

Amended by R.1995 d.183, effective April 3, 1995.
 See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
 Recodified from N.J.A.C. 8:66A-1.2 and amended by R.2005 d.351,
 effective October 17, 2005.
 See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

In definition "Affiliated treatment agency", substituted "N.J.A.C. 10:162-" for "N.J.A.C. 8:66A-"; added definitions "Approved grantee", "ASAM PPC 2R", "Coordinating grantee", "Covered treatment episode", "Detoxification", "Director", "Driving under the influence (DUI)", "Eligible applicant", "Eligible recipient", "Fund", "Intensive outpatient treatment" and "Sub-grantee"; rewrote definitions "Counselor", "Inpatient treatment" and "Outpatient treatment".

10:162-1.3 Establishment of an Intoxicated Driver Resource Center (IDRC)

(a) Subject to the approval of the Intoxicated Driving Program, the counties shall, with its cooperation, designate or establish Intoxicated Driver Resource Centers on a county or regional basis as required by N.J.S.A. 39:4-50(f). The counties may establish such a center themselves or in cooperation with other counties. The counties may either operate the IDRCs themselves, or they may contract for the operation of the IDRCs.

(b) A county or regional program proposing to establish or substantially change an Intoxicated Driver Resource Center shall notify the Intoxicated Driving Program of its intent to do so in writing 180 days prior to the proposed effective date. The notice shall indicate whether the county intends to operate the Intoxicated Driver Resource Center itself, or contract for services. Within 60 days of the notice of intent the county shall provide a program description, action plan, budget, table of personnel, proposed program schedule and curriculum to the Intoxicated Driving Program. If the county proposes to contract for services, it shall provide the Intoxicated Driving Program with a schedule for calling for proposals, containing, but not limited to, the information specified above, and shall review, rank and approve such proposals in accordance with applicable State and county laws and rules governing the issuance of contracts for such services.

(c) The Intoxicated Driving Program shall consult with the county and provide assistance as needed in the course of the process established pursuant to (a) and (b) above.

New Rule, R.1995 d.183, effective April 3, 1995.
 See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
 Recodified from N.J.A.C. 8:66A-1.3 by R.2005 d.351, effective October 17, 2005.
 See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 2. ACTIONS SUBSEQUENT TO CONVICTION FOR N.J.S.A. 39:4-50 ET SEQ. OR 39:4-50.4(A) OR 39:4-50.14 OR 12:7-57 OR 12:7-34.19 OR 12:7-46 OR 39:3-10.24 OR 39:4-14.3G

10:162-2.1 Notification and evaluation

(a) The Intoxicated Driving Program shall be notified of every conviction for violation of N.J.S.A. 39:4-50 et seq.,

39:4-50.4(a), 39:4-50.14, 12:7-54, 12:7-34.19, 12:7-46, 12:7-57, 39:4-14.3g, and 39:3-10.24 by the sentencing court.

(b) The Intoxicated Driving Program shall schedule persons who have been convicted in (a) above, or referred, in accordance with N.J.A.C. 10:162-2.3, for attendance at an appropriate Intoxicated Driver Resource Center.

(c) The Intoxicated Driver Resource Center shall take the following types of actions:

1. Evaluate, detain if appropriate and interview all persons referred to the Intoxicated Driver Resource Center by the Intoxicated Driver Program; and

2. Refer a person to an appropriate treatment level upon completion of detention at the Intoxicated Driver Resource Center based upon the evaluation instrument, counselor evaluations, the driving record, blood alcohol concentration and other relevant information.

Amended by R.1995 d.183, effective April 3, 1995.
 See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
 Recodified from N.J.A.C. 8:66A-2.1 and amended by R.2005 d.351,
 effective October 17, 2005.
 See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).
 In (b), substituted "N.J.A.C. 10:162" for "N.J.A.C. 8:66A".

10:162-2.2 Report to court and the Division of Motor Vehicles following noncompliance

(a) Failure on the part of the client to appear at an Intoxicated Driver Resource Center shall result in a referral to Division of Motor Vehicles for appropriate action, and, referral to the court of conviction for appropriate action.

(b) Failure on the part of the client to comply with the course of action or fee schedule required by the Intoxicated Driving Program/Intoxicated Driver Resource Center or the course of action at an affiliated agency or provider shall result in a report of noncompliance to the sentencing court and the Division of Motor Vehicles for appropriate action pursuant to N.J.S.A. 39:4-50(b).

Amended by R.1995 d.183, effective April 3, 1995.
 See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
 Recodified from N.J.A.C. 8:66A-2.2 by R.2005 d.351, effective October 17, 2005.
 See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.3 Authorized referrals to the Intoxicated Driving Program

(a) The Chief of the Intoxicated Driving Program may receive referrals in writing from courts, Motor Vehicle licensing authorities, highway safety agencies, law enforcement agencies, physicians, family members, health agencies or social service agencies regarding persons who are believed to be posing a public danger in the operation of a motor vehicle or vessel as a result of the misuse of alcohol and/or drugs. The Intoxicated Driving Program may schedule an interview with the referred individual at an appropriate Intoxicated Driver Resource Center or at the Office of Intoxicated Driv-

ing Program for evaluation and appropriate action. A copy of the referral document will be given to the client at the time of the interview. Client failure to attend the interview or any ordered treatment or referral under this chapter shall result in a recommendation to the Division of Motor Vehicles for appropriate action.

(b) The Intoxicated Driving Program may receive referrals from any Division of Motor Vehicles hearing in which it is determined that alcohol or drugs may have been involved in the operation of a motor vehicle or vessel, independent of court findings reported to the Division as a result of court action for an alcohol or drug related offense.

(c) The Intoxicated Driving Program may refer a licensee who is referred as a result of a Division of Motor Vehicles hearing to a treatment or a rehabilitation program.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C 8:66A-2.3 by R.2005 d.351, effective October 17, 2005.
See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.4 Fees

Fees shall be paid as provided for at N.J.S.A. 39:4-50, 39:4-50.4, 39:4-50.14, 39:4-14.3g, 12:7-57, 12:7-34.19, 12:7-46 and 39:3-10.24 or any amendment thereto and shall be payable as designated by the Division of Addiction Services from every person each time the person is convicted of a relevant alcohol or drug-related offense. These fees are owed and due upon conviction, pursuant to N.J.S.A. 39:4-50 if the conviction occurred on or after October 9, 1986, and upon referral or evaluation to the Intoxicated Driver Resource Center and the Intoxicated Driving Program if the conviction occurred prior to October 9, 1986.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C 8:66A-2.4 and amended by R.2005 d.351, effective October 17, 2005.
See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).
Substituted "Addiction Services" for "Alcoholism and Drug Abuse".

10:162-2.5 Authorized license actions

(a) The Intoxicated Driving Program may recommend to the Division of Motor Vehicles and to the sentencing court the following types of license actions:

1. Restoration of New Jersey driving privileges upon termination of a court-imposed suspension based on satisfaction of Intoxicated Driving Program and Intoxicated Driver Resource Center program requirements; or
2. Suspension of the driver's license if he or she fails to comply with the Intoxicated Driving Program/Intoxicated Driver Resource Center program or fee requirements.

Recodified from N.J.A.C 8:66A-2.5 by R.2005 d.351, effective October 17, 2005.
See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.6 Conflict of interest

The county freeholders, through the county counsel or solicitor, shall be responsible for making an initial determination of whether a conflict of interest exists with respect to the management and staff of an Intoxicated Driver Resource Center. The county shall be responsible for eliminating such a conflict of interest, in accordance with N.J.S.A. 40A:9-22.1 et seq. and/or county conflict of interest standards. The county counsel or solicitor shall notify the Intoxicated Driving Program in writing that the Intoxicated Driver Resource Center treatment referral process is not in conflict of interest. Should there be a change in the treatment referral process, it shall be approved by the county counsel or solicitor and a new letter provided to the Intoxicated Driving Program prior to initiating the change. If an Intoxicated Driver Resource Center wishes to employ staff who are also working for an affiliated treatment program, a procedure to avoid conflict of interest shall be established by the Intoxicated Driver Resource Center and approved by the county counsel or solicitor. If, in its discretion, the Intoxicated Driving Program determines that a conflict of interest still exists after county review and action, it may refer the matter to the Commissioner of Human Services, to the Local Finance Board in the Department of Community Affairs or to the Attorney General for advice or action, as appropriate.

Recodified from N.J.A.C 8:66A-2.6 and amended by R.2005 d.351, effective October 17, 2005.
See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).
Substituted "Human" for "Health and Senior".

10:162-2.7 Intoxicated Driver Resource Center Income and Expenditure Report

(a) No later than April 1 of each calendar year, each Intoxicated Driver Resource Center shall submit to the Intoxicated Driving Program a detailed income and expenditure report for the previous calendar year as specified by Intoxicated Driving Program which shall include:

1. Salary and fringe;
2. Rental costs for office;
3. Supplies;
4. Travel;
5. Maintenance of building;
6. Equipment purchase and rental;
7. Telephone;
8. Computer-data processing;
9. Printing and copying;
10. Security;
11. Staff training;
12. Subcontractors;