

**CHAPTER 162**

**INTOXICATED DRIVING PROGRAM**

**Authority**

N.J.S.A. 26:2B-9.2 et seq. and 39:4-50 et seq., especially 39:4-50(f); and Reorganization Plan 002-2004.

**Source and Effective Date**

R.2005 d.351, effective September 22, 2005.  
See: 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

**Chapter Expiration Date**

Chapter 162, Intoxicated Driving Program, expires on September 22, 2010.

**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: 31 N.J.R. 3949(a), 32 N.J.R. 1200(a).

Chapter 162, Intoxicated Driving Program, was recodified from N.J.A.C. 8:66A, effective October 17, 2005, and readopted by R.2005 d.351, effective September 22, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 10, Alcohol Treatment Program Fund Grants, and Subchapter 11, Intoxicated Driver Resource Center Per Diem Fee Increases, adopted as new rules by R.2005, d. 351, effective October 17, 2005.

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## SUBCHAPTER 1. INTOXICATED DRIVING PROGRAM/ INTOXICATED DRIVER RESOURCE CENTER

### 10:162-1.1 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 Human 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).

Recodified from N.J.A.C. 8:66A-1.1 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 rule heading, rewrote "Scope" as "scope"; substituted "Human Services" for "Health and Human Services".

### 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.

### 10:162-1.2 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. 10:162-5.3 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