

CHAPTER 19
COMPLIANCE AND SAFETY

Authority

N.J.S.A. 17:29A-35, 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, 39:4-50, 39:4-50.16 et seq., 39:5-30, 39:5D-4, 39:5F-1 et seq. and 52:14B-1 et seq.; and Pub. L. 99-570.

Source and Effective Date

R.2010 d.277, effective November 1, 2010.
See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Subchapters 1 through 9 and 11 of Chapter 19, Compliance and Safety, expire on November 1, 2017. See: 43 N.J.R. 1203(a).

Pursuant to N.J.S.A. 52:14B-5.1d, the expiration of Subchapter 10, Point System and Driving During Suspension, Subchapter 12, Motor Vehicle Violations Surcharge System, and Subchapter 13, Motor Vehicle Violations Surcharge System; Supplemental Surcharges, was waived indefinitely, effective July 25, 2007. See: 39 N.J.R. 3779(a).

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Subchapter 9, Suspension for Speeding, was repealed by R.1970 d.103, effective September 1, 1970.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Subchapter 6, Reciprocity Agreement Between Delaware and New Jersey, was repealed by R.1982 d.94, effective April 5, 1982.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Subchapter 2, Probationary Driver Licenses, was repealed by R.1983 d.242, effective June 20, 1983.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).

Pursuant to N.J.S.A. 52:14B-5.1d, 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).

Subchapter 6, Installation and Use of Ignition Interlock Devices, was adopted as new rules by R.2001 d.342, effective September 17, 2001. See: 33 N.J.R. 2445(a), 33 N.J.R. 3340(c).

Subchapters 1 through 9 and 11 of Chapter 19, Driver Control Service, were readopted as R.2005 d.47, effective January 5, 2005. As a part of R.2005 d.47, Chapter 19, Driver Control Service, was renamed Driver Management Bureau, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Pursuant to Executive Order No. 1(2010), the expiration date of Subchapters 1 through 9 and 11 was extended from January 5, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulations or rules were readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 713(a).

Subchapters 1 through 9 and 11 of Chapter 19, Driver Management Bureau, were readopted as R.2010 d.277, effective November 1, 2010. As a part of R.2010 d.277, Chapter 19, Driver Management Bureau, was renamed Compliance and Safety; Subchapter 12, Motor Vehicle Insurance Surcharge, was renamed Motor Vehicle Violations Surcharge System; and Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, was renamed Motor Vehicle Violations Surcharge System; Supplemental Surcharges, effective December 6, 2010. See: Source and Effective Date. See, also, section annotations.

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 Specification 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 Chief Administrator; 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 VIOLATIONS SURCHARGE SYSTEM

- 13:19-12.1 Failure to pay surcharge; Motor Vehicle Violations Surcharge System 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 VIOLATIONS SURCHARGE SYSTEM; 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, suspensions 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 Commission has initiated administrative suspension action against a licensee

adhere to the payment schedule will result in the immediate suspension of the licensee’s driving privileges.

Amended by R.1995 d.348, effective July 3, 1995. See: 27 N.J.R. 1524(a), 27 N.J.R. 2591(a). Substituted “12 monthly installments” for “six monthly installments” and “driving privileges” for “operating privileges”. Amended by R.2005 d.47, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a). Substituted “Chief Administrator” for “Director” and “Motor Vehicle Commission” for “Division of Motor Vehicle”. Amended by R.2010 d.277, effective December 6, 2010. See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a). Inserted “who are” and substituted “up to 36” for “12”.

13:19-12.12 Certificate of debt; installment payments; failure to pay installment; suspension of driving privilege

(a) The Chief Administrator may, in his or her discretion, issue a certificate of debt to the Clerk of the Superior Court in accordance with N.J.S.A. 17:29A-35b(2) identifying a person as indebted to the State of New Jersey under the Motor Vehicle Violations Surcharge System.

(b) A driver, whose driving privilege has been denied, suspended or revoked by the Commission in accordance with N.J.S.A. 17:29A-35 and N.J.A.C. 13:19-12.1 because of his or her failure to pay an insurance surcharge, may make application to the Chief Administrator for the restoration of his or her driving privilege upon acknowledgement of his or her agreement to satisfy the certificate of debt on an installment basis at such times and in such amounts as may be fixed by the Chief Administrator, or his or her designee. The Chief Administrator may, in his or her discretion, restore the driving privilege of a driver when the Chief Administrator is satisfied that an amount fixed by the Chief Administrator, or his or her designee, has been paid in full or partial satisfaction of the principal amount of the certificate of debt, accrued interest and statutory collection costs.

(c) The Chief Administrator may, in his or her discretion, deny, suspend or revoke a person’s driving privilege when the person has failed to comply with the terms fixed by the Chief Administrator, or his or her designee, or a court of law, for satisfying a certificate of debt on an installment basis. A driving privilege which has been denied, suspended or revoked pursuant to this subsection shall not be restored until the principal amount of the certificate of debt, accrued interest and statutory collection costs are satisfied in full by the driver.

New Rule, R.1995 d.348, effective July 3, 1995. See: 27 N.J.R. 1524(a), 27 N.J.R. 2591(a). Amended by R.2005 d.47, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a). In (b), substituted “Commission” for “Division”; substituted “Chief Administrator” for “Director” throughout. 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), substituted “Motor Vehicle Violations Surcharge System” for “New Jersey Merit Rating Plan”.

SUBCHAPTER 13. MOTOR VEHICLE VIOLATIONS SURCHARGE SYSTEM; SUPPLEMENTAL SURCHARGES

13:19-13.1 Surcharges for three-year period; convictions; amounts

(a) System surcharges shall be levied by the Motor Vehicle Commission for convictions of violations set forth in (b) below, which violations occurred on or after March 19, 1984, the effective date of the original regulation. The surcharges shall be annually assessed for a three-year period.

(b) The following violations shall be subject to surcharges as indicated in (a) above for the amount set forth below:

1. N.J.S.A. 39:3-10	Unlicensed driver	\$100.00
2. N.J.S.A. 39:3-40	Driving while suspended	\$250.00
3. N.J.S.A. 39:4-14.3e	Failing to have insurance on motorized bicycle	\$100.00
4. N.J.S.A. 39:6B-2	Failing to maintain liability insurance on motor vehicle	\$250.00

Amended by R.1985 d.482, effective September 16, 1985. See: 17 N.J.R. 893(a), 17 N.J.R. 2281(a). 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.2005 d.47, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a). In (a), substituted “Motor Vehicle Commission” for “Division of Motor Vehicles”. 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), substituted “System” for “Plan”.

Case Notes

Statute authorizing imposition of surcharges on motorists convicted of violations for which motor vehicle points are not assessed did not limit Commissioner’s authority to impose such surcharges to nonpoint offenses that pose direct threat to safety. State, Dept. of Law and Public Safety, Div. of Motor Vehicles v. Bigham, 119 N.J. 646, 575 A.2d 868 (1990).

13:19-13.2 Surcharges for three-year period; administrative violations; amounts

(a) System surcharges shall be levied by the Motor Vehicle Commission for violations resulting in license suspensions imposed administratively, which are set forth in (b) below and which violations or suspensions have occurred on or after March 19, 1984, the effective date of the original regulation. The surcharge shall be assessed each year for a three-year period and shall be in addition to the license restoration fee charged pursuant to N.J.S.A. 39:3-10a.

(b) The following violations resulting in administrative license suspensions shall be subject to surcharge as indicated in (a) for the amount set forth below:

1. Operating while suspended	\$250.00
2. Failure to maintain liability insurance on motor vehicle	\$250.00

Amended by R.1985 d.482, effective September 16, 1985.

See: 17 N.J.R. 893(a), 17 N.J.R. 2281(a).

Amended by R.1989 d.493, effective September 18, 1989.

See: 21 N.J.R. 1817(b), 21 N.J.R. 3019(b).

Deleted (c) regarding status of plan surcharges.

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 "Motor Vehicle Commission" for "Division of Motor Vehicles".

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), substituted "System" for "Plan".

13:19-13.3 (Reserved)

New Rule, R.1985 d.482, effective September 16, 1985.

See: 17 N.J.R. 893(a), 17 N.J.R. 2281(a).

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

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

Section was "Refund of surcharge; deletion of suspension".