

(b) If, upon expiration of the letter of temporary authority, a CDL has not been issued as provided in N.J.A.C. 13:21-23.23, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

Recodified from N.J.A.C. 13:21-23.26 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director", amended N.J.A.C. reference throughout. Former N.J.A.C. 13:21-23.27, Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act, recodified to N.J.A.C. 13:21-23.28.

13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state.

(b) For those persons licensed by this State, a valid basic driver license is a prerequisite for the operation of a CMV. For persons properly licensed in another state, the law of that state should be consulted.

(c) Whenever a person's basic driver license is suspended, revoked, or prohibited pursuant to any statute or regulation of this State, the person's CDL, if any, shall be suspended, revoked or prohibited, as the case may be, until the basic driver license and the CDL have been restored by the Chief Administrator.

(d) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50 committed in a CMV, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-50(a)(1), (a)(2) or (a)(3). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-50, all violations of N.J.S.A. 39:4-50 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(e) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.13 shall not serve to suspend the person's basic driver's license unless the violation that gave rise to the CMV driving privilege suspension, revocation, or denial would have resulted in a suspension, revocation, or denial of the person's basic driver's license if committed in a noncommercial motor vehicle. An example of such a violation would be where the court has convicted the person of a violation of both N.J.S.A. 39:3-10.13 and 39:4-50, or where the court has convicted the

person of a violation of N.J.S.A. 39:3-10.13 and has exercised its power under N.J.S.A. 39:5-31.

(f) Whenever a person is convicted for a violation of N.J.S.A. 39:4-129 committed in a CMV and an injury or death to any person has occurred, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-129(a). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-129(a), all violations of N.J.S.A. 39:4-129 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(g) The suspension or revocation of a person's CMV driving privilege for a violation of using a CMV in the commission of a crime or using a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or a controlled substance analog, or possession with intent to manufacture, distribute or dispense a controlled substance or controlled substance analog shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(h) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50.2 or section 16 of the Act or other similar law committed in a CMV the person's basic driver's license shall be suspended in accordance with N.J.S.A. 39:4-50.4a or 39:3-10.24(f) or other similar law.

(i) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.18(b) shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(j) With regard to serious traffic violations, the suspension or revocation of a person's CMV driving privilege by a court shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court. If the particular serious traffic violation also is cause for suspension of the basic driver license by the Chief Administrator pursuant to N.J.S.A. 39:5-30(b), 39:5-30(c), 39:5-30(e), 39:5-30.8, 39:5-30.10 or N.J.A.C. 13:19-10, the person may accept the period proposed by the Chief Administrator and ask that the suspension of the basic driver's license imposed by the Chief Administrator run to the greatest extent possible concurrently with the court-imposed suspension of CMV driving privilege. However, the pendency of any administrative action shall not serve to stay any court-imposed suspension.

(k) The provisions of this rule are not intended to be exhaustive or otherwise to restrict the court's or the Chief Administrator's powers.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Recodified from N.J.A.C. 13:21-23.27 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted reference to "Chief Administrator" throughout. Former N.J.A.C. 13:21-23.28, Display of GVWR not required on firefighting

apparatus, ambulances, first aid and rescue vehicles, recodified to N.J.A.C. 13:21-23.29.

Case Notes

Driver's license suspended. Division of Motor Vehicles v. Castaneda, 94 N.J.A.R.2d (MVH) 63.

Proposed suspension of licensee's driving privileges denied. Division of Motor Vehicles v. Scalzo, 94 N.J.A.R.2d (MVH) 60.

Licensee was permitted to maintain commercial driver license; rehabilitation. Division of Motor Vehicles v. Rambold, 94 N.J.A.R.2d (MVH) 51.

Licensee was permitted to maintain commercial driver license. Division of Motor Vehicles v. Cortes, 94 N.J.A.R.2d (MVH) 49.

Licensee was permitted to maintain commercial driver license; rehabilitation. Division of Motor Vehicles v. Frey, 94 N.J.A.R.2d (MVH) 47.

Proposed suspension of licensee's commercial driver license was dismissed. Division of Motor Vehicles v. Stach, 94 N.J.A.R.2d (MVH) 38.

13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

Owners of firefighting apparatus, ambulances, first aid and rescue vehicles are exempted from the requirement of N.J.S.A. 39:4-46(b) pertaining to the display of the GVWR on the vehicle.

Recodified from N.J.A.C. 13:21-23.28 by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.29, operative date, repealed.

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

13:21-24.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Approved motor vehicle defensive driving course" means a course of motor vehicle driver instruction predicated on defensive driving techniques that has been approved by the Chief Administrator of the Motor Vehicle Commission, has been determined to meet or exceed the standards of the National Safety Council's defensive driving course, and has been determined to be effective in terms of either reducing moving violation convictions or accident involvement or both. This definition shall not be taken to include driver training courses offered by driving schools pursuant to N.J.S.A. 39:12-1 et seq., public, parochial or private school driving education courses, a Motor Vehicle Commission Driver Improvement Program required pursuant to N.J.S.A. 39:5-30.2 et seq., or a Motor Vehicle Commission Proba-

tionary Driver Program required pursuant to N.J.A.C. 13:19-10.3(d).

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Sponsoring agency" means an organization that has a motor vehicle defensive driving course approved by the Chief Administrator of the Motor Vehicle Commission pursuant to N.J.S.A. 17:33B-45 and this subchapter.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

At the end of the introductory paragraph, substituted a period for a semicolon; substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; added definitions "Chief Administrator" and "Commission"; deleted definitions "Director" and "Division"; and in definition "Sponsoring agency", substituted "that" for "which" following "organization".

13:21-24.2 Point reduction; computation; course completion

(a) Motor vehicle violation points recorded against a licensee shall be reduced by two points when he or she attends and satisfactorily completes an approved motor vehicle defensive driving course, except that:

1. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course more than once in any five year period;
2. No point totals shall be reduced below zero; and
3. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course in which the licensee was the course instructor.

(b) Computation of the time periods used in granting point reduction credits, in all cases, will be based upon the respective dates of commission of the offenses for which the licensee was convicted and assessed points and completion date of the motor vehicle defensive driving course.

(c) Upon receipt by the Chief Administrator of a certified student course completion record from a sponsoring agency, the licensee's record will be reviewed by the Commission and a reduction of motor vehicle violation points shall be awarded in accordance with this section. A sponsoring agency shall submit student course completion documentation and all other required information to the Chief Administrator in the manner prescribed by the Chief Administrator.

(d) Point reduction credits granted in accordance with this section shall not invalidate proposed suspension action by the Commission against a licensee's driving privileges due to excessive point accumulation by the licensee.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (c), substituted "Chief Administrator" for "Director" and "Commission" for "Division of Motor Vehicles"; in (b), substituted "Commission" for "Division".

13:21-24.3 Sponsoring agency qualifications

(a) In order to qualify as an approved sponsoring agency pursuant to this subchapter, an entity shall:

1. Request approval from the Chief Administrator on official letterhead signed by the chief executive officer or designee of the entity;
2. Demonstrate that its motor vehicle defensive driving course meets or exceeds the standards of the National Safety Council's defensive driving course;
3. Demonstrate its course's effectiveness in terms of either reduced moving violation convictions or accident involvement or both by licensees who have satisfactorily completed its motor vehicle defensive driving course;
4. Provide the Chief Administrator with the name and title of the official of the sponsoring agency designated as the liaison between the sponsoring agency and the Commission; and
5. Demonstrate by written operating procedures and/or on-site visitation by the Chief Administrator or his or her designee that its instructors are qualified to conduct its motor vehicle defensive driving course.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator" for "Director" throughout; in (a)4, substituted "Commission" for "Division of Motor Vehicles".

13:21-24.4 Instructor qualification; training

(a) No person shall be permitted by a sponsoring agency to act as a motor vehicle defensive driving course instructor if such person has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1, or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

(b) The sponsoring agency shall submit the following information to the Commission:

1. Instructor preparation course outline;
2. Instructor certification and re-certification procedures which insure course competency and continuity;
3. Instructor manuals; and
4. Instructor course curriculum and lesson plans.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Commission" for "Division".

13:21-24.5 Course curriculum; length; content; scope; class size

(a) The sponsoring agency's motor vehicle defensive driving course shall provide at least six hours of instruction of which a minimum of four hours shall be classroom instruction.

(b) Not more than three hours of the six hours of instruction shall be conducted by use of audiovisual aids, including, but not limited to:

1. Films and/or videotapes;
2. Filmstrips; and
3. Slides.

(c) Not more than 30 students shall be scheduled in any given class; provided, however, that up to five additional students may attend a class if they have failed to attend a previously scheduled class.

(d) The use of visual aids such as magnetic boards, flip charts, and blackboards shall be incorporated into the curriculum.

(e) The curriculum content shall be predicated on defensive driving techniques, including, but not limited to:

1. Alcohol and drug usage as an accident factor;
2. The risk factors involved in improper driver attitude and behavior such as speeding, tailgating, reckless driving, inattentiveness, careless driving, and improper lane use;
3. Adjustment of driving patterns to compensate for adverse weather conditions;
4. Following distances;
5. Communication with other road users; and
6. Motor vehicle and traffic laws of New Jersey.

(f) The lesson plans shall utilize educational techniques which are designed to encourage interaction between students and instructor as a method of instruction.

13:21-24.6 Classroom facilities

(a) Classrooms shall be large enough to accommodate a minimum of 15 students with a minimum of 15 square feet of space per student.

(b) Classrooms shall be clean, adequately lighted, heated and ventilated and free from any visible and/or audible distractions.

(c) Restroom facilities shall be available to accommodate both sexes.

(d) Adequate parking shall be available in close proximity to the classroom.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Deleted former (d), and recodified (e) as (d).

13:21-24.7 Student records

(a) The sponsoring agency shall have written operating procedures approved by the Chief Administrator regarding the preparation and maintenance of student records.

(b) Student records shall include:

1. The complete student name as it appears on the student's New Jersey driver license, and complete street address;
2. The full date of birth and eye color;
3. The complete New Jersey driver license number;
4. The student application and course registration forms;
5. Course attendance dates and course attendance locations; and
6. The date of student course completion.

(c) Student records shall be retained at the principal business location of the sponsoring agency for a period of five years from the date of a student's completion of the motor vehicle defensive driving course.

(d) Upon request by the Chief Administrator or his or her designee, the sponsoring agency shall make available for inspection by the Chief Administrator or his or her designee the student records required to be prepared and maintained in accordance with this section.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a) and (d), substituted "Chief Administrator" for "Director".

13:21-24.8 Certification of course completion

(a) Upon course completion, the sponsoring agency shall provide the Commission a list of the students who have satisfactorily completed the approved motor vehicle defensive driving course.

(b) The student list shall be certified by the chief executive officer of the sponsoring agency or his or her authorized agent.

(c) The student information shall be submitted in the form and manner prescribed by the Chief Administrator.

(d) The course completion certification list shall be submitted to the Commission within 10 days of the completion of each course.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Commission" for "Division of Motor Vehicles"; in (c), substituted "shall" for "must" and "Chief Administrator" for "Director"; in (d), substituted "Commission" for "Division".

13:21-24.9 Suspension or revocation of sponsoring agency's approved status

(a) The Chief Administrator may, in his or her discretion, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1, suspend or revoke a sponsoring agency's status as an approved sponsoring agency if the entity:

1. Fails to comply with any of the provisions of this subchapter;
2. Fails to maintain qualification as an approved motor vehicle defensive driving course in accordance with the provisions of this subchapter;
3. Misstates a material fact to the Commission in its application for program approval;
4. Falsely authenticates a student course completion certification or an instructor certification or re-certification; or
5. For other good cause.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Chief Administrator" for "Director"; in (a)3, substituted "Commission" for "Division of Motor Vehicles".

13:21-24.10 Voluntary nature of course; fees

(a) Entry into an approved motor vehicle defensive driving course is voluntary.

(b) An attendance fee may be charged for a motor vehicle defensive driving course.