

| Section Number | Offense | Points |
|----------------------------------|---|--------|
| 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) | 4 |
| 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 |
| 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 |

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.

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.

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.

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 |
| 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).

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.