

# I Got A DUI In Florida; Will It Affect Me In New Jersey?

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April 10, 2014 | by Einhorn Barbarito

Dear Ask the Attorney:

I was in Florida on Spring Break and got pulled over and received a DUI. I'm now back in New Jersey and want to know if they will suspend my license here? Do I have to go back to Florida to deal with this?

C.K.

*Our guest blogger today is [Michael R. Ascher, Esq.](#) Mr. Ascher is a Principal in the firm and is engaged in a litigation practice handling both [criminal](#) and complex civil matters. He is a former Deputy Attorney General and a former Assistant Passaic County Prosecutor. His practice includes all categories of criminal cases including drunk driving defense, sex offenses, drug and white collar crimes, computer crime, conspiracy, fraud & theft cases and matters involving the Division of Permanency and Placement (DCPP).*

Dear CK:

It is unfortunate that you received a DWI charge in Florida. The first thing you should consider doing is to obtain competent Florida counsel who has a significant background in defending DWI cases. Interestingly, in Florida, individuals charged with alcohol related offenses are entitled to a jury trial; in New Jersey you are not. You certainly should defend against the charges. If you are found not guilty, there will be no ramifications to your New Jersey license.

Unfortunately, if you are convicted in Florida, that conviction will have a negative impact on your New Jersey license. Our Motor Vehicle Statute contains the provisions of an interstate compact; N.J.S.A. 39:5(d)-1, et seq provides for the exchange of communication between the states. Therefore, if you are convicted of a motor vehicle offense in a sister state, that conviction will be administratively reported to



the New Jersey Motor Vehicle Commission. The report sets forth the particular statute violated, the Court in which the action was taken and any special findings made in connection with the conviction.

The Interstate Compact provides that if your license is suspended in Florida, the New Jersey Motor Vehicle Commission will give that conviction the same effect as if the conviction occurred in New Jersey. This gives the Motor Vehicle Commission the authority to impose penalties even if you are convicted of an offense that does not, technically, exist under the New Jersey Motor Vehicle Statutes. The Commission can still suspend your privilege to drive in New Jersey if the conviction arises from offenses which are substantially similar in nature to the Motor Vehicle Laws of New Jersey. Florida is a member of the Interstate Compact. Therefore, the information regarding your conviction for the DUI will be sent to New Jersey for administrative action. You will receive a Notice of Proposed Suspension informing you of the date of suspension, the length of suspension and also informing you of your right to appeal. You could then consult with a New Jersey DUI/DWI attorney regarding your rights to appeal. An experienced DUI/DWI attorney will be able to evaluate the nature of the charge in Florida and to determine whether it was the same or substantially similar to DUI/DWI offenses in this state. That would require contacting your Florida counsel and reviewing the Florida Statute. A request for a Hearing should be made to contest either the imposition of the suspension or the length of it.

To summarize, you should seek to defend the DWI matter in Florida. Also, be prepared to hire New Jersey counsel if you are convicted of the DUI/DWI, or same, or similar offense so that all of your rights before the Motor Vehicle Commission can be vindicated. Finally, if you have a prior history of DWI convictions in New Jersey, the Florida conviction may be used to enhance your penalties in this state. For example, if you had a prior DWI in New Jersey less than 10 years ago, your Florida DWI conviction would be deemed a second offense in New Jersey for purposes of license suspension and you could be subject to a two year loss of license even though it would be your first New Jersey conviction. You should immediately seek counsel in both Florida **and** New Jersey.

*"Ask the Attorney" is a blog in which answers to questions submitted to [asktheattorney@einhornlawyers.com](mailto:asktheattorney@einhornlawyers.com) may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The facts of each case are different; therefore you should seek competent legal representation.*