

CONSEQUENCES OF UNDERAGE DRINKING AND DRIVING

In New Jersey, you must be at least 21 years of age to purchase, possess or consume alcoholic beverages. Underage drinking is illegal and can have severe consequences for young people who drink and for adults who provide alcoholic beverages to those under 21.

If you are under 21 and you buy or drink alcohol in an establishment licensed to sell alcoholic beverages, you may be fined \$500 and lose your license for six months. If you do not have a driver's license, the suspension starts when you are first eligible to receive a license. You may also be required to participate in an alcohol education or treatment program.

If you are under 21 and drive with any detectable amount of alcohol in your system (.01 BAC or above), you will be subject to the following penalties:

- Loss or postponement of driving privileges for 30 to 90 days
- 15 to 30 days of community service
- Successful completion of the program requirements of an Intoxicated Driver Resource Center or an alcohol education and highway safety program.

**It's not what you drink...
but how many drinks you have.**

A "DRINK" =

1 1/2 ounces of
86 proof liquor

or

12-ounce bottle
or can of beer

or

5-ounce glass of wine
(12 percent)



DRIVING WITH A SUSPENDED LICENSE DUE TO DWI

- A fine of \$500*
- 10 to 90 days imprisonment*
- One to two years additional license suspension*
- If you have an accident and someone is hurt while your license is suspended, you face a mandatory 45 day jail sentence*
- Revocation of motor vehicle registration*

REFUSAL TO SUBMIT TO A BREATH TEST

- 1st offense - \$300-\$500 fine and a license suspension of not less than seven months or more than one year*
- 2nd offense - \$500-\$1,000 fine and a two-year license suspension*
- 3rd offense - \$1,000 fine and a 10-year license suspension*
- An automobile insurance surcharge of \$1,000 a year for three years for 1st and 2nd offenses, \$1,500 for 3rd offense
- A \$100 surcharge to be deposited in a drunk driving enforcement fund
- Referral to an Intoxicated Driver Resource Center

POSSESSING AN OPEN CONTAINER IN THE PASSENGER COMPARTMENT

- 1st offense - \$200
- 2nd offense - \$250 fine or 10 days of community service

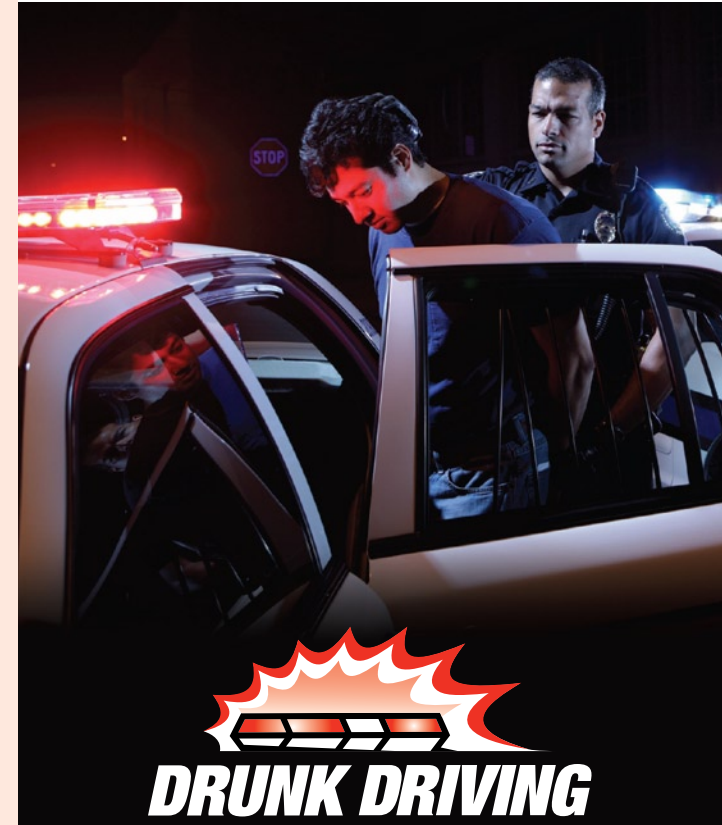


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DRIVING WHILE INTOXICATED IN NEW JERSEY

LAWS AND PENALTIES



DRUNK DRIVING

OVER THE LIMIT. UNDER ARREST.

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THE LAW

Definition of Impairment

In New Jersey, a person who operates a motor vehicle with a Blood Alcohol Concentration (BAC) of 0.08 percent or higher is guilty of drunk driving. BAC refers to the amount of alcohol in your blood. Although the law refers to a 0.08 percent BAC, you can be convicted of driving while intoxicated even when your BAC is below 0.08 percent. Consuming even small amounts of alcohol dulls the senses, decreases reaction time, and hampers judgement, vision and alertness. If you consume any amount of alcohol and your driving is affected, you can be convicted of driving while intoxicated. It is also a violation for a person to operate a motor vehicle under the influence of a narcotic, hallucinogenic or habit producing drug. You can also be convicted for allowing another person to operate a motor vehicle when that person does so in violation of the driving while intoxicated (DWI) law. What follows is a summary of the penalties that result when a person is convicted of violating New Jersey's DWI law.

THE PENALTIES

P.L. 2003, CHAPTER 314 created two categories for first time offenders based on BAC levels. The parameters for the two categories and corresponding penalties are:

1st Offense

If the person's BAC is 0.08 percent or higher but less than 0.10 percent, or if the person operates a motor vehicle while intoxicated, or if the person permits another person who is intoxicated or who has a BAC over 0.08 percent but less than 0.10 percent to operate a motor vehicle, the person will:

- Pay a fine of \$250-\$400*
- Possibly be imprisoned for up to 30 days*

- Receive a three month license suspension*
- Spend a minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
- Pay an automobile insurance surcharge of \$1,000 a year for three years

If the person's BAC is 0.10 percent or higher, or the person operates a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug, or permits another person who is under the influence of a narcotic, hallucinogenic or habit producing drug or has a BAC of 0.10 percent or higher to operate a motor vehicle, the person will:

- Pay a fine of \$300-\$500*
- Possibly be imprisoned for up to 30 days*
- Receive a license suspension of seven months to one year*
- Spend a minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
- Pay an automobile insurance surcharge of \$1,000 a year for three years

2nd Offense

- Pay a fine of \$500-\$1,000*
- Be imprisoned for at least 48 consecutive hours, and up to 90 days*
- Receive a two year license suspension*
- Pay an automobile insurance surcharge of \$1,000 a year for three years
- Complete 30 days of community service

3rd Offense

- Pay a fine of \$1,000*
- Be imprisoned for 180 days*
- Receive a 10 year license suspension*
- Pay an automobile insurance surcharge of \$1,500 a year for three years

* If occurring within a school zone or school crossing, this penalty is increased under Public Law 99, Chapter 185.

ANY OFFENSE ALSO CARRIES

- A \$100 surcharge to be deposited in a drunk driving enforcement fund
- A Motor Vehicle Commission restoration fee of \$100 and an Intoxicated Driving Program fee of \$100
- A Violent Crimes Compensation Fund fee of \$50
- A Safe and Secure Community Program fee of \$75
- \$100 surcharge (\$50 to the state and \$50 to the municipality in which the conviction is obtained)
- Compliance with screening, evaluation, referral, program and fee requirements of the Intoxicated Driving Program

REGISTRATION REVOCATION/ IGNITION INTERLOCK

In addition to these penalties, judges may order the installation of an ignition interlock device or revocation of the vehicle's registration (Public Law 2000, Chapter 83).

The ignition interlock device, which measures the driver's blood alcohol level, may be required for up to three years following license restoration after a DWI conviction.

DRIVING WITH A MINOR

A parent or guardian who is convicted under the DWI law and has a passenger in the motor vehicle 17 years of age or younger, is also guilty of a disorderly persons offense. In addition to the penalties prescribed by law, this person forfeits the right to operate a motor vehicle for a period of not more than six months and must perform community service for a period of not more than five days.

