

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 Manager, Regulatory Affairs, 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:

Manager, Regulatory Affairs
Division of Motor Vehicles
CN 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).

**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:

Section Number	Offense	Points
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 30 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

Section Number	Offense	Points	Section Number	Offense	Points
8. N.J.S.A. 39:4-36	Failure to yield to pedestrian in crosswalk; Passing a vehicle yielding to pedestrian in crosswalk	2	38. N.J.S.A. 39:4-115	Improper turn at traffic light	3
9. N.J.S.A. 39:4-41	Driving through safety zone	2	39. N.J.S.A. 39:4-119	Failure to stop at flashing red signal	2
10. N.J.S.A. 39:4-52 and 39:5C-1	Racing on highway	5	40. N.J.S.A. 39:4-122	Failure to stop for police whistle	2
11. N.J.S.A. 39:4-55	Improper action or omission on grades and curves	2	41. N.J.S.A. 39:4-123	Improper right or left turn	3
12. N.J.S.A. 39:4-57	Failure to observe direction of officer	2	42. N.J.S.A. 39:4-124	Improper turn from approved turning course	3
13. N.J.S.A. 39:4-66	Failure to stop vehicle before crossing sidewalk	2	43. N.J.S.A. 39:4-125	Improper "U" turn	3
14. N.J.S.A. 39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2	44. N.J.S.A. 39:4-126	Failure to give proper signal	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	45. N.J.S.A. 39:4-127	Improper backing or turning in street	2
16. N.J.S.A. 39:4-71	Operating a motor vehicle on a sidewalk	2	46. N.J.S.A. 39:4-127.1	Improper crossing of railroad grade crossing	2
17. N.J.S.A. 39:4-80	Failure to obey direction of officer	2	47. N.J.S.A. 39:4-127.2	Improper crossing of bridge	2
18. N.J.S.A. 39:4-81	Failure to observe traffic signals	2	48. N.J.S.A. 39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
19. N.J.S.A. 39:4-82	Failure to keep right	2	49. N.J.S.A. 39:4-128.1	Improper passing of school bus	5
20. N.J.S.A. 39:4-82.1	Improper operating of vehicle on divided highway or divider	2	50. N.J.S.A. 39:4-128.4	Improper passing of a frozen dessert truck	4
21. N.J.S.A. 39:4-83	Failure to keep right at intersection	2	51. N.J.S.A. 39:4-129	Leaving the scene of an accident	2
22. N.J.S.A. 39:4-84	Failure to pass right of vehicle proceeding in opposite direction	5		No personal injury	2
23. N.J.S.A. 39:4-85	Improper passing on right or off roadway	4		Personal injury	8
24. N.J.S.A. 39:4-85.1	Wrong way on a one-way street	2	52. N.J.S.A. 39:4-144	Failure to observe "stop" or "yield" signs	2
25. N.J.S.A. 39:4-86	Improper passing in no passing zone	4	53. N.J.S.A. 39:5D-4	Moving violation Out-of-State	2
26. N.J.S.A. 39:4-87	Failure to yield to overtaking vehicle	2			
27. N.J.S.A. 39:4-88	Failure to observe traffic lanes	2			
28. N.J.S.A. 39:4-89	Tailgating	5			
29. N.J.S.A. 39:4-90	Failure to yield at intersection	2			
30. N.J.S.A. 39:4-90.1	Failure to use proper entrances to limited access highways	2			
31. N.J.S.A. 39:4-91 and 39:4-92	Failure to yield to emergency vehicles	2			
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. 39:4-98 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			
37. N.J.S.A. 39:4-105	Failure to stop for traffic light	2			

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).

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).

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

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

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 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 Director 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

Points Accumulated	Period of Suspension
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 Director may in his discretion permit a person to attend a driver improvement course of the Division of Motor Vehicles in total or partial satisfaction of a period of suspension imposed under (a) above. In exercising his discretion, the Director shall consider the person's driving record, prior warnings or driver improvement school 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.

Case Notes

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

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. Conosta, 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.

Altering driver's license to enable purchase of alcoholic beverages while underage warranted 15-day license suspension. Division of Motor Vehicles v. Longworth, 95 N.J.A.R.2d (MVH) 55.

Moving violations in connection with licensee's involvement in fatal collision demonstrated carelessness warranting license suspension for actions substantially contributing to accident. Division of Motor Vehicles v. Schiavone, 95 N.J.A.R.2d (MVH) 46.

Mere contributory fault with respect to intersectional collision that resulted in death of another was insufficient on which to base 15 month suspension of licensee's driving privileges. Division of Motor Vehicles v. Hantsoulis, 95 N.J.A.R.2d (MVH) 42.

License suspension was not warranted when driver was not culpable because pedestrian was already dead when vehicle came into contact with her. Division of Motor Vehicles v. Scheps, 95 N.J.A.R.2d (MVH) 34.

Suspension of driving privileges for 55 months was warranted by reason of involvement in fatal hit and run. Division of Motor Vehicles v. Slavkovsky, 95 N.J.A.R.2d (MVH) 25.

Reckless operation of bus prior to fatal accident was a proper basis on which to suspend driving privileges for a period of 62 months notwithstanding any inconvenience to licensee. Division of Motor Vehicles v. Vann, 95 N.J.A.R.2d (MVH) 15.

Careless driving leading to fatal collision was sufficient basis for suspension of driver's license for 120 days. Division of Motor Vehicles v. Stroinski, 95 N.J.A.R.2d (MVH) 12, affirmed 96 N.J.A.R.2d (MVH) 1, certification denied 144 N.J. 378, 676 A.2d 1093.

Fatal accident for which licensee was clearly culpable justified suspension of license to drive for three months for careless driving. Division of Motor Vehicles v. Parise, 95 N.J.A.R.2d (MVH) 7.

License suspension upheld against challenge that point accumulation scheme under statute and regulation was an ex post facto law as applied against licensee. Div. of Motor Vehicles v. Katz, 5 N.J.A.R. 1 (1981).

Petitioner's employment as surgical sales representative found not to be in nature of an essential service so as to qualify for driver improvement course as an alternative to license suspension due to penalty point accumulation; hospital supply needs in emergency may be otherwise met by petitioner's employer. Div. of Motor Vehicles v. Morton, 4 N.J.A.R. 95 (1982).

13:19-10.3 Driver improvement program attendance

(a) A person who is permitted to attend a driver improvement program of the Division of Motor Vehicles in total or partial satisfaction of suspension or revocation shall agree to attend each session of the assigned driver improvement program and to comply with all rules governing attendance, conduct, instruction, and examinations. A person who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the assigned driver improvement program shall be subject to a driver license suspension for the period contained in the notice of proposed suspension. A person who successfully completes the assigned driver improvement program shall be officially warned with respect to future driving.

(b) A person whose driver license has been suspended, pursuant to N.J.A.C. 13:19-10.2 (Point accumulation; periods of suspension) may be required to attend and successfully complete a driver improvement program of the Division of Motor Vehicles as a condition for restoration of the driver license.

(c) The fee for attendance at a Division of Motor Vehicles driver improvement program shall be \$100.00.

(d) The Director is authorized to exercise discretionary authority to require any person who is licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b to attend a Probationary Driver Program whenever said person accumulates two or more violations of the motor vehicle law which result in the assessment of four or more points under N.J.A.C. 13:19-10.1 (Point assessment).

(e) A person who is required to attend a Probationary Driver Program shall agree to attend each session of the program and to comply with all rules governing attendance, conduct, instruction, and examinations. A person who fails to comply with the foregoing requirements or who otherwise fails to successfully complete the Probationary Driver Program shall be subject to a driver license suspension for the period contained in the notice of proposed suspension. A person who successfully completes the Probationary Driver Program shall be officially warned with respect to future driving.

(f) The fee for attendance at a Division of Motor Vehicles probationary driver program shall be \$100.00.

As amended, R.1983 d.360, effective September 6, 1983.

See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).

Increased driver improvement program fee from \$20.00 to \$40.00.

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.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Increased the fees for attendance at the driver improvement program and probationary driver program from "\$40.00" to "\$100.00".

13:19-10.4 Advisory notice

(a) Whenever a person accumulates six or more points, the Division shall send an official notice advising the motorist of such status.

(b) Whenever a person who is licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b is first convicted of a motor vehicle violation requiring the assessment of points against the individual's driving record under N.J.A.C. 13:19-10.1 (Point assessment) the Division shall send an official notice advising the motorist of the status of the driving record.

As amended, R.1983 d.360, effective September 6, 1983.

See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).