehicle, the driver must blow into the device. The vehicle will not start if the driver's BAC exceeds 0.05%.

#### First Offense, Court May Impose

- 6 months-1 year installation of interlock device after restoration of driving privilege

#### Second Offense

- 1-3 years installation of interlock device after restoration of driving privilege; or
- 2 years suspension of registration privileges

### Interlock Device Requirements, Cont'd

#### Third offense

- 1-3 years installation of interlock device after restoration of driving privilege; or
- 10 year suspension of registration privileges

### Surcharges - Alcohol Violations

In addition to the court imposed fines and penalties, anyone convicted of DUI or chemical test refusal is subject to:

- an insurance surcharge of \$1,000 a year for three years (\$3,000) for the first and second conviction within a three-year period.
- an insurance surcharge of \$1,500 a year for three years (\$4,500) for a third offense within a three-year period.
- a single \$100 DUI enforcement surcharge that must be paid to the court with the required fine upon conviction.

The surcharges will be imposed on a New Jersey or an out-of-state conviction. Failure to pay the surcharge will result in indefinite suspension of all driving privileges and the filing of a judgment against any personal property.

### Surcharges - Point Violations/Other

Motorists who incur six or more motor vehicle points are also subject to an insurance surcharge of \$150 for six points and \$25 for each additional point. The point surcharge will remain in effect as long as a motorist has six or more points on their record for the immediate three-year period. MVC will suspend all driving privileges indefinitely and take judgment action if the surcharge is not paid. Other violations subject to a surcharge are:

- driving while unlicensed \$100
- driving while suspended \$250/Court or MVC imposed
- failing to insure a MOPED \$100
- operating an uninsured vehicle \$250

### Boaters

Boaters convicted of driving under the influence (DUI) on New Jersey's waterways will be suspended from both boating and all driving privileges. Violators under 17 will have their vehicle and MOPED driving privileges delayed for a term equal to the suspension period.

### No Conditional or Special Work Licenses

New Jersey does not have conditional or special work licenses. If a motorist does not have a valid driver license, or if a driving privilege is suspended for drunk driving or any other violation, a motorist may not drive for any reason until that privilege is restored.

#### 24-Hour Telephone Information and Assistance

For License Suspensions and Restorations  
(609) 292-7500

For General Customer Information  
(888) 486-3339 toll free in NJ  
(609) 292-6500 from out of state

or write to:  
New Jersey Motor Vehicle Commission  
P.O. Box 134  
Trenton, New Jersey 08666-0134  
visit us at [www.njmvc.gov](http://www.njmvc.gov)

# NEW JERSEY FACTS

## Driving under the Influence (DUI)

## Point System

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**Jon S. Corzine**  
Governor

**Sharon A. Harrington**  
Chief Administrator

The New Jersey Motor Vehicle Commission  
[www.njmvc.gov](http://www.njmvc.gov)

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## Driving under the influence of alcohol or drugs and the New Jersey Point System

Driving in New Jersey is a privilege that may be enjoyed as long as motorists drive safely. Obeying established motor vehicle rules and regulations is critical, as is the respect that must be paid to other motorists who also share the roads.

Violating New Jersey's motor vehicle laws will result in the loss of driving privileges. New Jersey will also suspend driving privileges if a driver is convicted of a violation in another state that would be grounds for suspension. It is important to note that violations become a permanent part of motorists' driver history records.

Driving while under the influence of alcohol or drugs, or reckless driving, are examples of motor vehicle violations that may result in the loss of driving privileges. It will take time and money to reinstate driving privileges.

This brochure presents facts about the penalties imposed on motorists caught driving while under the influence of alcohol or drugs in New Jersey.

### POINT SCHEDULE

Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, will be assessed points for each conviction in accordance with the following N.J.S.A.\* schedule:

N.J.S.A. SECTION NUMBER	OFFENSE	POINTS
	<b>New Jersey Turnpike, Garden State Parkway, Atlantic City Expressway</b>	
27:23-29	Moving against traffic	2
27:23-29	Improper passing	4
27:39-29	Unlawful use of median strip	2
	<b>All Roads and Highways</b>	
39:3-20	Operating constructor vehicle in excess of 45 mph	3
39:4-14.3	Operating a motorized bicycle on a restricted highway	2
39:4-4.3d	More than one person on a motorized bicycle	2
39:4-35	Failure to yield to a pedestrian in a crosswalk	2
39:4-36	Failure to yield to a pedestrian in crosswalk; passing a vehicle yielding to pedestrian in crosswalk	2
39:4-41	Driving through safety zone	2
39:4-52	Racing on highway	5
39:4-55	Improper action or omission on grades and curves	2
39:4-57	Failure to observe direction of officer	2
39:4-66	Failure to stop vehicle before crossing sidewalk	2
39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2
39:4-66.2	Driving on public or private property to avoid a traffic sign or signal	2
39:4-71	Operating a motor vehicle on a sidewalk	2
39:4-80	Failure to obey direction of officer	2
39:4-81	Failure to observe traffic signs	2
39:4-82	Failure to keep to right	2
39:4-82.1	Improper operating a vehicle on divided highway or divider	2
39:4-83	Failure to keep right at intersection	2
39:4-84	Failure to pass to right of vehicle proceeding in opposite direction	5
39:4-85	Improper passing on right or off roadway	4
39:4-85.1	Wrong way on a one-way street	2
39:4-86	Improper passing in no passing zone	4
39:4-87	Failure to yield to overtaking vehicle	2
39:4-88	Failure to observe traffic lanes	2

N.J.S.A. SECTION NUMBER	OFFENSE	POINTS
39:4-89	Tailgating	5
39:4-90	Failure to yield at intersection	2
39:4-90.1	Failure to use proper entrances to limited access highways	2
39:4-91-92	Failure to yield to emergency vehicles	2
39:4-96	Reckless driving	5
39:4-97	Careless driving	2
39:4-97a	Destruction of agricultural or recreational property	2
39:4-97.1	Slow speed blocking traffic	2
39:4-97.2	Driving in an unsafe manner (Points only assessed for the third or subsequent violation(s) within a five-year period.)	4
39:4-98 and	Exceeding maximum speed 1-14 mph over limit	2
39:4-99	Exceeding maximum speed 15-29 mph over limit	4
	Exceeding maximum speed 30 mph or more over limit	5
39:4-105	Failure to stop for traffic light	2
39:4-115	Improper turn at traffic light	3
39:4-119	Failure to stop at flashing red signal	2
39:4-122	Failure to stop for police whistle	2
39:4-123	Improper right or left turn	3
39:4-124	Improper turn from approved turning course	3
39:4-125	Improper U-turn	3
39:4-126	Failure to give proper signal	2
39:4-127	Improper backing or turning in street	2
39:4-127.1	Improper crossing of railroad grade crossing	2
39:4-127.2	Improper crossing of bridge	2
39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
39:4-128.1	Improper passing of school bus	5
39:4-128.4	Improper passing of a frozen dessert truck	4
39:4-129	Leaving the scene of an accident	2
	No personal injury	
	Personal injury	8
39:4-144	Failure to observe stop or yield signs	2
39:5C-1	Racing on highway	5
39:5D-4	Moving violation out of state	2

\*New Jersey Statutes Annotated

### Points on Motor Vehicle Records

The Motor Vehicle Commission (MVC) tracks driving behavior by adding points to a motorist's record after a conviction for a moving violation.

### Points-Assessed Violation Notices

After two years, MVC will send advisory notices to a motorist whenever points-assessed violations are added to a driving record and the point total is six to 11.

### License Suspension Notice

For a total of 12 or more points on a driving record, MVC will issue a notice of scheduled suspension of driving privileges.

### Point Violations Remain on Driving Records

All point violations earned since March 1, 1974, remain on a driver history record. However, the motorist's current point total is based on accumulated points minus any point credits.

### How Points are Deducted

**A point total will never go below zero.** Up to three points will be subtracted from a motorist's point total one year after:

- the motorist's last point violation; or
- the motorist's license restoration; or
- there have been no violations or suspensions on the motorist's driving record for the past year; or
- the last time annual safe driving points were subtracted from the motorist's record (whichever is later); or when
- the motorist completes an MVC driver improvement program offered to problem drivers selected by MVC. Credit can be received a maximum of once every two years.

Up to two points may be subtracted from a motorist's point total after:

- the motorist completes an MVC-approved defensive driving course. Credit is given for one program every five years.

**NOTE: None of these point reductions apply to insurance surcharge point totals.**