



NEW JERSEY LAW REVISION COMMISSION

**Draft Tentative Report Addressing Anachronistic References in the Driving
While Intoxicated and Drunk Driving Enforcement Fund Statutes: N.J.S.
39:4-50.2, N.J.S. 36:4-50.8, N.J.S. 39:3-10.24, and N.J.S. 12:7-55**

July 8, 2024

The New Jersey Law Revision Commission is required to “[c]onduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it” and to propose to the Legislature revisions to the statutes to “remedy defects, reconcile conflicting provisions, clarify confusing language and eliminate redundant provisions.” *N.J.S. 1:12A-8*.

This Report is distributed to advise interested persons of the Commission's tentative recommendations and to notify them of the opportunity to submit comments. Comments should be received by the Commission no later than **September 16, 2024**.

The Commission will consider these comments before making its final recommendations to the Legislature. The Commission often substantially revises tentative recommendations as a result of the comments it receives. If you approve of the Report, please inform the Commission so that your approval can be considered along with other comments. Please send comments concerning this Report or direct any related inquiries, to:

New Jersey Law Revision Commission
153 Halsey Street, 7th Fl., Box 47016
Newark, New Jersey 07102
973-648-4575
(Fax) 973-648-3123
Email: njlr@njlr.org
Web site: <http://www.njlr.org>

Project Summary¹

The New Jersey Legislature enacted driving while intoxicated (“DWI”) statutes to “curb the senseless havoc and destruction caused by intoxicated drivers.”² In 1984, the New Jersey Legislature created the Drunk Driving Enforcement Fund (“DDEF” or the “Fund”) to “maintain effective increased enforcement” of the DWI statutes.³ Individuals convicted of driving while intoxicated or who refuse to submit to an alcohol presence test must pay a \$100 surcharge to the Fund.⁴ The authority to administer the DDEF was delegated to the Director of the Division of Motor Vehicles (“DMV”) until a Reorganization Plan transferred these powers to the Office of Highway Traffic Safety in 1992.⁵

To empower law enforcement officers to effectively enforce the DWI statutes, the Legislature also enacted implied consent and refusal statutes, which imposed penalties for refusing an alcohol test.⁶ Pursuant to N.J.S. 39:4-50.2, individuals who are arrested on suspicion of DWI must be advised by the arresting officer of the consequences of refusing to submit to a breathalyzer test in the form of a “standard statement” prepared by the “chief administrator” of the DMV.⁷ In 2009, a Reorganization Plan transferred the “functions, powers and duties relating to the preparation of the standard statements regarding the consequences of refusal to submit to chemical breath test” from the DMV to the Attorney General.⁸

The implied consent and refusal statutes, as well as the DDEF statutes, still contain references to the Chief Administrator and Director of the DMV. The proposed modifications, set forth in the Appendix, update the anachronistic references in these statutes to comply with the transfer of powers under the relevant Reorganization Plans.⁹

¹ Preliminary work on this subject was conducted by Samuel M. Silver, Esq., Dep. Dir., N.J. Law Revision Comm’n during his tenure at the NJLRC. Supplementary work was conducted by Shreya Mishra, during her tenure as a student intern with the NJLRC, during the Summer of 2024. Additional work was conducted by Carol Disla-Roa, Legislative Fellow, NJLRC and Whitney Schlimbach, Dep. Dir., NJLRC.

² *State v. Widmaier*, 157 N.J. 475, 487 (1999) (quoting *State v. Tischio*, 107 N.J. 504, 512 (1987)).

³ L. 1984, c. 4, § 1, eff. Feb. 9, 1984, codified as N.J. STAT. ANN. § 39:4-50.8 (West 2024).

⁴ N.J. STAT. ANN. § 39:4-50.8.

⁵ N.J. Reorg. Plan No. 004-1992, § D (Nov. 30, 1992) (transferring “the functions of the Division of Motor Vehicles with respect to the allocation and administration of the Drunk Driving Enforcement Fund to the Office of Highway and Traffic Safety [to] eliminate duplication of effort by the Department in administering various grant programs....”).

⁶ *Widmaier*, 157 N.J. at 487 (citing N.J. STAT. ANN. § 39:4-50.2 (West 2023)).

⁷ N.J. STAT. ANN. § 39:4-50.2(e).

⁸ N.J. Reorg. Plan No. 003-2009 § 1 (Aug 03, 2009) (transferring “the functions, powers and duties relating to the preparation of the standard statements regarding the consequences of refusal to submit to chemical breath test prepared pursuant to... [N.J.S.] 39:4-50.2, , [N.J.S.] 39:3-10.24..., [N.J.S.] 12:7-55.... are transferred to the Attorney General.”).

⁹ This project originally began after the Commission Staff received a copy of e-mail from Michael J. Rizol, Jr., Dir. N.J. Div. of Highway Traffic Safety to Rhonda Crimi, Chief, Pol’y & Proc., Mun. Ct. Servs. Div., Admin. Ofc. of the Cts with copy to Samuel M. Silver, Dep. Dir., N.J. Law Revision Comm’n (Apr. 25, 2024, 02:41 p.m. EST) [hereinafter Rizol e-mail] (requesting an examination of N.J.S. 39:4-50.8 because approximately fifty percent of the refusal citations are written on N.J.S. 39:4-50.2) (on file with the NJLRC). See also N.J. LAW REVISION COMM’N, *Minutes NJLRC Meeting*, at 9-11, May 16, 2024 (finding that N.J.S. 39:4-50.8 clearly authorizes the collection of the surcharge

Statutes Considered

N.J.S. 39:4-50.2 provides in relevant part, that:

* * *

(e) No chemical test, as provided in this section, or specimen necessary thereto, may be made or taken forcibly and against physical resistance thereto by the defendant. The police officer shall, however, inform the person arrested of the consequences of refusing to submit to such test in accordance with section 2 of this amendatory and supplementary act. A standard statement, prepared by the chief administrator, shall be read by the police officer to the person under arrest.¹⁰

N.J.S. 39:4-50.8 provides in relevant part, that:

Upon a conviction of a violation of R.S. 39:4-50 or section 2 of P.L.1981, c. 512 (C. 39:4-50.4a), the court shall collect from the defendant a surcharge of \$100.00 in addition to and independently of any fine imposed on that defendant. The court shall forward the surcharge to the Director of the Division of Motor Vehicles who shall deposit \$95.00 of the surcharge into a “Drunk Driving Enforcement Fund” (hereinafter referred to as the “fund”). This fund shall be used to establish a Statewide drunk driving enforcement program to be supervised by the director. The remaining \$5.00 of each surcharge shall be deposited by the director into a separate fund for administrative expenses.

A municipality shall be entitled to periodic grants from the “Drunk Driving Enforcement Fund” in amounts representing its proportionate contribution to the fund. . . . The grants from the fund shall be used by the Division of State Police or county or interstate law enforcement agency to increase enforcement of R.S. 39:4-50 by subsidizing additional law enforcement patrols and through other measures approved by the director.

* * *

The director shall promulgate rules and regulations in order to effectuate the purposes of this section.¹¹

N.J.S. 39:3-10.24 provides, in relevant part, that:

* * *

e. No chemical test, as provided in this section, or specimen necessary thereto, may be made or taken forcibly and against physical resistance thereto by the defendant.

for a conviction of DWI (N.J.S. 39:4-50) or the refusal to submit to a breath test (N.J.S. 39:4-50.4a) and unanimously declining to authorize an examination of a reference to N.J.S. 39:4-50.2 to the DDEF statute) [hereinafter “May 2024 Minutes”].

¹⁰ N.J. STAT. ANN. § 39:4-50.2 (emphasis added).

¹¹ N.J. STAT. ANN. § 39:4-50.8 (emphasis added).

The police officer shall, however, inform the person arrested of the consequences of refusing to submit to such test including the penalties under section 12 of this act. A standard statement, prepared by the director, shall be read by the police officer to the person.¹²

* * *

N.J.S. 12:7-55 provides in relevant part, that:

* * *

e. No chemical test, as provided in this section, or specimen necessary for a test, may be made or taken forcibly and against physical resistance thereto by the defendant. A member of the State Police or a law enforcement officer shall, however, inform the person arrested of the consequences of refusing to submit to the test, in accordance with section 9 of P.L.1986, c. 39 (C.12:7-57). A standard statement, prepared by the Chief Administrator of the New Jersey Motor Vehicle Commission shall be read by a member of the State Police or a law enforcement officer to the person under arrest.¹³

Background

New Jersey has penalized driving under the influence since 1913.¹⁴ The offense was transferred from the Disorderly Persons Act to Title 39, the Motor Vehicle Act, in 1921.¹⁵ In the ensuing decades, the rate of refusing blood-alcohol tests among drivers remained high as there was no penalty for refusal.¹⁶ Consequently, New Jersey enacted its implied consent and refusal statutes in 1966.¹⁷

The implied consent statute “deemed all motorists operating a vehicle on a public road had consented to the taking of breath samples, which [c]ould be tested for blood-alcohol content.”¹⁸ The statute was “supplemented by N.J.S. 39:4-50.4, which imposed penalties for those refusing to submit to a breathalyzer test.”¹⁹ The refusal statute authorized the Director of the DMV to revoke

¹² N.J. STAT. ANN. § 39:3-10.24 (West 2023) (emphasis added).

¹³ N.J. STAT. ANN. § 12:7-55 (West 2023) (emphasis added).

¹⁴ L. 1913, c. 67, § 1 (providing that “[a]ny person... who shall operate an automobile... over any public street or highway while under the influence of intoxicating liquors shall be adjudged to be a disorderly person....”); *State v. Hammond*, 118 N.J. 306, 312 (1990).

¹⁵ L.1921, c. 208, § 14. *State v. Hammond*, 118 N.J. at 313.

¹⁶ Public Hearings on Senate Bill No. 9, Implied Consent, (Feb. 21, 1966) at 12 – 14. *See also State v. Marquez*, 202 N.J. 485, 497 (2010) and *State v. Wright*, 107 N.J. 488, 498-99 (1987), abrogated by *State v. Cummings*, 184 N.J. 84 (2005) (noting “[w]ithout a breathalyzer test, police were denied a method of reliably distinguishing those motorists who were drunk from motorists who displayed symptoms of drunkenness [sic] that were actually attributable to other causes” such as dizziness following a crash.)

¹⁷ L. 1966, c. 142, §§ 2, 4 (codified as N.J. STAT. ANN. §§ 39:4-50.2 and 39:4-50.4).

¹⁸ L. 1966, c. 142, § 2 (N.J. STAT. ANN. § 39:4-50.2)

¹⁹ *State v. Wright*, 107 N.J. at 500.

a person's license upon a finding that the arresting officer had reasonable grounds that the person operated their vehicle while intoxicated.²⁰

In 1977, the Legislature amended the refusal statute to increase the penalties for refusal.²¹ Due to the new penalties, "the Legislature added the requirement that police officers inform the person arrested of the consequences of refus[al]."²² Pursuant to N.J.S. 39:4-50.2, the Chief Administrator of the DMV was tasked with the preparation of a "standard statement" to be read to motorists warning them of the consequences of their failure to submit to a breathalyzer test.²³

The DDEF was created in 1984, as a means of funding enforcement of DWI laws.²⁴ The DDEF is funded by surcharges imposed on those who are convicted of drunk driving.²⁵ Grants from the fund are distributed to "municipalities and to State, county and interstate law enforcement agencies" "to increase enforcement of the drunk driving law through such measures as the financing of additional patrols at peak violation periods and the purchasing of portable breath testing units," among other anti-drunk driving initiatives.²⁶

Two Reorganization Plans are relevant to the statutes discussed herein. The first Reorganization Plan, issued in 1992, was intended to "streamline and downsize the structure and functions of the Executive branch" by "reallocate[ing] functions while eliminating advisory committees, boards, or commissions who no longer have a fulfilling purpose."²⁷ The Reorganization Plan specifically "allow[ed] for the transfer of administrative responsibilities under the Drunk Driving Enforcement Fund from the Director of the Division of Motor Vehicles to the Office of Highway Traffic Safety."²⁸ Because the Office of Highway Traffic Safety "has general responsibility for the receipt and disbursement of federal funds allocated for traffic safety programs," this transfer of duties would "result in a unified and coordinated approach to the Department's responsibilities with respect to highway safety and related grant programs."²⁹

In 2009, a second Reorganization Plan transferred and reorganized the DMV within the Department of Transportation and established it as an independent Commission.³⁰ Therefore, the Reorganization Plan provides that "responsibility for the preparation of the standard statement [is

²⁰ L. 1966, c. 142, § 4 (N.J. STAT. ANN. § 39:4-50.4) (repealed by L.1981, c. 512, § 3, eff. Jan. 12, 1982).

²¹ L. 1977, c. 29, § 4 (imposing a ninety-day license revocation for a first refusal and a one-year revocation for a second offense).

²² L. 1977, c. 29, § 2; N.J. STAT. ANN. § 39:4-50.2(e).

²³ N.J. STAT. ANN. § 39:4-50.2(e).

²⁴ L.1984, c. 4, § 1, eff. Feb. 9, 1984 (codified as N.J. STAT. ANN. § 39:4-50.8).

²⁵ Statement to A.B. 828, 201st Leg., 1984 Sess. (Jan. 10, 1984).

²⁶ *Id.*

²⁷ N.J. Reorg. Plan No. 004-1992, "General Statement of Purpose" (Nov. 30, 1992).

²⁸ *Id.*

²⁹ N.J. Reorg. Plan No. 004-1992, § D (Nov. 30, 1992).

³⁰ N.J. Reorg. Plan No. 003-2009, "General Statement of Purpose" (Aug 03, 2009).

transferred] to the Attorney General” given the Attorney General’s role as the State’s chief law enforcement officer.³¹

Analysis

The transfers of duties enacted by the 1992 and 2009 Reorganization Plans expressly pertain to the implied consent, refusal, and DDEF statutes considered herein.³² References to the Chief Administrator and Director of the DMV remain in the current language in the statutes identified in this Report even though the responsibilities were transferred by the Reorganization Plans.

May 2024 Commission Meeting

During the May 2024 Commission Meeting, the Commissioners unanimously declined to pursue substantive modifications to the statutes relating to the DDEF surcharge issue originally brought to the attention of the Commission.³³ The Commissioners did, however, agree that work should be done in this area to address the anachronistic references in N.J.S. 39:4-50.8 and N.J.S. 39:4-50.2, and including other anachronistic references Staff might uncover while working in this area.³⁴

N.J.S. 39:4-50.2 states in subsection (e) that “[a] standard statement, prepared by the chief administrator, shall be read by the police officer to the person under arrest.”³⁵ Under the 2009 Reorganization Plan, however, the duty of preparing the “standard statement” was transferred to the Attorney General.³⁶ The N.J.S. 39:4-50.2(e) reference to the “chief administrator,” does not reflect that the Attorney General is currently the entity responsible for preparing the standard statements.³⁷

N.J.S. 39:4-50.8 states that “[t]he court shall forward the surcharge to the Director of the Division of Motor Vehicles who shall deposit \$95.00 of the surcharge into.... [the DDEF].... to be supervised by the director[,]” and “[t]he remaining \$5.00....shall be deposited by the director into a separate fund for administrative expenses.”³⁸ In addition, “[t]he grants from the fund shall be used.... by subsidizing.... measures approved by the director.”³⁹ The statute also states that “[t]he

³¹ *Id.*

³² Both plans have authority pursuant to the State Agency Transfer Act under N.J.S. 52:14D-1 *et seq. Id.*; N.J. Reorg. Plan No. 004-1992, “General Statement of Purpose” (Nov. 30, 1992).

³³ *See* May 2024 Minutes; *supra* n. 9.

³⁴ *Id.*

³⁵ N.J. STAT. ANN. § 39:4-50.2(e) (emphasis added).

³⁶ N.J. Reorg. Plan No. 003-2009 § 1; 41 N.J.R. 2825(a), § 1.

³⁷ *Id.*; N.J. STAT. ANN. § 39:4-50.2(e).

³⁸ N.J. STAT. ANN. § 39:4-50.8 (emphasis added).

³⁹ *Id.* (emphasis added).

director shall promulgate rules and regulations.... to effectuate the purposes of this section.”⁴⁰
Under the 1992 Reorganization Plan,

[t]he powers, functions and duties of the Director of the Division of Motor Vehicles . . . pursuant to . . . [N.J.S. 39:4-50.8], to administer the . . . [DDEF], supervise the Statewide drunk driving enforcement program . . . and promulgate rules and regulations, [were] . . . transferred to the Attorney General, to be exercised through the Office of Highway Traffic Safety[.]⁴¹

Accordingly, the five references to the Director of the DMV in N.J.S. 39:4-50.8 do not reflect that the Office of Highway Traffic Safety is now responsible for the relevant duties.⁴²

Based on Commission guidance, research was conducted in the area of DWI statutes associated with the 1992 and 2009 Reorganization Plans.⁴³ In addition to the statutes identified at the previous meeting, Staff identified two additional statutes containing anachronistic references of the same nature that are subject to the 2009 Reorganization Plan.

First, N.J.S. 39:3-10.24, titled “[c]onsent to taking samples of breath; record of test; independent test; prohibition of use of force; refusal to submit to test; penalties[,]” states in subsection (e) that “[a] standard statement, prepared by the director, shall be read by the police officer to the person.”⁴⁴ Under the 2009 Reorganization Plan, the responsibility to prepare such statements was transferred to the Attorney General.⁴⁵

Additionally, N.J.S. 12:7-55, titled “[c]onsent to taking samples of breath; record of test; independent test; informing accused; prohibition of use of force[,]” states in subsection (e) that “[a] standard statement, prepared by the Chief Administrator . . . shall be read by a[n] . . . officer to the person under arrest.”⁴⁶ This duty of preparing the statement was transferred to the Attorney General under the 2009 Reorganization Plan as well.⁴⁷

Pending Bills

There are no bills pending that seek to amend the language of N.J.S. 39:4-50.2(e) relevant to its reference to the Chief Administrator.⁴⁸ Similarly, there are no bills pending that seek to amend

⁴⁰ *Id.* (emphasis added).

⁴¹ N.J. Reorg. Plan No. 004-1992, § D (Nov. 30, 1992) (transferring “the functions of the Division of Motor Vehicles with respect to the allocation and administration of the Drunk Driving Enforcement Fund to the Office of Highway and Traffic Safety [to] eliminate duplication of effort by the Department in administering various grant programs . . .”).

⁴² *Id.*; N.J. STAT. ANN. § 39:4-50.8.

⁴³ See May 2024 Minutes.

⁴⁴ N.J. STAT. ANN. § 39:3-10.24(e) (emphasis added).

⁴⁵ N.J. Reorg. Plan No. 003-2009 § 1; 41 N.J.R. 2825(a), § 1.

⁴⁶ N.J. STAT. ANN. § 12:7-55(e) (emphasis added).

⁴⁷ N.J. Reorg. Plan No. 003-2009 § 1; 41 N.J.R. 2825(a), § 1.

⁴⁸ See generally A.B. 1726, 2024 Leg., 221st Sess. (Jan. 9, 2024) (seeking to add evaluation of drug impairment to subsection (e)).

the language of N.J.S. 39:4-50.8, N.J.S. 39:3-10.24, or N.J.S. 12:7-55.

Conclusion

The proposed modifications set forth in the Appendix are intended to update anachronistic and potentially misleading references in N.J.S. 39:4-50.2, N.J.S. 36:4-50.8, N.J.S. 39:3-10.24, and N.J.S. 12:7-55, in accordance with the 1992 and 2009 Reorganization Plans.

Appendix

The proposed modifications to **N.J.S. 39:4-50.2**, **N.J.S. 36:4-50.8**, **N.J.S. 39:3-10.24**, and **N.J.S. 12:7-55** are presented with underlining for inserted language, and ~~strikethrough~~ for deletions.

N.J.S. 39:4-50.2. Consent to taking samples of breath; record of test; independent test; prohibition of use of force; informing accused.

* * *

(e) No chemical test, as provided in this section, or specimen necessary thereto, may be made or taken forcibly and against physical resistance thereto by the defendant. The police officer shall, however, inform the person arrested of the consequences of refusing to submit to such test in accordance with section 2 of this amendatory and supplementary act. A standard statement, prepared by the ~~chief administrator~~ Attorney General, shall be read by the police officer to the person under arrest.

COMMENT

The proposed modifications to N.J.S. 39:4-50.2(e) are in accordance with New Jersey Reorganization Plan No. 003-2009, which transferred all responsibilities related to the preparation of standard statements regarding the consequences of refusal to submit to chemical breath tests, to the Attorney General.⁴⁹ This modification removes the reference to the Chief Administrator of the DMV and replaces it with a reference to the Attorney General.

N.J.S. 39:4-50.8. Conviction for violation of § 39:4-50; surcharge; distribution.

Upon a conviction of a violation of R.S. 39:4-50 or section 2 of P.L.1981, c. 512 (C. 39:4-50.4a), the court shall collect from the defendant a surcharge of \$100.00 in addition to and independently of any fine imposed on that defendant. The court shall forward the surcharge to the ~~Director of the Division of Motor Vehicles~~ Office of Highway Traffic Safety who shall deposit \$95.00 of the surcharge into a “Drunk Driving Enforcement Fund” (hereinafter referred to as the “fund”). This fund shall be used to establish a Statewide drunk driving enforcement program to be supervised by the ~~director~~ Office of Highway Traffic Safety. The remaining \$5.00 of each surcharge shall be deposited by the ~~director~~ Office of Highway Traffic Safety into a separate fund for administrative expenses.

A municipality shall be entitled to periodic grants from the “Drunk Driving Enforcement Fund” in amounts representing its proportionate contribution to the fund. . . . The grants from the fund shall be used by the Division of State Police or county or interstate law enforcement agency to increase enforcement of R.S. 39:4-

⁴⁹ See N.J. Reorg. Plan No. 003-2009 § 1 (Aug 03, 2009) (transferring “the functions, powers and duties relating to the preparation of the standard statements regarding the consequences of refusal to submit to chemical breath test prepared pursuant to... [N.J.S.] 39:4-50.2... are transferred to the Attorney General.”).

50 by subsidizing additional law enforcement patrols and through other measures approved by the ~~director~~ Office of Highway Traffic Safety.

* * *

The ~~director~~ Office of Highway Traffic Safety shall promulgate rules and regulations in order to effectuate the purposes of this section.

COMMENT

The proposed modifications to N.J.S. 39:4-50.8 are in accordance with New Jersey Reorganization Plan No. 004-1992, which transferred all responsibilities related to the administration of the Drunk Driving Enforcement Fund, from the Director of the Division of Motor Vehicles (DMV) to the Office of Highway Traffic Safety.⁵⁰ This modification removes five references to the Director of the DMV and replaces them with references to the Office of Highway Traffic Safety.

N.J.S. 39:3-10.24. Consent to taking samples of breath; record of test; independent test; prohibition of use of force; refusal to submit to test; penalties.

* * *

e. No chemical test, as provided in this section, or specimen necessary thereto, may be made or taken forcibly and against physical resistance thereto by the defendant. The police officer shall, however, inform the person arrested of the consequences of refusing to submit to such test including the penalties under section 12 of this act. A standard statement, prepared by the ~~director~~ Attorney General, shall be read by the police officer to the person.

COMMENT

The proposed modification to N.J.S. 39:3-10.24(e) are in accordance with New Jersey Reorganization Plan No. 003-2009, which transferred all responsibilities related to the preparation of standard statements regarding the consequences of refusal to submit to chemical breath tests, to the Attorney General.⁵¹ This modification removes a reference to the director of the DMV and replaces it with a reference to the Attorney General.

N.J.S. 12:7-55. Consent to taking samples of breath; record of test; independent test; informing accused; prohibition of use of force.

⁵⁰ See New Jersey Reorganization Plan No. 004-1992, § D (Nov. 30, 1992) (transferring “the functions of the Division of Motor Vehicles with respect to the allocation and administration of the Drunk Driving Enforcement Fund to the Office of Highway Traffic Safety [to] eliminate duplication of effort by the Department in administering various grant programs....”).

⁵¹ See N.J. Reorg. Plan No. 003-2009 § 1 (Aug 03, 2009) (transferring “the functions, powers and duties relating to the preparation of the standard statements regarding the consequences of refusal to submit to chemical breath test prepared pursuant to... [N.J.S.] 39:3-10.24... are transferred to the Attorney General.”).

* * *

e. No chemical test, as provided in this section, or specimen necessary for a test, may be made or taken forcibly and against physical resistance thereto by the defendant. A member of the State Police or a law enforcement officer shall, however, inform the person arrested of the consequences of refusing to submit to the test, in accordance with section 9 of P.L.1986, c. 39 (C.12:7-57). A standard statement, prepared by the ~~Chief Administrator of the New Jersey Motor Vehicle Commission~~ Attorney General shall be read by a member of the State Police or a law enforcement officer to the person under arrest.

COMMENT

The proposed modification to N.J.S. 12:7-55(e) are in accordance with New Jersey Reorganization Plan No. 003-2009, which transferred all responsibilities related to the preparation of standard statements regarding the consequences of refusal to submit to chemical breath tests, to the Attorney General.⁵² This modification removes a reference to the Chief Administrator of the DMV and replaces it with a reference to the Attorney General.

⁵² See N.J. Reorg. Plan No. 003-2009 § 1 (Aug 03, 2009) (transferring “the functions, powers and duties relating to the preparation of the standard statements regarding the consequences of refusal to submit to chemical breath test prepared pursuant to... [N.J.S.] 12:7-55... are transferred to the Attorney General.”).