

Assistant Director, Driver Control/Regulatory Affairs
 Division of Motor Vehicles
 PO Box 174
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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.1999 d.312, effective September 20, 1999.
 See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Substituted references to the Assistant Director, Driver Control/Regulatory Affairs for references to the Manager, Regulatory Affairs throughout.

Section Number	Offense	Points
15. N.J.S.A. 39:4-66.2	Operating a motor vehicle on public or private property to avoid a traffic control signal or sign	2
16. N.J.S.A. 39:4-71	Operating a motor vehicle on a sidewalk	2
17. N.J.S.A. 39:4-80	Failure to obey direction of officer	2
18. N.J.S.A. 39:4-81	Failure to observe traffic signals	2
19. N.J.S.A. 39:4-82	Failure to keep right	2
20. N.J.S.A. 39:4-82.1	Improper operating of vehicle on divided highway or divider	2
21. N.J.S.A. 39:4-83	Failure to keep right at intersection	2
22. N.J.S.A. 39:4-84	Failure to pass right of vehicle proceeding in opposite direction	5
23. N.J.S.A. 39:4-85	Improper passing on right or off roadway	4
24. N.J.S.A. 39:4-85.1	Wrong way on a one-way street	2
25. N.J.S.A. 39:4-86	Improper passing in no passing zone	4
26. N.J.S.A. 39:4-87	Failure to yield to overtaking vehicle	2
27. N.J.S.A. 39:4-88	Failure to observe traffic lanes	2
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(s) within a five year period)	2
37. 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
38. N.J.S.A. 39:4-105	Failure to stop for traffic light	2
39. N.J.S.A. 39:4-115	Improper turn at traffic light	3
40. N.J.S.A. 39:4-119	Failure to stop at flashing red signal	2
41. N.J.S.A. 39:4-122	Failure to stop for police whistle	2
42. N.J.S.A. 39:4-123	Improper right or left turn	3
43. N.J.S.A. 39:4-124	Improper turn from approved turning course	3
44. N.J.S.A. 39:4-125	Improper "U" turn	3
45. N.J.S.A. 39:4-126	Failure to give proper signal	2

SUBCHAPTER 10. POINT SYSTEM AND DRIVING DURING SUSPENSION

13:19-10.1 Point assessment

Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, shall be assessed points for each conviction in accordance with the following schedule:

Section Number	Offense	Points
1. N.J.S.A. 27:23-29	Moving against traffic—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
2. N.J.S.A. 27:23-29	Improper passing—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	4
3. N.J.S.A. 27:23-29	Unlawful use of median strip—New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
4. N.J.S.A. 39:3-20	Operating constructor vehicle in excess of 30 mph	3
5. N.J.S.A. 39:4-14.3	Operating motorized bicycle on a restricted highway	2
6. N.J.S.A. 39:4-14.3d	More than one person on a motorized bicycle	2
7. N.J.S.A. 39:4-35	Failure to yield to pedestrian in crosswalk	2
8. N.J.S.A. 39:4-36	Failure to yield to pedestrian in crosswalk; Passing a vehicle yielding to pedestrian in crosswalk	2
9. N.J.S.A. 39:4-41	Driving through safety zone	2
10. N.J.S.A. 39:4-52 and 39:5C-1	Racing on highway	5
11. N.J.S.A. 39:4-55	Improper action or omission on grades and curves	2
12. N.J.S.A. 39:4-57	Failure to observe direction of officer	2
13. N.J.S.A. 39:4-66	Failure to stop vehicle before crossing sidewalk	2
14. N.J.S.A. 39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2

Section Number	Offense	Points
46. N.J.S.A. 39:4-127	Improper backing or turning in street	2
47. N.J.S.A. 39:4-127.1	Improper crossing of railroad grade crossing	2
48. N.J.S.A. 39:4-127.2	Improper crossing of bridge	2
49. N.J.S.A. 39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
50. N.J.S.A. 39:4-128.1	Improper passing of school bus	5
51. N.J.S.A. 39:4-128.4	Improper passing of a frozen dessert truck	4
52. N.J.S.A. 39:4-129	Leaving the scene of an accident	
	No personal injury	2
	Personal injury	8
53. N.J.S.A. 39:4-144	Failure to observe "stop" or "yield" signs	2
54. N.J.S.A. 39:5D-4	Moving violation Out-of-State	2

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.

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) 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
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).

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 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).