

If you are under 21 and drive with any detectable amount of alcohol in your system (.01% BAC but less than .08% BAC), you will be subjected to the following penalties:

- Loss or postponement of driving privileges for 30 to 90 days.
- 15 to 30 days of community service.
- Satisfy the program and fee requirements of the Intoxicated Driver Resource Center ([N.J.S.A. 39:4-50.14](#))

**Driving with a Suspended License due to Driving Under the Influence**

- Two fines of \$500 each.
- 10 to 90 days imprisonment.
- 1 to 2 years added to license suspension.
- If you have a crash and someone is hurt while your license is suspended, you face a mandatory 45 day jail sentence.
- Revocation of motor vehicle registration certificate and registration plates. ([N.J.S.A. 39:3-40\(a\)](#); [39:3-40\(f\)](#) and [39:3-40.1](#))\*

\* If occurring within a school zone or school crossing or for subsequent offenses, these penalties increase pursuant to [N.J.S.A. 39:3-40b](#); [c](#); [f\(3\)](#) and [39:3-40.1a\(3\)](#)

**Refusal to Submit to Breath Test**

- 1<sup>st</sup> Offense - \$300-\$500 fine and license suspension of seven months to one year\*
- 2<sup>nd</sup> Offense - \$500-\$1,000 fine and a 2-year license suspension\*
- 3<sup>rd</sup> Offense - \$1,000 fine and a 10-year license suspension\*
- Automobile insurance surcharge of \$1,000 a year for 3 years for 1<sup>st</sup> and 2<sup>nd</sup> offenses, \$1,500 for 3<sup>rd</sup> offense.
- \$100 surcharge to the Drunk Driving Enforcement Fund. ([N.J.S.A. 39:4-50.8](#))







\*If occurring within a school zone or school crossing, this penalty is increased pursuant to [N.J.S.A. 39:4-50.4b](#)

**Possessing an Open or Unsealed Container of Alcohol in the Passenger Compartment\***

- 1<sup>st</sup> Offense - \$200 fine
- 2<sup>nd</sup> Offense - \$250 fine or 10 days of Community Service.

*This section does not apply to a passenger of a charter bus or limousine service. ([N.J.S.A. 39:4-51b](#))*

**Alcohol is alcohol is alcohol .**  
 It does not matter whether the beverage of choice is beer, wine, a wine cooler, a cocktail, or a mixed drink. What matters is only one thing: the amount of alcohol in the drink.  
 Standard serving sizes of all alcohol beverages — beer, wine, and liquor — are equal in alcohol strength and in their effect on the body. They all contain the same amount of alcohol.

1 cocktail	1 regular beer	1 glass wine	1 wine/malt or spirit-based cooler	1 glass sherry or port	1 strong beer (malt liquor)
					
1 ½ oz. 80-proof spirits	12 oz.	5 oz.	12 oz.	3 oz.	9 oz.

# Drinking & Driving



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Prosecutor's Office

**Somerset County Prosecutor's Office**

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**DRINKING & DRIVING**

## DRINKING & DRIVING

### Driving Under the Influence in New Jersey

In New Jersey, a person is guilty of drunk driving if he/she operates a motor vehicle with a Blood Alcohol Concentration (BAC) of 0.08 percent or greater. 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 under the influence of intoxicating liquor even when your BAC is below 0.08 percent. Consuming even small amounts of alcohol dulls the senses, decreases reaction time, and hampers judgment, vision and alertness. If you consume any amount of alcohol and your driving is affected, you can be convicted of drunk driving.

### Parents & Guardians

A parent or guardian who is convicted of driving under the influence and who has a minor under age 17 as a passenger in the motor vehicle is also guilty of a disorderly persons offense. In addition to the penalties otherwise prescribed by law, such a person shall forfeit the right to operate a motor vehicle for a period of not more than six months and shall be ordered to perform community service for a period of not more than five days. ([N.J.S.A. 39:4-50.15](#))

### The Penalties

#### 1<sup>st</sup> Offense

If the offenders' BAC is 0.08 percent or higher but less than 0.10 percent, or if the offender permits another person who is under the influence of intoxicating liquor to operate a motor vehicle owned by him or is in his custody or control, or permits another to operate a motor vehicle with a BAC of 0.08 percent but less than 0.10 percent to operate a motor vehicle that is owned by the offender, or that is in his custody or control, the penalties are as follows:

- A fine of \$250-\$400\*
- Imprisonment for up to 30 days\*
- 3 months license suspension\* ([N.J.S.A. 39:4-50\(a\)\(1\)\(i\)](#))
- A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
- A fee of \$75 per day for attendance at the Intoxicated Driver Resource Center. ([N.J.S.A. 39:4-50\(f\)](#))
- An automobile surcharge of \$1,000 a year for 3 years. ([N.J.S.A. 17:29A-35\(b\)](#))
- The court may also order the installation of an ignition interlock device that measures the driver's blood alcohol content, in every automobile owned, leased or regularly operated by the offender for six months

to one year, after the suspension has been served. ([N.J.S.A. 39:4-50.17a](#))

If the offenders' 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 with a BAC of 0.10 percent or higher or permits another person who is under the influence of a narcotic, hallucinogenic or other habit producing drug to operate a motor vehicle that is owned by him, or that is in his custody or control, the penalties are as follows:

- A fine of \$300-\$500\*
- Imprisonment for up to 30 days\*
- A license suspension between 7 months and 1 year\* ([N.J.S.A. 39:4-50\(a\)\(1\)\(ii\)](#))
- A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
- A fee of \$75 per day for attendance at the Intoxicated Driver Resource Center. ([N.J.S.A. 39:4-50\(f\)](#))
- An automobile insurance surcharge of \$1,000 a year for 3 years. ([N.J.S.A. 17:29A-35\(b\)](#))
- The court may also order the installation of an ignition interlock device that measures the driver's blood alcohol content, in every automobile owned, leased or regularly operated by the offender for six months to one year, after the suspension has been served. ([N.J.S.A. 39:50-17a](#))

#### 2<sup>nd</sup> Offense

- A fine of \$500-\$1,000\*
- Imprisonment of at least 48 consecutive hours, and up to 90 days\*
- 2-year license suspension\*
- Community Service for a period of 30 days\*
- You will be required to install an ignition interlock device in every automobile owned, leased or regularly operated by the offender for one year to three years, after the suspension has been served or you will have the registration certificate and registration plates revoked for two years ([N.J.S.A. 39:4-50\(a\)\(2\)](#) and [39:4-50.17b](#))
- A fee of \$100 per day for attendance at the Intoxicated Driver Resource Center. ([N.J.S.A. 39:4-50\(f\)](#))
- An automobile insurance surcharge of \$1,000 a year for 3 years. ([N.J.S.A. 17:29A-35\(b\)](#))

#### 3<sup>rd</sup> or subsequent Offense

- A fine of \$1,000\*
- Driver's License suspension for 10 years\*
- Imprisonment of 180 days but may be lowered up to 90 days if participating in an approved drug or alcohol inpatient rehabilitation program\*
- 10 year license suspension\*
- You will be required to install an ignition interlock device in every automobile owned, leased or regularly operated by the offender for one year to three years, after the suspension has been served or you will have the registration certificate and registration plates revoked for ten years ([N.J.S.A. 39:4-50\(a\)\(3\)](#) and [39:4-50.17b](#))
- A fee to be paid to the Intoxicated Driver Resource Center dependent upon court sentence
- An automobile insurance surcharge of \$1,500 a year for 3 years. ([N.J.S.A. 17:29A-35\(b\)](#))

*\*If occurring within a school zone or school crossing, this penalty is increased pursuant to [N.J.S.A. 39:4-50\(g\)\(3\)](#).*

#### Any Offense Also Carries

- \$100 surcharge for the Drunk Driving Enforcement Fund. ([N.J.S.A. 39:4-50.8](#))
- A Motor Vehicle Commission restoration fee of \$50 and a fee of \$100 for the Alcohol Education, Rehabilitation and Enforcement Fund ([N.J.S.A. 39:4-50\(a\)\(3\)\(b\)](#))
- A Violent Crimes Compensation Fund fee of \$50.
- A Safe and Secure Community Program fee of \$75.

#### Consequences of Underage Drinking & Driving

In New Jersey, you must be 21 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, attempt to buy, have another buy, have delivered, or drink alcohol in a place with an alcohol beverage license, you will be fined not less than \$500 and have your driver's license suspended or postponed for 6 months. If you do not have your 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. ([N.J.S.A. 33:1-81](#))