

CHAPTER 19

DRIVER CONTROL SERVICE

Authority

N.J.S.A. 17:29A-35, 39:2-3, 39:3-10, 39:3-10.4 et seq., 39:3-11, 39:3-15, 39:3-15.1, 39:3-16, 39:5-30, 39:5-30.1, 39:5-30.5, 39:5D-4, 39:5F-1 et seq., 52:14B-1 et seq. and Pub.L.99-570.

Source and Effective Date

R.1994 d.468, effective August 17, 1994. See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).

Executive Order No. 66(1978) Expiration Date

Chapter 19, Driver Control Service, Subchapters 1 through 9 and Subchapter 11, expires on August 17, 1999. The Executive Order No. 66(1978) expiration date for Subchapters 10, 12, and 13 was waived by gubernatorial directive. See: 26 N.J.R. 2905(a).

Chapter Historical Note

Chapter 19 was filed and became effective prior to September 1, 1969.

1970 Revisions: Subchapter 9 "Suspension for Speeding" was rescinded effective September 1, 1970 as R.1970 d.103. See: 2 N.J.R. 67(c), 2 N.J.R. 76(e).

1971 Revisions: Subchapter 1 became effective December 1, 1971 as R.1971 d.212. See: 3 N.J.R. 263(a).

1977 Revisions: Subchapter 10 became effective September 20, 1977 as R.1977 d.352. See: 9 N.J.R. 288(a), 9 N.J.R. 488(b).

1979 Revisions: Amendments to Subchapter 5 became effective as R.1979 d.220. See: 11 N.J.R. 198(a), 11 N.J.R. 356(a). Further amendments became effective September 17, 1979 as R.1979 d.367. See: 11 N.J.R. 19(b), 11 N.J.R. 579(b).

1981 Revisions: Amendments to Subchapter 5 became effective January 16, 1981 as R.1981 d.18. See: 12 N.J.R. 606(a), 13 N.J.R. 150(b).

1982 Revisions: Subchapter 2 formerly contained rules concerning probationary driver licenses. The subchapter was repealed effective June 20, 1983 by R.1983 d.242. See: 15 N.J.R. 501(b), 15 N.J.R. 1035(b). Subchapter 6 formerly contained rules concerning a reciprocity agreement between Delaware and New Jersey which became effective on July 1, 1961. This subchapter was repealed by R.1982 d.94, effective April 5, 1982. See: 14 N.J.R. 87(a), 14 N.J.R. 346(a).

1983 Revisions: Subchapter 11 became effective September 6, 1983 as R.1983 d.352. See: 15 N.J.R. 1009(a), 15 N.J.R. 1481(c). Amendments became effective September 6, 1983 as R.1983 d.360. See: 15 N.J.R. 1004(a), 15 N.J.R. 1481(b).

1984 Revisions: Subchapter 12 became effective February 6, 1984 as R.1984 d.18. See: 15 N.J.R. 2027(a), 16 N.J.R. 247(a). The Executive Order No. 66(1978) expiration date for Subchapter 10 was extended by gubernatorial waiver from March 5, 1984 to March 29, 1984. See: 16 N.J.R. 502(a). See: 16 N.J.R. 502(a) (March 19, 1984 New Jersey Register). The subchapter was readopted pursuant to Executive Order No. 66(1978), effective March 28, 1984 as R.1984 d.128. See: 16 N.J.R. 347(a), 16 N.J.R. 9210(a). Subchapter 13 became effective March 19, 1984 as R.1984 d.61. See: 16 N.J.R. 124(a), 16 N.J.R. 551(a). Amendments to Subchapter 1 became effective April 16, 1984 as R.1984 d.129. See: 15 N.J.R. 2143(a), 16 N.J.R. 918(a). Subchapter 5 was readopted with amendments effective June 29, 1984 as R.1984 d.310. See: 16 N.J.R. 1187(a), 16 N.J.R. 2003(a). Subchapter 4

became effective for readoption August 23, 1984 as R.1984 d.407. See: 16 N.J.R. 1694(a), 16 N.J.R. 2445(a).

1985 Revisions: Amendments became effective November 18, 1985 as R.1985 d.599. See: 17 N.J.R. 2231(a), 17 N.J.R. 2780(a). N.J.A.C. 13:19-13.3 was adopted as a New Rule effective September 16, 1985 as R.1985 d.482. See: 17 N.J.R. 893(a), 17 N.J.R. 2281(a).

1987 Revisions: Subchapter 9 became effective August 17, 1987 as R.1987 d.342. See: 19 N.J.R. 621(a), 19 N.J.R. 1562(a).

1989 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 19, Driver Control Service, was readopted as R.1989 d.493, effective August 18, 1989. Subchapter 3, Accident Claims, was repealed by R.1989 d.493, effective September 18, 1989. See: 21 N.J.R. 1817(b), 21 N.J.R. 3019(b).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 9 and Subchapter 11 of Chapter 19 were readopted as R.1994 d.468. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. ADMINISTRATIVE HEARINGS

13:19-1.1 Applicability

The provisions of this subchapter shall apply to administrative hearings in cases involving denial, revocation, suspension or refusal to renew licenses, examination permits, special learner's permits, nondriver identification cards, motorized bicycle licenses, motorized bicycle learner's permits, or driving privileges, including cases involving imposition of insurance surcharges pursuant to N.J.S.A. 17:29A-35. However, the provisions of this subchapter shall not apply to hearings in fatal accident cases in which the Division has initiated administrative suspension action against a licensee pursuant to subsection b, c, or e of N.J.S.A. 39:5-30; requests for hearings and the scheduling and conduct of same in such cases are governed by the provisions of subsection b or e of N.J.S.A 39:5-30.

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

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

Added "including cases involving imposition of insurance surcharges pursuant to N.J.S.A. 17:29A-35" with other stylistic changes.

Amended by R.1993 d.389, effective August 2, 1993.

See: 25 N.J.R. 893(a), 25 N.J.R. 3503(a).

Amended by R.1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Cross References

Applicability, see N.J.A.C. 13:26-2.1.

13:19-1.2 Requests for hearings; disposition of hearing requests

(a) The proposed action to be taken against any licensee by the Division shall become effective on the date set forth in the notice except when otherwise specified, unless the licensee or his or her attorney shall make a request, in writing, for a hearing within 25 days from the date of notice.

(b) Requests for a hearing shall, except as specified by (c) below and by N.J.A.C. 13:19-12.2(b), be sent to the following address:

Division of Motor Vehicles
Driver Control Services
CN 134

Trenton, New Jersey 08666-0134

(c) Requests for a hearing by a person or entity whose business license (that is, motor vehicle dealer license, private inspection center license, auto body repair facility license, junk yard license, driving school license or driving school instructor's license) is proposed to be suspended or revoked shall be sent to the address specified by the Division in its notice of proposed suspension or revocation.

(d) Requests for a hearing shall specify all disputed material facts which the licensee or his or her attorney intends to raise at such hearing. Requests for a hearing shall also set forth all legal issues which the licensee or his or her attorney intends to raise, and shall present all arguments of those issues which the licensee wishes the Division to consider.