

CHAPTER 86

DRUNK DRIVING ENFORCEMENT FUND

Authority

N.J.S.A. 39:4-50.8, 52:14D-1, 27:5F-35, 52:17B-4, 52:17B-27, Reorganization Plan No. 004-1992.

Source and Effective Date

R.1995 d.350, effective July 3, 1995. See: 27 N.J.R. 1367(a), 27 N.J.R. 2594(a).

Executive Order No. 66(1978) Expiration Date

Chapter 86, Drunk Driving Enforcement Fund, expires on July 3, 2000.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:86-1.1 Purpose and scope

The purpose of this chapter is to set forth the rules that govern the administration of the Drunk Driving Enforcement Fund established by N.J.S.A. 39:4-50.8. The rules in this chapter provide the procedures and functions for the administration of the Drunk Driving Enforcement Fund and set forth the requirements for grant awards from the Fund.

13:86-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the text clearly indicates otherwise:

“Director” means the Director of the Office of Highway Traffic Safety.

“Fund” means the Drunk Driving Enforcement Fund.

“OHTS” means the Office of Highway Traffic Safety in the Department of Law and Public Safety.

SUBCHAPTER 2. CRITERIA AND GUIDELINES FOR PROGRAMS

13:86-2.1 Funding

Funding is to be used for maintained enforcement of N.J.S.A. 39:4-50. The Division of State Police, interstate or county law enforcement agencies or municipalities shall use grants from the Fund to subsidize additional law enforcement patrols and for other measures approved by the director in support of these objectives.

13:86-2.2 Availability of funds

(a) OHTS shall calculate the amount of grant money from the Fund that is available to each eligible municipality, county or interstate law enforcement agency, or the Division of State Police, on a quarterly basis. OHTS will notify each eligible entity quarterly of this available funding amount by sending each entity an application listing the total amount of its proportionate contribution to the Fund to date, the amount of its contribution to the Fund as of that quarter, and the total amount of Fund monies that are available to the entity. An entity which has less than \$500.00 of available Fund monies will not receive a letter of notification. This money will remain in the entity’s account until the contribution to the Fund reaches \$500.00 or more. At that time an application will be sent to the entity. OHTS will allocate monies deposited in the Fund in accordance with N.J.S.A. 54:43-1.1 and 26:2B-35 to the Fund accounts of municipalities, county or interstate law enforcement agencies, or the Division of State Police, in accordance with each entity’s proportionate contribution to the Fund under N.J.S.A. 39:4-50.8.

(b) The Division of State Police, interstate and county law enforcement agencies and municipalities may apply to OHTS for Fund monies for additional N.J.S.A. 39:4-50 enforcement patrols and any other appropriate measures pertaining to such enforcement. The applicant entity shall complete an application and return it to the OHTS for approval. Applicants may request information regarding the Fund at any time by writing to OHTS at CN 048, Trenton, New Jersey 08625.

(c) The Division of State Police, interstate and county law enforcement agencies and municipalities who have contributed to the Fund will be notified of any monies that are unclaimed by that entity at the end of each operational year. The notification will be in the form of a supplemental application and will list the total amount of Fund monies that are available to the entity. An entity which has less than \$500.00 of unclaimed Fund monies will not receive a letter of notification. The entity shall complete the supplemental application form in accordance with the requirements for the application forms that are sent each quarter. The information requested on the supplemental application is the same in scope as on the quarterly application. The

entity shall submit the completed supplemental application to OHTS within 90 days of receipt. In the event the Division of State Police, interstate or county law enforcement agency, or municipality does not submit the completed supplemental application to OHTS within 90 days of the entity's receipt of the supplemental application, the unclaimed funds will be transferred to a general account to be expended on alcohol related issues as determined by the Director. Each entity that does not submit a completed supplemental application within the time limit will be informed by letter that the unclaimed funds have been transferred.

13:86-2.3 Proposal

On the application, the applicant shall list proposed primary programs, which are supplemental patrols to enforce N.J.S.A. 39:4-50, and/or proposed secondary programs, which are equipment or activities, other than supplemental patrols, that enhance the ability of police agencies to enforce N.J.S.A. 39:4-50, for which Fund monies are sought. The applicant shall indicate what portion of the requested Fund monies will be used for primary programs and what portion will be used for secondary programs. The applicant shall further delineate and itemize proposed primary and/or secondary program expenses. The applicant shall indicate the amount of previously granted Fund monies that have not been spent as of the date of the application. The Project Director, Chief Fiscal Officer, and an authorizing official shall sign and date the application. The applicant shall forward the original application to the OHTS.

13:86-2.4 Approval; denial; modification; payment

(a) OHTS will review each application and will provide the Attorney General with recommendations for approval or disapproval of the application. The OHTS will recommend that an application be approved if it determines that the proposed expenditures will enhance the ability of the entity to enforce N.J.S.A. 39:4-50 and at least 50 percent of the Fund monies requested are for proposed primary programs, which are supplemental patrols to enforce N.J.S.A. 39:4-50.

(b) The Attorney General will review the application and recommendation. The Attorney General will approve the application if the OHTS has recommended approval and the Attorney General determines that the proposed expenditures will enhance the ability of the entity to enforce N.J.S.A. 39:4-50.

(c) If the request is not approved, OHTS will notify the applicant in writing of reason for denial.

(d) If additional information is required, OHTS will contact the applicant by letter or telephone.

(e) Upon approval, OHTS will notify the Department of Treasury, which will issue the check directly to the eligible entity.

13:86-2.5 Schedule

(a) OHTS will establish a monitoring schedule for each applicant. The monitoring schedule will vary according to the amount of Fund monies the entity seeks.

(b) OHTS will provide a special annual report form to each entity which has contributed to the Fund. Entities which have received a grant from the Fund shall submit the completed annual report, including an expenditure summary, salary summary and expenditure documentation, to OHTS within 90 days after the close of the calendar year.

13:86-2.6 Audit

(a) The applicant agrees to provide OHTS access to all records including, but not limited to, reports, accounts, payrolls and documents necessary to verify that grants from the Fund have been expended by the applicant in accordance with program standards and guidelines. Failure to comply with OHTS regarding access to such records may result in denial of future applications.

(b) If the records reveal that funds have been expended contrary to the terms of the entity's approved application, or contrary to program standards and guidelines, the entity will be required to reimburse the Fund for the amount of the unauthorized expenditure.

(c) Each entity should establish a separate budgetary account for allocations from the Fund.