

13:19-7.2 Reports of single conviction

(a) Upon receipt of a report of conviction or forfeiture of any bail from a court for a moving violation of a motor vehicle law by a driver from the alternate state and revocation or suspension action is not taken by the motor vehicle authority of the state in which the violation occurred, a copy of the report will be forwarded to the motor vehicle authority of the home state of the driver.

(b) The motor vehicle authority of the home state of the driver will, upon receipt of a copy of the report, treat the report in the same manner as if the violation had occurred in the home state.

13:19-7.3 Revocation or suspension

(a) When revocation or suspension action is taken by the state where the violation occurred, a copy of the notice of revocation or suspension will be forwarded to the home state of the driver.

(b) Such notice will contain the reason for the action taken, the effective date, and the period of revocation or suspension. If revocation or suspension is based on court action, a copy of the court report will accompany the notice.

(c) The home state will upon receipt of a copy of notice of revocation or suspension, process and take action in the same manner as if the violation or reason for action had occurred in the home state and in accordance with its law, regulation or policy.

13:19-7.4 Speeding

(a) Upon receipt of a report of conviction or a forfeiture of any bail from a court for violation of the speeding laws by a driver from the alternate state, the state where the violation occurred will impose revocation or suspension of reciprocity driving privilege in accordance with its law, regulation or policy, and forward copy of notice to the driver's home state.

(b) The suspension order will be accompanied by a copy of the court report and will include the miles per hour the driver was traveling and the legal speed limit in the location where the violation was committed.

(c) The driver's home state will impose revocation or suspension in accordance with its law, regulation or policy.

(d) When suspension is imposed by the motor vehicle authority of the state in which the violation occurred, such suspension will be effective 30 days after the date of determination. A copy of the order will be transmitted to the motor vehicle authority of the home state of the driver 30 days prior to the effective date of the suspension.

(e) In order that the period of suspension will coincide as to timing and be concurrent, the motor vehicle authority of the home state will suspend making the effective date of the suspension the same as the suspension in the alternate state.

13:19-7.5 Failure to satisfy local court summons for moving violations

(a) When suspension is imposed by the motor vehicle authority of the state in which the violation occurred for failure to satisfy a local court summons, a copy of notice of suspension will be forwarded to the motor vehicle authority of the home state of the driver.

(b) Such notice will contain or be accompanied by information regarding the violation, the identity and address of the local court where the summons is returnable.

(c) Upon receipt of notice by the motor vehicle authority of the home state that one of its licensees has failed to satisfy a local court summons for a moving violation committed in the alternate state, the motor vehicle authority of the home state will suspend the license privilege of the driver until it is established that the summons has been satisfied.

13:19-7.6 Restoration

Upon restoration, the motor vehicle authority of the state in which the violation occurred will transmit to the motor vehicle authority of the home state of the driver a copy of the official notice of restoration.

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

13:19-8.1 Scope of subchapter

This Subchapter contains a reciprocity arrangement between the Province of Alberta and the State of New Jersey, whereby each Province and State grants to the other full reciprocity, subject to restrictions as set out herein, as to motor vehicles operated within the Province of Alberta and the State of New Jersey.

13:19-8.2 Operation of vehicles

(a) Any legally registered resident, public service or commercial motor vehicle of either the Province of Alberta or the State of New Jersey, while engaged in through or interstate commerce, but not operating for hire between fixed termini in the province or state granting reciprocity, shall be permitted to operate in the other province or state on such interstate operations, on lawful business and on the same basis as permitted by the registration of its province or state of domicile without the payment of motor vehicle privilege license fees of any kind, including registration fees, license plate fees, compensation fees, ton mileage fees, gross vehicle weight tax fees or itinerant trip permit fees, provided that such operation shall not be in violation of the laws of the province or state extending such reciprocity.

(b) This agreement does not grant exemption from fuel use or autobus excise tax laws in effect in either jurisdiction; nor

does this arrangement grant exemption from the requirement to be in possession of the necessary operating authority in the case of any motor vehicle transporting passengers, goods, wares or merchandise for compensation.

13:19-8.3 Termination

Either party may terminate this arrangement by giving 30 days' written notice to the other party.

13:19-8.4 Permits

The authorized representative of the province and state will formulate regulations governing the issuance of permits and methods of identification of the expected vehicles provided for in this subchapter.

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

(a) The Director, Compliance and Safety, is designated as the State official to be notified, pursuant to the Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570, concerning out-of-State motor vehicle convictions.

(b) A driver of a commercial motor vehicle, as defined in the Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570, shall submit within 30 days of conviction, a notice concerning an out-of-State conviction(s) for a violation(s) of any law relating to motor vehicle traffic control to the following address:

Director, Compliance and Safety
Motor Vehicle Commission
PO Box 174
Trenton, New Jersey 08666-0174

Amended by R.1994 d.468, effective September 19, 1994.

See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Substituted references to the Assistant Director, Driver Control/Regulatory Affairs for references to the Manager, Regulatory Affairs throughout.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

In (a), substituted "The Director, Driver management/Regulatory Affairs" for "The Assistant Director, Driver Control/Regulatory Affairs"; in (b), amended the address.

Amended by R.2010 d.277, effective December 6, 2010.

See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a).

In (a) and in the address in (b); substituted "Compliance and Safety" for "Driver Management/Regulatory Affairs"; and in (b), inserted a comma following "conviction".

SUBCHAPTER 10. POINT SYSTEM AND DRIVING DURING SUSPENSION

13:19-10.1 Point assessment

Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, shall be assessed points for each conviction in accordance with the following schedule:

<u>Section Number</u>	<u>Offense</u>	<u>Points</u>
1. N.J.S.A. 27:23-29	Moving against traffic—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
2. N.J.S.A. 27:23-29	Improper passing—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	4
3. N.J.S.A. 27:23-29	Unlawful use of median strip—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
4. N.J.S.A. 39:3-20	Operating constructor vehicle in excess of 45 mph	3
5. N.J.S.A. 39:4-14.3	Operating motorized bicycle on a restricted highway	2
6. N.J.S.A. 39:4-14.3d	More than one person on a motorized bicycle	2
7. N.J.S.A. 39:4-35	Failure to yield to pedestrian in crosswalk	2
8. N.J.S.A. 39:4-36	Failure to yield to pedestrian in crosswalk; Passing a vehicle yielding to pedestrian in crosswalk	2
9. N.J.S.A. 39:4-41	Driving through safety zone	2
10. N.J.S.A. 39:4-52 and 39:5C-1	Racing on highway	5
11. N.J.S.A. 39:4-55	Improper action or omission on grades and curves	2
12. N.J.S.A. 39:4-57	Failure to observe direction of officer	2
13. N.J.S.A. 39:4-66	Failure to stop vehicle before crossing sidewalk	2
14. N.J.S.A. 39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2
15. N.J.S.A. 39:4-66.2	Operating a motor vehicle on public or private property to avoid a traffic control signal or sign	2
16. N.J.S.A. 39:4-71	Operating a motor vehicle on a sidewalk	2
17. N.J.S.A. 39:4-80	Failure to obey direction of officer	2
18. N.J.S.A. 39:4-81	Failure to observe traffic signals	2
19. N.J.S.A. 39:4-82	Failure to keep right	2
20. N.J.S.A. 39:4-82.1	Improper operating of vehicle on divided highway or divider	2
21. N.J.S.A. 39:4-83	Failure to keep right at intersection	2

Section Number	Offense	Points	
22. N.J.S.A. 39:4-84	Failure to pass right of vehicle proceeding in opposite direction	5	As amended, R.1983 d.360, effective September 6, 1983. See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b). Old point assessment list deleted and new list added. Amended by R.1985 d.599, effective November 18, 1985. See: 17 N.J.R. 2231(a), 17 N.J.R. 2780(a).
23. N.J.S.A. 39:4-85	Improper passing on right or off roadway	4	Added new 34. Renumbered old 34 through 52 to 35 through 53. Amended by R.1993 d.486, effective October 4, 1993. See: 25 N.J.R. 2646(a), 25 N.J.R. 4599(b).
24. N.J.S.A. 39:4-85.1	Wrong way on a one-way street	2	Amended by R.1994 d.468, effective September 19, 1994. See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).
25. N.J.S.A. 39:4-86	Improper passing in no passing zone	4	Amended by R.2001 d.357, effective October 1, 2001. See: 33 N.J.R. 1340(b), 33 N.J.R. 3453(b).
26. N.J.S.A. 39:4-87	Failure to yield to overtaking vehicle	2	Added new 36; recodified old 36 through 53 as 37 through 54. Administrative correction. See: 33 N.J.R. 3907(a).
27. N.J.S.A. 39:4-88	Failure to observe traffic lanes	2	See: 33 N.J.R. 3907(a).
28. N.J.S.A. 39:4-89	Tailgating	5	Amended by R.2005 d.47, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).
29. N.J.S.A. 39:4-90	Failure to yield at intersection	2	Substituted "45" for "30" in Section Number 4 of the table.
30. N.J.S.A. 39:4-90.1	Failure to use proper entrances to limited access highways	2	Amended by R.2010 d.277, effective December 6, 2010. See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a).
31. N.J.S.A. 39:4-91 and 39:4-92	Failure to yield to emergency vehicles	2	In the Offense column of entry 36 of the table, substituted "violation when that violation occurs within five years of the most recent prior offense" for "violation(s) within a five year period".
32. N.J.S.A. 39:4-96	Reckless driving	5	
33. N.J.S.A. 39:4-97	Careless driving	2	
34. N.J.S.A. 39:4-97a	Destruction of agricultural or recreational property	2	
35. N.J.S.A. 39:4-97.1	Slow speed blocking traffic	2	
36. N.J.S.A. 39:4-97.2	Driving in an unsafe manner (points only assessed for the third or subsequent violation when that violation occurs within five years of the most recent prior offense)	4	
37. N.J.S.A. 39:4-98 and 39:4-99	Exceeding maximum speed 1-14 mph over limit	2	
	Exceeding maximum speed 15-29 mph over limit	4	
	Exceeding maximum speed 30 mph or more over limit	5	
38. N.J.S.A. 39:4-105	Failure to stop for traffic light	2	
39. N.J.S.A. 39:4-115	Improper turn at traffic light	3	
40. N.J.S.A. 39:4-119	Failure to stop at flashing red signal	2	
41. N.J.S.A. 39:4-122	Failure to stop for police whistle	2	
42. N.J.S.A. 39:4-123	Improper right or left turn	3	
43. N.J.S.A. 39:4-124	Improper turn from approved turning course	3	
44. N.J.S.A. 39:4-125	Improper "U" turn	3	
45. N.J.S.A. 39:4-126	Failure to give proper signal	2	
46. N.J.S.A. 39:4-127	Improper backing or turning in street	2	
47. N.J.S.A. 39:4-127.1	Improper crossing of railroad grade crossing	2	
48. N.J.S.A. 39:4-127.2	Improper crossing of bridge	2	
49. N.J.S.A. 39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2	
50. N.J.S.A. 39:4-128.1	Improper passing of school bus	5	
51. N.J.S.A. 39:4-128.4	Improper passing of a frozen dessert truck	4	
52. N.J.S.A. 39:4-129	Leaving the scene of an accident		
	No personal injury	2	
	Personal injury	8	
53. N.J.S.A. 39:4-144	Failure to observe "stop" or "yield" signs	2	
54. N.J.S.A. 39:5D-4	Moving violation Out-of-State	2	

Case Notes

Legislative purpose in enacting statute concerning point system for motor vehicle violations was to recognize validity of then existing point system. *No Illegal Points, Citizens for Drivers Rights, Inc. v. Florio*, 264 N.J.Super. 318, 624 A.2d 981 (A.D.1993), certification denied 134 N.J. 479, 634 A.2d 526.

Point system for motor vehicle violations did not violate double jeopardy by imposing multiple punishment for same offense. *No Illegal Points, Citizens for Drivers Rights, Inc. v. Florio*, 264 N.J.Super. 318, 624 A.2d 981 (A.D.1993), certification denied 134 N.J. 479, 634 A.2d 526.

Statutory requirement that points for motor vehicle violations "shall" be imposed in open court did not require that points actually be assessed in open court rather than by Department of Motor Vehicles (DMV). *No Illegal Points, Citizens for Drivers Rights, Inc. v. Florio*, 264 N.J.Super. 318, 624 A.2d 981 (A.D.1993), certification denied 134 N.J. 479, 634 A.2d 526.

Amendment of municipal court complaint at Law Division trial de novo to related charge carrying greater penalty point total permitted, but point penalty limited to that under original charge. *State v. Duthie*, 200 N.J.Super. 19, 490 A.2d 323 (App.Div.1985), certification denied 101 N.J. 277, 501 A.2d 942 (1985).

Acceptance by licensee of offer to settle question of accumulated points by attending driver improvement school could not be unilaterally set aside by Division of Motor Vehicles in absence of fraud. *Division of Motor Vehicles v. Clark*, 95 N.J.A.R.2d (MVH) 84.

Proposed suspension of driver's license was denied despite involvement in a fatal accident. *Division of Motor Vehicles v. Badran*, 94 N.J.A.R.2d (MVH) 69.

Proposed suspension of licensee's driving privileges denied. *Division of Motor Vehicles v. Lombardi*, 94 N.J.A.R.2d (MVH) 46.

Proposed suspension of licensee's driving privileges denied; notice. *Division of Motor Vehicles v. Frisoli*, 94 N.J.A.R.2d (MVH) 43.

Proposed suspension of licensee's driving privileges for driving during a period of suspension; inadequate notice. *Division of Motor Vehicles v. Daquino*, 94 N.J.A.R.2d (MVH) 41.

Driver's license was suspended for careless driving. *Division of Motor Vehicles v. Peters*, 94 N.J.A.R.2d (MVH) 28.

Driver's license was properly suspended for reckless driving, careless driving, disregard of a traffic signal and improper lane change. Division of Motor Vehicles v. Rodriguez, 94 N.J.A.R.2d (MVH) 26.

Driver's license was suspended; mitigating factors reduced period of suspension. Division of Motor Vehicles v. Burd, 94 N.J.A.R.2d (MVH) 23.

Insufficient evidence to establish that the driver operated her vehicle in a careless manner. Division of Motor Vehicles v. Keller, 94 N.J.A.R.2d (MVH) 20.

Proposed license suspension dismissed; insufficient evidence to establish careless driving, reckless driving, racing, or speeding. Division of Motor Vehicles v. Glock, 94 N.J.A.R.2d (MVH) 17.

License suspended for careless driving. Division of Motor Vehicles v. Barnes, 93 N.J.A.R.2d (MVH) 3.

Running stop sign was not careless driving. Division of Motor Vehicles v. Orzechowski, 92 N.J.A.R.2d (MVH) 17.

13:19-10.2 Point accumulation; period of suspension

(a) The Chief Administrator shall, except for good cause, suspend a person's license to operate a motor vehicle and/or motorized bicycle in accordance with the following schedule:

Points Accumulated	Period of Suspension
1. 12 to 15 points in a period of two years or less	30 days
2. 16 to 18 points in a period of two years or less	60 days
3. 19 to 21 points in a period of two years or less	90 days
4. 22 to 24 points in a period of two years or less	120 days
5. 25 to 27 points in a period of two years or less	150 days
6. 28 or more points in a period of two years or less	not less than 180 days
7. 15 to 18 points in a period greater than two years	30 days
8. 19 to 22 points in a period greater than two years	60 days
9. 23 to 26 points in a period greater than two years	90 days
10. 27 to 30 points in a period greater than two years	120 days
11. 31 to 35 points in a period greater than two years	150 days
12. 36 points in a period greater than two years	not less than 180 days
13. 12 to 14 points in a period greater than two years	30 days

(b) For good cause shown, the Chief Administrator may in his or her discretion permit a person to attend a driver improvement program of the Motor Vehicle Commission in total or partial satisfaction of a period of suspension imposed under (a) above. In exercising his or her discretion, the Chief Administrator shall consider the person's driving record, prior warnings or driver improvement program attendance, maturity and any other aggravating or mitigating factor.

As amended, R.1983 d.360, effective September 6, 1983.
See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).
Deleted old text and added new text.

Amended by R.2005 d.47, effective February 7, 2005.
See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

In (a), substituted "Chief Administrator" for "Director" in the introductory paragraph; rewrote (b).

Case Notes

Arrest; operating motor vehicle when license was suspended; Fourth Amendment. State v. Pierce, 136 N.J. 184, 642 A.2d 947 (1994).

Driving privileges were properly suspended for a period of 18 months where the driver failed to exercise due care for the safety of a pedestrian upon a roadway and failed to use due caution and circumspection in operating her motor vehicle, resulting in the pedestrian's death; nothing relieved the driver from the duty to exercise due care for the safety of any pedestrian upon a roadway, even one who failed to exercise due care on his own behalf (adopting with modification 2005 N.J. AGEN LEXIS 537). In re Patel, OAL Dkt. No. MVH 5549-05, 2005 N.J. AGEN LEXIS 1327, Final Decision (November 7, 2005).

License suspension was warranted where fatal collision resulted from careless lane change. Division of Motor Vehicles v. Hunt, 96 N.J.A.R.2d (MVH) 42.

Motorist involved in fatal collision would face 12-month license suspension where motorist was driving erratically just prior to collision. Division of Motor Vehicles v. Paynter, 96 N.J.A.R.2d (MVH) 34.

License suspension was warranted for motorist who fatally struck pedestrian while making left turn, even though pedestrian was crossing street against red traffic light. Division of Motor Vehicles v. Condosta, 96 N.J.A.R.2d (MVH) 31.

License suspension was appropriate penalty for driver of group home minibus who backed over mentally disabled passenger just after passenger had exited bus. Division of Motor Vehicles v. Adams, 96 N.J.A.R.2d (MVH) 24.

18-month suspension of driving privileges was appropriate penalty for motorist whose careless driving at excessive speeds contributed to death of another driver. Division of Motor Vehicles v. Nolan, 96 N.J.A.R.2d (MVH) 12.

Flawed testimony of eyewitness required remand of suspension case for review of evidence with respect to collision without reference to testimony. Division of Motor Vehicles v. Vann, 95 N.J.A.R.2d (MVH) 97.

Carelessness in operation of school bus that led to fatal collision with motorcyclist warranted 360 day suspension of driving privileges. Division of Motor Vehicles v. Cornwell, 95 N.J.A.R.2d (MVH) 88.

Reckless driving prior to collision that resulted in fatal collision with decedent's vehicle warranted 29 month suspension of licensee's driving privileges. Division of Motor Vehicles v. Hunt, 95 N.J.A.R.2d (MVH) 85.

Leaving scene of accident after striking pedestrian and inflicting fatal injuries warranted 14 month suspension of driving privileges. Division of Motor Vehicles v. Horn, 95 N.J.A.R.2d (MVH) 78.

Inattention that led to fatal accident and careless driving violation warranted suspension of driving privileges for 12 months. Division of Motor Vehicles v. Harris, 95 N.J.A.R.2d (MVH) 71, affirmed 96 N.J.A.R.2d (MVH) 1.

Involvement in fatal intersectional collision, when licensee otherwise exercised due care and was neither wilful nor reckless, was not a basis for suspending driving privileges. Division of Motor Vehicles v. Hall, 95 N.J.A.R.2d (MVH) 66.

Carelessness in respect to fatal collision warranted 36 month suspension of driving privileges. Division of Motor Vehicles v. Cream, 95 N.J.A.R.2d (MVH) 59.