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Drunk Driving Enforcement Fund

Program Requirements and Application Instructions

(rev. 7/2022)

I. DEFINITIONS

- A. **“Authorizing Official”** – the chief executive officer (ex. mayor, borough administrator, freeholder, director, county executive) who has signatory authority to accept the funds on behalf of an entity.

NOTE: Police chiefs or sheriffs are not authorizing official titles.

- B. **“DDEF”** or **“Fund”** – the Drunk Driving Enforcement Fund established by N.J.S.A. 39:4-50.8; and the account within the NJ Treasury Department where DDEF funds accumulate before being distributed to eligible entities.
- C. **“DDEF Coordinator”** – the designated manager of DDEF within the DHTS.
- D. **“DHTS”** – the New Jersey Division of Highway Traffic Safety.
- E. **“Director”** – the Director of the DHTS.
- F. **“DWI”** - driving while under the influence of alcohol or other substances in violation of NJSA 39:4-50.
- G. **“Entity”** - the New Jersey State Police or a county, municipal, or interstate law enforcement agency.



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- H. **“Eligible Entity”** - an entity that is deemed to have contributed monies to the DDEF during the SFY from which monies are made available.
- I. **“Financial Official”** - chief financial officer of the entity responsible for financial administration of the funds for an entity.
- J. **“Local DDEF Budget Account”** – the separate account established within the entities finance office for the purpose of storing and recording funds already paid to the entity from the DDEF. You may not transfer DDEF funds out of this account for payment through another local account. A summary report for this account may also be known as a “budget detail inquiry report” or a “general ledger detail inquiry report” and is generally available from your local finance office. This summary report must show all deposits and expenditures approved in your applications as well as an up-to-date balance in the dedicated account.
- K. **“OAG”** – the New Jersey Office of the Attorney General.
- L. **“Officer”** – a full-time, sworn, law enforcement officer inclusive of titles Police Officer, Patrolman, Trooper, Sheriff, or similar, and including any rank within those positions.
- M. **“Overtime”** or **“OT”** – additional work that supplements an officer’s regular pay. This is the officer’s contractual hourly rate of time-and-a-half but may be a flat contractual rate that all officers within an entity earn for similar supplemental details. OT rate calculations will be subject to audit by DHTS.
- N. **“Project Director”** - person designated by the entity to have overall responsibility for administration of the project; the primary point of contact between DHTS and the entity.
- O. **“SFY”** - State Fiscal Year, a period which commences July 1 and runs through June 30. For example, SFY 2023 starts on July 1, 2022 and ends on June 30, 2023.



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II. INTRODUCTION

- A. The Drunk Driving Enforcement Fund program is established pursuant to N.J.S.A. 39:4-50.8 and is administered pursuant to N.J.A.C. 13:86 et seq. Authority originally granted to the New Jersey Motor Vehicle Commission was transferred to DHTS by Reorganization Plan No. 004-1992.
- B. DHTS is responsible for the administration of the DDEF (per N.J.S.A. 39:4-50.8), and the Director promulgates rules and regulations in order to effectuate the purposes of the DDEF. This DDEF Program Requirements and Application Instructions document contains those rules.
- C. Within the DDEF Laws and codes, certain powers are granted only to the New Jersey Attorney General.
- D. Surcharges collected upon conviction of N.J.S.A. 39:4-50 and N.J.S.A. 39:4-50.4a and are made available to eligible entities to enhance their DWI enforcement programs. Additionally, eligible entities are proportionally credited funds within the DDEF that are collected pursuant to the Alcoholism Treatment and Rehabilitation Act (N.J.S.A. 26:2B-31 et. seq.) and the Alcoholic Beverage Tax Law (N.J.S.A. 54:43-1.1).
- E. DDEF funds can be approved for appropriate supplemental DWI enforcement measures as authorized by the regulations and approved by the Director.
- F. DDEF funds are dedicated funds and cannot be used for any other purpose.



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III. IMPORTANT DATES

NOTE: When dates fall on a weekend or legal holiday, the effective date is the previous business day.

A. July 1

1. Start of the SFY.

B. October 1

1. First availability of funds to entities for the current SFY.
2. Opening date to submit a new DDEF application.

C. January 1

1. Deadline for DHTS to receive new DDEF application submissions.

D. June 30

1. Close of the SFY - All grant activity and purchases must be completed.

NOTE: Funds are to be spent during the same SFY in which they are awarded.



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IV. BUDGETING PROCEDURES

A. Available Funds

1. Available DDEF funds include court fees from DWI arrests as well as Bottle Tax funds received during the previous SFY.
2. Eligible entities may apply for use these amounts during the current SFY. For example, moneys received at DHTS during SFY 2022 are available to entities in SFY 2023.
3. The amounts are updated once per year and available by contacting hts.ddef@njoag.gov.

B. Local DDEF Budget Account

1. Regulations require that entities create a separate dedicated account for DDEF funds as opposed to using a general treasury account. This account is referred to as the “Local DDEF Budget Account.”

C. Budgeting

1. Funds are to be spent during the same SFY in which they are awarded.
2. All DDEF funds must remain within the Local DDEF Budget Account until encumbered. All DDEF expenditures must appear directly on the Local DDEF Budget Account summary report. Exception: Approved overtime salaries may be transferred to a payroll account for payment so long as appropriate explanation is noted in the Local DDEF Budget Account and those notations appear on any summary report for that account.

D. Changes

1. Changes to a DDEF Application must be submitted to DHTS in writing and undergo the full DHTS review as if it were a new application. Changes will not be authorized for expenditures that occurred prior to approval of the change request.

E. Carry Forward

1. Available funds within the DDEF (NJ Treasury) accounts may accumulate indefinitely, but it is expected that eligible entities will apply for and use the funds for their DWI programs regularly.
2. DDEF funds that have not been expended as approved before the end of the SFY must remain the entity’s Local DDEF Budget Account until a new spending plan has been submitted to, and approved by, DHTS as outlined below. DHTS will not approve any new disbursements until all remaining Local DDEF Budget Account funds are exhausted.
3. Entities that have remaining funds in their Local DDEF Budget Account from prior SFY payments must:
 - a) Submit a new, one-time, spending plan to disperse all remaining funds within the Local DDEF Budget Account. This plan must:



- i. Be signed by the Project Director, the Financial Official, and the Authorizing Official;
- ii. Comply with all DDEF spending requirements (ex. ≥50% overtime spending, etc.);
- iii. Be no longer than three (3) years in duration; and
- iv. Be approved by the DDEF Coordinator prior to any expenditures.

NOTE: DHTS **will not approve any new** DDEF **applications until all remaining** Local DDEF Budget Account **funds are exhausted, with the one exception listed below:**

- v. **Exception:** Upon DHTS approval of a spending plan in accordance within this section, entities may elect to retain funds that have already been dispersed into their Local DDEF Budget Account solely for the purchase of a new breath testing instrument (once approved by OAG). Up to \$19,305.00 per machine may be held within the Local DDEF Budget Account. These funds cannot be used for any other purpose and any funds over the \$19,305.00 per machine must be expended as agreed to in the approved spending plan before any new application for funds will be approved. This exception will expire after SFY 2024 or 24 months after the approval of a new breath test instrument by OAG, whichever is later.

F. Disposition of DDEF purchases

1. Any item purchased with DDEF funds, other than those designed for one-time use (ex. blood test kits), must remain in the possession of the entity for a minimum of three (3) years.
2. After three (3) years, the entity may dispose of items in accordance with their regular disposal procedures. If items are sold or auctioned, the entity must supplement the law enforcement operating budget with the proceeds.
3. Proceeds from disposition of items less than three (3) years old must be returned to the Local DDEF Budget Account and be spent in accordance with all of the DDEF requirements as if they were new a new award (ex. ≥50% on law enforcement overtime, etc.). New purchases and activities in this case must be pre-approved by the DDEF Coordinator.

G. "County" funds

1. Funds designated for "County" use are those collected when a County officer or sheriff's officer have made the associated DWI arrest. These funds are available to a county law enforcement entity for use in their DWI program.
2. These funds are available to one county law enforcement agency annually.
3. As the chief law enforcement officer in each county, the County Prosecutor will be the designated recipient of County DDEF funds. He/She may then designate another agency (sheriff's department, county police department, etc.) as the operational recipient of those funds but will be retain responsibility for any required reporting and records retention.
4. The County Prosecutor must sign any application for DDEF funds as the Authorizing Official.



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H. “State” funds

1. Funds designated for “State” use are those collected when a NJ State Police Trooper or other State law enforcement officer has made the associated DWI arrest.
2. These funds are available to the NJ State Police annually through an automatic fund transfer. No application to DHTS for funding is required.
3. Reporting is the responsibility of, and maintained by, the NJSP.

I. “Other” funds

1. Funds designated for “Other” use are those collected when the associated DWI arrest is made by a Federal, interstate, or other type of law enforcement agency.
2. Only certain agencies may qualify for “Other” DDEF funds. Entities may contact the DDEF Coordinator for further information.
3. Funds generated by agencies that are not eligible to receive disbursements will be retained and will be available to the Director to enhance DHTS’s impaired driving programs statewide.



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V. APPLICATION INSTRUCTIONS

Application deadlines - See Important Dates (Section III.) above.

Clear Form button – clears all entered information and starts a fresh form (button does not appear on printed copies).

Print Form button – Opens print dialogue box to print the blank or completed form (button does not appear on printed copies).

A. §A. Law Enforcement Agency and Address

1. Complete agency name and mailing address.
2. Only County Prosecutor's Offices may apply for County funds.

B. §B. County

1. County in which the agency is located. Select from dropdown list.
2. For statewide or other multi-county agencies, fill in "Other".

C. §C. State Fiscal Year

1. Fill in the State Fiscal Year for this application.
2. State Fiscal Years run from July 1 through June 30.
 - a) Ex. SFY 2023 begins on July 1, 2022 and ends on June 30, 2023.
3. Only ONE application may be submitted per entity per SFY.

D. §D. Total DDEF Funds Available

1. The amount of funds an entity has available can be obtained by contacting DHTS at hts.ddef@njoag.gov after October 1.
2. The Available Funds include court fees collected from DWI convictions as well as Bottle Tax funds allocated to the entity. The Available Funds are those funds credited to an entity during the previous SFY.

E. §E. MANADATORY Expenditures

1. Written DHTS approval is required for funds requested here. This application is your request for approval.
2. No funds can be used to reimburse entities for past expenditures.
3. No application will be accepted unless there is an amount listed here.

NOTE: Entities *may not apply for Optional Expenditures or Other Expenditures in anticipation or promise of applying for Mandatory Expenditures at a later time. The ≥50% requirement on officer overtime must be met within each SFY for which DDEF funds are paid.*



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4. This amount must be equal to or greater than 50% of the Total DDEF Funding Request shown on line H.
5. Expenditures here are dedicated only for law enforcement officer overtime for supplemental DWI patrols and/or supplemental DWI checkpoints.
6. These funds cannot supplant regular patrols or assignments. They must supplement a law enforcement officer's regular duty so they must be for the officer's overtime rate of pay.
 - a) A formalized contractual flat pay rate may be substituted for overtime rate so long as that rate is the same for all officers. For example, all officers get paid the same per hour rate for all checkpoint details. This flat amount must be reasonable and must be pre-approved by the DDEF Coordinator.
7. Only the officer's overtime, or flat rate as explained above, may be paid from these funds. No entity may deduct fringe benefits, any fees, or any other administrative charges whatsoever from these funds.

F. §F. Optional Expenditures

1. Written DHTS approval is required for funds requested here. This application is your request for approval.
2. No funds can be used to reimburse entities for past expenditures.
3. It is recommended that appropriate purchasing quotes/bids be obtained prior to submitting a DDEF Application.
 - a) Quotes or bids are not required to be submitted with the application but will likely ensure that the spending later, if approved, matches the fund amounts the entity receives. Using pricing estimates can often create aggravation later for Project Directors and Financial Officials.
4. Officer Salaries
 - a) This is only for overtime court appearances in connection with prosecution of DWI violations. Court appearances at an officer's regular rate of pay are considered part of their regular duties and will not be approved.
5. Audio visual equipment
 - a) Entities may purchase audio visual equipment to aid in the enforcement or prosecutions of DWI violations.
6. Breath testing instruments
 - a) Entities may purchase breath testing equipment and/or supplies to aid in the enforcement or prosecution of DWI violations. Repairs to approved breath instruments is also acceptable here.
 - b) Instruments requested must be approved by the NJ Office of the Attorney General pursuant to regulations.
 - c) Once approved by the NJSP Alcohol Drug Testing Unit, the purchase of a new Alcotest 9510 breath instrument can be requested here. This Attorney General has granted special authorization to purchase this piece of equipment without meeting



the 50% overtime requirement stated above. Contact the DDEF Coordinator for further information.

7. Blood test kits
 - a) Entities may purchase blood and/or urine testing kits to aid in the enforcement or prosecution of DWI violations. Related lab processing fees may also be requested here.
8. Safety equipment
 - a) Entities may purchase certain safety equipment to aid in the enforcement or prosecution of DWI violations. The only approved items are safety equipment such as traffic cones, road flares, lighting, and reflective clothing.

NOTE: Any other items must be requested under §G “Other Expenditures” below.

G. §G. Other Expenditures

1. If you plan to request funds in this section, it is strongly recommended that you first contact the DDEF Coordinator to discuss at hts@ddef.njoag.gov.
2. Requests not specifically listed in Optional Expenditures above are required to be pre-approved in writing by the Attorney General of New Jersey upon recommendation by the DDEF Coordinator and the DHTS Director. This approval process will take longer than an application without “Other Expenditures”.
 - a) Entities may request funds for equipment or activities not listed above. These requests are reviewed on a case-by-case basis after a complete review of: the equipment or activity requested; the amount of the proposed expenditure; how the entity’s need will be met by the equipment or activity; and how the equipment or activity will enhance the ability of the entity to increase enforcement of DWI violations.
3. Approvals for any “Other Expenditures” may not supersede the ≥50% mandatory spending rule on officer overtime.
4. An approval for Other Expenditures on one SFY application, does not constitute any ongoing or recurring approval to make similar purchases in future SFYs. Recurring expenditures must be reapproved each SFY.

H. §H. Total DDEF Funding Requested

1. Add up entries E1+F1+F2+F3+F4+F5+G1 and write that amount here.
2. This is your entities total request for this application. Entities are expected to spend this full amount within the current SFY.

I. §I. DDEF fund balance after this payment

1. Subtract the Total DDEF Funding Request (line H) from the Total DDEF Funds available (line D). Enter that amount here.



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2. This is the balance available to entity in the next SFY. It will be added to any new funding allocated to the entity.

J. §J. Assurances & Certifications

1. The submission of a DDEF Application certifies that:
 - a) The DDEF funding will be expended and administered in accordance with DDEF Application and all applicable Laws, rules, and regulations;
 - b) The DDEF funding will be expended and administered in accordance with these DDEF Program Requirements and Application Instructions;
 - c) The DDEF funding will be used to increase DWI enforcement and prosecution;
 - d) The DDEF funding will be used in addition to, and not in place of, existing patrols or equipment;
 - e) The information contained in the application is true and accurate to the best of each of the signatory's knowledge; and
 - f) DHTS staff may review any records, papers, items, or other materials related to the entity's DDEF program at any time during SFY, for up to three (3) years after the end of the SFY, or after any funds carried forward from a previous SFYs are expended - whichever is longer.

K. §K. Project Director

1. Name – print the name of the person that will be responsible for answering questions about the application, administering any award activities and purchases if approved, and will complete all required reporting. This person cannot be the same person as the Financial Official or Authorizing Official listed on this application.
2. Title – official title. This person can be anyone employed by the entity.
3. Signature – Sign on a hard copy/printed paper. The words “*Sign in ink on hard copy*” will disappear when printed.
4. Project Director's email address – enter an official email address. This will serve as the primary point of contact for the entity for application related inquiries.

L. §L. Financial Official

1. Name – print the name of the person who is the chief financial officer of the entity ultimately responsible for financial administration. This person cannot be the same person as the Project Director or Authorizing Official listed on this application.
2. Title – official title. Examples of acceptable titles can include Chief Finance Officer, Chief Budget Officer, or Head Accountant.
3. Signature – Sign on a hard copy/printed paper. The words “*Sign in ink on hard copy*” will disappear when printed.

M. §M. Authorizing Official



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1. Name – print the name of the chief executive officer who has signatory authority to approve application on behalf of the entity. This person cannot be the same person as the Project Director or Financial Official listed on this application.
2. Title – official title. Examples of acceptable titles can include Mayor, Town/County Administrator, County Commissioner Director, or County Executive. Only a County Prosecutor may sign as the Authorizing Official when applying for “County” funds.

NOTE: Chiefs of Police or Sheriffs are NOT authorizing official titles.

3. Signature – Sign on a hard copy/printed paper. The words “Sign in ink on hard copy” will disappear when printed.

N. DHTS USE ONLY

1. Do not complete any information in this section. It is intended for DHTS personnel only.

O. Submission

1. Completed and signed applications can be submitted:
 - a) By email
 - 1) Email address: HTS.DDEF@NJOAG.GOV
 - 2) Email submissions should be in .pdf format.
 - 3) Important: email submissions are not considered officially received until confirmed by DHTS staff. Please allow 3-5 business days for a reply.
2. Be sure to save a copy of application for your records.

REMEMBER: Attach all reports as required.

Applications will not be reviewed unless all previous reports have been submitted.



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VI. REPORTING

A. Reporting is required for all DDEF funds awarded.

1. An entity that does not comply with the reporting requirements may be deemed “at risk” and be subject to enhanced requirements and other potential penalties.
2. No applications from an entity will be reviewed unless reporting from all previous SFYs has been received and reviewed by DHTS.
3. Reporting is completed through attaching a Local DDEF Budget Account summary report (also known as a “general ledger detail inquiry report”; available from your local finance office) showing all Local DDEF Budget Account activities for the previous SFY.

NOTE: *If funds have been carried forward from previous SFYs, then reports for each of those SFYs must be attached as well.*

B. Audit and Records Retention

1. Upon notice by DHTS or OAG, entities will make any and all items and/or records pertaining to DDEF activities, purchases, budget accounts, and other relevant materials available for inspection, copying, or audit for three (3) years after the closeout of the project.
 - a) Example #1 – the entity spends all funds approved in the DDEF Application within the SFY and the Local DDEF Budget Account has a zero balance:
 - 1) Records must be maintained by the entity for three (3) years after the end of the SFY.
 - b) Example #2 – The entity has remaining funds in their Local DDEF Budget Account that have been carried forward from previous SFYs:
 - 1) Any previous project years that did not result in completion of the approved purchases and activities are still active projects. The entity must maintain all records for all active projects, and for three (3) more years after they are finally closed out.

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