

(c) No hearing shall be provided when the action taken by the Division is required by any law which prescribes a suspension or revocation of a license or a privilege and which requires no exercise of discretion on the part of the Division of Motor Vehicles. No hearing shall be provided when a license or privilege is suspended or revoked by order of a court of competent jurisdiction.

(d) When a license is not suspended or is restored with the distinct understanding that any subsequent moving violation will be cause for a summary suspension, the issue of any hearing provided with respect to a proposed suspension for such subsequent moving violation will be limited to:

1. Whether or not the licensee has been convicted of a subsequent moving violation; and
2. Determining whether or not the licensee received adequate notice that this license had been restored with that distinct understanding.

Amended by R.1984 d.129, effective April 16, 1984.

See: 15 N.J.R. 2143(a), 16 N.J.R. 918(a).

Deleted subsection (d) and recodified (e) to (d).

Amended by R.1991 d.220, effective April 15, 1991.

See: 22 N.J.R. 3446(a), 23 N.J.R. 1195(a).

Substituted "for a hearing" with "to be heard"; substituted "these provisions" with "this subchapter" in (a). Deleted "suspension or revocation of a" in (c). Substituted "requested" with "provided" in (d).

Case Notes

Prior refusal to suspend driving privileges on basis of Maryland suspension operated to estop Division of Motor Vehicles from seeking later suspension in face of licensee's reliance. Division of Motor Vehicles v. Hampton, 95 N.J.A.R.2d (MVH) 93.

The Division of Motor Vehicles may conduct "pre-hearing conferences" in an attempt to informally dispose of license suspension proceedings with the consent of the parties. Atty.Gen.F.O.1979, No. 22.

SUBCHAPTERS 2 THROUGH 3. (RESERVED)

SUBCHAPTER 4. CARDIOVASCULAR DISORDERS

13:19-4.1 Cardiovascular Committee

The Director, in consultation with the Medical Society of New Jersey, shall appoint a Cardiovascular Committee of specialists in cardiovascular disorders for the purpose of guiding him in making determinations as to whether persons are physically qualified to operate motor vehicles with safety.

Case Notes

No unconsciousness due to acute hypoglycemia for one year allowed reinstatement. Division of Motor Vehicles v. Sereno, 92 N.J.A.R.2d (MVH) 7.

13:19-4.2 Case history and physician's statement

(a) Where it shall appear to the Director upon information or investigation that any applicant for a driver license or licensed driver suffers or has suffered from a cardiovascular condition, he may require from such person on forms furnished by the Director:

1. A statement by the applicant or licensed driver of his case history;
2. A statement by a physician including all pertinent information relative to the applicant's or licensed driver's case including diagnosis, treatment and prognosis.

13:19-4.3 Review and recommendation

(a) When the Director deems it necessary to refer a specific case to the Committee, all available information including the applicant's or licensed driver's statement of his case history and the attending physician's report will be referred to the Cardiovascular Committee for review and recommendation.

(b) If in the opinion of the Committee it is advisable, the applicant or licensed driver may be required to be examined by a specialist in internal medicine or cardiology including x-ray and/or electrocardiogram.

13:19-4.4 Findings report

The members of the Cardiovascular Committee will report their findings and recommendations to the Director and the Director will determine whether or not a person may be issued a driver license.

13:19-4.5 Consideration of restoration

When the Director has denied an applicant a driver license pursuant to this subchapter, restoration of the driving privilege may be considered; provided, however, the period of time has expired which is determined by the Committee to be applicable in the case.

13:19-4.6 Case referral

Upon application for restoration, the case may be referred to the Cardiovascular Committee as provided in section 3 (Review and recommendation) of this subchapter.

13:19-4.7 Interval reports

(a) As a condition precedent to the issuance, retention or restoration of driving privileges pursuant to this subchapter, the individual must agree in writing to submit to the Director periodic reports on forms approved by the Director. The reports shall contain a statement of the individual's case history and a statement by the treating physician.

(b) These reports shall be submitted every six months from the date that approval is given to hold a driver license.

(c) The Director may, in his discretion, waive or change the interval report requirement of subsection (b) of this section.

13:19-4.8 Driver reexamination

As a condition precedent to the issuance, retention or restoration of driving privileges, the Director may require that a motorist be given a driving test and examination at a Division of Motor Vehicles Driver Qualification Center.

SUBCHAPTER 5. CONVULSIVE SEIZURES

13:19-5.1 Satisfaction of physical qualifications

Any person 16 years of age or older who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall as a prerequisite to the issuance of a learner's permit or driver's license, renewal of a driver's license or retention of a driver's license establish to the satisfaction of the Director that he has been free from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination for a period of one year with or without medication and that he is physically qualified to operate a motor vehicle.

As amended, R.1981 d.18, effective January 16, 1981.

See: 12 N.J.R. 606(a), 13 N.J.R. 150(b).

Freedom from impairments amended from two years to one.

Case Notes

Driver's license applicant, who had suffered seizure within year, had burden of persuasion on issue of whether he posed acceptable risk. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Negative recommendations of Neurological Disorder Committee regarding application for driver's license by person with seizure disorder was not binding on Director of the Department of Motor Vehicles. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Order suspending driver's license because of licensee's epileptic disorder, subject to licensee's reapplication after one-year seizure-free period, was properly based on conclusion that pattern of licensee's specific individual disorder posed safety risk. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Presumption created by regulation, that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, was fair and reasonable. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Regulation establishing rebuttable presumption that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, should require recommendations of Neurological Disorder Committee to respond with particularity directly to applicant's contentions. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Regulation that created rebuttable presumption that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, required members of Neurological Disorder Committee to determine whether, despite occurrence of seizure within one year, applicant, because of specific characteristics of his disorder, can drive safely. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

No unconsciousness due to acute hypoglycemia for one year allowed reinstatement. Division of Motor Vehicles v. Sereno, 92 N.J.A.R.2d (MVH) 7.

Licensee under medication for seizures was physically able to operate motor vehicle. Division of Motor Vehicles v. Nasti, 92 N.J.A.R.2d (MVH) 4.

13:19-5.2 Physically unqualified pending hearing

When it shall appear to the Director that a licensed driver or an applicant for a learner's permit or driver's license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, the Director may, upon appropriate notice and opportunity for hearing, suspend the driving privileges of, or refuse to issue a learner's permit or a driver's license to such person as physically unqualified to operate a motor vehicle with safety; provided, however, the Director may, in the exercise of his discretion, suspend such driver's license or refuse to issue such learner's permit or driver's license pending hearing, if it shall appear to the Director to be in the interest of public safety that immediate action be taken.

13:19-5.3 History of seizures and physician's report

(a) When it shall appear to the Director, upon information received or an investigation conducted, that a licensed driver or applicant for a learner's permit or driver's license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, he may require from such person on forms approved by the Director:

1. A statement by the applicant or licensee of his case history;
2. A statement by the treating physician, including diagnosis, treatment and prognosis;
3. Any other information which the Director may deem necessary to evaluate the motorist's qualification to operate a motor vehicle.

13:19-5.4 Neurological Disorder Committee

(a) The Director shall appoint a Neurological Disorder Committee of three members to advise him as to issuing licenses to persons suffering from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination.

(b) The Director shall appoint the Committee upon consultation with and advice of the Medical Society of the State of New Jersey.

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
12. 36 points in a period greater than two years	not less than 180 days

Points Accumulated	Period of Suspension
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).

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).

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 Division 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 Laws 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 Director.

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).

Case Notes

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 the 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 director.

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

3. In addition to the revocation or suspension of an individual's driving privileges as provided for in paragraphs 1 and 2 above, the director 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 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 director.

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, halluci-

nogenic 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 constitutes said drivers' 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 suspension 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 Division of Motor Vehicles pursuant to N.J.S.A. 39:5F-1 et seq.

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 under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug or for refusal to submit to chemical tests shall be required to satisfactorily complete a program of alcohol education or rehabilitation approved by the director.

SUBCHAPTER 12. MOTOR VEHICLE INSURANCE SURCHARGE

13:19-12.1 Failure to pay surcharge; Insurance Surcharge Bill

(a) The Director 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 Division of Motor Vehicles.

(b) Surcharge notification shall be in the form of an "Insurance Surcharge 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 Director of the Division of Motor Vehicles.

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".

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
Automobile Insurance Surcharge and Collections
CN 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).

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 surcharged for driving while intoxicated convictions may pay the surcharge in 12 monthly installments pursuant to a schedule established by the Director of the Division of Motor Vehicles. 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".

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

(a) The Director 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 New Jersey Merit Rating Plan.