

PUBLIC HEARING

before

SPECIAL COMMISSION TO STUDY LAWS  
RELATING TO THE SUSPENSION AND REVOCATION  
OF MOTOR VEHICLE DRIVERS' LICENSES  
[created by Senate Resolution No. 3 of  
1968 and reconstituted by Senate Resolution  
No. 5 of 1969.]

Held:  
February 20, 1969  
Assembly Chamber  
State House  
Trenton, New Jersey

Members of Commission present:

Robert Coar, Chairman

Senator Frank McDermott

William Jayne, Jr.

Lester Allen

James Horan

David Green

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SENATOR FRANCIS X. McDERMOTT: This is a call to order.

This is the first public hearing of the Committee that was established by Senate Resolution No. 3 of 1968 and reconstituted by Senate Resolution No. 5 of 1969.

The purpose of this Committee is to study and review the laws and regulations of New Jersey and the administration thereof, relating to the suspension and revocation of motor vehicle drivers' licenses.

At an organization meeting, conducted by the Commissioners, who were duly appointed by the President of the Senate, Senator Forsythe, in 1968, and reappointed under this reconstituted Resolution, Mr. Robert Coar was elected Chairman and Mr. Lester F. Allen was elected Vice Chairman.

I now turn over the proceedings to the Chairman.

MR. ROBERT COAR: Thank you, Senator McDermott.

To you wonderful people who are here at our request, I want to apologize for the 15 minute delay and we will try to accommodate your busy schedules.

I believe that the Motor Vehicle Director has asked to testify first and that you yield to her?

MISS STRELECKI: I had originally intended that but Mr. Mullen said that he was going to give a general outline of problems in this area and, under those circumstances, it seems to me more orderly to have him testify first. We both have problem schedules but we thought it might make it more meaningful if he could proceed first.

MR. COAR: Well, I believe then, with all due respect to each other, Mr. Mullen, for the record, I would like to

have your official position and the appearance that you're making, just precisely what it is.

R U S S E L L    H.    M U L L E N: Yes, sir. I am Russell H. Mullen. I am Assistant Commissioner of Transportation for Highways. I am also the Governor's representative to the National Highway Safety Bureau and, as such, I am responsible for the coordination and implementation of the over-all Federal Highway Safety Program within the State of New Jersey as it applies to the various state, county and municipal programs.

MR. COAR: Would you have with you, or knowledge of, the statistical data regarding the accidents and traffic violations in New Jersey involving out-of-state drivers?

MR. MULLEN: No, I do not. I left that subject to the Director of the Division of Motor Vehicles because I believe it is more appropriate. I felt that the most valuable function that I could perform for the Committee, in either of my two capacities, was to outline for you what the Federal Government believes is required for an effective highway safety program and how it should be carried out for the states, what the specific requirements are upon the states, and what the states are doing about it in the areas of the questions which I received.

The questions which I saw appear to cover the aspects of the so-called point system for revocation of licenses - is this a meaningful thing to do in order to reduce accident fatality rates; the value of a commercial license as well as a regular license; the question of the value of

motor vehicle inspections; and the general question of whether these things have any impact on accident fatality rates or not.

MR. COAR: Well, if I might interrupt you, Mr. Mullen, the question of motor vehicle inspections, - I believe the Legislature has assigned that difficult task to a commission that is separate and apart from this Commission.

MR. MULLEN: The only reason I mention it --

MR. COAR: We wouldn't be concerned really.

MR. MULLEN: -- it was attached to the correspondence which I received which was transmitted to Commissioner Goldberg by Senator McDermott. The final question was: Does the present motor vehicle inspection system serve a valid purpose? So, therefore, I was prepared to answer it.

MR. COAR: Well, we are concerned at the moment -- first of all, I understand that you are not prepared to give us any statistics as to the question I initially posed to you.

MR. MULLEN: As to the proportion of out-of-state and in-state drivers?

MR. COAR: That's right.

MR. MULLEN: No, I do not have those. I believe that the Division of Motor Vehicles would have them.

MR. COAR: Well, let me pose this, -and I'm seeking to get some factual evidence before this Committee because I believe that the entire subject hasn't been too thoroughly brought to light.-- do you have any statistics as to the

traffic flow through this corridor state?

MR. MULLEN: Well, the former Highway Department and now the Department of Transportation has always stated that New Jersey, as a corridor state, has a higher percentage of through traffic than most other states, if any other state. The highest number of interstate crossings by motor vehicles in the nation is between New Jersey and Pennsylvania. The second highest number is between New Jersey and New York.

If the Committee would like detailed information as to the volumes of traffic on the state highway system, on the various toll roads, at the various interstate crossings, where it comes from and where it is going to, that can be provided from the files of the Department of Transportation and the various interstate agencies, and we would give it to you in any detail that you request it.

If you take these volumes of traffic and relate them to accident factors - and we can also provide you with the accident factors on state highways, toll roads and local roads: these are worked out annually in cooperation with the Division of Motor Vehicles; we can tell you, for example, how many accidents of what type happened on what road in what municipality - you will find, I believe, although I did not bring that information with me, that the highest proportion of accidents involve roads which are not the corridor roads, which do not carry the heavy volume of interstate traffic, and, therefore, the highest proportion of accidents and fatalities do not involve these interstate through travelers. You will

also find that a very high proportion of the traffic which makes up these interstate crossing movements involves residents of New Jersey.

MR. COAR: Well that may be fine but we are a study commission and we have to make a factual report back to the Legislature. We're interested in statistics and --

MR. MULLEN: Well if the Commissioner would like the type of statistics that I --

MR. COAR: Pardon me, just for a moment. I'm trying to be helpful.

There are traffic surveys conducted. There are thousands of commercial vehicles and motorists throughout the course of the year that are pulled to the side of the road during various periods and are asked certain questions; commercial vehicles are scaled or measured, their destination is asked, there are private censustakers. Those figures are factual statistics that we're interested in. And as the representative from this particular Department, can you supply us with those?

MR. MULLEN: I believe that I can supply the Commission with the following figures immediately, you know, by simply calling up and asking that they be sent down. By "immediately" I mean they would get here within a day. And we can develop other figures within a very short space of time by contacting the other agencies.

We can provide you with the percentage of truck movements versus passenger movements. We can provide you with where the traffic is coming from and where it is going. We

can give you almost anything you want to know about traffic and its character and the type of movement.

The information involving infractions of Motor Vehicle regulations or traffic regulations would have to come from either the Division of Motor Vehicles or the State Police since we are not an enforcement agency.

MR. COAR: I understand that. And before I ask the Committee if there are any further questions they would have of you, I just want to get back to my initial point. We are asking for those statistics taken and paid for by the State of New Jersey on the traffic surveys made by State employees, State Police, and the like, the flow of traffic that comes in from the southern port, the relationship of commercial vehicles to passenger. These are accurate figures. Our function is to get at the merit, the truth of what's what. And this record that I'm talking about - I think everyone on this Committee, at one time or another, has seen a New Jersey State Survey being taken, the State vehicles, the State Traffic Commission. We'll make a determination as a Commission and we'll make an evaluation. We merely want to get what the statistics are. The traffic flow in and out of the State through the Port of New York Authority, the Joint Bridge Commission, - we'd like to get some real truth of these facts.

Now, can you supply us with that?

MR. MULLEN: Well, I certainly want to try to supply the Commission with everything that it wants that I can lay

my hands on. Just let me ask you this. If I gave you a report which showed all of the vehicles which entered New Jersey through the Port of New York facility, for example, within a year's period of time, a given year or it could be for five years or what-have-you, and their characters, and then provide you with the engineering traffic analysis of origins and destination, is that the sort of thing that you want?

MR. COAR: Yes, but as Chairman I would like to say this and then I'll call upon the Committee as a whole. We are not just concerned with the Port of New York Authority traffic flow. What we are concerned with is the type of traffic census or survey that is conducted by the New Jersey Highway Department with the State Police - they count noses, so to speak, on all of our major arteries. We'd like those figures as well as the Joint Delaware Bridge Commission figures. Those figures that are taken on the Memorial Parkway coming in from the southern part of the State, the Memorial Bridge, rather.

MR. MULLEN: Well, for purposes of clarification, sir, so that there will be no misunderstanding, my Department can provide the Commission, and will be happy to do so, with all of the figures showing the character of the traffic, the identity of the traffic, at all of the interstate crossings, no matter whose facility the particular crossing happens to be. We can provide you with origin and destination studies of this traffic. We can provide you with traffic growth

projections and developments throughout the State. We can give you all of that but I would like to tell you that I do not believe this is the result of traffic censuses taken by my department in conjunction with the State Police.

MR. GREEN: Mr. Coar, I wonder if I could interrupt a minute. I think we're going pretty far afield of what we're here for. And Mr. Mullen, do you have the preliminary agenda which Mr. Coar sent to several of us?

MR. MULLEN: I have a letter which was sent to Commissioner Goldberg by Senator McDermott which says: "Enclosed please find a preliminary agenda." "Preliminary Agenda, Assembly Chambers, February 20th, subject, etc. - Points 1, 2, 3, 4, and 5." And I came prepared to give the Committee whatever help I could with particular respect to point 5, point 4 and, to some extent, the general question of the point system for motor vehicle revocation, because those items are covered by the Federal Highway Safety Program, which is my responsibility.

MR. GREEN: Mr. Mullen, do you have a copy of my letter of February 12th which I sent to Mr. Coar and members of the Commission?

MR. MULLEN: No, I do not.

MR. GREEN: Well, let me read it to you for the record, because I --

MR. COAR: Well, if I might be permitted, Mr. Green, I would like to ask one question of you, as the Presiding Chairman.

MR. GREEN: Yes.

MR. COAR: This Committee did not agree on a fixed agenda --

MR. GREEN: It may not have agreed on a fixed agenda but --

MR. COAR: -- and I think if we are going to agree on an agenda that we should do that in executive session.

MR. GREEN: We don't need an executive session because --

MR. COAR: Then I will call the Committee, whether we need an executive session or not.

MR. GREEN: -- because you have gone so far afield in this setup, that I'm not here to go into every phase of trucks being stopped at this point or that point. The Commission, and let me read you the Act.

MR. COAR: I know what the Act says.

MR. GREEN: No, Mr. Coar, don't you stop me.

MR. COAR: Well, just at this point I am going to call to order and ask for an executive session.

MR. GREEN: You may call to order but don't you stop me when I want to talk.

MR. COAR: Well, then, as the Presiding Chairman, I would suggest that the intelligence of this Committee be submitted to executive session.

MR. GREEN: Well I don't think we need an executive session. And if you as Chairman --

MR. COAR: As Presiding Chairman --

MR. GREEN: -- would permit us to continue and not come through --

MR. COAR: You certainly may.

MR. GREEN: -- with remarks of discrimination and so forth, and come down to an orderly procedure. And don't you ever tell me to stop talking.

MR. COAR: Well, let me say this -- I haven't told you to stop talking.

MR. GREEN: Well then, I will continue to read the resolution.

MR. COAR: Well, let the record stand that your so-called preliminary agenda was not agreed to by the Committee. And let the record further show, as Chairman of this Committee, I feel we are duty bound to the Legislature and to the residents of this State to find out what the real statistics are in view of the fact that we are going to study --

MR. GREEN: Well, Mr. Coar, I don't happen to agree with you and I didn't come down here to get a letter of a preliminary agenda which you sent out, and after I wrote to you and other members of the Commission, you didn't have the decency to answer my letter of February 12th and then come here today and find out that you're going into a complete harangue, separate and apart from what the legislative resolution provides.

MR. COAR: Well, I believe that the appointment of this Commission in itself and by itself can certainly call me to task --

MR. GREEN: I'm not calling you to task but I'm telling you that you're going so far afield by asking Mr. Mullen --

MR. COAR: Oh, no. The traffic flow has a good deal of bearing on the point system in view of the fact that we're talking about an issue that underlying is safety. We've got

to know how many people we're talking about, how many vehicles. We have to know as a Commission whether we're going to disturb the safety factor that our residents are entitled to.

MR. GREEN: Mr. Coar, you're not attending a labor meeting of any kind, you're attending a commission hearing.

MR. COAR: I understand that.

MR. GREEN: Just let me read for the record: "It shall be the duty of said commission to study and review the laws and regulations and the administration thereof relating to the suspension and revocation of motor vehicle drivers' licenses and particularly the regulation which established the point system for certain motor vehicle and traffic law violations and in the course of its studies the commission shall consider the merits of establishing a system of limited revocations and suspensions under which persons would be permitted to exercise their driving privileges in connection with their occupations or professions."

And all the questions that you've asked Mr. Mullen have no relevancy at all and I think we ought to get down to the actual reason why we were appointed. And I further come back to my letter and I want my letter to go in as a part of the record. And if Mr. Mullen saw my letter he would see there is no agreement on the agenda. And I don't want anybody to come here based on what you call an agenda.

MR. COAR: Absolutely not. We are existing in a society of democracy, as I understand it.

MR. GREEN: We certainly are.

MR. COAR: And, as Chairman, I think I should direct

your attention to the fact that we are a committee sitting as a whole.

MR. MULLEN: Mr. Coar, may I --

MR. COAR: Would you excuse me a minute, please, just one moment.

I would like to take a five minute recess, if that has the approval of this Committee as a whole.

Mr. Horan?

MR. HORAN: I think so.

MR. COAR: Mr. Jayne?

MR. JAYNE: Yes.

MR. COAR: Mr. Allen?

MR. ALLEN: All right.

MR. COAR: Senator McDermott?

SENATOR McDERMOTT: Fine.

MR. COAR: Would you witnesses bear with us just for a moment.

(Recess)

(After recess)

MR. COAR: Can we come back to order?

I want to thank the witnesses for being patient with the Commission. We're sorry that we were a little longer than five minutes.

For the record, I should have announced the names of the Commissioners present at this hearing. On my extreme right is Mr. David Green; sitting to his left is Mr. William Jayne; to my right is Mr. James Horan; and to my left, Mr. Lester Allen. Assemblyman Herbert Heilmann is on the

Commission and is not here; and, of course, Senator Frank McDermott.

If we can get back to the witness.

Mr. Mullen, could you give this Commission a bill of particulars as to traffic flow that we discussed, at another meeting possibly?

MR. MULLEN: Yes. I would suggest this, Mr. Chairman, if I may. I will be delighted to assemble all of the type of information you have discussed that we have in the Department of Transportation, which is rather extensive. I will also collect what is available from the various toll agencies that are concerned with this problem.

I would suggest that I transmit this to the Commission, at any location you desire, and the Commission take a look at it. If there is some amplification that is required, I am certain that the Commissioner would be glad to make any of our planning or traffic people available.

MR. COAR: I would suggest that you -- would you send us copies and we can give you the names and addresses of those principals that I'm requesting you to send them to after this meeting is concluded.

MR. MULLEN: All right.

MR. COAR: Now, are there any further questions of this witness?

Mr. Green?

MR. GREEN: No, I have no questions.

MR. COAR: Mr. Jayne?

MR. JAYNE: Yes, I would like to just ask a few

questions.

You made the statement that the highest portion of fatalities do not involve corridor roads. Now this undoubtedly means they are on secondary or other type roads.

MR. MULLEN: May I amplify that?

MR. JAYNE: Sure.

MR. MULLEN: I did not bring the statistics with me. I believe perhaps Director Strelecki has them. But I am quite confident you will find that when you analyze the fatality rates per hundred million vehicle miles or the accident rates per hundred million vehicle miles you will find that the major toll roads in New Jersey, meaning the Turnpike, the Parkway and the Expressway, have the safest or the lowest rates. I believe perhaps the Parkway is the lowest. It did enjoy that position for many years. I believe this is in the magnitude of two point something.

Next in order of magnitude is the State Highway System. The rates on the State Highway System for fatalities are in the order of three point something.

The Statewide figure, including all roads, is higher than either of those. And the Statewide figure, of course, is lower than the national figure.

The greatest proportion of your through interstate traffic naturally travels on either the toll roads or the State Highway System. So that was the basis for my statement.

However, it can be broken down in detail by the figures which the Department of Transportation and the Division of Motor Vehicles work up annually, in which we locate all the

accidents on the State Highway System, by municipalities, and calculate the rates for the various types of accidents, and so forth.

In an urban area, for example, figures recently released by the Ford Automotive Research Foundation indicate that approximately 50 percent of your fatal accidents in an urban area are pedestrian, and by far the greatest proportion of these occur off the State Highway System. They would be on your local roads.

One of the major types of accidents, if not the major type of accident, particularly fatal accidents, in a rural area is the common run off the road type of accident, a one car accident. The greatest proportion of these are not on your multi-lane highways, which would be your major thru-state highways, but on your secondary roads, county roads or the less heavily traveled state highways.

We can provide this kind of information.

MR. JAYNE: Mr. Mullen, that's the basis of my question. There are studies of this type available, statistical studies. Does your Department have these studies available to it?

MR. MULLEN: Well, it works like this, if I may, sir.

MR. JAYNE: Yes.

MR. MULLEN: The Motor Vehicle Division keeps very complete records on all accidents reported to it, and, of course, I believe the law requires every accident over \$50.00 damage --

MISS STRELECKI: \$200.

MR. MULLEN: \$200? All right. So every accident that

is reported, they keep a very accurate record of it in terms of its location, character of the accident, time of day, and so forth.

MR. JAYNE: The type of vehicle involved, whether it is commercial or pleasure?

MR. MULLEN: Yes. What the Department of Transportation does is to take these accident records and factor into them the traffic volumes in order to provide the rates. And we issue a joint report annually, two joint reports, one relating to the State as a whole and one relating to just the State Highway System.

MR. JAYNE: All right. Thank you, Mr. Mullen.

MR. COAR: Mr. Horan, do you have further questions?

MR. HORAN: No questions.

MR. COAR: Commissioner Allen?

MR. ALLEN: Yes, I think, Mr. Mullen, I would like to emphasize Mr. Coar's question without going into statistics too far afield, the basic piece of information we want. I would have to dispute some of your statistics because of the Department of Motor Vehicle's saying -- and this is why it gets a little confusing for an amateur commissioner when we read one statistic that says 41 percent of fatal accidents occur on state highways and you tell us that there aren't very many accidents on state highways.

MR. MULLEN: I was not referring to the number of accidents.

MR. ALLEN: Excuse me, sir. So if we could have, I think from the Highway Department, - if we could have this

flow of traffic and how many are out-of-state cars, it would be most helpful to us, and you could provide that to us at another meeting.

MR. MULLEN: I do not know whether we can provide the number of accidents involving out-of-state cars.

MR. ALLEN: No, not accidents, the flow of --

MR. MULLEN: The percentage of traffic.

MR. ALLEN: Fine.

MR. MULLEN: That I think we can come up with.

MR. ALLEN: That will be very helpful. Thank you.

MR. COAR: Senator McDermott?

SENATOR McDERMOTT: I have no questions of Commissioner Mullen.

MR. COAR: Thank you. And we would like to again ask that you give us that information as soon as possible.

MR. MULLEN: May I ask on one question, Mr. Chairman?

MR. COAR: Yes.

MR. MULLEN: I came prepared to provide the Committee with the official statements of the Federal Government with respect to the questions which I thought the Committee was inquiring into. Not to take up your time, I would be glad to attach this material to anything else that I send you, if you want it.

MR. COAR: We would certainly give some consideration -- we'd like to see it.

MR. MULLEN: All right. Thank you.

MR. COAR: Thank you very much.

MR. COAR: Miss Strelecki. For the record, I think we

all can agree that you are the Director of Motor Vehicles.

J U N E     S T R E L E C K I: Fine. June Strelecki,  
Director of Motor Vehicles.

MR. COAR: I would like to pose this question, and I take it from a letter dated February 12th from one of our Commissioners.

What is the extent of reciprocity between New Jersey and other states, either administratively or contractually, with respect to point systems and suspension of drivers' licenses?

MISS STRELECKI: Well, we do exchange information with all of our sister states with regard to violations, suspension and accident information. And, of course, we also have a reciprocal agreement with the State of Connecticut, and then we have one with the State of Delaware. And I believe the year before last we entered into the driver license compact which again provides for exchange of information with the other states. Now we suspend the New Jersey reciprocity driving privileges of out-of-State residents as a result of points incurred or issued in New Jersey. We do not have the authority to pick up their home state's driver license but what we do is to send a notification out to them indicating that they are suspended in New Jersey and we also send notice of this to their home state motor vehicle department.

MR. GREEN: I wonder if I could ask a question?

MISS STRELECKI: Yes.

MR. GREEN: Are you informed at any time as to the

number of points that an out-of-state driver has acquired which, in addition to our points, would result in revocation?

MISS STRELECKI: No.

MR. GREEN: Wouldn't that be helpful to know, if there was reciprocity among the states or between the states so that if a person acquired points in New Jersey, Delaware, Pennsylvania, and so forth, all of which worked together with New Jersey, wouldn't that be helpful to get the undesirables off the road or to at least know how many points they've acquired?

MISS STRELECKI: Well, you know we do have a national reporting system in Washington, the National Driver Registry, where every state reports serious violations, for example, driving while under the influence of alcohol or narcotics, reckless driving, and this is kept on a national basis and this information is sent to us with regard to our drivers as it is forwarded to each of the other states with regard to their individual drivers. And, as a matter of fact, when an individual comes in from another state to obtain a license here we run a check from the National Driver Registry with regard to that particular individual to make sure that there is no existing revocation in another state or in the state where he had his license previously.

Now I am not sure I understand how the system would work with regard to an out-of-state resident who was being subjected to revocation here, because at the moment we take action only with regard to his driving conduct in this State.

MR. GREEN: Well, if a man, for example, has committed a violation, a serious one, we don't pick up an out-of-state

license.

MISS STRELECKI: No, we don't have the authority. We notify the Commissioner in the state where he resides and advise that we have suspended, for example, if that's what we're discussing. Now, if it's Connecticut or Delaware, we have an official reciprocity agreement with them and they will suspend for the same period of time that we have suspended.

Now, in addition, under the Driver License Compact, for driving while intoxicated, states which are members of that will extend the same period of revocation or suspension that we have imposed with regard to their licensing.

MR. GREEN: Well, if a man is arrested for drunken driving his license is picked up immediately, regardless of what state he is in, isn't it?

MISS STRELECKI: No, I don't believe so. No, it is not.

SENATOR McDERMOTT: Under the law, if you don't mind my answering a question - under the law when a man is charged with drunk driving he has to have a hearing first before the license is lifted and, generally speaking, if he is found guilty at the lowest level, I believe you do pick up his license even though he may take an appeal. I think at that time you do lift the license.

MISS STRELECKI: Some magistrates may have their own system in this regard but I do know that many magistrates do not take the license if the individual is an out-of-state resident because they feel that this authority rests solely within the jurisdiction where the individual resides. They

impose the revocation but he's permitted to keep the license and we then notify of the revocation and, as I've indicated, in most states they will also impose the suspension or revocation when it's based on a drunk driving conviction.

MR. GREEN: Well, let me follow that up. If an out-of-state driver is picked up for drunken driving in New Jersey all that can happen is, he's required to put up bail, but he still can drive on the road?

MISS STRELECKI: Oh, yes.

MR. GREEN: Well something should be done about that.

MISS STRELECKI: Our drivers continue to drive until convicted. It's not the charge which effects the taking of the license, it's the conviction based on the charge.

MR. COAR: Do you have any further questions, Mr. Green, of the witness?

MR. GREEN: No. Thank's very much, Director.

MR. COAR: Well, Mr. Jayne?

MR. JAYNE: I would like to ask this question. What is your opinion of the present system, particularly in the area of revocation. As Commissioner, do you have an opinion in this area at all?

MISS STRELECKI: I'm not certain that I understand the question. I mean, are you talking about our entire --

MR. JAYNE: Our present 12 point system.

MISS STRELECKI: Oh, the point system. Well, I think that the point system as it is presently operating is an effective program. I think the thing that it's important to

understand is that actually a very small percentage of our drivers are involved with the point system program, and, as a matter of fact, we have some 3,800,000 licensed New Jersey Drivers and we actually suspend only 13,000 under our point system program on an annual basis. Now let me give you the exact figure on that. Under our point system program we suspended I believe 13,000 - let me see if I can find my statistics here --

MR. JAYNE: Did you say 385,000?

MISS STRELECKI: We have 3,800,000 licensed drivers for the year 1968. And under the point system program we suspended 13,418 drivers. Now, in addition to that, we offer to the individual the opportunity to attend school.

MR. JAYNE: Right.

MISS STRELECKI: So, if I could give you those figures for the record, we have - last year, now, we had 23,491 individuals who were subject to revocation under our point system program. Now of these, 19,706 were offered the opportunity to attend our driver improvement school which is a three evening, six hour, program where in lieu of the two months' suspension they can attend this retraining program which we have. And of the 19,000 to whom we gave this opportunity, 10,000 requested school and 8,758 completed the school successfully. So that, you know, we're operating in the area where we take approximately 50 percent of the people who would be subjected to possible suspension and we say we would rather bring you in and try to correct the problem that is causing you to become a violator of our laws,

and we give them this opportunity. Yet, only 50 percent of these, you know, 20,000 individuals avail themselves of the opportunity to attend this school in lieu of suspension.

So that we end up with 13,000 people suspended under the point system program. And most of these individuals - well, of the 13,000 about 10,000 of them probably could have saved their license had they elected to attend school.

MR. JAYNE: So the actual total of those being suspended was 13,418 suspensions.

MISS STRELECKI: Right.

MR. JAYNE: Now, based upon this, is there any basis of information as to whether these were persistent violators?

MISS STRELECKI: Yes. Of the 13,418, 3,785 were persistent violators. So actually we come to a figure of actual point system suspensions of under 10,000. And to me this is certainly a very small percentage when you consider the fact that we have 3,800,000 licensed drivers.

MR. GREEN: I wonder if I could ask the Director another question.

Director, of the 13,000, have you any statistics to show how many are hardship cases of individuals who need a license to do their work?

MISS STRELECKI: No. We have no statistics which would indicate hardship or non-hardship but it would seem to me that you could probably analyze that the individuals who have elected the option of attending the driver improvement school would certainly be the individuals who needed a license to drive. I would think that they would take this

opportunity to attend school for three evenings and, of course, save the license. Of course, there are instances where this is not so.

MR. GREEN: May I ask you further on that, how many applications have been made during the last year of individuals who would be affected, similar to Policeman Fosgate in Roseland who needed a license to drive and they couldn't get employment without it. Could you give us an idea how many applications or requests?

MISS STRELECKI: No, I cannot because actually the point system violators make up a very small percentage of the violators. In other words, we actually suspended in 1968 129,479 drivers. The bulk of our suspensions do not involve the point system but actually they involve our security responsibility law, the uninsured driver, and those suspensions last year involved 45,870 drivers. So that, you know, whether there was hardship or not doesn't enter into it because under the Security Responsibility Law it is an absolute suspension and we have no discretion at all in this area.

MR. GREEN: But now I'm only talking about the point system. And I wonder have you any statistics of commercial operators whose licenses have been revoked because of the point system.

MISS STRELECKI: No, and I can only say that this correspondence does come directly to me with regard to review and I get a very minimal number of letters in this regard. And I do assure you that when I get a letter of

this kind we immediately take the file out and review it and give the individual an opportunity to come in for a hearing with me when I get this kind of letter. But I don't think that I get more than two a month in this regard.

MR. GREEN: So that if I represented a person who had a commercial license or whose license to drive was so essential that he would lose his job, I could apply to you and you say that there have only been about two of those a month?

MISS STRELECKI: I get a very, very small number of letters in this regard. And, of course, I should say one of the reasons is -- I should say, there are a number of reasons, one being the school program which is offered to individuals; another is that we do consider, you know, in the hearing and in assessing the possible either warning or suspension, the individual's need for a license. This is one of the considerations. We also consider his driving exposure. And I think, as a result of these considerations, that we truly do get very few individuals who are involved in a hardship kind of program, under the point system, now.

MR. GREEN: Yes. That's the only thing I asked about, the point system.

MISS STRELECKI: And I might also point out that, in addition, where there's an out-of-state violation in a state other than Delaware or Connecticut, we do not assess the full number of points. Now for two years we have now been assessing two points rather than the four or the greater number of points which might be involved in the

violation where it's a state with which we do not have an official reciprocity agreement, since we did receive complaints that the individuals often did not have an opportunity to be heard; we felt that since we did not have an official agreement with these other 48 states, we reduced the points assessed to two and we consider that in the over-all picture when we're reviewing an individual's possible suspension under the point system program.

MR. JAYNE: Miss Strelecki --

MR. COAR: Excuse me, Mr. Jayne. Have you finished, Mr. Green?

MR. GREEN: Yes.

MR. COAR: All right, Mr. Jayne.

MR. JAYNE: Taking our sister state, say Connecticut which I think has a reputation for safety, based upon their law for the revocation of licenses versus the State of New Jersey, is ours more lenient or is it --

MISS STRELECKI: It's quite similar.

MR. JAYNE: Quite similar.

MISS STRELECKI: Yes. In fact, that's one of the states that we have reciprocity with. Our program compared with Connecticut's is quite similar, almost identical. We have, you know, the suspension for speed programs which they originated, really. And they also have the point system program. If our driver is involved there and they suspend, we suspend. You know, we have that reciprocity with them and our program is very similar to Connecticut's.

MR. JAYNE: Well, this last question, if you can answer it from your knowledge. Prior to New Jersey's point system coming into effect, which I believe is '52, 17 years, I am sure that the Department has probably keep statistics especially before and after this system was instituted. Was there a ratio? Certainly there's a growth factor involved in population. Was there any significance in the terms of safety and highway accident reductions, and so forth, when this point system came into effect in those years up to the present date?

MISS STRELECKI: We made a comparison, when we understood that we were to be here, between 1952 and 1968, and I can give you those statistics which indicate that in 1952 we had 2 million registered drivers, licensed drivers, and we had 1,800,000 vehicles; we had 73,000 accidents which were recorded that year. So that our accident rate for every one hundred million miles of vehicular traffic was 4,032 accidents. Now in 1968 we had 3,800,000 licensed drivers; we have 3,500,000 registered vehicles. And we have, only an estimate now because I figured they're not yet complete for 1968, - we estimate 200,000 accidents which means that we are averaging 5,765 accidents per one hundred million miles of vehicular traffic. So there is an increase but we feel that this is a percentage increase as a result of the percentage increase in the vehicles and the drivers on the road and we do not feel that its a commended upsurge in accidents. Of course, you know, we would like to do something to turn

this in the other direction but we do feel that the point system program is in effect doing its job. And I think when you compare the fact that the point system individuals involved in the program are I think .6 percent of all of the drivers, you can see that the impact would not be extremely great on the accident rate.

MR. JAYNE: Actually the Department has no means or records of distinguishing between a commercial driver, using that term, and someone who drives for pleasure or for their own use.

MISS STRELECKI: When you say means of distinguishing, if it involves the point system program, of course, we do because, you know, we have the individual record and he provides us with the data at a hearing, for example, you know, with regard to his needs involving work or whatever the hardship might be. But as far as the actual statistics that I just finished relating to you, no.

MR. JAYNE: Thank you very much. You've been very helpful.

MR. COAR: Mr. Horan.

MR. HORAN: Miss Strelecki, do you have any further breakdown of the nature of the violations which resulted in the 13,418 suspensions?

MISS STRELECKI: I'm not certain that I understand the question, Commissioner, when you say further breakdown on the 13,000.

MR. HORAN: The nature of the violation which resulted in this offense.

MISS STRELECKI: Oh, no. I can only tell you that they are in each instance very different and an accumulation of --

MR. HORAN: What portion would be speeding, for example?

MISS STRELECKI: I would say the largest portion, just from my review of these, the largest portion involved speeding violations. But I do not have statistics with me but just from my daily review of these cases I find that the majority of violations are speeding violations.

MR. HORAN: But you would have the actual records in your office.

MISS STRELECKI: Yes. I would be very happy to forward these statistics to you.

MR. HORAN: I think they would be interesting to the Committee.

MISS STRELECKI: Oh, certainly. I will be very pleased to.

MR. HORAN: Thank you.

MR. COAR: Miss Strelecki, you mentioned that the reciprocal agreements that the State of New Jersey has is solely between two states, that being Connecticut and Delaware.

MISS STRELECKI: Right.

MR. COAR: Now, do I understand that there are non-existent any other states as to that agreement?

MISS STRELECKI: Yes. In other words, we have no official reciprocity with any state other than Connecticut

and Delaware. We have actually entered into a contractual reciprocity agreement with these two states. However, under the Driver License Compact, which was enacted into law just two years ago, we do have what is very similar to a form of reciprocity in that we exchange information with regard to all of the member states, in this Compact. But even without the Compact we were doing it so that at the present time we receive information with regard to our drivers from over 40 states.

MR. COAR: Well, that is the question I'm trying to develop. Let me give you an example by way of this question. You have a New Jersey resident driver whose employment is conditioned upon his having a driver's privilege or license in this State. We have a driver from Pennsylvania or New York, similarly situated. The New Jersey resident comes under our statute, as I understand it.

MISS STRELECKI: Right.

MR. COAR: Now my question to you is this, and bear in mind that the Pennsylvania or New York resident driver is similarly situated, he needs his license as a condition of employment, - do I understand that we do not have an effective way of treating him the same as we do our own resident so far as points?

MISS STRELECKI: I do not understand the question.

MR. COAR: Well, let's take the illustration as I first started, the New Jersey resident versus the Philadelphia or New York resident. The out-of-State operator is stopped in the State of New Jersey and given

a ticket for X, a two point ticket, he goes back to his state. What happens insofar as his license if those points require revocation under our statute?

MISS STRELECKI: We would revoke here and we would notify either New York or Pennsylvania that we have revoked.

MR. COAR: Yes, but is it not a fact that we do not have any assurance or any agreement with those two states that they will in fact revoke their resident's driving privilege?

MISS STRELECKI: No. As I've indicated, depending upon, for example they're driving while intoxicated, - most states in the compact will revoke for driving while intoxicated or driving while under the influence if they're members of the Driver License Compact.

MR. COAR: Excluding drunken driving.

MISS STRELECKI: Excluding that, I cannot tell you what Pennsylvania or New York will do with regard to their driving privilege. And, of course, I only have jurisdiction with regard to conduct in our State and we do take action and treat him just as we treat our own licensed driver with regard to the driving records that we have for him in our State.

MR. COAR: What is the enforcement insofar as jurisdiction of your Agency? Do we have a port of entry to prevent these drivers from coming back into this State? Do we check them?

MISS STRELECKI: Well, only to the extent that they are stopped, as with any other enforcement procedure.

We do not enforce - of course, we enforce to a limited degree but my officers only enforce going to and from their regular assigned duties so this would fall on local enforcement people or State Police. I can only tell you that statistics indicate that with regard not only to the individual who is suspended here and still licensed to drive in another state but with regard to our own citizens that a very high percentage of people on the suspended list continue to drive in spite of the fact that they are suspended or revoked. And it would seem to me that the only answer to this is, as you have indicated, a stricter enforcement in this area. And I have on numerous occasions requested our Association of Chiefs of Police to establish stops at various points in order to check driver licenses and registrations and, for one reason or another, they are apparently reluctant to do this. And until we go into that kind of a program we, of course, are going to have people driving who should not be driving.

MR. COAR: Well, my concern in this area of question, is dealing with the basis of the point system. If we are not under a reciprocal agreement whereby out-of-state non-resident drivers are permitted to come back into this State, aren't we somewhat affecting the standards of safety?

MISS STRELECKI: No, because they are not permitted to come back in, regardless of whether or not --

MR. COAR: My question is, where do we have jurisdiction to stop them under the present statute?

MISS STRELECKI: Well, they're listed as revoked on our computer and if stopped by a law enforcement officer and he makes a check - as a matter of fact, we just went into a new program, I'm happy to be able to inform you, where we can give you in ten seconds a look-up in this area. We have just installed the equipment for that. If an enforcement officer calls in we can key into our computer and within ten seconds give you information with regard to a particular individual. So it is not that we are not handling this problem. I agree with you that we have to extend and go into greater reciprocity with all of our sister states. And I would hope that one day we would indeed have such a program throughout the fifty states. And I think the National Driver Registry is part of this program because if a driver is revoked here, the National Driver Registry is set up to keep that information on a national basis. They have fifty states now with revocation information which is available to all of us by simply contacting the agency down there.

MR. COAR: Well I would like to clear up some of the problems that I find that are misleading. We have to make a report back to the Legislature.

MISS STRELECKI: Right.

MR. COAR: The State of New York is rather large, as I see it, and my question again deals with the two neighboring states. In effect, isn't there a different form of punishment or preventive justice applied to our residents as compared to those two states when it deals

with -- well, does the State of New York take their license if you send them a bulletin?

MISS STRELECKI: I do not know.

MR. COAR: Does the State of Pennsylvania?

MISS STRELECKI: I cannot tell you --

MR. COAR: Or Florida or Georgia?

MISS STRELECKI: -- but I understand that Pennsylvania is going into a program which will be more stringent than it has been.

MR. COAR: As of now, though, they don't.

MISS STRELECKI: I do not know.

MR. COAR: Do you think you could get the information for this Committee?

MISS STRELECKI: Yes, certainly.

MR. COAR: I would like to have a legal answer so that we get some facts as to whether or not there is discrimination against the class.

MISS STRELECKI: Well I don't call that discrimination. I think we're using the term in a different way.

MR. COAR: Well let me be a little more polite. I would like to know whether or not the Motor Vehicle Statute, as it presently is drawn, has jurisdiction over other non-residents, other drivers in this State, in the same fashion as it has over its own residents.

MISS STRELECKI: It certainly has to the extent that they drive in the State of New Jersey. It certainly has. There's no discrimination at all.

MR. COAR: Again my question is rather pointed.

You don't know if New York and Pennsylvania revoke on your notice that the man had received points, or the driver.

MISS STRELECKI: I do not have the answer to that question. I do not believe that they do but I would not want to go on record as saying that they do.

MR. COAR: May I ask another question. The deterrent penalty of 12 points under the system - has that shown any reduction in fatalities or accidents since its inception?

MISS STRELECKI: I cannot tell you whether there is a correlation, simply because we have no studies which would indicate whether this is true or not. But it just seems to me that a commonsense dealing with this problem would indicate that where you have individuals who are persistent violators and we know that an accident occurs because of a violation, that it is certainly clear that some action has to be taken in this regard with regard to impressing upon these people that they are potential killers or potential causers of property damage. Now we try to be remedial, not punitive, and that's why we put in our driver improvement schools.

MR. COAR: That's why I was interested in the nonreciprocal agreements, that we don't have with Pennsylvania and Connecticut.

MISS STRELECKI: Right. Well, I might say that we are negotiating with these states and attempting to go into a reciprocity agreement with both of them.

MR. COAR: My second question now deals with the penalty that is commensurate with the motor vehicle violation insofar as the points. And again I would have to give you an example of the New Jersey resident. Doesn't the effect of the present point system have more effect on a Baptist Minister than it does on a person who needs his license for employment?

MISS STRELECKI: I haven't any idea what that means. I don't understand your question.

MR. COAR: Let me say this. If you take the privilege away from a Baptist Minister, that is a deterrent, he can't drive, but he doesn't lose his job, does he?

MISS STRELECKI: I have no idea whether the Baptist Church, you know, requires a driver's license.

MR. COAR: Let's take a factory worker. Does the deterrent system of points, as applied to a factory worker, have the same remedy as applied to a truck driver?

MISS STRELECKI: It could very well have the same effect if the factory worker resides in an area where there is no public transportation available to him.

MR. COAR: Is the penalty equal to both, the remedy?

MISS STRELECKI: There's no such thing as equal penalty or remedy simply because each case is determined on the individual basis. And, as I've indicated, you know, we start out with only 23,000 cases to begin with, under the point system program, and then with regard to each of these the record is composed of, you know, anything from reckless driving to speeding violations. And, number one,

we consider the violation before we assess either a warning - many of these people receive warning notices rather than proposed suspension, and we consider the need for the license, whether it be as a result of needing it because he is in fact a truck driver or whatever his occupation might be where a license might be required, an enforcement officer or what-have-you, or a Baptist Minister, and then, in addition to that, the exposure of the individual is considered. So that I don't see how anyone could think that we were discriminating in any way. We just make every effort to correct. The attitude that the Division takes is that our function is not punitive but what we're trying to do is to correct the driver who is involved in a motor vehicle violation because we know that eventually a violation can lead to an accident. So this is our area of concern.

MR. COAR: Well, based on our present deterrent point system, it's designed, as I understand it as a Commissioner on this Study Commission, to deter a person from being an unsafe driver. You penalize them.

MISS STRELECKI: No. That's the point I'm making. We are trying to make him a safe driver.

MR. COAR: But you say he's not. Under the system that you can't drive.

MISS STRELECKI: No, I don't say that. I think the most significant part of this is that of the 23,941 cases that we have, 3,785 are persistent violators. Now we come down close to 20,000 who would be subject to

possible revocation and we said to each of those 20,000, we will not suspend your license if you come to our driver improvement program and take our training program so that we can correct whatever it is that is causing you to be a problem driver. And out of these 19,706 only 10,000 requested the opportunity to go to school. Now 8,758 of these completed the school successfully. So we didn't take their license at all, they're still driving. Now, of the other 10,000, I don't see how anybody could say that we are discriminating or penalizing or deterring by saying you can't drive, when they elected on their own choice not to avail themselves of this opportunity to keep their license and continue driving. We want to bring that individual in and say, what is the problem? you know, why is it that you are one of the very few drivers - and remember very few of our drivers come under this program - involved in this point system program and what can we do to assist you so that in the future your record will be violation free?

Now to me it's significant that we have 3,800,000 drivers, New Jersey drivers, on our roads and such a small percentage of them are involved in the point system program at all.

MR. COAR: Well, I just want to focus and I don't want to be repetitious but, again, we have resident A, resident B. A is a factory employee or clerk, B requires a license and it is contingent upon his employment. Both get 12 points, the same time, same date, same offense,

and the factory is the Westinghouse plant in Trenton. Is it not a fact that the penalty is more severe to the non-factory worker?

MISS STRELECKI: No. Why is it more severe when they are both offered the opportunity to go to school?

MR. COAR: Make that equal. Assume, arguendo, that they both go to school but, nonetheless, isn't the penalty in the final analysis more severe in the B example than it was in the A?

MISS STRELECKI: No. What is the penalty? I'm not penalizing --

MR. COAR: Revocation.

MISS STRELECKI: No, I haven't revoked. I've sent them to school.

MR. COAR: They both go to school.

MISS STRELECKI: Right.

MR. COAR: And they fail.

MISS STRELECKI: Then don't you think that there is a problem there that ought to be corrected?

MR. COAR: I don't dispute that, Miss Strelecki. As a Director, I'm for safety, but I'm also for equal penalty under law.

MISS STRELECKI: Well, to me it's equal. In addition to the fact that they are permitted to bring before us any factors which would weight one case in a way which would be different from the other.

MR. COAR: I phrased my question, assume arguendo that is so and they both went to school. A loses. His

license is revoked. He gets on the bus and he goes to the Westinghouse Plant and goes to work. B, he gets on the same bus and he goes to the same location but his employer says, I'm sorry, you don't have a driver's license, I can put A to work but I can't put B to work.

MISS STRELECKI: I can only tell you that the majority of people who fail fail because they fail to complete the program and not because we don't work with them and try to bring them through.

Now almost all people who fail the driver improvement school fail it because they fail to attend all of the sessions and do not participate in the program. We have discovered that with almost every single driver who attends school that he can in fact pass the program if he attends the lectures because our men are instructed to work with anyone who is having any difficulty at all because that's the object of the program to correct this individual. If there is someone there who is having difficulty, our officers work with this individual and correct whatever the difficulty might be. So that when you discuss an individual who has failed the program, what you're talking about in 99 percent of the cases is an individual who has failed to participate, hasn't gone.

MR. COAR: Now there's one other question. You've mentioned something about the security and responsibility law, unsatisfied claims or whatever it is?

MISS STRELECKI: Well this is, when you're involved in an accident and you are uninsured, under the law as it is presently constituted, you must either post a bond for the

amount of damage which is listed in the claim or you can put the money into --

MR. COAR: Well that leads to my question here. Does that apply and does the present Motor Vehicle statute have jurisdiction over all other 48 states, and does it apply to the similar persons that are similarly situated?

MISS STRELECKI: If it's an out-of-state driver or in-state driver who is uninsured and involved in an accident in this State we will suspend his driving privileges.

MR. COAR: I see. You, in the State.

MISS STRELECKI: Yes, that's right.

MR. COAR: Is his privilege suspended in the State of Pennsylvania at the same time by that state motor vehicle authority?

MISS STRELECKI: In this area we find that most states do suspend for this. But once again I could give you this information. I would be happy to forward it to you.

MR. COAR: I would request that and I would like to know whether or not there is an administrative practice between our Motor Vehicle Department and the other 48, as it applies to this question.

MISS STRELECKI: Right.

MR. COAR: I would like to know whether or not there is any contract or any agreement entered into between our State, as a state, and in regard to the other states.

MISS STRELECKI: I can only tell you that we have no discretion in this area at all. It's a requirement by law and it applies even to an individual who may not be at fault in

the accident. It's an absolute liability on the part of the driver, by statute, which says that if you're involved in an accident and you're uninsured - and we are not permitted to assess fault, we can only review the accident, the individuals who are involved and any individuals who are uninsured are required to post a bond for the full amount of damage which is claimed in the accident report form.

MR. COAR: Did that type of enforcement apply years ago to that incident at Ryder's Lane, you know the famous case?

MISS STRELECKI: Oh, yes, it did. This statute has been in effect - I don't remember the year of the accident but I'm sure it was in effect then.

MR. COAR: Thank you. I have nothing further, just that information I requested.

MISS STRELECKI: Oh, yes. I might add that we would be happy to forward any statistics that you might think of. You know, after I leave, if there is any additional information that we can supply you with we would be happy to give it to you.

MR. GREEN: Mr. Chairman, I wonder if I could ask Miss Strelecki some questions.

Miss Strelecki, then I gather from what you said that of the twenty some thousand that were subject to revocation because of the point system, of that amount approximately 9,000 failed to avail themselves of the right for training to retain their license.

MISS STRELECKI: Correct.

MR. GREEN: And that in practically every case those that failed to obtain their license again were those that

didn't continue with the course in school.

MISS STRELECKI: Yes. I can tell you that of the 10,108 that requested school 8,758 completed it successfully; 1,350 didn't fail but failed to complete it, they failed to continue with the program and consequently were subject --

MR. GREEN: Now, of those who failed to continue, have you had a petition or request from any of them to reinstate a license because of hardship?

MISS STRELECKI: No. What I have had in a number of instances is a request to reschedule them for the improvement program at another time.

MR. GREEN: And you would reschedule them.

MISS STRELECKI: Oh, yes, we have. In some instances, we've done it two or three times where the individual can, indeed, show that there was a valid basis. For example, with some individuals they have employment which takes them out of state frequently and where an individual makes a request for rescheduling indicating that they were unable to attend for a valid reason, we are very pleased to reschedule.

MR. GREEN: So that in any hardship case where there was effort made on the part of an individual your department would remedially help.

MISS STRELECKI: Oh, yes.

MR. GREEN: Now, the next thing that I just wanted to get straight. If I, a New Jersey driver, am involved in an accident or I am involved in a violation outside of Delaware and Connecticut - those are the two states with which we

reciprocate -

MISS STRELECKI: Yes, right.

MR. GREEN: If I'm involved in a violation in Pennsylvania which would require Pennsylvania to assess points, those points aren't related to my driver's license in New Jersey, are they?

MISS STRELECKI: To this extent, the violation or the conviction of the violation is forwarded to us. We record it but we do not assess the number of points which would normally be assessed had the violation occurred here - we assess two points - so that this is indicated as an out-of-state violation from the state with which we do not have reciprocity and it is taken into consideration when your over-all record --

MR. GREEN: Oh, that's on an over-all picture.

MISS STRELECKI: Yes.

MR. GREEN: But if a person reaches a point then out-of-state violations are considered.

MISS STRELECKI: Yes, they are.

MR. GREEN: But are they considered in getting the basic points for the revocation?

MISS STRELECKI: Yes, they are.

MR. GREEN: But you said they were considered as two points regardless of what they were there.

MISS STRELECKI: That's exactly right.

MR. COAR: Is that administratively - if I may inject - is it an administrative policy of your Department to reduce the two points or is it a matter of statute or law?

MISS STRELECKI: The point system is by way of regulation filed with the Secretary of State and this is part of the regulation.

MR. COAR: I see.

MR. ALLEN: Director, I want to commend you. I think you have been very helpful with the information you've brought. You have wonderful statistics and I am sure that they will be very helpful to us in our guidance.

Could you tell me about a time lapse in this business of the driver improvement school. Let me give the case of a driver whose license is subject to revocation. Is he permitted to continue driving as he goes through this exercise of being invited to the school and attending the school?

MISS STRELECKI: Yes, he is.

MR. ALLEN: And if he chooses not to go to the school he's driving up to the point that he fails to accept the invitation and then his license is revoked.

MISS STRELECKI: Actually when you are subjected to a possible suspension we send the notification out and the notice contains the option that you can elect the driver improvement school, you can elect a hearing if you feel that your case is such that if you came in and explained the circumstances surrounding it that we would probably merely issue a warning. You have that option. Or you have the option to accept the period of suspension, which many people do for whatever the reason may be. But, in any event, at the

point that you select either option the driver improvement school or the request that we schedule you for a hearing, the suspension does not then go into effect. We then give you the opportunity to either come in and be heard with regard to the hearing, or the opportunity to attend school and then, depending on the outcome of both of those, make a new determination with regard to what would occur with regard to driving privileges.

MR. ALLEN: Thank you.

Another question. There is an automatic suspension of a driver's license for speeding above a certain limit.

MISS STRELECKI: Yes, there is.

MR. ALLEN: Is that automatic suspension included in the point system?

MISS STRELECKI: Yes, it is.

MR. ALLEN: In other words, these people in the 13,000 or the 23,000, this is part of the --

MISS STRELECKI: Yes, it is. Oh, no, I'm sorry. I misunderstood you. I thought you meant were these people part of our point system program. No. Those involve different statistics. I'm very sorry, I misunderstood your question, and I can give you those statistics.

Speed program - 24,698 people were suspended last year by the Division under the speed program and 9,503 by our courts for the excessive speed program.

MR. ALLEN: And this excessive speed would be at a certain point over the speed limit you just automatically lose your license.

MISS STRELECKI: Yes. I can leave this with you. Ten or more miles over the legal limit providing the speed as indicated is 60 to 80 miles per hour.

MR. ALLEN: And none of these people then are represented in this figure of 13,000 or those who have had their licenses revoked for other reasons.

MISS STRELECKI: Well, they are represented to the extent that the speeding conviction might be part of their overall driving record, but this 30 days, 60 days, 90 days, whatever it might be, depending upon the speed that the individual was traveling at, is a separate program. I guess that's been in since 1959. I think Governor Meyner was Governor then. It was started by executive order and it was my understanding that it was because Connecticut was having success with the program that New Jersey instituted it. But we have no discretion in that area.

MR. ALLEN: It's automatic.

MISS STRELECKI: Yes, it's automatic.

MR. ALLEN: So I suspect that where we are charged to consider the point system, the concern that may be on our minds would be the total suspension.

MISS STRELECKI: I would think that you would consider it. And with your permission, I would like to present to you our statistics indicating all areas of suspension because I sincerely believe that you could look at some of these other programs and perhaps come up with some changes.

MR. ALLEN: How would you propose that you would present this information, now or would you prefer to submit

it later?

MISS STRELECKI: No, I could list it for the record but we have all of these statistics available and I think it might be more helpful to you if I were to prepare a report for the Commission and mail it to each of the Commissioners so that you would have the opportunity to review all of the statistics. Then in any areas where you would have a question, we would be most pleased to come back again and answer any questions you might have or write out the answers to any questions that you might submit to us.

MR. ALLEN: Senator, are we permitted to explore this whole subject of suspension, according to the resolution or are we to remain within the consideration of studying the point system?

SENATOR McDERMOTT: It says, "It shall be the duty of said commission to study and review the laws and regulations and the administration thereof relating to the suspension and revocation of motor vehicle drivers' licenses." Now I think --

MISS STRELECKI: The whole area, yes we thought it was the whole area.

SENATOR McDERMOTT: That was the general area, Miss Strelecki and then it had in there a particular area and particularly the regulation which established the point system.

MISS STRELECKI: Yes.

SENATOR McDERMOTT: But it's broad and then it specifies the point system too.

MR. ALLEN: Thank you, Senator.

Well, with the concurrence of my fellow Commissioners I think the report you propose could be most helpful to us, Miss Strelecki.

MISS STRELECKI: We will be very pleased to submit it. We are very pleased to have you review the entire program because there are some inequities in the law in some of these areas. For example, - of course, you could weigh it both ways but we often get complaints with regard to the individual who is involved in an accident through no fault of his or her own - it could be, you know, stopped at a light and be hit in the rear by an individual and because they're uninsured they must post a bond for the full amount of damage to themselves. So when you look at it it seems a little inequitable. Of course, the argument on the other side is that if they're driving they ought to be insured. But I do believe that it would be helpful to have this Commission look at these problems and we would be very happy to point out some of the areas that we have been reviewing and which we would be very pleased to review with you if you were able to do so.

MR. ALLEN: That's very kind.

I am sure your Department has a figure on the percentage of fatal accidents that are related to out-of-state cars and those related to in-state cars.

MISS STRELECKI: Unfortunately, I apologize to you because --

MR. ALLEN: Oh, not right this minute but if you could supply that information to us. The reason I ask is that

I would then try to relate such a figure to the question that Mr. Coar put to Mr. Mullen.

MISS STRELECKI: I have violations with regard to --

MR. ALLEN: That would be helpful, surely.

MISS STRELECKI: Now in 1967, for example, we had 610,789 conviction violations and then of these 507,949 were New Jersey drivers, meaning that 102,840 were out-of-state drivers or about, with my mathematics, 17 percent but don't hold me to that because I'm very poor at mathematics.

And then, see we don't have the final total on 1967 but we had 183,024 accidents for 1966 and 317,507 drivers were involved in these accidents. And of this number, 40,355 were out-of-state drivers, so we estimate that about 13 percent of the drivers involved in accidents in 1966 were out-of-state.

MR. ALLEN: This, of course, has no significance now until we relate it to this corridor traffic.

MISS STRELECKI: That's right.

MR. ALLEN: That figure was 13 percent, you say?

MISS STRELECKI: We estimate about 13 percent.

MR. ALLEN: Now what was the percentage figure again on the --

MISS STRELECKI: 17.

MR. ALLEN: That's on the violations.

MISS STRELECKI: That's on violations. And that was for 1967. Our accident statistics at this point are only up to date through 1966.

MR. ALLEN: Thank you very much.

MR. COAR: Senator McDermott?

SENATOR McDERMOTT: Miss Strelecki, you mentioned that at present New Jersey has reciprocity with Connecticut and Delaware. Did New Jersey ever have a reciprocity agreement with other states in the past?

MISS STRELECKI: Yes, at one time with Pennsylvania and New York or at least we were negotiating with New York. We had reached the point - as a matter of fact, when I was appointed as Director we were negotiating with the Commissioner at that point to enter into reciprocity and then, for whatever their reasons might be, they decided to change their minds with regard to it and we did not get into the program. With Pennsylvania, we had it at one time but we no longer have it. But we are continually speaking to all of our sister states in this regard. We have an Eastern Region Conference where we try to effect reciprocity with our sister states but, for one reason or another, this apparently is not a popular program so, consequently, we have had a little difficulty actually getting a formal agreement with our sister states in this regard.

SENATOR McDERMOTT: Did the State of Pennsylvania ever make public to you their reasons for dropping out of the reciprocity agreement?

MISS STRELECKI: They did not to me, but Seymour has been there longer than I -- he's saying that their mandatory speed program was different from ours and their point system regulation was different from ours so they did not feel that it was possible to continue with the reciprocity

agreement. But I will say that we have received communications from members of their Legislature indicating that they are considering a program which is similar to ours, so we're very hopeful that if this program is enacted we can once again resume our reciprocity agreement with Pennsylvania.

SENATOR McDERMOTT: Now, is it possible that a person could have two driver licenses from different states?

MISS STRELECKI: Yes, it's possible, but I might point out to you that the compact, the driver license compact, - one of the most meaningful parts of the compact is the single license concept. So that all states which are members of the compact will issue a license only to the individual in his place of residence.

SENATOR McDERMOTT: Well the reason I bring up that question, there are many people who could have a residence in New Jersey and also a legal residence in Florida where they go every winter and take out a Florida license too.

MISS STRELECKI: Well, we will issue only one or the other. In other words, Florida or New Jersey, unless there is some special reason or some special circumstances where you require it for employment, which is recognized under the driver license compact. But if you do not require it from another state for reasons of employment, all of the states which are members of the compact have agreed to this single license compact and you must elect one state or the other as your residence. Of course, you know and I know that there are many people who, I am sure, have a half dozen licenses which have not even been issued by benefit of a department of

motor vehicles but which have been obtained through various other sources. I remember when I was in the Prosecutor's office we had an enterprising barber in Newark who was writing it on a piece of paper to individuals of limited intelligence and he was selling them for \$5.00 and he would just give you a piece of paper and say, this is your New Jersey driver's license. So there are various means of obtaining licenses and some of the forgeries are quite excellent and somewhat difficult to obtain. But this is another area that we are looking into. We are examining different forms of licenses with the hope that we can come up with a license which would be almost impossible to forge.

SENATOR McDERMOTT: But as of the present time this single license concept is not in practice throughout the United States.

MISS STRELECKI: No. It's my recollection that there are now 38 states which are - I'm sorry, about 25 to 30.

SENATOR McDERMOTT: Well, of those 30, say for instance that Florida is one of the 30 states, a resident of New Jersey who is also a resident of Florida would he at the present time only have one license?

MISS STRELECKI: Yes.

SENATOR McDERMOTT: And you would have control over that.

MISS STRELECKI: Yes.

MEMBER OF AUDIENCE: In Florida they are especially stringent. In fact, if you want to get a job in Florida you have to have a Florida license. They will pick up your New

Jersey license. This happens all the time.

MISS STRELECKI: Yes.

SENATOR McDERMOTT: So, if you declare when you apply for the license in the other state that you have a license they'll pick it up. But if you don't declare then --

MISS STRELECKI: You can tell, though. You know, we ask and, you know, the officer who is giving the test is pretty knowledgeable in this area and there is a difference between an individual who has never driven or who hasn't driven for a long period of time who is coming in for the first time as an initial applicant, and what our officers do, if they suspect that the individual has been licensed elsewhere, we immediately send down to the National Driver Registry and check it out to get a listing to see if he has, in fact, a license elsewhere. And the key information that we ask for, which makes up our number as a matter of fact, are identifying things like color of eyes and things of this kind, birth date, so from this we are often able to apprehend an individual. In fact, we have press releases going out all the time on individuals who are attempting to obtain a license who are revoked, for example, in another state which we can pick up through this National Driver Registry program.

SENATOR McDERMOTT: Right. But if he applies in any one of the 20 states that are not presently a member of this compact --

MISS STRELECKI: Yes, he can get another license. And the only way we can handle that is, we do notify the other states where he may be licensed as to any violation.

SENATOR McDERMOTT: Now, how do you feel about a special license in the State of New Jersey for commercial operators?

MISS STRELECKI: Well now, if we are talking about the classified driver license, which I would assume you are, of course the Governor in his message this year asked that the Legislature consider going into this kind of a program, and it's also one of the Federal standards which the Federal Government is seeking to have each state adopt. We feel that it's a very necessary part of our entire safety program because at the present time in New Jersey, with our passenger license you can get in a drive any size vehicle, which makes no sense at all, and what we're hoping is that we will have classification so that you can take the largest vehicle and if you qualify on that, of course, we would go all the way down to a small passenger vehicle, but that you would be limited by having a classified license to the extent that you would have to qualify to drive these larger commercial vehicles. It just doesn't make any sense to say that an individual who can drive just an automatic shift car should be able to get into a large truck and drive it.

SENATOR McDERMOTT: When you move to this commercial motor vehicle license, you will then, of course, have a better idea when it comes to reviewing a man's record whether or not he needs the license for his livelihood, wouldn't you?

MISS STRELECKI: Yes, that's correct. It would be helpful in that regard.

SENATOR McDERMOTT: Now, you may not have the answer

to this next question but it is utterly amazing to me the statistics you've presented, Miss Strelecki, about the 10,000 people who didn't want to get additional training. Do you have any idea why they don't take this training?

MISS STRELECKI: I have attempted to ask individuals, where I've had the opportunity. There are some who have decided against taking the program whom I've had an opportunity to talk to, for one reason or another, and some of the reasons are really somewhat amazing. They don't feel that they should have to go back to school again. And I've had people say to me, well I've been driving for 20 years and I know how to drive. So, you know, who do you think you are now sending me back to school.

Then I had one individual who was embarrassed because he had teenage children who were driving and we were now saying to him, you know you have to go back to school and learn to drive. So there are just a multitude of reasons. There may be some people who, of course, feel that a school situation is one that they are unable to handle for one reason or another. Then we have some healthwise, for example, who have indicated to me that, oh, well, to be without it for four weeks doesn't matter that much and they would just as soon not be inconvenienced by going out to class for these three sessions, so they don't avail themselves of the opportunity.

SENATOR McDERMOTT: You mentioned this ten miles over the speed limit suspension. Does that apply only in 50 and 60 mile zones?

MISS STRELECKI: Yes, that's correct.

SENATOR McDERMOTT: So if it were a 25 mile zone and I was doing 15 miles above the limit, 40 miles an hour, I wouldn't be suspended under that.

MISS STRELECKI: No, you would not.

SENATOR McDERMOTT: How about in a 55 mile zone?

MISS STRELECKI: You would be suspended. Fifty or over.

SENATOR McDERMOTT: Now, when a person has his license automatically suspended under the ten-miles over the speed limit executive order, does he also receive points?

MISS STRELECKI: Yes, he does.

SENATOR McDERMOTT: Has there ever been any thought given to the fact that maybe this is double jeopardy? in a general sense, not in a legal sense.

MISS STRELECKI: I feel that points should not be assessed, but as a result of a meeting, a policy meeting, within the Division, the determination was made to assess points. But it is my feeling that with the 30 day suspension that we have dealt with that problem and that points should not be assessed. And if your recommendation is that this should be removed from the point system program, we would be most pleased to do it, and it can be done without benefit of changing the law. If you in examining the entire program feel that this should be removed, we would indeed be most pleased to remove it.

SENATOR McDERMOTT: One final question. Has anyone who was affected by this double jeopardy ever gone to court on it?

MISS STRELECKI: No. I don't honestly feel that it's double jeopardy. I feel that we have accomplished our purpose under the excessive speed program. And I really don't feel that we have to assess points. I think it's enough to list it as a violation with a zero assessment of points so that it's before the hearing officer as part of your over-all record, but I don't feel that there is a necessity for having it there as an addition to the point system program. But we would appreciate your thoughts in the matter.

SENATOR McDERMOTT: One final question. When someone gets points in another state and let's say for instance he doesn't go back for a hearing because it's just too inconvenient, do you provide that individual with a hearing here?

MISS STRELECKI: If he requests it, yes. I will provide a hearing for any individual who writes in and feels that we have dealt with them improperly or there are facts which he might call to our attention which would cause us to review the action we've taken with regard to his record.

SENATOR McDERMOTT: Well, the only reason I bring that up - do you have the hearing at the time that he is notified that he is going to receive an additional two points on his record as a result of a violation?

MISS STRELECKI: No, we don't notify at two points. In other words, we have the point system warning which goes out to you when you have assessed between six and eleven points. We send you a notification and we say, "This is a warning notice indicating to you that you are now getting very close to a possible suspension under our point system

program." And then we indicate to him what his driving record is, so at that point he would be aware that the two points had been assessed. Now if he writes to me and says, I have received this notice and would like to come in and discuss my driving record with you, we permit him to come in and explain whatever the situation might be.

SENATOR McDERMOTT: I see. So actually if an individual has had a clean record all along and he picks up a violation in Georgia and you give him two points, he doesn't know that you have given him the two points until he reaches the six point level. Is that right?

MISS STRELECKI: That's correct.

SENATOR McDERMOTT: And at that particular time he can then ask you for a hearing.

MISS STRELECKI: Yes.

SENATOR McDERMOTT: Even though the instance may have been a year or a year and a half or two years previous to that?

MISS STRELECKI: Oh, yes.

SENATOR McDERMOTT: Thank you.

MR. GREEN: I would like to ask Miss Strelecki a question.

MISS STRELECKI: Yes.

MR. GREEN: Miss Strelecki, as part of your school and training they go through the driver clinic, do they not, to determine whether they have any defects that can be corrected and so forth?

MISS STRELECKI: No. That's a separate program.

Now the improvement program, driver improvement school, is just a school program. But if during the course of this training my officer feels that there is an individual there who needs some kind of corrective action, whether it be eyes - often the violation will indicate, you know, that his distance judgment is off - they will then ask them to go through the clinic program which is located in the same building with the driver improvement school. So it is only a few steps away. And then this, of course, is the program where we do test your coordination and stopping judgment and things of this kind -

MR. GREEN: Reaction and so forth.

MISS STRELECKI: Yes. But this is not given to each individual who attends the driver improvement school. I wish we could. I do not have the funds for it.

MR. GREEN: Another thing. I was rather amazed that a person can drive a truck with just an ordinary license?

MISS STRELECKI: Yes, at this moment. You know, we don't license according to the vehicle itself. We just give you a license. Actually our distinction is with regard to motorcycles and then generally other vehicles. Of course, the school bus driver does have to have a --

MR. GREEN: Well I knew there were some.

MISS STRELECKI: Right. But generally speaking with a New Jersey driver's license you can get into the largest tractor trailer and drive it at this time, and we are very hopeful that we will get legislation.

MR. GREEN: Well, shouldn't there be a special license for men who operate large vehicles, and so forth?

MISS STRELECKI: Well that's why we're asking for the classified license. And what we would like to do is issue a license which, if you qualify for the largest tractor trailer, for example, would then permit you to drive any small vehicle.

MR. GREEN: For example, back in 1944 I was out at Pearl Harbor and I had to take an ordinary license to drive a jeep but if I wanted to drive a vehicle of any greater size I would have to take a special license. Now the government was doing that 25 years ago.

MISS STRELECKI: It makes a lot of sense too, doesn't it?

MR. GREEN: Now we also had something out there that I thought was rather interesting. The Territory of Hawaii, at that time, issued a permanent license, forever, and they had your picture on it, they had your thumb print on it and they had a record of violations so that if I lost my license any renewal of that license that I got, kept the violations that I had.

MISS STRELECKI: Is that right.

MR. COAR: Any further questions, Mr. Commissioner?

MR. GREEN: No. Thanks very much.

MISS STRELECKI: You're welcome.

MR. COAR: I have one, in conclusion. We talked about the commercial license. I'm concerned about the thinking of applying it to the non-resident. Is it your thinking, as a Motor Vehicle Director, to apply equal

enforcement and equal jurisdiction over the commercial license as you will apply it to a New Jersey resident?

MISS STRELECKI: I don't know what you mean. If you mean that a driver who commits a violation would be stopped --

MR. COAR: No, I'm talking about the commercial license. My question is the commercial license.

MISS STRELECKI: Right.

MR. COAR: Would you apply - is it your thinking that the commercial license should apply equally to the non-resident, the Georgia truck driver, as an example. Will you enforce that - is it your thinking to enforce it the same as you would in the case of a New Jersey truck driver?

MISS STRELECKI: We wouldn't do anything different from what we're doing now, other than --

MR. COAR: Well, what remedy would you use to keep a non-commercial driver out of the State? What is your thinking on that?

MISS STRELECKI: Why would I want to keep him out of the State?

MR. COAR: Well, if he doesn't have a commercial license like the New Jersey resident?

MISS STRELECKI: Oh.

MR. COAR: How would you stop him from coming into the State?

MISS STRELECKI: I couldn't. I could not, according to the Federal Constitution. You know, I have no right to stop him. I can only license my own drivers. Now, for example, New York has just gone into the classified driver license but

they still must recognize the New Jersey driver license as it is issued to encompass any size vehicle because they are required under the Federal Law and Interstate Commerce to do this. So that this license could only be regulated with regard to our own residents.

MR. COAR: Wouldn't that be class discrimination against the New Jersey residents?

MISS STRELECKI: No, it would not.

MR. COAR: Well let me pose this question then. A domiciled employer who employs New Jersey residents, what is your thinking with regard to the companies being made to comply who also have out-of-state employees.

MISS STRELECKI: We would have no jurisdiction over the out-of-state residents.

MR. COAR: What about that company doing business in this state?

MISS STRELECKI: Well the company would have to have the drivers licensed in the area of residence.

MR. COAR: Is your thinking that the proposed legislation should include that kind of jurisdiction over out-of-state drivers?

MISS STRELECKI: No. That is not what we asked for. We were merely asking for a classified driver license for New Jersey licensed drivers.

MR. COAR: You are not concerned with the transits that come through this State?

MISS STRELECKI: Certainly I'm concerned, but I don't have jurisdiction over their licensing.

MR. COAR: That was my question. You don't have jurisdiction.

MISS STRELECKI: No.

MR. COAR: I have no further questions. Does anyone else?

MR. JAYNE: Miss Strelecki, under the present system is it three years before the record is wiped clean?

MISS STRELECKI: Yes, it is.

MR. JAYNE: And then it starts from scratch again, doesn't it?

MISS STRELECKI: Well, actually it falls off. It's three years from the date of the last violation which our computer drops off as the years go on.

MR. JAYNE: Do you feel this is adequate and it's workable?

MISS STRELECKI: Well, I feel that one of our most successful programs is our point system program. I think the areas where we might be creating problems are some of the other areas, you know, with regard to the assessment of the four points, again under the point system program, for excessive speed.

MR. JAYNE: That's what I was getting at now. When you talk about revocation and suspension, they're one and the same.

MISS STRELECKI: Well, they are. They're used interchangeably.

MR. JAYNE: Right. Now on the cardinal sin, which is excessive speed, more than ten miles over the specified

limit of 50. Is that correct.

MISS STRELECKI: Right.

MR. JAYNE: It's automatic suspension or revocation.

MISS STRELECKI: Right.

MR. JAYNE: Now getting down to the individual who gets caught in one of these things by going, say, 62 miles an hour, he doesn't have the opportunity of going to school.

MISS STRELECKI: That's correct.

MR. JAYNE: He automatically loses his license.

MISS STRELECKI: That's correct.

MR. JAYNE: If he goes two miles over the speed limit.

MISS STRELECKI: Yes, that's correct.

MR. JAYNE: For a period of time, 30 days.

MISS STRELECKI: Yes.

MR. JAYNE: So in this instance, really I don't know whether you call it discrimination but if he does get caught in this he is penalized because of his loss of his driving license.

MISS STRELECKI: That's correct.

MR. JAYNE: Do you agree with this?

MISS STRELECKI: I would prefer not to make a comment on it. I think that this should really come from the Attorney General who is the head of --

MR. COAR: We have asked him to appear today.

MISS STRELECKI: Well, he's the head of the Department and this is a policy determination which was

enacted through executive order and I have merely continued the program as it was executed, and I feel that I would be exceeding my authority if I made a comment on that. I really believe that this policy decision would have to come from the Attorney General, and I think he would be pleased to give you his statement on it.

MR. COAR: Well, I don't want to belabor it. Are there any further questions?

Well, Miss Strelecki, thank you for your cooperation and we will certainly appreciate those requested documents and statistics we asked for.

MISS STRELECKI: Thank you, and we will get them right out to you.

MR. COAR: Thank you very much.

We'll take a five minute recess.

(Recess)

After recess

MR. COAR: Can we come back to order, please.

For the record, may we have the witness introduce himself by name, rank, etc.

R E M O C R O C E; My name is Remo Croce and I appear here this afternoon and this morning on the instructions of the First Assistant Attorney General who advised me that this Commission requested the presence of a member of the Attorney General's Office to try to answer any legal questions within the area that is the subject of this Commission's hearing.

MR. COAR: Commissioner Jayne, I believe you have a pertinent legal question that was referred to you by way of a previous witness, Miss Strelecki, of the Motor Vehicle Department.

MR. JAYNE: Yes. I brought up the question of Miss Strelecki in regard to the automatic or mandatory suspension or revocation of the license of a driver who exceeds the speed limit by 10 miles per hour; that is, any speed limit over 50 miles per hour. Based upon the class of driver, professional versus the non-professional, using those terms to identify those people who make a living driving a commercial vehicle, under the present law, the moment he exceeds in a 50-mile zone, 62 miles an hour or 61, he automatically loses his license. He is not available, under the way the law is written, under the point system, to go to school and possibly retain it, which means, basically, that he now is penalized by his loss of livelihood versus the other individual, the non-

professional, who is not. My question to her was, did she feel that this was not discriminatory toward the professional, so to speak, in relationship to the non-professional.

MR. CROCE: Commissioner, you are now asking me to express or make a policy judgment, which I would not presume to do in view of the fact that I am merely here as a representative of the Attorney General's Office, and anything that I might say might be construed as a policy judgment of the Attorney General himself.

MR. JAYNE: Do you have an opinion, yourself?

MR. CROCE: I may have, but again I don't feel that it would be within my prerogative to make it known here at this hearing.

MR. COAR: I would like to pose this question from the legal standpoint of the State of New Jersey: Is there any agreement between States; in other words, is there a contract or a consummated agreement or understanding between our State, the State of New Jersey, and the State of Pennsylvania dealing with motor vehicle points or any reciprocity thereto?

MR. CROCE: To my knowledge, there is none.

MR. COAR: What about the other 48 states?

MR. CROCE: Again, to my knowledge, there is nothing in writing.

MR. COAR: The appeals system, under the present motor vehicle statute, does that constitute a fair and full hearing within our State Constitution?

MR. CROCE: I am not so sure that I understand what

you mean by the appeals hearing.

MR. COAR: You probably heard some of the testimony here this morning, and I am trying to get at the crux of what the State feels. The question is: A person who gets some points out in Ohio some two years ago - I think Senator McDermott posed this question. I am interested in the Attorney General's thinking as to the State of New Jersey as far as the fair hearing requirements are concerned. These points are then applied in New Jersey but the appeal or hearing comes some two years later; in other words, it's not made known to him so, therefore, the appeal doesn't come until two years hence.

MR. CROCE: I see. You question the legality of the Commissioner's having somebody come in and respond to a charge that was made out-of-State maybe two years before.

MR. COAR: Yes.

MR. CROCE: I don't know the answer to it. I would say offhand, though, that it would be proper. I don't see any legal disability in that sort of procedure.

MR. COAR: What is the State's position regarding enforcement of uniform appeals, punishment points, to non-residents as compared to New Jersey residents?

MR. CROCE: I'm sure - You are talking now about the administrative action taken by the Director. Is that what you are talking about?

MR. COAR: No, I'm not talking in that vein. Maybe my question isn't too clear. Let me rephrase it. The driver or the non-driver, be whatever he may, as far as the State

of New Jersey is concerned - does the State look upon that as a privilege to drive or a convenience, in the legal sense?

MR. CROCE: The Attorney General's Office takes the position that a driver's license is a privilege, yes. Again, our courts have told us that before you can revoke a license you have to do it in orderly due process, notwithstanding the fact that it's designated a privilege.

MR. COAR: That is administratively.

MR. CROCE: Any way.

MR. COAR: Are there any further questions from the Committee?

MR. ALLEN: Sir, could you tell me - do you have a figure as to how many people lost their license through this 10 miles per hour over the speed limit?

MR. CROCE: I have no statistics at all.

MR. ALLEN: How does this actually work? When a person loses his license for traveling ten miles per hour over the speed limit, is it taken on the spot? - does he appear before a court and it's physically taken from him then, or does he receive a letter to send it in? Just what happens?

MR CROCE: It happens in one of two ways. If he is convicted in the Municipal Court of speeding, say, 60 miles in a 50-mile zone, the Magistrate may, and usually does, lift his license for the 30-day period. Then he will get a notice from the Director of Motor Vehicles that he is to forward his license because of a conviction of driving at

60 miles an hour in a 50-mile zone.

MR. ALLEN: What happens to his insurance if he drives in violation of this suspension?

MR. CROCE: I don't know.

MR. ALLEN: How does the figure of 10 miles per hour compare with other States? I realize you don't have jurisdiction, but I am just asking if you are familiar with what the other States post.

MR. CROCE: I really don't know. Just a minute, maybe my associate knows. It's the same as Connecticut. That's as much information as I have.

MR. ALLEN: If I'm not mistaken, I think some are 15, some are 20 miles per hour. There is a level of -

MR. CROCE: That might very well be.

MR. ALLEN: What was the basis of the decision to make this 10 miles per hour?

MR. CROCE: I don't know. That was strictly a policy decision.

MR ALLEN: I see. What can be done about the intoxicated driver, the driver who is under the influence of alcohol or obviously narcotics, or something of this sort? Can an officer lift his license on the spot?

MR. CROCE: I think maybe I ought to clear that up a little bit, because I think Mr. Green may have been under a misapprehension. While the law enforcement authorities do not have the right to physically remove from an out-of-Stater his driver's license, he may, and indeed our drunk driving law requires that his driving privileges in New Jersey be

suspended for at least two years for the first offense. Now the effect of that is that if he is caught driving in New Jersey again, notwithstanding the fact that his home State may not have lifted his license - if he is caught in New Jersey, he is subject to a charge of driving on the revoked list and, if convicted, subject to a fine of two hundred dollars up to a thousand, and six months in jail, or both. So I don't think the Commission should get the impression that the mere fact we don't take his license away means that he has now the right to come in and drive.

MR. ALLEN: What about the New Jersey resident, though, if he indeed is a menace to the road at that particular moment? I am sure that the arresting officer can either remove his license or keep him from driving, or -

MR. CROCE: You mean at the moment of arrest?

MR. ALLEN: Yes.

MR. CROCE: As a practical matter, what happens is: the driver is stopped, and if the trooper or the officer comes to the conclusion that this man is not fit to be on the road, he may arrest him and take him back to the station and make the charges.

MR. ALLEN: Does he take his license? Or does he wait -

MR. CROCE: No, he doesn't take his license. He merely gets him off the road.

MR. ALLEN: Thank you very much, sir.

MR. COAR: Are there any further questions?

MR. JAYNE: I'm sorry. I didn't get this gentleman's last name.

MR. CROCE: It's Croce.

MR. JAYNE: I'll call you Remo. All right?

MR. CROCE: O.K.

MR. JAYNE: The local Magistrate, he has no latitude to reduce the charge of violation of over ten miles per hour; it's automatic; is that correct?

MR. CROCE: Once he makes a finding of fact that the driver was doing 60 miles an hour in a 50-mile zone, that's it. If he comes to that conclusion, then again he may revoke or he may leave it to the Director of Motor Vehicles to do it. Understand? As a matter of fact, when the program was first instituted, my recollection is that the Chief Justice of the Supreme Court directed a letter to the Magistrates urging that they cooperate with the Director of Motor Vehicles in this 60-70 program. My recollection is that the regulation itself provides that the Director shall revoke for 30 days unless there was a revocation by the Magistrate.

MR. JAYNE: Did your office receive any mail complaining about this in any volume at all?

MR. CROCE: No, not of any significant volume. It wouldn't ordinarily come across my desk. I am Chief of the Trial Section in our office, and a lot of this information filters back to me, and I am sure I would know if we were getting any large amounts of letters concerning this 60-70 program. Of course, it's not popular with motorists, but that's understandable.

MR. JAYNE: So other than just bringing it up now, it never was of any significance so far as your department

is concerned.

MR. CROCE: No.

MR. COAR: I have one further question dealing with the security and responsibility law, unsatisfied -

MR. CROCE: The responsibility law.

MR. COAR: Yes. How does that apply so far as the State is concerned to the non-residents, the ones in Philadelphia, New York, etc.? If they have an accident in this State, as an example, our residents are required to come up with certain types of insurance and expend certain moneys. The outside resident, how does the State of New Jersey apply that as to those people?

MR. CROCE: They give them the same choice that they give New Jersey residents. If a New Jersey resident is involved in a motor vehicle accident involving bodily injuries or property damage in excess of \$200, he is given a choice. Once the report gets to the Director of Motor Vehicles, it doesn't make any difference whether he is a resident or non-resident. The Director says (a) either you present me with a release from the person with whom you were involved in an accident or (b) an agreement whereby you agree to pay the individual who was injured or whose property was damaged or (c) post a bond in the amount of damage that is alleged, or your failure to do one of these three things will result in the loss of your driving privileges in the State of New Jersey.

Now if he's a non-resident and he doesn't meet those three requirements, then he goes on the revoke list in the

State of New Jersey.

MR. COAR: But he can still drive in Pennsylvania or any other State?

MR. CROCE: That is correct.

MR. COAR: Well, would you say that there is a difference, then, in the posture of the New Jersey resident with regard to his own State?

MR. CROCE: Well, that would depend on whether or not Pennsylvania was going to revoke under the same circumstances. And I don't know that.

MR. COAR: Are there any further questions? [No questions.]

Thank you. You have been very helpful.

Now we have one more witness - David Friedland.

Mr. Friedland, you have been asked to appear before this Committee. Would you give your credentials and background, please?

D A V I D F R I E D L A N D: I would be happy to, Mr. Chairman. I am the Assemblyman from District 12B, and I have represented that district now for - I'm in my second term, and throughout my career as an Assemblyman I have taken an interest in the motor vehicle laws and have framed the initial point system bills that were introduced three years ago. I am an attorney at law of the State of New Jersey, and I represent approximately 100 labor unions in the State. In the course of my practice of law, I have had quite a bit of experience representing people who have been accused of motor vehicle violations and have requested hearings before the Director of Motor Vehicles, and have had

quite a bit of experience in representing professional drivers; that is, representing the labor organizations which, in turn, represent the professional drivers, so that I have had, over a period of about six years, deep experience with the subject matter which I think the Committee is going into today.

I did want, if I might be able to, to make a preliminary statement about some of the statements which have been made by the Director of Motor Vehicles, for whom I have great respect, and perhaps lay the groundwork for my comments today.

I have before me a copy of the statute which relates to the various questions which you have asked. The point system is set up under a statute which simply reads that the Director of Motor Vehicles shall have the authority to revoke a driver's license or suspend a driver's license under reasonable circumstances. And in 1952, operating on that broadly-based statute and without any further authority, there was inaugurated in the State of New Jersey the system which is now known as the point system.

I have thought, and this is only by way of my own personal feeling, that such a dramatic change in policy for the State of New Jersey should have been accomplished by way of direct legislation rather than by way of an administrative ruling based upon a broadly-worded statute, but nonetheless the system has become so ingrained and in fact has been sustained as being constitutional.

Now that system was implemented by administrative regulation of the Director of Motor Vehicles. I have a copy of that here. I don't know whether the members of the Commission have been furnished with it. The latest copy which I have was filed July 12, 1966, was issued by Miss Strelecki, and bears the signature of the Secretary of State. There are some interesting regulations in here which I think the Commission ought to be aware of.

MR. COAR: Excuse me. What is the title of that?

MR. FRIEDLAND: This is entitled "State of New Jersey, Department of Law and Public Safety, Division of Motor Vehicles, Point System Regulation." For the benefit of the members of the Committee -

MR. COAR: Could you make copies available to us, Mr. Friedland?

MR. FRIEDLAND: Yes, I will, and I would like to read it because I think it will clear up a number of questions which you have asked, and perhaps even shed a different light upon them.

The document reads: "The Director of the Division of Motor Vehicles of the Department of Law and Public Safety, by virtue of the authority vested in her under the provisions of Title 39, Chapter 5, Section 30, of the Revised Statutes, hereby makes and promulgates the following regulations amending regulations which became effective July 1, 1952, etc." I'm going to skip the dates because they are not that important.

Then there is set forth the point structure - leaving scene of an accident 8 points; reckless driving 6 points, and

so forth down the line. I think I can skip that.

"2. The date of the violation will be the controlling factor in evaluating the 3-year period.

"3. This is quite significant because it may shed a different light on the matter. 'Violations in other States and the Provinces of Canada will be charged against the driving record and points set.' So you can see that even under the Director's regulation, violations in other States and even in other countries are set by reason of the regulations themselves.

"4. An accumulation of 12 points within a 3-year period may cause the driver to be subject to a hearing before the Director of Motor Vehicles or Hearing Officer designated by the Director on a Rule to Show Cause why his driver's license should not be suspended, or driver may elect to attend a Division of Motor Vehicles Driver Improvement School."

I'm going to deal with this Driver Improvement School because I know the members of the Commission are interested in it, and you've asked questions about why a driver may decide not to attend this school. I'll answer the question directly. Why would a driver decide not to attend a school? Well, in order to understand that, I think you have to understand what the school is all about, how it is set up and what results follow from attending.

"A driver who elects," and I am reading now from the regulations, "to attend a Division Driver Improvement School, in lieu of all or part of a period of suspension, shall agree

in a signed statement to the following conditions:

"He will attend a school to which he is assigned with respect to location, and he will attend each of the sessions of the class to which he is assigned.

"He will comply with the rules governing attendance, his conduct, instructions and examination.

"He will, upon successfully completing the course, in lieu of all or part of period of suspension be officially warned with respect to his future driving.

"He will be subject to suspension of driver license privilege if he fails to attend each of the sessions, fails to comply with the rules, or fails to successfully complete the course."

Now you understand that all of this is being done in lieu of an actual hearing upon the merits of his case. He is given this opportunity to decide, to elect to go to a driver improvement course before he actually receives his hearing upon whether or not he would receive a suspension in the first place. Now - and here's the hooker - this is even the most amazing part:

"Restoration after suspension or official warning, or warning after successfully completing a Division Driver Improvement School Course, following accumulation of 12 or more points, shall be with the express condition and understanding that any violation of the motor vehicle laws of New Jersey"- I want to pause - "any violation of the motor vehicle laws of New Jersey" - this is not merely limited to moving violations - any violation of our motor vehicle laws - committed within a period of one year

thereof may result in summary suspension of driving privileges, without hearing, for the following periods:

- (a) When the violation occurred within 6 months of action . . . . . 3 months;
- (b) When the violation occurred after 6 months but within 9 months of the date of action..2 months;
- (c) When the violation occurred after 9 months but within one year of the date of action . . . . 1 month. "

So that you see that an individual who decides to elect this Driver Improvement Course must not only initially sacrifice his right to a hearing but absolutely surrender all rights that he has whatsoever with respect to hearing procedures in the State of New Jersey, and that his license will be summarily revoked for any violation of the motor vehicle laws thereafter without a hearing if he elects to take this program.

So I don't think it amazing that at least 50 per cent of the drivers of the State of New Jersey have decided not to take advantage of this denial of due process. And I might also add in connection with it that it isn't a realistic and full opportunity which is afforded to New Jersey drivers in order to preserve their driving privileges. They do it at only great sacrifice and at great legal sacrifice to their rights, and that occurs, as I pointed out, even before they get involved in hearing procedures because that is when they must make the election.

Now the sixth point which I wanted to direct myself to is the questions related to reciprocal revocation of drivers' licenses. I'm going quickly because I know you gentlemen probably are hungry and would like to go out to lunch.

MR. COAR: I would like the Commission to hear this in detail because of the inequities we have been questioning about all morning.

MR. FRIEDLAND: Now I would like to give you an example of the kind of Tinkers-Evers-Chance procedures which are occurring every day in the State of New Jersey under our reciprocal laws. First of all, let's set the groundwork again. What does the law say? I want you to forget for the moment that we don't have any reciprocal agreements with any states. I think that's just a veil covering up the real issue. As a matter of fact, we do have a statute providing for results when drivers' reciprocal driving privileges are revoked in other States. I would like to read that to you.

"Whenever the reciprocity driving privilege of any New Jersey resident is suspended or revoked by lawful authority in another State upon a conviction of the violation of the Motor Vehicle Act of such State" - I insert my own comment - that violation may or may not be a violation under New Jersey laws - "upon a conviction of the violation of the Motor Vehicle Act of such State and the report of such conviction is transmitted by the Motor Vehicle Administrator of such State to the Director of Motor Vehicles of this State, pursuant to any law providing for the reciprocal exchange thereof" - now, we're not talking about a reciprocal agreement for suspension; we are now simply talking about a reciprocal exchange of information with which we have such agreements with most States. - "the Director may suspend or revoke the driving privilege of such resident in this State in the manner prescribed by the statutes for a period

not less than that for which the reciprocity privilege was suspended or revoked in such other State, not more than the period for which the driving privilege would have been suspended or revoked had a conviction of a like offense occurred in this State."

Now let me give you an example of the kind of thing that can happen under the statute, and this is from personal experience. I prefer not to mention the client's name because he might not want to be mentioned, but I am sure the records of the Motor Vehicle Department would amply substantiate the occurrence of this kind of case.

Let's assume a fellow is going through the State of Alabama and it's a dark and drizzly night and, as he is passing through that State perhaps at an excessive rate of speed, the local sheriff of that town apprehends him and honks him over to the side of the road. He is immediately notified that he is guilty of a motor vehicle violation of that State and he points out to the Sheriff that he is on his way to Florida where he spends his winter vacation and that he can't really stay around the State of Alabama to defend himself against what he considers to be an unjust charge. He is told that the local magistrate in that town is not available for sitting on these cases until the following week, and if he decides to stay around and take advantage of the service in the local jail, the sheriff is quite willing to give him accommodations, or, in the alternative, he would have to post a bond guaranteeing his appearance before the court and also a statement that he will appear in response to the charge. He does that, preferring to have his freedom for a week. He prefers to get out of the State of Alabama and he maybe files

a bond for \$25 or \$30 and he leaves the State and goes to Florida without ever intending to return. He figures that's the end of it, and it generally is. Well, that isn't exactly the end of it. The State of Alabama in due course finds that the defendant fails to appear and it revokes the reciprocity privileges of this New Jersey resident in the State of Alabama.

Now at the time I got this case, we didn't even have an exchange of information with the State of Alabama, and I don't know whether we have one now. But the State of Alabama did have an exchange of information with the State of Florida, with whom we have an exchange of information. So Alabama notified Florida that my client had lost his license and reciprocal privileges in the State of Alabama had been revoked, and Florida, acting upon Alabama's decision, revoked the reciprocal privileges of this New Jersey driver in the State of Florida.

Now Florida has an exchange of information act with New Jersey and it notified the State of New Jersey that the reciprocal privileges had been revoked. And without any hearing, although one was subsequently afforded upon request - little good it did; there were no witnesses available from the State of Alabama to testify; the record was at least two years old. It is very difficult, I think you can imagine as an attorney, to present such a case, particularly where the defendant had signed a statement that he would appear and filed a bond to guarantee his appearance. Well, in any event, the State of Florida notified New Jersey, New Jersey revoked, and after a hearing the Director affirmed the determination of revocation.

I think it is interesting, for example, when you talk about hearings in these cases and the opportunity of hearing, to

really do it meaningfully - what do we mean when we get a hearing in a case in which the defendant is alleging that two points which were put on his record, as a result of a violation in the State of Alabama, ought to be erased?

What actual chance and opportunity realistically does he have to remove that from his record, particularly where, in most of these cases, he has failed to appear by reason of the fact he didn't want to stay in jail for a week or a couple of days waiting for a trial because the local judge wasn't available to hear. It's a very human situation and I don't think that we ought to computerize justice in this area, and I think that that is one of the defects which the Commission might address itself to in viewing the point system.

So, to sum up, even in the absence of reciprocal agreements between New Jersey and other States, nonetheless New Jersey residents daily, periodically, lose their licenses in such circumstances. Frankly, it offends my own personal system of justice to have that kind of computerized, generalized, hasty generalization approach to individual cases. It doesn't make sense to me.

Now I did have a short comment which I wanted to make to set forth my philosophy about it and my feelings about justice in such cases. I think I would like to start with the premise, which I think has been known to lawyers in this country as part of our legal structure for centuries, that justice applies universal principles in particular cases; it does not act in hasty generalization by grouping together diverse groups of people and by blindly applying one common principle to all of them, even though their conditions may differ. We have long

known this principle as lawyers and for the same reason our society has rejected computerized legal structures. The principle is the same whether or not you are talking about affording a criminal defendant a trial on the facts of his own case or whether you are denying an individual a very basic privilege or convenience or a livelihood which he may in fact have. It's expressed by various actions which we have long had as a part of our legal and cultural structure in this country which represents our own basic inner convictions of what justice means. When we say "let the punishment fit the crime," we mean that in particular the punishment must fit the crime, not broadly or conceptually as in theory but in application, and our whole legal and moral structure is built around the concept that the individual case deserves individual treatment, and that principle remains the same whether we are talking about murder or talking about going through a red light.

I remember trying the case of a man who had pled innocent to a Federal bank robbery even though the evidence shown against him seemed to be overwhelming. He had been in deep debt and he had every motive to steal in order to obtain food for his family and his four young children. While he was in jail his wife died and he was then the sole support of that family. The jury found him innocent, and I think they knew that to sentence such a man to jail would create an unjust hardship on innocent people.

I am reminded of a story when I think of the point system in New Jersey as it applies to people who earn a living and whose families depend upon them for earning a living, who have lost their jobs or their rights by reason of the application of the

point system. One doesn't have to excuse motor vehicle violators for<sup>a</sup> crime to do justice in such a case. One doesn't have to condone violation of the traffic laws, to treat even the violator or his family fairly. Justice in these cases has got to be tempered not so much by mercy as by understanding of the problem itself and the extent of the punishment which, in the case of most drivers who need their license for a living, is inappropriate and excessive and exaggerated and disproportionate to the offense which they have committed. I think, for example, that you've got to recognize the difference between a private driver for whom the loss of a license is just simply a major inconvenience and the effect which the loss of a license has upon a public driver; that is, a driver who drives for a living, in which case the loss of his license is a financial and life crisis for him. Nobody, I think, would seriously suggest, as a matter of affirmative law in the State of New Jersey that a public driver, a driver who earned a living through his license, if he went through a "stop" sign - absent any other danger, any other occurrence - should be subjected to a fine of five thousand dollars, loss of his hospital benefits, his seniority benefits, loss of his job, and perhaps future unemployment. And yet that is precisely the effect of the revocation of a license upon a professional driver.

I think one of the problems here is really understanding what we are talking about. When Director Strelecki says the punishment is the same, she is correct. The punishment is the same in all cases; the license has been lost. I would prefer to

say that you ought to look upon what the effect of the punishment is upon the individual rather than applying yourselves to the universality of the punishment itself.

Again, in another case, a 90-year old man convicted of robbery - you wouldn't think for a moment of sentencing him to 20 years in prison because you know that for him that's a life sentence. You might treat a 21-year old man a little bit differently because certainly the effect of the punishment upon him would differ quite a bit.

What I am really arguing for is distinction, differentiation, the thinking about such cases. The point system is really an excuse for a lack of thinking, a laziness about applying principles of justice to individual cases. What happens when a truck driver loses his license? In most cases he loses his job. In most cases as a result of the loss of his job he loses seniority that may have been accumulated over a period of years. He may have been working for a company for 10 years and lost his job and has lost all of that investment in his future which he has built up over a period of 10 years. He loses his opportunity by the loss of his job to participate in health benefits and welfare benefits which he may have. In addition, he may be employed in an industry which has a pension program to which he has contributed, or contributions may have been made on his behalf to a pension program for a period of say 10 years or 15 years to provide for his future, and if this is a program, as most programs are, where there is no vesting and he doesn't have a vested right in such a program, the loss of his job means that he has not only lost his job but he has lost his 15-year insurance, his investment in his future, aside

from the obvious loss of income which occurs under such circumstances.

Well, that's what happens to the employee. In a sense, as I have said, the loss of a license to him has meant a financial crisis for him. His attempts to get out from under it by seeking other employment are totally beside the point. The fact that he might have been more careful in the first place is totally beside the point. The punishment is completely different, as it affects him, from the case of the driver who merely suffers personal inconvenience.

Now in such cases it isn't only the employee who suffers. Society itself suffers because this employee must then find income from some place. In some cases he may have to go on the welfare rolls of the community, and it isn't only the community then that may be forced to support him but there is obviously a loss of outside income to the stores and the community itself. It is not only society and the employee who suffer but also the employer who suffers under such circumstances, because it is very difficult to get drivers with 10 or 15 years' experience who may in some cases have to be bonded to perform the work which they are doing and the employer has lost a trained and qualified employee for a period of time and has to replace him with somebody who may be less qualified to drive.

One last point; I don't want to go on for too long now. Just to think about the essential justice of the system - the point system assumes, for example, that every violation ought to be treated alike. You leave the scene of an accident and you get eight points. It doesn't matter what the circumstances

were. There may have been a situation which would legitimize such an individual or at least provide him with an excuse or mitigation for leaving the scene of an accident. But the hardest cases, the most guilty cases, and those who come closer to the innocent side are all treated alike under each of these sections - eight points regardless of comparative guilt.

The difficulty here is that it isn't a matter of deciding whether a man is guilty or innocent. We are now talking about punishment and, traditionally in our courts, if we find someone guilty, at least in the area of punishment, there is some degree of discretion available. You can decide whether or not, if a man is guilty of robbery, you want to put him in jail for 10 years or 6 years or 4 years - at least the judge can do that. But in these cases, the penalty is mandatory in all cases regardless of the degree of the offense or the circumstances under which it was committed, and it may or may not relate to a situation in which there was a public danger or a public hazard. Take the case of a truckdriver - I'm not trying to excuse his behavior, but just take the case of a truckdriver going through a stop sign in a deserted section of the country at three o'clock in the morning where he clearly thought there were no vehicles anywhere around. I'm not saying he should have done it. But isn't that case a little bit different from the case of a man who might do that in the middle of a crowded city at rush hour with a total disregard of the rights of others? And yet the penalty under these circumstances is the same and the effect upon him is the same. Well, all I'm saying is that the point system in the State of New Jersey is essentially a kind of computerized system of justice which ignores individual

cases.

The fact that a hearing is afforded is of no moment whatsoever. I think you gentlemen might be interested, for example, to see the results of these hearings. How many people who have successfully appealed from their revocation? How many people have been successful in obtaining a reduction of their revocation? I would suspect that it's a very minimum percentage, a very minor percentage. How many truckdrivers who have applied on the ground of hardship have obtained an elimination of their sentence. I would suspect that it's a very small percentage of the cases.

One last point: If you listened to Miss Strelecki and the statistics which she presented, it is plainly apparent that the point system has not done anything whatsoever to relieve the accident rate in the State of New Jersey. I just made a simple note as she jotted down the statistic and then later tried to explain that it didn't quite mean what it showed. In 1952, she pointed out before the institution of the point system - I am sure the record will reflect the exact amount - there were fewer accidents per million miles per registered vehicle than there were in 1968. In other words, this was a percentage figure based upon the correlated increase in vehicles and showing that percentagewise, even with the increase in vehicles, the percentage still increased, so that the point system has not worked, or at least one would be required to show some evidence that it has, in the face of such statistics. The number of accidents has increased after we instituted it, percentagewise not simply numberwise. I make that point, plus the point, as

Miss Strelecki again pointed out, that a very small percentage of revocations are involved in the point system. That leads one to believe that it's not that important a part of our structure in the State of New Jersey and it could easily be revised or done away with in part without causing a maximum hazard to the people of the State of New Jersey. That is what that statistic shows. It doesn't suggest to you that you ought to ignore the problem. If it does produce severe results in individual cases, we can't just simply say, oh, well, there is only a handful of people affected by it, why should we even bother to be concerned about it. The fact that there are so few people affected by it is a very strong indication that you could act without doing a great disservice, without creating great danger to the people of the State of New Jersey. You would only be excising a small evil without changing basic over-all policy.

I think that basically sums up what I want to say today. If you have any questions, I would be glad to answer them.

MR. COAR: Mr. Friedland, I would like to ask: From the basis of your experience in the industry representing either clients or members of Unions, what has been the effect competitively as to the point system applying to drivers in this State as compared to nonresidents and the companies that employ them? Is there a decided advantage? Have you found this?

ASSEMBLYMAN FRIEDLAND: Yes. There's no question but that an employer who operates under a code of regulations which requires him to replace skilled employees more frequently than a competitor who may operate in a State not subject to such restrictions is placed to that extent at a competitive disadvantage with those who are operating under more liberal rules.

In other words, it's a cost to an employer to replace a trained driver.

MR. COAR: In your legal opinion, would you call that a form of discrimination under the point system?

ASSEMBLYMAN FRIEDLAND: I would say - whether you use the word "discrimination" or "unfair treatment" the result would be the same. I take it that you gentlemen are sitting as a fresh committee; it's a policy commission here, just as if we had no law in the State of New Jersey and you are making recommendations about how you would like to see it be. So, if you see a situation that seems unfair to you, there is nothing to tie your hands and recommending a change. That's why I think it was such a good idea to have had this Commission functioning.

And here's an obviously unfair situation in which New Jersey drivers are obviously being treated differently. The effect of our legal structure hurts them more than if they lived in the State of Pennsylvania. Now that may be good in some cases. It may be something to our credit that we have a strong law enforcement program in some areas, but you must be very careful to distinguish where we are excessively strong and therefore unfair in individual cases, and that's really what I'm interested in.

MR. COAR: Does anyone on the Committee have any questions?

MR. JAYNE: You mentioned, Mr. Friedland, that you represent a hundred labor unions. Is that correct?

ASSEMBLYMAN FRIEDLAND: That varies, depending upon the extent to which clients are satisfied with my services. I strike that as an average.

MR. JAYNE: Well, the reason I brought that out is undoubtedly some of these, or many of them are Teamsters' Unions that deal with truck drivers, and you mentioned the truck drivers' aspect; is that correct?

ASSEMBLYMAN FRIEDLAND: That's right.

MR. JAYNE: How do you answer this situation in Miss Strelecki's testimony that she only received practically two letters a month regarding hardship cases. What has been your experience or what are your statistics to offset the statistics that she gave us?

ASSEMBLYMAN FRIEDLAND I follow the question. I don't keep statistics. I can only tell you that I'm very much surprised that the number of cases or the actual letters she received is so low and I think there may be a number of explanations for it. I wouldn't want you to think that, because the amount of letters sent in to Miss Strelecki is low, the interest of the professional drivers in this kind of legislation is very low. Quite to the contrary - we members of the Legislature have received hundreds and hundreds of letters suggesting a change in this structure. I don't think there is a member of the Legislature who hasn't received at least two letters a month asking that this structure be changed. That's Point 1. The fact that she hasn't received this information does not mean that the interest isn't there.

But Point 2. Before an individual, generally speaking, is going to write to the Director of Motor Vehicles, it is necessary for him or her to get in touch with a lawyer. There are some legal expenses associated with such a situation.

Generally speaking, my experience is that if a client comes in to me and tells me it's a hardship case and he wants relief from the hardship, generally speaking I have to tell him that his chances are absolutely or almost non-existent and they don't have any chance at all under the existing point structure.

You may ask yourself that question. Why is it that we need a point structure if what we are really talking about is individual differentiated judgment. Why even talk about a point structure. Why not just conduct hearings and dispense justice in individual cases. Why have an absolute rule upon which you fall back invariably in these cases if what you really mean is that you are going to treat everybody individually. It doesn't make sense to me and I think if you will look at the results in these cases, you will see it doesn't make sense to the Director of Motor Vehicles either because, invariably the result is the same whether you have a hearing or don't.

I can't answer your question fully except to say that the expense, probably the advice that lawyers give such people that they don't stand much of a chance, discourages them. They know they are going to have to pay a legal fee of maybe \$150 to initiate procedures for appeal and they may feel that if the lawyer tells them their chances are no good whatsoever, they might just as well take it on the chin.

I don't know what percentage of drivers will raise this contention until they have actually reached the point where they have a revocation. You know you may have a driver very close

to the limit and there never is a case presented in which he would raise this issue. Very often these issues are presented to the magistrates directly and it is the magistrate who makes the decision to lift the license. So you might, for example, want to have statistics from the various courts of the State to show to what extent - if you want a real index - or how often do lawyers come in and argue that the judge should not take away a man's license because his whole livelihood depended upon it, and I would be very much surprised if you didn't have a statistic at least 30 or 40 times as much as the one that has been presented.

MR. JAYNE: The reason for my question to you was since you had represented so many Unions, certainly you would be apprized of general statistics in this regard. Speaking for myself and my 22 years in the transportation industry, we had one driver who lost it under suspension.

ASSEMBLYMAN FRIEDLAND: Well, that shows you something. I might add just to pick up -

MR. JAYNE: This might allay some of your fears that you have. These men are professional. They are better than the average driver and they make their livelihood from it and in most cases, as far as we're concerned with the safety-- and I'm sure you agree with that.

One other question: You made the statement that 50 per cent of the drivers in the State of New Jersey, and I think you were interpreting Miss Strelecki and what you were actually saying was 50 per cent of the revoked-license drivers.

ASSEMBLYMAN FRIEDLAND: Yes. Thank you for correcting me there.

MR. COAR: Are there any further questions?

[No questions]

Well, before the Assemblyman steps down, I want to thank him for appearing and I think at this time, as a Commission, we should call upon the press to make it known that we would like to hear from everybody. This Commission is sitting here to get at the facts and the hearing is not closed just to Assemblymen. Some of these records we have been given today and the statistics show there is obviously some disagreement. We would like the press to give us a little coverage as to the fact that anybody can testify.

Before we adjourn, may I ask the Committee to go on record that we will convene at the earliest possible date, subject to everybody's schedule and after we have received the requested information from those witnesses who have appeared here today.

We will stand adjourned subject to notice from the Chairman.

\* \* \*

ADJOURNED.

STATEMENT SUBMITTED BY

Mr. Chairmen and gentlemen: Thank you for listening to me. I do not claim to be qualified as an expert. I am a banker, a lawyer, and since 1955, a member of the State Board of Education. For many years I have been active in sports car activities, and have paid close attention to the problems of traffic safety and the philosophies and attitudes of officialdom in this area. I suggest that my lack of technical qualifications is more than outweighed by my freedom from affiliations with any vested interest. I have no axe to grind. This is my first public statement on the subject. I know your time is limited, so I have kept this statement to a few minutes duration and have attached a number of addenda which will clarify and detail the points I shall make. I hope I interest you enough to go into these addenda. They have been carefully selected from a much larger volume of materials which I have accumulated.

The first exhibit is a narration of the incident which aroused my interest in this field. After being involved in a serious accident, whose primary cause was the negligently maintained road surface, I began to

wonder why the accident reports required by our Motor Vehicle Division, which of course include the locale of the incident, were not employed to bring dangerous locations, that is to say scenes where "accidents" occurred frequently, to the attention of the authorities responsible for repair and maintenance of the roads. You may well ask yourselves, gentlemen, why this is not being done. I am convinced, and I hope at least to implant the possibility in your minds that the emphasis on punishment of "speeders" is at least partially an effort to divert the attention of the observer from important aspects of the traffic safety problem where the state is doing nothing or far too little about elimination of hazards within its control. The voluminous file to which I referred is now entitled THE TRAFFIC SAFETY HOAX.

You are investigating license suspension and the point system. If I am correctly informed, the highest point score, eight, is awarded for "leaving scene of accident". The punishment may be suitable, but the effect on accident prevention is highly questionable. The major emphasis indicated by the balance of the list

is penalizing various categories of "speeding". It may seem self-evident that speed limits will produce a reduction in highway accidents, and consequently, punishment of motorists who exceed speed limits is in the general interest. Though it may seem self-evident, the assumption is not sustained by the available evidence. Traffic safety engineers who have approached the question objectively and compared the statistics have expressed serious reservations about speed limits. Three samples of expert opinion are embodied in the addenda. I commend them to you in their entirety. I would like to make a brief comment about each one in order to whet your interest.

SPEED LIMITS AND ACCIDENTS -ARE RESTRICTIONS REALLY NECESSARY? describes some of the adverse effects of imposing limits and cites some statistical proof that accidents increased after limits were imposed. Towards the end of this article is a discussion of the kind of limits that most engineers consider preferable to absolute limits, namely those which are set after observing the unlimited highway and determining the speed at which 85% of the motorists are observed to be traveling.

There is a complete discussion of this approach in another addendum, TRAFFIC SPEEDS AND TRAFFIC PLANNING by Dr. John E. Baerwald, Professor of Traffic Engineering and Director, Highway Traffic Center, University of Illinois. Fascinating; I hope you delve into it. Another addendum is an article called MAKING SPEED SAFE, by an English expert. I quote two sentences:

America's widespread application of maximum speed limits is almost certainly a mistake. If ever we do copy American practise in this respect, our best roads (the motorways) are certainly the last which should be restricted....There is a much stronger case for setting minimum speed limits on fast modern roads...

Dr. James L. Malfetti, Director of the Safety Research Project at Teachers College, Columbia University has been a long-time advocate of the proposition that the slow driver is the menace, and the driver who exceeds the speed limit by a few miles per hour has no effect at all on the safety of himself or others on the road. Some correspondence with him is appended.

So far as I know, in this state the only person of any consequence in the enforcement area who pays any attention to this body of opinion is Mr. D. Louis

Tonti, Executive Director of the Garden State Parkway. There has never been a radar trap on the Parkway. They employ radar only for surveys of traffic in order to establish the 85 percentile speed which the experts suggest. At present, Mr. Tonti is proposing an increase in the speed limit on the northern section of the road based upon the evidence and experience with the higher limit down south. The outstanding safety record of the Parkway is undoubtedly attributable in large part to his approaches to enforcement. Those who do not agree are inclined to say he is just lucky in having a well-engineered road to supervise. Beware of the traffic safety hoax - it has many spokesmen.

The next exhibit is correspondence I had with the director of the Turnpike. There had been a spectacular multiple collision on a foggy night when a 35 mph limit was in effect. His proposed solution was to reduce the speed limit in rush hours. I could not see the connection, and in those days I was naive enough to believe that traffic rules and regulations should be based upon the results of scientific consideration of the problem. Today I must say sadly that I have not yet learned how to convince the authorities that researches and experimental fresh approaches directed by

or with the advice of experts are long overdue. I have little confidence in the efficacy of equating fast drivers with witches and letting it go at that. Public punishment or exorcism is part and parcel of the license suspension and point system which you are investigating. Incidentally, proposals for special relief for motorists who must drive to make their livings is another distraction. The real issue is the basic question of whether cracking down on "speeders" can reasonably be expected to result in a reduction of highway accidents. Another incidental question about which you should think long and hard is the insistence of the removal of all discretion and judgment from the policeman and the magistrate. I am acquainted with the evil which this is supposed to prevent, but isn't the evil which it creates far more pervasive? As a sensible and safe tactic, I always employ a short burst of extra speed after I have passed another car. This is to avoid cutting too close in front of another car in an outside lane which I am reentering. Policemen approve- radar may be expected to condemn. What sort of mindlessness have we substituted for training and judgment?

Consider the use of radar as it is widely employed on good open highways in our state. Theoretically, it is predicated on the questionable assumption that the imposition of strict speed limits can be expected to result in reducing the number of accidents. This is unwarranted, as I have already tried to show. A patrolling policeman does not need radar to detect a motorist who is driving much too fast, and we have been told again and again by experts that a variance of a few mph is insignificant. If the policeman were patrolling, he would also be in a position to observe and discipline all of the other unsafe driving practices which contribute to accidents. Of course, there might be fewer convictions, and certainly fewer for speeding at a few mph over a posted limit. Is it convictions and suspensions we are seeking or safer highways? In the addenda is some correspondence with our state Safety Council which details this problem, and the disservice rendered to safety by gross overemphasis of enforcement of speed limits to the limitation or exclusion of other aspects, many of which are far more significant in the picture.

Let me try to tie this together:

1. Absolute speed limits, arbitrarily imposed and strictly enforced are of dubious value.
2. Punishment of "speeders" is of unproven efficacy, since the assumption upon which it is based is doubtful.
3. Concentration of enforcement efforts and manpower to the neglect or disregard of the many other factors which cause accidents is a hoax.
4. Public Roads Bureau (and even National Safety Council - although they ignore it ) statistics show that the majority of highway accidents occur below posted speed limits. Concepts such as SPEEDS TOO FAST FOR CONDITIONS or DRIVING SO AS TO ENDANGER embody the true significance of speed, and speed is in itself meaningless. These concepts do not have the administrative simplicity of application as mindless radar convictions, but they carry other implications.
5. The training and discretion of policemen and judges is of great value. Any system of enforcement which denies this ought to fall of its own absurdity.
6. Let the policemen devote their time to patrolling, using their training, experience and judgment to determine which drivers should be cited.
7. Let the magistrates return to judging, considering

each case according to the circumstances, and employing training, experience and judgment in fixing such punishments or other dispositions as seem appropriate. This would bring respect for the process on the part of all concerned, and hopefully, improvement in driver attitudes.

8. Traffic safety is a complex problem, with many inter-related factors. THE TRAFFIC SAFETY HOAX is characterized by concentrating enforcement efforts on "speeding"; insistence upon mandatory, non-discretionary punishment; and glossing over of many accident-causative factors which never show up on radar screens:

- A. Dangerous driving not in excess of speed limits, viz;- road hogging, monopolizing inside lanes, weaving, cutting in too close, tailgating, etc.etc.
- B. Official neglect of maintenance and elimination of hazards. Disregard of accident reports which reveal hazardous conditions.
- C. Official disinterest in inherently dangerous vehicles. See not only Nader's UNSAFE AT ANY SPEED, but also the accident reports. Are certain cars involved in accidents disproportionate to their presence on the roads? Less so or more so would be significant. TIRES - New cars equipped with tires of heat range and size inadequate to weight and speed capabilities of the vehicles. No minimum tread depth specification embodied in the inspection rules.
- D. Physical re-examination of drivers. Some "never had an accident", but caused hundreds.
- E. Alcohol imbibed by drivers and pedestrians.
- F. And many other significant factors.

Thank you.

Appendix 1.

I have never been convicted of a moving violation in this state or in any other jurisdiction. I have no personal grudges, or scores to settle. In November 1954, on a sleety evening, my wife and I were en route to New York City in a car that was 2½ months old. On Tonnele Avenue, in Jersey City, we came to a halt behind another car at a red light. We were struck from behind by a heavy car with bald tires. He told me later, and off the record, he had skidded several hundred feet with locked wheels. The force of the collision was so great that we were driven into the car behind which we had been waiting for the green light. Our new car was a total loss. Probably neither my wife nor I would be alive today, were it not for the fact that sports car buffs were aware of the necessity of seat belts even in pre-historic 1954.

Some days later, when I had regained my composure, I remembered that I had smelled gasoline on the clothing of a person who had helped us and extricated us from the wreck. I deduced he was a service station attendant employed at the scene of the collision, and surmised that he might have witnessed the accident. After many inquiries and returning several evenings

to the spot, I succeeded in locating him, and he told me had seen the accident take place. I asked him to be a witness for me. He told me it was out of the question because every time there was rain or snow there were so many "accidents" at that intersection, that he could not possibly take time off, no matter whether he was compensated or not, for court appearances. He had already been told on previous occasions that he would lose his job if he were to appear in court and narrate what he had seen. At that time, and for many years thereafter, Tonnele Avenue in that area was surfaced with worn, pitted concrete. Gravel had worked its way to the surface and acquired a smooth polish. When it became wet, the road was a skid pan.

That is when I began to wonder what our Motor Vehicle Division did with all those "accident" reports which it requires to be filed. One would think that if the situation was the scene of frequent accidents, someone in the Motor Vehicle Division would take notice. One would think the Highway Department might manifest some interest in such situations. As far as I can determine, nothing of the kind took place, then or today. I don't fully understand the use to which the accident reports are put, but I have not

heard that they are analysed from this or similar standpoints. We may ask ourselves - Why not? The subliminal recollection of gasoline on the clothing of a helpful person started me inquiring into many of the enigmas of official philosophies and attitudes. The more I learn, the less I understand.

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