

CHAPTER 19

DRIVER CONTROL SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-10, 39:3-10.4 et seq., 39:3-11, 39:3-15, 39:3-15.1, 39:3-16, 39:5-30, 39:5D-4, 39:5F-1 et seq., 52:14B-1 et seq. and Pub. L. 99-570.

Source and Effective Date

R.1999 d.312, effective August 17, 1999.
See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Executive Order No. 66(1978) Expiration Date

Chapter 19, Driver Control Service, expires on August 17, 2004.

Chapter Historical Note

Chapter 19, Driver Control Service, was adopted and became effective prior to September 1, 1969.

Subchapter 9, Suspension for Speeding, was repealed by R.1970 d.103, effective September 1, 1970. See: 2 N.J.R. 67(c), 2 N.J.R. 76(e).

Subchapter 1, Administrative Hearings, was adopted as R.1971 d.212, effective December 1, 1971. See: 3 N.J.R. 263(a).

Subchapter 10, Point System and Driving During Suspension, was adopted as R.1977 d.352, effective September 20, 1977. See: 9 N.J.R. 288(a), 9 N.J.R. 488(b).

Subchapter 6, Reciprocity Agreement Between Delaware and New Jersey, was repealed by R.1982 d.94, effective April 5, 1982. See: 14 N.J.R. 87(a), 14 N.J.R. 346(a).

Subchapter 2, Probationary Driver Licenses, was repealed by R.1983 d.242, effective June 20, 1983. See: 15 N.J.R. 501(b), 15 N.J.R. 1035(b).

Subchapter 11, Suspension for Out-of-State Convictions; Administrative Determinations and Bail Forfeitures for Driving While Under the Influence of Intoxicating Liquor or Drugs; Refusal to Submit to Chemical Test, was adopted as R.1983 d.352, effective September 6, 1983. See: 15 N.J.R. 1009(a), 15 N.J.R. 1481(c).

Subchapter 12, Motor Vehicle Insurance Surcharge, was adopted as R.1984 d.18, effective February 6, 1984. See: 15 N.J.R. 2027(a), 16 N.J.R. 247(a).

The Executive Order No. 66(1978) expiration date for Subchapter 10, Point System and Driving During Suspension, was extended by gubernatorial directive from March 5, 1984 to March 29, 1984. See: 16 N.J.R. 502(a).

Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, was adopted as R.1984 d.61, effective March 19, 1984. See: 16 N.J.R. 124(a), 16 N.J.R. 551(a).

Pursuant to Executive Order No. 66(1978), Subchapter 10, Point System and Driving During Suspension, was readopted as R.1984 d.128, effective March 28, 1984. See: 16 N.J.R. 347(a), 16 N.J.R. 921(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Convulsive Seizures, was readopted as R.1984 d.310, effective June 29, 1984. See: 16 N.J.R. 1187(a), 16 N.J.R. 2003(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Cardiovascular Disorders, was readopted as R.1984 d.407, effective August 23, 1984. See: 16 N.J.R. 1694(a), 16 N.J.R. 2445(a).

Subchapter 9, Designation of State Official to be Notified by Drivers of Commercial Motor Vehicles Concerning Out-of-State Motor Vehicle

Convictions, was adopted as R.1987 d.342, effective August 17, 1987. See: 19 N.J.R. 621(a), 19 N.J.R. 1562(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Driver Control Service, was readopted as R.1989 d.493, effective August 18, 1989, and Subchapter 3, Accident Claims, was repealed by R.1989 d.493, effective September 18, 1989. See: 21 N.J.R. 1817(b), 21 N.J.R. 3019(b).

The Executive Order No. 66(1978) expiration dates for Subchapter 10, Point System and Driving During Suspension, Subchapter 12, Motor Vehicle Insurance Surcharge, and Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharge, were waived by gubernatorial directive, effective June 29, 1994. See: 26 N.J.R. 2905(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 9 and Subchapter 11 of Chapter 19, Driver Control Service, were readopted as R.1994 d.468, effective August 17, 1994. See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 9 and Subchapter 11 of Chapter 19, Driver Control Service, were readopted as R.1999 d.312, effective August 17, 1999. See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a). See, also, section annotations.

Pursuant to N.J.S.A. 52:14B-1.5d, the expiration of Subchapter 10, Point System and Driving During Suspension, Subchapter 12, Motor Vehicle Insurance Surcharge, and Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, was waived indefinitely, effective June 28, 2001. See: 33 N.J.R. 2689(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ADMINISTRATIVE HEARINGS

- 13:19-1.1 Applicability
- 13:19-1.2 Requests for hearings; disposition of hearing requests
- 13:19-1.3 Notification of prehearing conference date
- 13:19-1.4 (Reserved)
- 13:19-1.5 Adjournments; failure to appear
- 13:19-1.6 Representation by counsel
- 13:19-1.7 Driver improvement analyst
- 13:19-1.8 Prehearing conference; purpose; conduct; report; transmittal to the Office of Administrative Law
- 13:19-1.9 through 13:19-1.12 (Reserved)
- 13:19-1.13 Procedures as to when opportunities to be heard are granted

SUBCHAPTERS 2 THROUGH 3. (RESERVED)

SUBCHAPTER 4. CARDIOVASCULAR DISORDERS

- 13:19-4.1 Cardiovascular Committee
- 13:19-4.2 Case history and physician's statement
- 13:19-4.3 Review and recommendation
- 13:19-4.4 Findings report
- 13:19-4.5 Consideration of restoration
- 13:19-4.6 Case referral
- 13:19-4.7 Interval reports
- 13:19-4.8 Driver reexamination

SUBCHAPTER 5. CONVULSIVE SEIZURES

- 13:19-5.1 Satisfaction of physical qualifications
- 13:19-5.2 Physically unqualified pending hearing
- 13:19-5.3 History of seizures and physician's report
- 13:19-5.4 Neurological Disorder Committee
- 13:19-5.5 Committee review of case
- 13:19-5.6 Report of findings
- 13:19-5.7 Committee recommendations
- 13:19-5.8 Restoration qualifications
- 13:19-5.9 Interval reports of seizures
- 13:19-5.10 Driver reexamination

**SUBCHAPTER 6. INSTALLATION AND USE OF
IGNITION INTERLOCK DEVICES**

- 13:19-6.1 Purpose and scope
- 13:19-6.2 Definitions
- 13:19-6.3 Adoption and incorporation by reference NHTSA Model Specifications for BAIIDS
- 13:19-6.4 Requirements for use of BAIIDS installed to meet sentencing requirements
- 13:19-6.5 Specifications for BAIIDS
- 13:19-6.6 Application for certification of BAIID
- 13:19-6.7 Certification of BAIID by the Director; bonding requirement
- 13:19-6.8 Liability insurance
- 13:19-6.9 Reports required from manufacturer after BAIID certification
- 13:19-6.10 Revocation of certification of BAIID
- 13:19-6.11 Service center requirements
- 13:19-6.12 Annual registration and review of certification of BAIID
- 13:19-6.13 (Reserved)
- 13:19-6.14 Indigent persons
- 13:19-6.15 List of approved BAIIDS and service centers

**SUBCHAPTER 7. RECIPROCITY AGREEMENT
BETWEEN CONNECTICUT AND NEW JERSEY**

- 13:19-7.1 Purpose
- 13:19-7.2 Reports of single conviction
- 13:19-7.3 Revocation or suspension
- 13:19-7.4 Speeding
- 13:19-7.5 Failure to satisfy local court summons for moving violations
- 13:19-7.6 Restoration

**SUBCHAPTER 8. RECIPROCITY AGREEMENT
BETWEEN PROVINCE OF ALBERTA AND STATE
OF NEW JERSEY**

- 13:19-8.1 Scope of subchapter
- 13:19-8.2 Operation of vehicles
- 13:19-8.3 Termination
- 13:19-8.4 Permits

**SUBCHAPTER 9. DESIGNATION OF STATE OFFICIAL
TO BE NOTIFIED BY DRIVERS OF
COMMERCIAL MOTOR VEHICLES
CONCERNING OUT-OF-STATE MOTOR VEHICLE
CONVICTIONS**

- 13:19-9.1 Designation of State official; notification

**SUBCHAPTER 10. POINT SYSTEM AND DRIVING
DURING SUSPENSION**

- 13:19-10.1 Point assessment
- 13:19-10.2 Point accumulation; period of suspension
- 13:19-10.3 Driver improvement program attendance
- 13:19-10.4 Advisory notice
- 13:19-10.5 Reductions of point accumulation
- 13:19-10.6 Restoration; official warning; completion of Driver Improvement or Probationary Driver Program
- 13:19-10.7 Court ruling
- 13:19-10.8 Driving during period of suspension
- 13:19-10.9 (Reserved)

**SUBCHAPTER 11. SUSPENSION FOR OUT-OF-STATE
CONVICTIONS; ADMINISTRATIVE
DETERMINATIONS AND BAIL FORFEITURES
FOR DRIVING WHILE UNDER THE INFLUENCE
OF INTOXICATING LIQUOR OR DRUGS;
REFUSAL TO SUBMIT TO CHEMICAL TEST**

- 13:19-11.1 Suspension period determined by N.J.S.A. 39:4-50 and 39:4-50.4a
- 13:19-11.2 Alcohol education or rehabilitation program

**SUBCHAPTER 12. MOTOR VEHICLE INSURANCE
SURCHARGE**

- 13:19-12.1 Failure to pay surcharge; Insurance Surcharge Bill
- 13:19-12.2 Requests for hearings
- 13:19-12.3 through 13:19-12.7 (Reserved)
- 13:19-12.8 Abandonment of hearing
- 13:19-12.9 Conference resolutions or final decisions
- 13:19-12.10 (Reserved)
- 13:19-12.11 Driving while intoxicated surcharges; installments
- 13:19-12.12 Certificate of debt; installment payments; failure to pay installment; suspension of driving privilege

**SUBCHAPTER 13. MOTOR VEHICLE INSURANCE
SURCHARGE; SUPPLEMENTAL SURCHARGES**

- 13:19-13.1 Surcharges for three year period; convictions; amounts
- 13:19-13.2 Surcharges for three year period; administrative violations; amounts
- 13:19-13.3 (Reserved)

SUBCHAPTER 1. ADMINISTRATIVE HEARINGS**13:19-1.1 Applicability**

The provisions of this subchapter shall apply to administrative hearings in cases involving denial, revocation, suspension or refusal to renew licenses, examination permits, special learner's permits, nondriver identification cards, motorized bicycle licenses, motorized bicycle learner's permits, or driving privileges, including cases involving imposition of insurance surcharges pursuant to N.J.S.A. 17:29A-35. However, the provisions of this subchapter shall not apply to hearings in fatal accident cases in which the Division has initiated administrative suspension action against a licensee pursuant to subsection b, c, or e of N.J.S.A. 39:5-30; requests for hearings and the scheduling and conduct of same in such cases are governed by the provisions of subsection b or e of N.J.S.A. 39:5-30.

Amended by R.1991 d.220, effective April 15, 1991.
See: 22 N.J.R. 3446(a), 23 N.J.R. 1195(a).

Added "including cases involving imposition of insurance surcharges pursuant to N.J.S.A. 17:29A-35" with other stylistic changes.
Amended by R.1993 d.389, effective August 2, 1993.
See: 25 N.J.R. 893(a), 25 N.J.R. 3503(a).
Amended by R.1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Cross References

Applicability, see N.J.A.C. 13:26-2.1.

Case Notes

Delay of nine and one-half months between start of New Jersey licensee's driver's license suspension in New York and licensee's receipt of notice from New Jersey Division of Motor Vehicles concerning its intent to suspend license did not preclude Division from imposing additional reciprocal six-month license suspension pursuant to Interstate Driver License Compact, despite claim that delay rendered suspensions consecutive. *Boyd v. Division of Motor Vehicles*, 704 A.2d 1029, 307 N.J.Super. 356 (A.D. 1998).

13:19-1.2 Requests for hearings; disposition of hearing requests

(a) The proposed action to be taken against any licensee by the Division shall become effective on the date set forth in the notice except when otherwise specified, unless the licensee or his or her attorney shall make a request, in writing, for a hearing within 25 days from the date of notice.

(b) Requests for a hearing shall, except as specified by (c) below and by N.J.A.C. 13:19-12.2(b), be sent to the following address:

Division of Motor Vehicles
Driver Control Services
PO Box 134
Trenton, New Jersey 08666-0134