

DWI Legal Advice for Early Interlock Installation

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1. Qualifiers for Early Installation of the Ignition Interlock

- Alcohol related offense
- No Serious Bodily Injury (except to the defendant)
- Defendant must not be on the revoked list on the date of the DWI arrest.
- Valid New Jersey Driver License on date of application

2. N.J.S.A. 39:4-50.19 Violation of law; penalties

- A person who fails to install an interlock device ordered by the court in a motor vehicle owned, leased, or regularly operated by him shall have his driver's license suspended for one year, in addition to any other suspension or revocation imposed under R.S. 39:4-50, unless the court determines a valid reason exists for the failure to comply.
- A person in whose vehicle an interlock device is installed pursuant to a court order who drives that vehicle after it has been started by any means other than his own blowing into the device or who drives a vehicle that is not equipped with such a device shall have his driver's license suspended for one year, in addition to any other penalty applicable by law.

3. Municipal - DWI - New Law Regarding Ignition Interlock Device (L. 2023, c. 191)

This Directive highlights a recent law (L. 2023, c. 191) regarding the ignition interlock device (interlock) that affects defendants charged with some violations of New Jersey's driving while intoxicated (DWI) law. An interlock requires a driver to pass a breath alcohol content test (by blowing into the device) before they can start their vehicle. This Directive rescinds and supersedes Directive #25-19 ("Implementation of New DWI Law ... ," issued December 5, 2019).

L. 2023, c. 191, signed into law on December 21, 2023, has two effective dates for different provisions. The information below provides several broad highlights; the legislation is attached and should be consulted for details and guidance.

The enactment extended the expiration date of the interlock law (L. 2019, c. 248) until January 1, 2029.

Effective February 19, 2024, the law provides that someone arrested for certain DWI offenses may - after arrest and before any conviction - voluntarily install an interlock in one motor vehicle they own, lease, or principally operate. N.J.S.A. 39:4-50.

This voluntary installation of the interlock after arrest and before conviction may, upon conviction, eliminate the fine and reduce the period of a driver's license suspension. The law requires that such a defendant must possess a valid New Jersey driver's license in good standing at the time of the offense and maintain that license in good standing until the date of conviction. The law also considers whether the violation resulted in serious bodily injury to another person.

The New Jersey Motor Vehicle Commission is required by N.J.S.A. 39:4-50.21 to designate facilities where ignition devices may be installed. A list is posted on MVC's website.

Once an interlock is installed, the person can then present the necessary documents, as set forth in the statute, to the Motor Vehicle Commission to request a driver's license with a notation stating that the person is not to operate a motor vehicle unless it is equipped with an interlock.

An order from the Municipal Court is not required for this voluntary, pre-conviction process. Note: Defendants who do not voluntarily install an interlock prior to sentencing must have their license suspended indefinitely by the court upon conviction, until they install an interlock device.

Also effective February 19, 2024, the law modifies certain penalty provisions, including the length of driver's license suspension for convictions of DWI and refusing to submit to a breathalyzer test, and increases the time period for which an interlock is required for such offenses. These modifications also will expire January 1, 2029.

The full 17-page PDF is available here.

<https://www.njcourts.gov/sites/default/files/notices/2024/03/n240402a.pdf>

This includes the Directive and Corrected Copy with all amended language for:

Section 7 of P.L.2019, c.248

R.S.39:4-50

Section 2 of P.L.1999, c.417 (C.39:4-50.17)

Section 3 of P.L.1999, c.417 (C.39:4-50.18)

Section 12 of P.L.1990, c.103 (C.39:3-10.20)

Section 2 of P.L.1981, c.512 (C.39:4-50.4a)

Note: It's important to consult the actual legislation for specific details and guidance.