

CHAPTER 66A

INTOXICATED DRIVING PROGRAM

Authority

N.J.S.A. 39:4-50 et seq., specifically 39:4-50(f).

Source and Effective Date

R.2000 d.151, effective April 3, 2000.
See: 31 N.J.R. 3949(a), 32 N.J.R. 1200(a).

Executive Order No. 66(1978) Expiration Date

Chapter 66A, Intoxicated Driving Program, expires on April 3, 2005.

Chapter Historical Note

Chapter 66A, Intoxicated Driving Program, was adopted as R.1990 d.135, effective March 5, 1990. See 21 N.J.R. 3283(a), 22 N.J.R. 848(a), 22 N.J.R. 995(b).

Pursuant to Executive Order No. 66 (1978), Chapter 66A, Intoxicated Driving Program, was readopted as R.1995 d.183, effective March 3, 1995. See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a). Pursuant to Executive Order No. 66(1978), Chapter 66A expired on March 3, 2000.

Chapter 66A, Intoxicated Driving Program, was adopted as new rules by R.2000 d.151, effective April 3, 2000. See: Source and Effective Date.

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APPENDIX B. INTOXICATED DRIVER RESOURCE CENTER TREATMENT AGENCY/PROVIDER AFFILIATION AGREEMENT RENEWAL

SUBCHAPTER 1. INTOXICATED DRIVING PROGRAM/INTOXICATED DRIVER RESOURCE CENTER

8:66A-1.1 Purpose and Scope

The purpose of this chapter is to improve the driving behavior of individuals who have been identified as having some alcohol or drug involvement in connection with the operation of a motor vehicle or vessel. The chapter applies to all county Intoxicated Driver Resource Centers, all affiliated treatment programs, and the Department of Health and Senior Services, and all individuals convicted in New Jersey or New Jersey licensees convicted in other States of a drug or alcohol offense related to the operation of a motor vehicle or vessel after May 25, 1977 and individuals subject to N.J.A.C. 13:20-31, adopted December 15, 1972.

Amended by R.1995 d.183, effective April 3, 1995.
 See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

Case Notes

DWI, 3rd offense penalties do not require jury trial. *State v. Hamm*, 121 N.J. 109, 577 A.2d 1259 (1990), certiorari denied 111 S.Ct. 1413, 499 U.S. 947, 113 L.Ed.2d 466.

8:66A-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Affiliated treatment agency” means an agency or practitioner affiliated with an Intoxicated Driver Resource Center with the approval of the Intoxicated Driving Program pursuant to N.J.A.C. 8:66A-5.3 to provide alcohol and drug treatment services for the education, rehabilitation, and treatment of clients.

“Affiliation agreement” means a written contract wherein the treatment program in consideration of being approved agrees to abide by State rules.

“Alcohol abuser” means any person who chronically, habitually, or periodically consumes alcoholic beverages to the extent that such use substantially injures his or her health or substantially interferes with his or her social or economic functioning in the community on a continuous basis, or he or she has lost the power of self-control with respect to the use of such beverages. The 1994 edition of the Diagnostic and Statistical Manual on Mental Disorders (DSM-IV) published by the American Psychiatric Association, 1400 K Street, NW, Washington, DC 20005, as amended and supplemented, incorporated herein by reference, shall be used as a guide in evaluating persons under this definition.

“Alcohol or drug related offense” means a conviction by a court of law or a finding by the Division of Motor Vehicles of operating under the influence, pursuant to N.J.S.A. 39:4-50 et seq. or N.J.S.A. 12:7-34.19 et seq. or N.J.S.A. 12:7-46 et seq., or refusal to submit to a chemical test, pursuant to N.J.S.A. 39:4-50.4(a) et seq., or N.J.S.A. 12:7-57 et seq., or N.J.S.A. 39:4-50.14 et seq., N.J.S.A. 39:3-10.24, et seq. or N.J.S.A. 39:4-14.3g.

“Alcohol Safety Institute” (ASI) means the designation given to clients who have been evaluated by the Intoxicated Driver Resource Center/Intoxicated Driving Program and are not referred to treatment.

“Cancellation” means that a previous suspension has been rescinded and removed from the driver’s abstract by the Division of Motor Vehicles.

“Client” means a person who has been convicted of an alcohol or drug related offense or other person who is referred or is otherwise within the jurisdiction of the Intoxicated Driving Program/Intoxicated Driver Resource Center program.

“Counselor” means a person certified for the State of New Jersey by the Alcohol and Drug Counselor Certification Board of New Jersey, Inc. or another state to counsel alcohol abusers or drug abusers, or a person with five years continuous experience in the treatment of alcohol or drug abusers.

“Didactic” means group education using lectures, group interaction or audio visual aids.

“Drug abuser” means a person who is using a controlled dangerous substance or other drug and who is in a state of physis or physical dependence, or both, arising from the use of that controlled substance on a continuous basis. Drug abuse is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence. The 1994 edition Diagnostic and Statistical Manual on Mental Disorders (DSM-IV) published by the American Psychiatric Association shall be used as a guide in evaluating persons under this definition.