

<u>Section Number</u>	<u>Offense</u>	<u>Points</u>	<u>Section Number</u>	<u>Offense</u>	<u>Points</u>
22. N.J.S.A. 39:4-84	Failure to pass right of vehicle proceeding in opposite direction	5	53. N.J.S.A. 39:4-129	dessert truck Leaving the scene of an accident	
23. N.J.S.A. 39:4-85	Improper passing on right or off roadway	4		No personal injury	2
24. N.J.S.A. 39:4-85.1	Wrong way on a one-way street	2	54. N.J.S.A. 39:4-144	Personal injury	8
25. N.J.S.A. 39:4-86	Improper passing in no passing zone	4		Failure to observe "stop" or "yield" signs	2
26. N.J.S.A. 39:4-87	Failure to yield to overtaking vehicle	2	55. N.J.S.A. 39:5D-4	Moving violation Out-of-State	2
27. N.J.S.A. 39:4-88	Failure to observe traffic lanes	2	<p>(b) The treatment of a violation under the "step down" sentencing provision in N.J.S.A. 39:4-97.3 is solely for the purposes of calculating penalties at sentencing for a second time offender whose first violation occurred more than 10 years prior to the second offense, or a third time offender whose second violation occurred more than 10 years prior to the third offense. Penalties for an offense committed under N.J.S.A. 39:4-97.3 will be assessed based on the total number of N.J.S.A. 39:4-97.3 violations for which an individual has been convicted. In cases where a third time offender's second offense occurred more than 10 years prior to the third offense, no motor vehicle points shall be assessed. Third offender status will apply where fewer than 10 years have elapsed between the second and third offenses, even if more than 10 years have elapsed between the first and second offenses. Points shall be assessed for all convictions subsequent to the third conviction even if the individual previously benefited from the limited step down provision for a previous conviction.</p> <p>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). Amended by R.2001 d.357, effective October 1, 2001. See: 33 N.J.R. 1340(b), 33 N.J.R. 3453(b). Added new 36; recodified old 36 through 53 as 37 through 54. Administrative correction. See: 33 N.J.R. 3907(a). Amended by R.2005 d.47, effective February 7, 2005. See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a). Substituted "45" for "30" in Section Number 4 of the table. Amended by R.2010 d.277, effective December 6, 2010. See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a). 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". Amended by R.2015 d.177, effective December 7, 2015. See: 47 N.J.R. 1241(a), 47 N.J.R. 3058(a). Inserted designation (a); in the table in (a), added new entry 37, and recodified former entries 37 through 54 as 38 through 55; and added (b).</p>		
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. 39:4-97.2	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. 39:4-97.3	Prohibited use of wireless telephone or electronic communication device while driving, third or subsequent violation (No points will be assessed for the third violation if it occurs more than 10 years after the second violation)	3			
38. 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			
39. N.J.S.A. 39:4-105	Failure to stop for traffic light	2			
40. N.J.S.A. 39:4-115	Improper turn at traffic light	3			
41. N.J.S.A. 39:4-119	Failure to stop at flashing red signal	2			
42. N.J.S.A. 39:4-122	Failure to stop for police whistle	2			
43. N.J.S.A. 39:4-123	Improper right or left turn	3			
44. N.J.S.A. 39:4-124	Improper turn from approved turning course	3			
45. N.J.S.A. 39:4-125	Improper "U" turn	3			
46. N.J.S.A. 39:4-126	Failure to give proper signal	2			
47. N.J.S.A. 39:4-127	Improper backing or turning in street	2			
48. N.J.S.A. 39:4-127.1	Improper crossing of railroad grade crossing	2			
49. N.J.S.A. 39:4-127.2	Improper crossing of bridge	2			
50. N.J.S.A. 39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2			
51. N.J.S.A. 39:4-128.1	Improper passing of school bus	5			
52. N.J.S.A. 39:4-128.4	Improper passing of a frozen	4			

**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) 10.

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

	Points Accumulated	Period of Suspension
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.

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 (Reserved)

Recodified to N.J.A.C. 13:20-17.6 by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Section was "Driver improvement program attendance".

### 13:19-10.4 Advisory notice

(a) Whenever a person accumulates six or more points, the Commission 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, the Commission 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).

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), deleted "(Point assessment)" following the N.J.A.C. reference; substituted "Commission" for "Division" throughout.

### 13:19-10.5 Reductions of point accumulation

Points recorded against the licensee shall be reduced in accordance with the provisions of N.J.S.A. 39:5-30.9.

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

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.

### 13:19-10.6 Restoration; official warning; completion of Driver Improvement or Probationary Driver Program

(a) Persons whose licenses are restored after a suspension imposed under N.J.A.C. 13:19-10.2 or after a suspension imposed under this section, persons who are officially warned after an administrative hearing, and persons who successfully complete a Commission Driver Improvement Program or Probationary Driver Program may retain their licenses upon the express condition and understanding that any subsequent violation of the Motor Vehicle and Traffic Law of the State of New Jersey committed within one year of the restoration, official warning, or warning following successful completion of a Driver Improvement or Probationary Driver Program shall, except for good cause, result in suspension of driving privileges for the following periods:

1. When the subsequent violation occurs within six months of the date of the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—90 days;

2. When the subsequent violation occurs more than six months but less than nine months after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—60 days;

3. When the subsequent violation occurs more than nine months but less than one year after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—45 days.

(b) A second violation of the Motor Vehicle Laws committed within one year of the restoration, official warning or warning following successful completion of a Driver Improvement or Probationary Driver Program shall, except for good cause, result in suspension of driving privileges for the following periods:

1. When the second violation occurs within six months of the date of the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—180 days.

2. When the second violation occurs more than six months but less than nine months after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—120 days.

3. When the second violation occurs more than nine months but less than one year after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program—90 days.

(c) Persons licensed on a probationary basis in accordance with N.J.S.A. 39:3-10b who have been subject to a license suspension action under (a) or (b) above may be required to successfully complete additional programs of driver rehabilitation within the discretion of the Chief Administrator.

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

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

Added new (b) and recodified old (b) as (c).

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 "Commission" for "Division" and inserted "and Traffic" following "Motor Vehicle" in the introductory paragraph; in (c), substituted "Chief Administrator" for "Director".

#### Case Notes

Motorist who violated local ordinance during probationary period would not face suspension of driver's license. Division of Motor Vehicles v. Stancheck, 96 N.J.A.R.2d (MVH) 3.

Improper operation within one year of probationary period did not warrant suspension given to delay in posting offense. Division of Motor Vehicles v. Arian, 95 N.J.A.R.2d (MVH) 98.

#### 13:19-10.7 Court ruling

The provisions of this subchapter shall not be affected by any revocation or suspension judicially imposed, except that no lesser period of revocation or suspension shall be imposed than that directed by the court.

#### 13:19-10.8 Driving during period of suspension

(a) Whenever the driving privileges of an individual have been suspended or revoked for any reason, either judicially or administratively:

1. The operation of a motor vehicle by the individual during the period of suspension or revocation shall be cause for extending the period of revocation or suspension for an additional six months, or for some other period determined by the Chief Administrator.

2. Should information be received by the Commission after restoration of an individual's driving privileges that the individual operated a motor vehicle during the period of revocation or suspension, the Chief Administrator may revoke or suspend the individual's driving privileges for a period of six months, or for some other period which the Chief Administrator determines.

3. In addition to the revocation or suspension of an individual's driving privileges as provided for in (a)1 and 2 above, the Chief Administrator may determine to suspend the motor vehicle registration privileges of an owner-operator who operates a motor vehicle during a period of revocation or suspension of driving registration privileges. Such period of suspension of registration privileges shall coincide with the period of suspension of the individual's driving privileges, or for some other period to be determined by the Chief Administrator.

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 "a" for "the" preceding "motor vehicle" in 1, substituted "as provided for in (a)1 and 2 above" for "as provided for in paragraphs 1 and 2 above" in 3, and substituted "Chief Administrator" and "Commission" for "director" and "division" respectively throughout.

#### Case Notes

Prior administrative suspensions of driving privileges are not prior convictions which will support imposition of enhanced penalty for driving vehicle while on suspended or revoked list. *State v. Conte*, 245 N.J.Super. 629, 586 A.2d 353 (L.1990).

#### 13:19-10.9 (Reserved)

As amended, R.1973 d.63, effective March 8, 1973.  
See: 5 N.J.R. 52(b), 5 N.J.R. 119(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

#### 13:19-11.1 Suspension period determined by N.J.S.A. 39:4-50 and 39:4-50.4a

(a) Out-of-state convictions, administrative determinations or bail forfeitures for operating a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug or for refusal to submit to chemical test after arrest for operating while under the influence shall be given the same effect as if such conviction, administrative determination or bail forfeiture had occurred in this State.

(b) The driving privileges of a New Jersey licensee who incurs an out-of-State conviction or administrative determination for operating a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug or for refusal to submit to chemical test after arrest for operating while under the influence shall be suspended for the minimum term specified in N.J.S.A. 39:4-50 or 39:4-50.4a. If the out-of-State conviction or administrative determination constitutes said driver's second, third or subsequent violation for operating while under the influence, a suspension shall be imposed under N.J.S.A. 39:4-50 corresponding to the number of the violation. If the out-of-State

conviction or administrative determination for refusal to submit to a chemical test was a subsequent refusal or was in connection with said driver's subsequent offenses for operating while under the influence, a suspension shall be imposed for the term specified for subsequent offenses in N.J.S.A. 39:4-50.4a.

(c) The driving privileges of a New Jersey licensee who incurs an out-of-State bail forfeiture in connection with a charge of operating a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug or for refusal to submit to chemical test after arrest for operating while under the influence shall be suspended until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the Motor Vehicle Commission pursuant to N.J.S.A. 39:5F-1 et seq.

Amended by R.1999 d.312, effective September 20, 1999.  
See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (b), inserted a reference to administrative determinations in the second sentence, and deleted "suspension" following "driver's" in the third sentence.

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

In (c), substituted "Motor Vehicle Commission" for "Division of Motor Vehicles".

#### Case Notes

Driver's status as New Jersey licensee provided requisite authorization for Director of Motor Vehicles to suspend license for alcohol-related motor vehicle offense. *Matter of Johnson*, 226 N.J.Super. 1, 543 A.2d 454 (A.D.1988).

Occupational driving privileges may be granted to a New Jersey licensee whose reciprocity driving privileges were suspended by another state which, afterward, granted him occupational driving privileges. *New Jersey Div. of Motor Vehicles v. Egan*, 103 N.J. 350, 511 A.2d 133 (1986).

Power to suspend licenses of New Jersey drivers convicted of drunk driving in states not signatories to the Interstate Driver License Compact not diminished by statute permitting license revocation for Title 39 violation or "other reasonable grounds". *Div. of Motor Vehicles v. Kleinert*, 198 N.J.Super. 363, 486 A.2d 1324 (App.Div.1985).

Director has administrative authority to revoke or suspend the license of a driver convicted of drunk driving in any state, whether or not that state is a party to the Interstate Compact. *State v. Cromwell*, 194 N.J.Super. 519, 477 A.2d 408 (App.Div.1984).

Third DWI conviction warranted suspension for 3,600 days. *Division of Motor Vehicles v. Faraguna*, 92 N.J.A.R.2d (MVH) 34.

#### 13:19-11.2 Alcohol education or rehabilitation program

A New Jersey resident who incurs an out-of-State conviction or administrative determination for operating a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug or for refusal to submit to a chemical test after arrest for operating while under the influence shall be required to satisfactorily complete a program of alcohol education or rehabilitation approved by the Chief Administrator.

Amended by R.1999 d.312, effective September 20, 1999.  
See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Substituted "a chemical test after arrest for driving while under the influence" for "chemical tests" following "submit to".

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".

## SUBCHAPTER 12. MOTOR VEHICLE VIOLATIONS SURCHARGE SYSTEM

### 13:19-12.1 Failure to pay surcharge; Motor Vehicle Violations Surcharge System Bill

(a) The Chief Administrator shall suspend the driving privileges of any person who fails to pay a surcharge levied under N.J.S.A. 17:29A-35b until said surcharge is paid to the Motor Vehicle Commission.

(b) Surcharge notification shall be in the form of a "Motor Vehicle Violation Surcharge System Bill." A person shall have 30 days from the date of surcharge notification to pay the surcharge before his or her driving privileges are suspended by the Chief Administrator of the Motor Vehicle Commission.

Amended by R.1995 d.348, effective July 3, 1995.  
See: 27 N.J.R. 1524(a), 27 N.J.R. 2591(a).

Changed a citation; substituted "driving" for "operating"; and substituted "Director" for "director".

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 Vehicles" throughout.

Amended by R.2010 d.277, effective December 6, 2010.  
See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a).

Section was "Failure to pay surcharge; Insurance Surcharge Bill". In (b), substituted "a Motor Vehicle Violation Surcharge System" for "an Insurance Surcharge".

### 13:19-12.2 Requests for hearings

(a) A licensee, or his or her attorney, may request a surcharge hearing in writing in accordance with the provisions of N.J.A.C. 13:19-1.

(b) All requests for a surcharge hearing shall be sent to the following address:

State of New Jersey  
Motor Vehicle Violations Surcharge System  
PO Box 136  
Trenton, New Jersey 08666-0136

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

Added "or her"; substituted "shall have 15 days from the date of the surcharge notification" with "may request a surcharge hearing in writing in accordance with the provisions of N.J.A.C. 13:19-1." in (a). Added "surcharge"; changed zip code in address in (b).

Amended by R.2010 d.277, effective December 6, 2010.  
See: 42 N.J.R. 713(a), 42 N.J.R. 2966(a).

In the address in (b), substituted "Motor Vehicle Violations Surcharge System" for "Automobile Insurance Surcharge and Collections".

### 13:19-12.3 (Reserved)

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

### 13:19-12.4 (Reserved)

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

### 13:19-12.5 (Reserved)

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

### 13:19-12.6 (Reserved)

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

### 13:19-12.7 (Reserved)

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

### 13:19-12.8 Abandonment of hearing

If the licensee does not request a hearing in accordance with the provisions of N.J.A.C. 13:19-1 regarding the initial surcharge bill, or thereafter abandons the hearing request, the licensee shall not be granted a hearing on future billings for the convictions contained within the initial surcharge bill.

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

Substituted "to contest" with "in accordance with the provisions of N.J.A.C. 13:19-1 regarding"; substituted "have abandoned the right to" with "not be granted".

### 13:19-12.9 Conference resolutions or final decisions

Any resolution at a prehearing conference conducted in accordance with N.J.A.C. 13:19-1 regarding a surcharge bill or any final administrative decision shall be conclusive as to the issues contained in that resolution or decision, and shall preclude any hearing on those issues on future billings.

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

Substituted "of a contested" with "conducted in accordance with N.J.A.C. 13:19-1 regarding a"; added "administrative"; deleted "after a contested case hearing"; deleted "the right to a"; added "any".

#### Case Notes

Driver may face high-risk insurance surcharge even though neither a resident nor a licensed driver in New Jersey. *Division of Motor Vehicles v. Showman*, 95 N.J.A.R.2d (MVH) 32.

### 13:19-12.10 (Reserved)

Repealed by R.1995 d.348, effective July 3, 1995.  
See: 27 N.J.R. 1524(a), 27 N.J.R. 2591(a).

Section was "Indigents; installment payments".

### 13:19-12.11 Driving while intoxicated surcharges; installments

Licensees who are surcharged for driving while intoxicated convictions may pay the surcharge in up to 36 monthly installments pursuant to a schedule established by the Chief Administrator of the Motor Vehicle Commission. Failure to

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".

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### SUBCHAPTER 14. (RESERVED)