

**CHAPTER 19  
DRIVER MANAGEMENT BUREAU**

**Authority**

N.J.S.A. 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, 39:4-50, 39:4-50.16 et seq., 39:5-30, 39:5D-4, 39:5F-1 et seq., 52:14B-1 et seq. and Pub. L. 99-570.

**Source and Effective Date**

R.2005 d.47, effective January 5, 2005.  
See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

**Chapter Expiration Date**

Chapter 19, Driver Management Bureau, expires on January 5, 2010.

**Chapter Historical Note**

Chapter 19, Driver Control Service, was adopted and became effective prior to September 1, 1969.

Subchapter 9, Suspension for Speeding, was repealed by R.1970 d.103, effective September 1, 1970.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

Subchapter 1, Administrative Hearings, was adopted as R.1971 d.212, effective December 1, 1971. See: 3 N.J.R. 263(a).

Subchapter 10, Point System and Driving During Suspension, was adopted as R.1977 d.352, effective September 20, 1977. See: 9 N.J.R. 288(a), 9 N.J.R. 488(b).

Subchapter 6, Reciprocity Agreement Between Delaware and New Jersey, was repealed by R.1982 d.94, effective April 5, 1982. See: 14 N.J.R. 87(a), 14 N.J.R. 346(a).

Subchapter 2, Probationary Driver Licenses, was repealed by R.1983 d.242, effective June 20, 1983. See: 15 N.J.R. 501(b), 15 N.J.R. 1035(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, was adopted as R.1983 d.352, effective September 6, 1983. See: 15 N.J.R. 1009(a), 15 N.J.R. 1481(c).

Subchapter 12, Motor Vehicle Insurance Surcharge, was adopted as R.1984 d.18, effective February 6, 1984. See: 15 N.J.R. 2027(a), 16 N.J.R. 247(a).

The Executive Order No. 66(1978) expiration date for Subchapter 10, Point System and Driving During Suspension, was extended by gubernatorial directive from March 5, 1984 to March 29, 1984. See: 16 N.J.R. 502(a).

Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, was adopted as R.1984 d.61, effective March 19, 1984. See: 16 N.J.R. 124(a), 16 N.J.R. 551(a).

Pursuant to Executive Order No. 66(1978), Subchapter 10, Point System and Driving During Suspension, was readopted as R.1984 d.128, effective March 28, 1984. See: 16 N.J.R. 347(a), 16 N.J.R. 921(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Convulsive Seizures, was readopted as R.1984 d.310, effective June 29, 1984. See: 16 N.J.R. 1187(a), 16 N.J.R. 2003(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Cardiovascular Disorders, was readopted as R.1984 d.407, effective August 23, 1984. See: 16 N.J.R. 1694(a), 16 N.J.R. 2445(a).

Subchapter 9, Designation of State Official to be Notified by Drivers of Commercial Motor Vehicles Concerning Out-of-State Motor Vehicle Convictions, was adopted as R.1987 d.342, effective August 17, 1987. See: 19 N.J.R. 621(a), 19 N.J.R. 1562(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Driver Control Service, was readopted as R.1989 d.493, effective August 18, 1989, and 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).

The Executive Order No. 66(1978) expiration dates for Subchapter 10, Point System and Driving During Suspension, Subchapter 12, Motor Vehicle Insurance Surcharge, and Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, were waived by gubernatorial directive, effective June 29, 1994. See: 26 N.J.R. 2905(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 9 and Subchapter 11 of Chapter 19, Driver Control Service, were readopted as R.1994 d.468, effective August 17, 1994. See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 9 and Subchapter 11 of Chapter 19, Driver Control Service, were readopted as R.1999 d.312, effective August 17, 1999. See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a). See, also, section annotations.

Pursuant to N.J.S.A. 52:14B-1.5d, the expiration of Subchapter 10, Point System and Driving During Suspension, Subchapter 12, Motor Vehicle Insurance Surcharge, and Subchapter 13, Motor Vehicle Insurance Surcharge; Supplemental Surcharges, was waived indefinitely, effective June 28, 2001. See: 33 N.J.R. 2689(a).

Subchapter 6, Installation and Use of Ignition Interlock Devices, was adopted as new rules by R.2001 d.342, effective September 17, 2001. See: 33 N.J.R. 2445(a), 33 N.J.R. 3340(c).

Subchapter 1 through 9 and 11 of Chapter 19, Driver Management Bureau, were readopted as R.2005 d.47, effective January 5, 2005. 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, suspensions 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 Commission 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).

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

**Cross References**

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

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

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

(a), (b), and (c) added; previous language of section deleted.

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

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

Replaced language in (a) with new text. Substituted "specialist" with "analyst"; substituted "settlement" with "resolving the proposed administrative action"; substituted "proposed suspension" with "proposed administrative action"; added "who has been scheduled for such a conference pursuant to this subchapter without stylistic changes in (b). Substituted "proposal suspension" with "proposal administrative action"; substituted "settlement" with "resolution of the proposed administrative action"; added "opportunity to be heard with regard to the proposed administrative action" in (c). Substituted "settlement" with "resolution of the proposed administrative action"; substituted "parties" with "Division and a licensee"; substituted "an agreement" with a resolution of the proposed administrative action at the prehearing conference"; added text—"unless there are . . ." in (d).

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 (d), substituted "When" for "Where" at the beginning of the second sentence; substituted "Commission" for "Division" throughout.

#### Case Notes

Refusal of prosecutor to comply with discovery request required either that complaint be dismissed or that State agree to pay reasonable expenses incurred by defendant due to prosecutor's refusal to comply. *State v. Polasky*, 216 N.J.Super. 549, 524 A.2d 474 (Law Div.1986).

#### 13:19-1.9 (Reserved)

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

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

#### Case Notes

Division not required to prepare a verbatim record of suspension proceedings under former regulations; five-year license suspension ordered for involvement in fatal accident while intoxicated; factors for consideration in determining length of suspension (Division's Final Decision). *Div. of Motor Vehicles v. Exum*, 5 N.J.A.R. 298 (1983).

#### 13:19-1.10 (Reserved)

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

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

#### 13:19-1.11 (Reserved)

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

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

#### 13:19-1.12 (Reserved)

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

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

#### 13:19-1.13 Procedures as to when opportunities to be heard are granted

(a) The Commission shall not take administrative action against a person unless it has first afforded the person an opportunity to be heard in conformity with this subchapter except as set forth in (b), (c), and (d) below.

(b) When the administrative action proposed by the Commission against any person is one wherein the Commission has authority to act without first providing an opportu-

nity to be heard, such action shall be valid, but the Commission shall promptly afford the person an opportunity to be heard in conformity with this subchapter.

(c) No hearing shall be provided when the action taken by the Commission 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 Motor Vehicle Commission. 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 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 the 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).

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"; in (d), deleted "summary" following "cause for a" in the introductory paragraph and substituted "the" for "this" preceding "license" in 2; substituted "the Commission" for "the Division" throughout.

#### 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.*

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### SUBCHAPTERS 2 THROUGH 3. (RESERVED)

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### SUBCHAPTER 4. CARDIOVASCULAR DISORDERS

#### 13:19-4.1 Cardiovascular Committee

The Chief Administrator, in consultation with the Medical Society of New Jersey, shall appoint a Cardiovascular Com-

mittee of specialists in cardiovascular disorders for the purpose of guiding him or her in making determinations as to whether persons are physically qualified to safely operate motor vehicles.

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 inserted "or her" following "guiding him".

#### 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) When it shall appear to the Chief Administrator upon information or investigation that any applicant for a driver license or licensed driver suffers or has suffered from a cardiovascular condition, the Chief Administrator may require from such person on forms furnished by the Commission:

1. A statement by the applicant or licensed driver of his or her 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.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (a), neutralized gender references throughout, and substituted a reference to the Division for a reference to the Director at the end of the introductory paragraph.

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 "When" for "Where", "Chief Administrator" for "Director" and "Commission" for "Division" in the introductory paragraph.

#### 13:19-4.3 Review and recommendation

(a) When the Chief Administrator 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 or her 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.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (a), neutralized a gender reference.

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".

#### 13:19-4.4 Findings report

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

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" throughout.

#### 13:19-4.5 Consideration of restoration

When the Chief Administrator 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 Chief Administrator, upon consultation with the members of the Committee, to be applicable in the case.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Inserted "Director, upon consultation with the members of the" preceding "Committee".

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" throughout.

#### 13:19-4.6 Case referral

Upon application for restoration, the case may be referred to the Cardiovascular Committee as provided for in N.J.A.C. 13:19-4.3.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Changed N.J.A.C. reference.

#### 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 Chief Administrator periodic reports on forms approved by the Chief Administrator. 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 Chief Administrator may, in his or her discretion, waive or change the interval report requirement of (b) above.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (c), neutralized gender reference.

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" throughout.