

VOL. II

P U B L I C H E A R I N G

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:
March 14, 1969
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMISSION PRESENT:

Robert J. Coar [Chairman]

Senator Frank X. McDermott

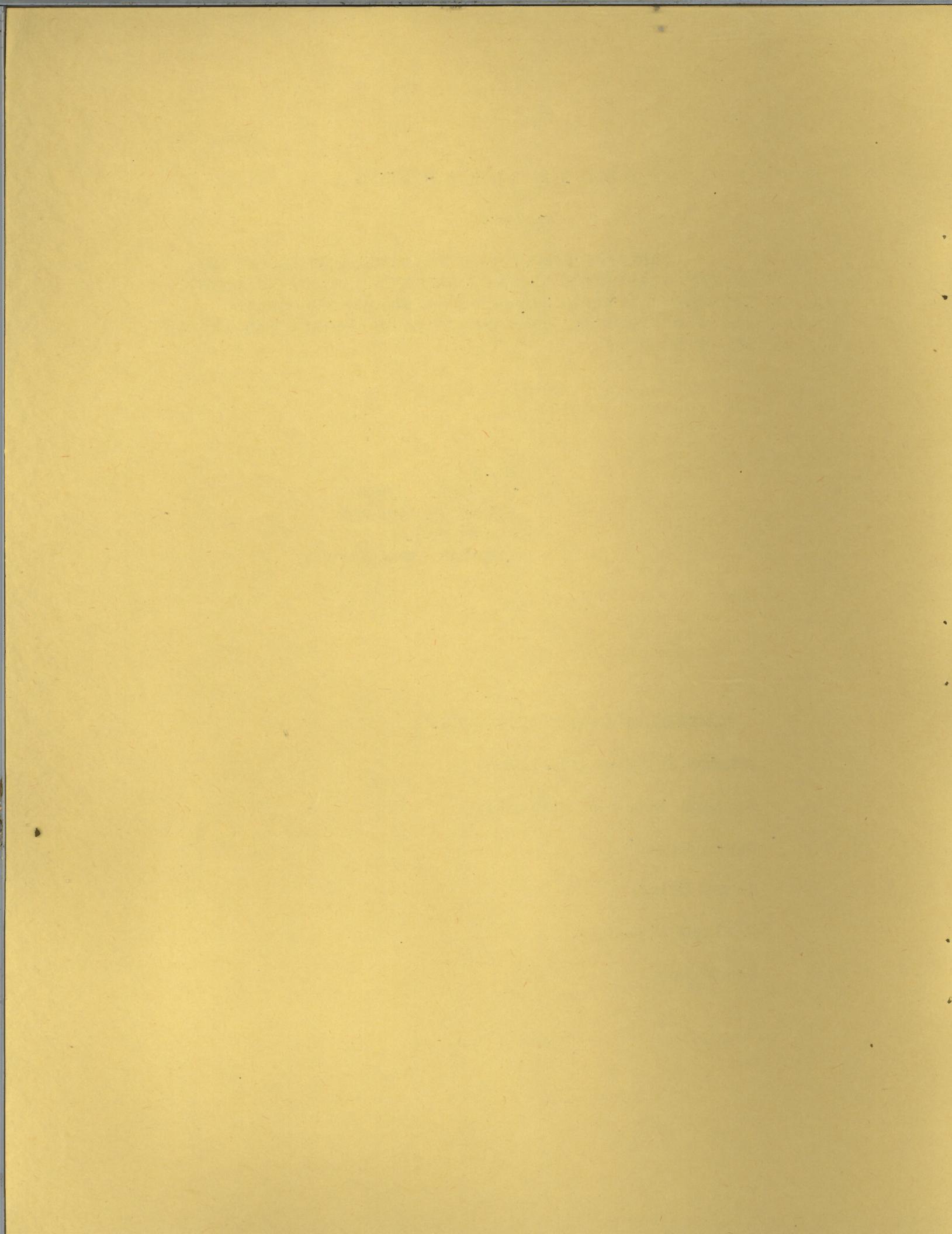
David Green

James Horan

William Jayne, Jr.

Les Allen

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MR. ROBERT COAR [Chairman]: Good morning. For the record, this is the second hearing of the Study Commission created under Senate Resolution No. 5, which reads as follows: "A Senate Resolution reconstituting and continuing the special commission to study and review the laws and regulations of this State and the administration thereof, relating to the suspension and revocation of motor vehicle drivers' licenses, created pursuant to Senate Resolution No. 3 of 1968."

In attendance, let the record reflect, are Senator McDermott, Commissioner Les Allen, Commissioner David Green, Commissioner William Jayne, Commissioner James Horan, and myself, Robert J. Coar, Chairman. Assemblyman Herbert Heilmann, I believe, is now tied up in a legislative meeting.

Before us this morning, we have some response from residents who desire to be heard on this matter.

To accommodate your request, Mr. Dembe, will you come forward and take the chair where the microphone is, please.

The other witnesses are Mr. Cook and Assemblyman McDonough.

Mr. Dembe, you have filed with the Chairman this morning a copy of a typewritten resume dealing with the question that you want to be heard on. The Commissioners have accepted that copy. However, we would ask that rather than read it, which is a duplication, you summarize the points on which you wish to be heard.

I want to set the ground rules for all the witnesses who will testify regarding this hearing and the subject that

is before us.

As you will note in the letters I sent to you, I set forth the authority under which this Commission is sitting, and I would like to make it very clear to all who are here that we do not wish to extend beyond the authority that is vested in this Commission by the Senate. In other words, on the subject of your testimony I may have to from time to time call you to point so that we stay within the jurisdiction of our authority.

Now, with that, will you give your name, address, your position and in what capacity you are testifying - and again I want to make that clear. I note that you are from the Board of Education, that you are an attorney, and that you are also a banker. So we would like to know the capacity in which you are testifying.

Our first witness is Mr. Dembe.

H A R V E Y H. D E M B E: I am here as a private citizen with a concern. My name is Harvey Dembe and I live in Bayonne at 892 Kennedy Boulevard. I have tried to summarize these various points and I won't try to document them because they are documented in the full text. But my first point is that absolute State limits, arbitrarily imposed and strictly enforced, are of dubious value. I say that not just in a vacuum but I support it with the opinion of a number of engineers and academicians and they base their opinions on surveys and studies that they have made. Under that assumption, the punishment of speeders is of unproven efficacy, since the assumption upon which it is based is doubtful. If you are

not positively convinced that speed limits of themselves are going to enhance the cause of traffic safety, then punishing speeders is a slight questionable way of approaching the traffic safety problem.

Now when you take the next step and you concentrate on your enforcement efforts and your police manpower and you neglect and disregard the many other factors which cause accidents, I say you've got a hoax. It's an attempt to divert attention from the real problem.

The Public Roads Bureau and even the National Safety Council, although they don't seem to pay much attention to their own statistics,- but they have collected over the years statistics which show that the majority of highway accidents occur below posted speed limits, the great majority, and, furthermore, they have figures which show that speeds over what we consider speed limits are not necessarily unsafe when they take place on good roads in good weather. So the concepts such as speeds too fast for conditions when driving so as to endanger, embody the true significance of speed. And speed is in itself meaningless. Now these concepts do not have the administrative simplicity of application as a mindless radar conviction, but they carry other implications with them. In the practical sense, you have to consider how the training and the discretion of policemen have just been shunted aside in this whole structure of the point system.

In any system of enforcement that denies that, I say it is at fault on that alone. After all, let the policemen devote their time to patrolling, using their training, experience and

judgment to determine which driver should be cited, and then, Point 7 is let the Magistrates return to judging, considering each case according to circumstances and employing their training and their experience and their judgment in fixing such punishments or other dispositions as seem appropriate. Parenthetically it doesn't seem right to me that a Magistrate should have to write a long letter explaining why he dismisses a charge.

This would bring respect for the process on the part of all concerned and, hopefully, an improvement in driver attitudes.

Traffic safety is a complex problem with many inter-related factors. What I call the traffic safety hoax is characterized by concentrating enforcement efforts on speeding, the insistence upon mandatory and nondiscretionary punishment, and glossing over of many accident causative factors which never show up on radar screens. Then I have listed those but, since they are outside the scope of the point system and license system, I won't read them now.

I thank you very much for your attention and I would like to file these exhibits which document in detail some of these little statements that I have made in my summary.

MR. COAR: We can stipulate for the record that we have received numerous exhibits relative to what you have testified to and that we also received a written report on the problems you have found with our present statute.

Are there any questions of this witness from the Commissioners?

SENATOR McDERMOTT: Yes, I would like to ask Mr. Dembe a question. As I understand the crux of your presentation, you are saying these mandatory speed limits really are not the solution to the safety problem. Is my understanding correct?

MR. DEMBE: Yes, on two levels, sir. In the first place, they are questionable in and of themselves since there is no direct relation to speed per se in traffic safety. But in a practical way, when all the emphasis is put on this that is put on it and the other factors are ignored the way they are ignored, just as a practical matter it takes four or five police cars and five people to operate a radar trap.

SENATOR McDERMOTT: Well, would you suggest then - say, for instance, the southern part of the New Jersey Turnpike and the New Jersey Highway Authority, the Garden State Parkway, which is wide open, would you suggest that there be no limit on speed there?

MR. DEMBE: I'm not suggesting that there be no limit, sir. I am suggesting that the variance of a few miles per hour has been found again and again to make very little difference. There certainly is such a thing as a dangerous speed, and it is dangerous according to circumstances, and it may very well be a speed below the posted speed limit too under many circumstances.

SENATOR McDERMOTT: You see, what I'm trying to determine is the fact that you have to have a posted speed limit somewhere. You are saying that under some conditions a speed under the posted speed limit could be dangerous

under certain conditions and a speed over the posted speed limit is not dangerous. The reason I'm suggesting this is that, if I remember correctly I think when Ned Parsekian was in the Motor Vehicle Department he recommended a change in the speed limits in the various areas of the Garden State Parkway and Turnpike, and I believe today in some sections of both those toll roads we have speeds above 60 miles an hour permissible. I'm just trying to find out from what you say, based on your experience and based on what you said, whether or not you ought to remove speed limits as they are.

MR. DEMBE: There is a body of thought which would say that that was a good idea. They have had roads in Europe, good roads, with no speed limits, and recently the trend in Europe has been to impose speed limits, and recently, as the accident statistics have been surveyed, they have questioned whether the imposition of any speed limit is wise at all. I don't say that in a dense traffic area like New Jersey no speed limits at all are required, but I say that they should be first of all set by engineers, not by people operating on intuition. Secondly, they should be kept under revision and perhaps most of all control experiments should be undertaken. For example, it's an open secret that in some of the Port Authority facilities, they just don't pay any attention to speed limits at all during rush hours, with no bad experience at all. When the road is open during rush hour, they get the cars through as quickly as possible and pay no attention -

SENATOR McDermott: You are talking about the tunnels and bridges.

MR. DEMBE: The tunnels and the bridges, yes, sir.
They do it during rush hours. It is also done on certain -

MR. COAR: Do you have any source or documented information that would confirm that?

MR. DEMBE: My trips through the tunnels, sir.

MR. GREEN: Mr. Chairman, I wonder if I might ask Mr. Dembe - That speeding is under the control of the officers in the tunnel, isn't it?

MR. DEMBE: Precisely.

MR. GREEN: But there is some control there.

MR. DEMBE: I'm not suggesting no control.

MR. GREEN: May I ask you this: As a lawyer you know that there is some direct connection between speed and severity of accidents, do you not?

MR. DEMBE: Yes, sir, that's a different factor.

MR. GREEN: Well, if you begin to play around with speed limits and eliminate speed limits - you refer to the fact that in Europe there are some areas. Are you familiar with the increase in accidents and the severity of accidents particularly in the Scandinavian countries?

MR. DEMBE: I have read some of those statistics, yes.

MR. GREEN: And you found that where they eliminated speed limits, they are having more and greater accidents and insurance costs are soaring over there worse than they are here.

MR. DEMBE: Well, sir, in the first place, I have never said "no speed limits at all," and as for control, control is what I am advocating. I am saying, "Remove this

arbitrary nonsense and let the policemen and judges use their experience, training and judgment." I'll repeat it. I don't see how anything arbitrary is a substitute for judgment.

SENATOR McDERMOTT: Commissioner Green, could I interrupt?

MR. GREEN: Go ahead, Senator.

SENATOR McDERMOTT: Are you really suggesting that we should give to the police and to the Magistrate complete discretion as to whether or not a fine or points should be imposed?

MR. DEMBE: Well, sir, I ask you the question in reverse. If he's a Magistrate, shouldn't he be entrusted with his judgment - set ranges of punishment, and set circumstances under which there should be no punishment.

SENATOR McDERMOTT: Well, in other words, you would just as soon get rid of mandatory imposition of traffic penalties.

MR. DEMBE: Yes, sir, I think mandatory imposition is an evil and I think it's a mindless evil, to repeat that phrase. It leaves no room for discretion.

SENATOR McDERMOTT: Don't you think it would create an awful lot of problems for our law enforcement agencies if we left up to them the decision to issue a traffic summons based on their own discretion?

MR. DEMBE: I suggest to you that if you surveyed them under conditions of anonymity you would get a very interesting answer to that question in the affirmative.

They would prefer it, I believe, because I have had individual discussions with some of these people. They don't want to be quoted but they share some of my opinions.

SENATOR McDERMOTT: It's a little bit different from our present setup. You realize that.

MR. DEMBE: I thought we were here to re-examine the present setup.

SENATOR McDERMOTT: Very well said.

MR. COAR: I have one question. I believe you mentioned that we should leave the Judges to do their judging and not have to write a letter. Can you elaborate on that?

MR. DEMBE: Yes, sir. I have been told that if a Judge dismisses one of these traffic charges, he has to justify it to, I believe it is the Administrative Director of the Courts. And I won't go any further than that now but privately I'll tell you some more.

MR. COAR: You are also an attorney and I would like to ask you this question which follows: In our judicial structure, does a Judge have to do this in other matters also?

MR. DEMBE: Not so far as I know. This is the only area.

MR. COAR: This is the only area in our judicial structure where the Judge so to speak has to get permission?

MR. DEMBE: I wouldn't say "permission," but he has to justify the dismissal of a charge.

MR. GREEN: What kind of charge, Mr. Dembe?

MR. DEMBE: Traffic charges, speeding charges, that kind of thing.

MR. GREEN: A Judge has to report and write a letter on every one of these dismissals?

MR. DEMBE: Yes, sir.

MR. COAR: Thank you very much. You have been very cooperative. Thanks for coming too.

Are there any further questions? [No questions]

I would like to call this time Assemblyman Peter McDonough.

P E T E R M c D O N O U G H: Gentleman, thank you very much. Senator and Members of this Committee, I appreciate the opportunity to speak before you today, because I am going to tell you of a bill that I have in the Bill Drafting Department at the present time that I hope will play a part in your discussion, and I think, if you agree with my policy, you will help me get this bill through the Legislature.

As you know, and I'm sure it has come up in your record before, under the point system anything above 12 points is loss of license, etc. At the present time there is an administrative policy whereby a person who loses his license on points has an opportunity to surrender his license for a period of time or to go to a motor vehicle driving school for a period of three nights, I believe it is. This goes for the individual who loses his license for an accumulation of points - 12 points or better. Now this individual could get these 12 points in a matter of less than a year and still have this opportunity. Of course, it's up to the

Directress of Motor Vehicles at the present time and I'm sure if they got them within 30 days she would not allow them to go back to school. I am sure she would harness some of the speed. But nevertheless, if a person does lose his license or accumulates these points, they have a right to go back to school now.

However, this isn't the same as the individual who goes 11 miles over the speed limit, for example, 61 miles in a 50 mile zone. They lose their license automatically and have no opportunity to go to school to redeem this. Now this could be the first violation in 40 years of driving, and I think this is a very unfair practice. Therefore, I am going to put a bill in the hopper next Monday that will make mandatory for the Department to give the option to the individual who loses his license to go back to school.

MR. GREEN: May I ask you this: The fact that the man has gone to school, he just got out of school, and he shortly thereafter gets involved in 11 miles over, is school going to help him any, or wouldn't it be better to have him go to the driver clinic to have him psychologically tested to see if there is something else wrong with him? I like the idea of giving him an opportunity but there may be something that just sending him back to school won't help him, but if we psychologically or otherwise tested that individual, that may help him.

I am just throwing that out for what it is worth because that is the reason your driver safety clinic was started and continued and incidentally they have done a pretty good job

of it.

ASSEMBLYMAN McDONOUGH: Well, this still, as a matter of fact will not set the policy of what the school will teach or what the school will do. Maybe in the school it would be smart if the Directress of Motor Vehicles decided she would have a psychological test while they are in school too. I don't want to set up what her policy would be. My thought is that I would be in awfully hot water if I decided that every 3 years everybody went back and had their eyes tested or went back to school or something of this sort. I'm afraid that I would have a little trouble the next election.

MR. GREEN: You would make a lot of friends in the optometry society.

ASSEMBLYMAN McDONOUGH: Yes, but I'd lose an awful lot of them in other places, but I do think that the more people we can get back to school who have been out of school for a long time - I won't take the individual who has just finished, but take the individual who has been out of school 40 years and been driving for 40 years and never had a violation - I'm afraid a lot of these people have forgotten a lot of the regulations of the road such as the ones we had to pass an exam on, and I don't think it's the dumbest thing in the world that they do go back to school. If this would afford them the opportunity of keeping their license, if they would go back and take a refresher course, I see a lot of value in it.

MR. GREEN: Well, it's attitude too and he isn't going to get that in school. I thought if your bill were to have

something - either school or referral to the driver safety clinic, because after all it may be attitude; this man may be the smartest guy in the world. I throw this out because I think you have merit to your bill, but not just sit them down in school to read the Motor Vehicle Act.

ASSEMBLYMAN McDONOUGH: I was not setting the regulation of what would be done in the school. It may very well be that within the schooling there would be the opportunity to study the individual attitude. Pardon me?

MR. GREEN: Well, could you include the driver safety clinic -

MR. COAR: Can I ask everyone here just to follow a little protocol without conjecture or cross fire. Let one finish before the other. I think we can accomplish the thought better. Will you continue, please?

ASSEMBLYMAN McDONOUGH: I was just stating the fact that I don't intend or had not intended to draft a bill that would organize the school but rather would give the opportunity to go to the school and leave the schooling or the testing up to the Directress, because it may be not only the attitude but it could be failing eyesight, so maybe an eye testing in the school or a reflex testing in the school would be very well worth while. I oftentimes think that some of our older drivers of 70 years and above have reflex problems, and some 40 years old have reflex problems, and some have peripheral vision problems and some have over the years developed a loss of certain coordination. Maybe all of

this ought to be done in the school, but I leave that up to the department to decide. All I want to do is make the opportunity to go to the school available to everyone, and maybe it should not be mandatory that they should have the opportunity of going to school; maybe the department should decide whether or not they go to school. But the school should be there and the opportunity should be afforded to those who lose for the first time for an 11-mile violation because technically it is only a two-mile violation - two miles over the nine miles allowed, or practically allowed.

MR. COAR: Do you have any further questions, Commissioner Green?

MR. GREEN: No. Thanks very much, Assemblyman.

MR. COAR: Commissioner Allen?

MR. ALLEN: Would there be any practicability, Mr. McDonough, to having a point system tied in to your suspension and mandatory school provision? In other words, if a driver goes a couple of miles over the speed limit and normally would have his license suspended, instead of mere suspension he would go in for school if he wished, and then the Department of Motor Vehicles in a sense has lost control of him, hasn't it, because he can turn right around and go out on the highway and start traveling at excess speed again and keep going to this mandatory school bit. However, if there were a point system tied into it, it would be possible for the Department to maintain some sort of control.

ASSEMBLYMAN McDONOUGH: I don't know whether I said this originally but my thought was that this would be allowed

the first time. I wasn't talking about every time they do this they would go back to school so that it would become a night school problem and some youngsters would take a six-month semester of night school and drag race on Route 1. No, I had no intention of that kind. However, I am leaving it up to you now because you're going to make a report, I know, every shortly. I hope it will be before the Legislature goes out of session and I won't try to move my bill until I have better direction from you.

MR. COAR: Thank you very much. I would like to pose one question: This bill - what consideration have you given to making it apply to the transient drivers, the non-resident drivers? Would it have any application to the out-of-state trucker drivers, for example, or would it just be a case of where our truck drivers would be the only ones sent back to school?

ASSEMBLYMAN McDONOUGH: Well, actually, I haven't given a bit of thought to the out-of-stater in this case; I was thinking strictly about our own. I am sure you have talked about the point bills and actually what this does is probably instead of going to 18 or 24 points, by being able to go back to school this increases our point system to 15 points at least and allows you one violation over the 10 mile limit.

MR. COAR: What protection in your opinion would that afford to all the residents of this State if we are going to permit the non-resident driver not to go to school. I mean, here we have everybody with college motor vehicle driver license degrees who are residents of the State of

New Jersey, but when we look toward the corridor factor and the tens of thousands of other drivers who don't even have a kindergarten diploma, do you have any consideration in your bill so as to provide jurisdiction over the transients, the out-of-state residents?

ASSEMBLYMAN McDONOUGH: I hadn't given it a thought but maybe the answer would be to include the opportunity if they should like to go to our school. You see they get their license and we speak about the proximity of four other States on our borders here - Delaware, Pennsylvania, Maryland and New York - and if an individual lives in the City of New York or Philadelphia, we will say, and is in business here in New Jersey and he is in the State every day, maybe the same opportunity ought to be afforded to him too; that is, they get their license under the New York regulations and maybe it would be smart, since they violated our laws, if they did have the opportunity to go to our school if they cared to drive further in our State.

MR. COAR: Well, does our law, as we understand it or now have it, do anything so as to make it mandatory in the same fashion as this bill would make it mandatory for New Jersey residents.

ASSEMBLYMAN McDONOUGH: Well now, understand what I said. This is not mandatory; they need not go back to school, but they surrender their license if they don't. My thought would be that it would be mandatory on the department to give the opportunity to go back to school. That would be the only part that would be mandatory. If an individual doesn't want to go to school they just give their license up.

MR. COAR: Well, my question then, Mr. Assemblyman, is: Would your bill provide the same punitive or disciplinary action to non-residents as it does to residents?

ASSEMBLYMAN McDONOUGH: Well, actually I just re-read the draft of it upstairs now and the draft actually would allow anybody who loses their license in New Jersey the opportunity to go back to school. It just doesn't say "New Jersey residents." I am trying to reflect backwards here.

MR. COAR: One other question: The details of what the school would be set up for would be left to the agency -

ASSEMBLYMAN McDONOUGH: The department.

MR. COAR: Did you give any consideration to the expertise that is required to drive a heavy truck as compared to a passenger vehicle?

ASSEMBLYMAN McDONOUGH: I haven't given any, no.

MR. COAR: That would be left solely to the Director to set the ground rules as to regulating and setting up this and to chose the scholastic standards.

ASSEMBLYMAN McDONOUGH: Yes. I think they are probably as well equipped to set them up and they would set them up with the advice probably of the State Police. I don't know who our Directress set these up with now or how she has set up the present school, but they are working on a tremendous amount of statistics and I'm sure they know where the problems are, and I would leave it to her rather than to the legislators to try to set up the procedure.

MR. COAR: Wouldn't you want to see some guidelines for the type of schooling that should apply to a license in this State, some guidelines as a matter of law from the Legislature?

ASSEMBLYMAN McDONOUCH: Well, as a matter of fact, I don't remember when this school was set up but if it was set up between 1964 and 1965, or 1967, '68 or '69, I haven't seen them yet and I've been in the Legislature those four years, so they apparently were set up by the department in the first place and I don't even know what kind of a repeat history we have on the individuals who have gone to these schools. I would be interested as a personal interest to see what kind of results she is getting.

MR. COAR: Do any of the other Commissioners have further questions? Commissioner Jayne?

MR. JAYNE: Assemblyman McDonough, the passing of this bill basically would relieve the problem for the individual who earns his living and needs a license for his necessities and his livelihood. Is this correct?

ASSEMBLYMAN McDONOUGH: It would, yes.

MR. JAYNE: So it's a general application which would be applicable to everyone. Now it's going to be tied down to the first offense in terms of the mandatory situation where the individual goes 11 miles an hour over the prescribed limit of either 50 or 60. It would be tied down to that first offense. What I'm trying to do is equate it with the same opportunity of the guy who builds up 12 points. Is that correct?

ASSEMBLYMAN McDONOUGH: That is what I intended, yes.

MR. COAR: Any further questions?

SENATOR McDERMOTT: Assemblyman McDonough, at our first hearing, the Motor Vehicle Director, June Strelecki, pointed out what she thought was double jeopardy, that anyone who was picked up on this 10 over the speed limit rule, or executive order, would not only have his license suspended for 30 days but in addition thereto he would get points, and this is what she felt was double jeopardy and in her opinion this was unfair. Does your proposed bill do anything to remedy this situation of double jeopardy?

ASSEMBLYMAN McDONOUGH: As a matter of fact, Senator, it does not, but I have to agree with her, it is double jeopardy, I think, and I'll leave it to you -

SENATOR McDERMOTT: I have no further questions.

MR. COAR: Any further questions? If not, we want to thank you for giving your time.

ASSEMBLYMAN McDONOUGH: I am anxious to see your report.

MR. COAR: The next resident who has requested to be heard is Herman Cook. Is Herman Cook present and if so, will you come up and take this seat here, please.

Mr. Cook, you received my letter as Chairman, setting forth the authority of this Committee, and would you introduce yourself and state the capacity in which you are testifying.

H E R M A N C O O K: My name is Herman Cook; I am a representative of the 3 M Company. Many of you might be aware that 3 M has several plants and sales offices located throughout the State of New Jersey as well as many other places nationally and internationally.

I may be emphasizing a little different aspect from what I have heard so far but it all ties in together, I believe, because we have scores of men on the road representing our company every day within the State. I happen to be located with the Trenton Office and every day 45 cars leave our Trenton Office just a few miles from here. Most of these drivers will be driving company-owned cars. The type of company that these cars represent is very strict as far as their regulations; they have very stringent safety programs; in other words, they are very particular about the drivers as well as the condition of the cars. These cars are serviced by the dealers and as far as possible every precaution is taken to see that things are as they should be.

This, of course, does not mean there will be no motor vehicle violations on the part of our men.

What I'm concerned about, and we are talking about some revision of the motor vehicle point system, is that our men drive 25, 30 or 40 thousand miles a year on the road, which is considerably more - sometimes 3 and 4-times more - than the average citizen. Now the job that these men have must depend on their being able to drive, and because of the amount of mileage that they do drive they are subject to a

much greater percentage of being over the speed limit. Now we have several men, I would say, each year, who lose their license on this basis. Of course, if he does lose his license his job is in jeopardy and he has a problem. Some of them have been able to solve it through difficult means by using other channels, but it has always presented a problem.

I could cite you some situations and I am sure you would be aware that at this point there is no provision made for the man who has to drive for a living or be on the road.

Now just recently one of our men with a new car, a practically new car, was warned that his speedometer was slow, so he immediately took it back to the dealer and the dealer "fixed" the speedometer and told him it was O.K. Then two days later he was picked up going 59 in a 50-mile zone. He had his speedometer checked and found out it had not been corrected, and he was cited, of course, for speeding. He thought he had a legitimate situation so he chose to go to court to present his situation, so he had the representative of the dealer there who admitted that they had given him an O.K. on the car, that it was not fixed, but nevertheless he was stopped, but it didn't make any difference in his particular situation.

What I am here to speak for, and I am not here to ask any consideration for drivers where there is any evidence of negligence or recklessness, endangering of property or life, or any of that type of thing, but I am concerned about the

fact that men who have to be on the road in their job, with the high mileage ratio of driving each year, I believe should have some type of provisional license should they over a period of time be subject to a greater chance of being a mile or two over the speed limit and then losing their license. I feel that this type of driver, which is a driver with great experience - and most companies I think you will find are very careful in the matter of safety precautions about the drivers, but when you are out there that long and that many miles on the road, it is real easy sometimes just to be a little over the speed limit, and you don't have to be that way too many times over a period of years until you have a real problem.

So my thought in being here today is to speak for some kind of a provisional license, and should a man lose his job or lose his license through the point system over a period of time, that there might be some kind of a provision made so that he might drive on the job at least. That is my feeling on this Commission meeting and I appreciate the opportunity to say so.

MR. COAR: Mr. Cook, what is the impact on your company when you lose one of these salesmen because he can't drive? Is your company punished in any way or penalized by the loss?

MR. COOK: It is punished in this way: For example, last summer - it happened to be at that point our top salesman in the Trenton branch lost his license for 30 days. His wife doesn't drive, so he had a real problem. He couldn't get any relatives to drive; he tried every possibility of

getting someone to drive him but it happened to be school time so none of the high school students who could maybe have driven him were available. He didn't have any means at that point; he tried to come through some channels to see what could be done and he got passed from one to another and nothing happened. But what it means as far as the company is concerned - this was a very productive man. Not only is he jeopardized as far as his income and his responsibility are concerned but the company can lose thousands of dollars because a man is taken off the road for a month.

MR. COAR: Well, couldn't you as the 3-M Company go out and hire somebody to replace him immediately?

MR. COOK: No, for this reason: To do the type of selling and dealing with the type of equipment that we have, it requires and we have every salesman that goes through a month's training period before he is even ready to begin, then of course it takes a period of time for that man to become productive, so it is not a practical thing at all to have someone fill in temporarily who doesn't know the job.

MR. GREEN: Mr. Coar, I wonder if I could ask Mr. Cook a question.

MR. COAR: Yes, Mr. Green, go right ahead.

MR. GREEN: Mr. Cook, let's not deal in generalities. Let's get down to the last five years. How many men of yours have lost their licenses to drive? And could you give us their names - in the last five years?

MR. COOK: I do not have it with me. I could provide it for you.

MR. GREEN: I wish you would.

Now the next thing I wanted to ask you: Are you familiar with the fact that men - I assume you are just talking about speeding alone, aren't you?

MR. COOK: Yes, I'm talking about the guy who is driving regularly on the road -

MR. GREEN: Yes, but the point system only insofar as it relates to speeding violations.

MR. COOK: Yes, that's what I had in mind.

MR. GREEN: The mandatory revocation of a license because a man goes over the 10-mile -

MR. COOK: Right.

MR. GREEN: Well, now, that's what you are directly referring to. But you are not referring to other parts of the point system, but only with that mandatory 10-mile in excess.

MR. COOK: This is my primary concern, that our men can be penalized very severely; in other words, there is no provision - he gets the same penalty that any other person gets, which in the case of another person may not provide the same type of hardship because he works in a factory, he can ride with another person or ride the bus, this type of thing, back and forth to work.

MR. GREEN: I appreciate that but I just want to make certain that you were only talking about that 10-mile mandatory revocation.

MR. COOK: Or the build-up of the point system in a 3-year period after he accumulates so many points.

MR. GREEN: Well, did you know, Mr. Cook, for example, that a person who builds up so many points and is subject to revocation, as Mr. Dembe and the others discussed, can go to a motor vehicle school and he doesn't have to lose his license if he goes to school for three nights.

MR. COOK: I realize that.

MR. GREEN: Have any of your men gone to such school?

MR. COOK: Yes, some of them have.

MR. GREEN: And as a result of going to school, have any of them suffered a revocation after that point?

MR. COOK: That, I would have to supply you at a later date.

MR. GREEN: I wish you would. Thank you.

MR. COAR: Would you say in your opinion, Mr. Cook, that to punish your company as well as the driver who works for you - do you think that's a form of double jeopardy to your firm?

MR. COOK: Yes, I feel so.

MR. COAR: I have no further questions. Anyone else?

Thank you for your cooperation, and would you direct that information requested to my attention and I will transmit it to Commissioner Green. Thanks for coming.

Is there a representative from the Newark Legal Services project? If not, let the record show we called for him, and we will afford him an opportunity if he comes in at a future date.

The person involved is Mr. -

MR. GREEN: I might say that Mr. Bruno called my office and said he couldn't come. I wasn't in at the time but I got a message to that effect.

MR. COAR: I also spoke with Mr. Bruno and he said that he would let me know, so what you are saying is that he let you know?

MR. GREEN: No, he didn't.

MR. COAR: Well, let the record show that we called for him and we will afford him an opportunity should he appear at a future date or request to be heard.

Is Mr. Sandy Lavine here? Will you please come forward?

This gentleman is not on our agenda but he asked to be heard as a resident of this State. Is there any objection from the Commission to hearing his testimony?

If not, will you give us your name, your rank and serial number so to speak?

S A N F O R D W. L A V I N E: My name is Sanford W. Lavine. I live at 860 Floral Avenue in Union.

I have come here to testify because I feel that the New Jersey Motor Vehicle point system should definitely be considered for revision. Why do I say this? Well, one learns best from his own experience. If I can start from the beginning, I will go through all of my violations which include the attending of the improvement school and further.

About two or three months after my 17th birthday I was traveling westbound on Route 22, coming back from my grandparents' home in Pennsylvania, driving with my mother, and I was going in Whitehouse Township and of course you know that's a four lane highway, two lanes each way. I was in the process of passing a truck which was driving rather carelessly, swaying back and forth from one area to the other and as I approached the crest of this hill, of course realizing that there was no traffic coming the other way because the highway is split, I began to pass the truck and he began to increase his speed and he began to sway and I said, my God, I'm going to have to pass this guy very quickly and get out of his way, so as I approached the crest of the hill I noticed that I was forced to go over the speed limit, I went to about 60, 62, something like that. As I got over the crest of the hill I hit a top speed of 65 miles an hour. Right in the hollow was a State Trooper with radar, at that particular time. I

was pulled over, I was given the ticket. And, as I said, my mother was in the car and I decided to take a day off from school to go down and at least try to defend myself. There was no possibility of proving that I wasn't speeding and I wasn't trying to prove that I wasn't speeding so I took the plea of guilty and, of course, I received an automatic suspension under the system that we have presently, 65 in a 50. So that was my first violation.

I then drove very well without any accidents or violations for the next four years. That included a six months stint with the National Guard at Fort Dix and coming home every weekend, things like this. And all of a sudden I began to exploit my opportunities in the area of sales, being on the road.

I started to work for Burroughs Corporation in Elizabeth and around that time I decided to make a trip to Philadelphia to visit my friends in dental school. As I was approaching Exit 4, which is the exit to get off of the Turnpike, I was looking for my change and I stood up in the car and my whole body pressed against the accelerator and increased my speed, and it seems that on the overpass there was a State Trooper, about 300 yards prior to my getting off the Turnpike. This occurred on the 21st of November, 1964. So I had gone on for four years, you know, without receiving any violations. Well, he said that I was going 68 or 69, something like this. Naturally there's a fine, okeh. I took the points and the four points were recorded on my record.

Then, a year later, on the 20th of December, 1965, while I was still working for Burroughs Corporation, I was in the Blue Star Shopping Center picking up some records at Korvettes. Then I had to go to Plainfield and I was told to make a turn off of Route 22 at Tyrell Road. Well, I didn't know where Tyrell Road was. As you know, on that highway there are jughandle turns, all turns from the right. The signs aren't very clear, they are very vague and ambiguous. So as I approached the corner where Sears Roebuck is located I had planned to make a turn but this was not the street that I planned to turn on, so I was forced into a third lane of traffic because there just wasn't room for my car. This was perfectly satisfying to me. I didn't know what else to do in this matter. And, of course, when the light changed I didn't cut anybody off, I made sure that I was able to get back into the lane of traffic. Well, sitting right there in a patrol car was a State Trooper. He said, "Let me see your license." Then he brought out a sheet of paper and he said, "I am part of Task Force B sent out by Attorney General Sills to track down violators on Route 22 and Route 46, blah, blah, blah" all this sort of stuff. I said, "Sir, what did I do wrong?" He said, "Do you see that roadway back there?" I said, "Yes." He said, "That's shoulder." I said, "I often thought that shoulder is designated by gravel." He said, "No, that's shoulder and you passed on a shoulder. That's improper passing. You are not allowed to do that." I said, "Sir, I had no other recourse in this. I didn't know what else to do.

You could be sitting there all day long and I would do it again." "Well, we've been cracking down on this sort of thing because there are a lot of hot-rodgers that stop at traffic lights and pull out to cut people off." So, I said, "That's wonderful but I'm just not aware of this." I said, "Thank you, I'm now aware."

Well, I'll tell you, I'm the type of person who is pretty sincere and very sensitive towards things so when I'm reprimanded for something I feel that I'm wrong and that's all there is to it. So I didn't bother going to court on this one. I said, "My God, I'm wrong." I mean, you know, he explained it to me. Even though I was ignorant of this, you know, that's no excuse for violating. So I did nothing.

All of a sudden I received a 9 point notice from Motor Vehicle that said that I had 9 points, that 12 points means possible suspension. I couldn't imagine. What had I done, you know. So I called for an abstract of my driver record. Sure enough, there was the first violation, the speeding, for 4 points and 5 points for this improper passing. I said to myself, you better watch it boy because you're going to be in trouble, you just better really take it easy.

In the fall of that year I began to work for the RCA Distributor in the area of records. I was assigned a territory as District Manager of RCA records from Elizabeth west to Trenton and south to Asbury Park. I sold records to all retail stores, Korvettes, Kleins, stores like this, plus your local stores, in that area.

Now this job had a tremendous amount of pressure because I had numerous accounts, I had to make frequent visits to make sure that inventory was turned over properly. With four Korvette stores under my helm it was necessary to be there at each store at least one day a week, and one of the stores that I serviced was in Trenton.

One morning, as I was going down Route 1, on my way to Princeton, I was following a continuous line of traffic - I felt that possibly this might be one way that I could more accurately keep my mind on my driving or to better gear my speed. Well, in that continuous line of traffic, I suppose the people in front of me must have been exceeding the speed limit because we were all pulled over by the crack radar team of East Brunswick Township, known notoriously on Route 1 and 130, and they said that I was going 59 and 60, whatever it might be. I said, "Fine." What else can I say.

Well this one, of course, was the violation that was going to put me over the 12 point mark. So I said, I just have no recourse, I must go down to testify. So I went to the hearing and there was a female magistrate and I listened to the case of a man who had gone 57 in a 50 and had protested it, saying that there was a continuous line of traffic, and the State Troopers had to submit - I don't know if you call them warranties, or whatever, based on the fact that their speedometers had been calibrated on the second Tuesday of the month, and all of this sort of stuff, and they had the charts and everything

else, and this man was convicted without a reasonable doubt. So I said to myself, who am I fooling, I'm not going to make a fool of myself, let them show me the chart and if it looks like my car was speeding at that particular time, fine, and I'll just accept the conviction, what else can I do. So they showed me the chart. The chart lists 8 or 9 cars and then it goes across, it looks like a mercury thermometer, it has these readings across and in the third car, this car went close to 60 miles an hour, as a matter of fact maybe 60 1/2, so I said to myself, if that's my car, I don't want to fool around because then it's an automatic revocation on top of this. I said, I'll just have to wait until I hear from Trenton. I said, maybe at that time I will go back and discuss some of these other violations because while I was at the hearing in East Brunswick I met a lawyer who specializes in this area and he informed me that my violation for improper passing in Watchung Township had been thrown off the books by the magistrate, meaning that no more people were being convicted of that because it was vague and ambiguous. He had recommended to the task force that they pick up people for violations that are more substantial. Of course, this didn't help me.

Then I received a notice from Trenton saying that I could either surrender my license or attend the school. This is all it said. I had questions and I wanted them answered. I went down to Trenton and talked to the head of Driver Improvement. I said, "I have some questions that I

would like to discuss regarding some of my previous violations. What can we do about this? "Why bother? It's too late, you pleaded guilty. Attend the school and you won't have to lose your license." So I said, "Well, okeh, I can do that but in the meantime these things are still sitting on my record."

All right. I attended the school. This was a true experience. First of all, there is about a 5 or 6 week wait to get into the school. Based on that fact, I feel that Assemblyman McDonough's bill saying that people that go more than ten miles over the limit should be allowed to go the school is totally unrealistic in this State, because I feel your schools are so jammed now that the amount of money it would cost the State to have all of these people who lose their license for going more than 10 miles over the limit - I feel that it would be much, much too costly and wouldn't prove a thing.

Now, what type of people are in these schools? Generally, motorcycle gang type individuals - of course, at this time we didn't have junkies and pot dealers but that's the way I would classify them today, fellows in motorcycle jackets and riff-raff and this sort of stuff, two or three people possibly dressed properly.

I was very inspired by what I heard in the school. I thought that all the information was very valuable. I asked many questions. And yet I was reprimanded by my fellow students who said to me, "Stop asking questions, we want to get out of here. Come on, let's get this all over with, we want to get out of here. What are you, some

kind of brown nose or something like that?"

Also I noticed a very interesting point besides that. There were no girls in the school. "Gee," I said, "that's surprising." I understand that there is supposed to be a correlation between violations and excessive speed and accidents. I said, "there are no girl violators. Does that mean there are no girls having accidents? Gee, that's really quite unusual."

At the end of the evenings it was like a mad dash to the parking lot to see who could get out of there first, rubber burning, motorcycles zooming out of the parking lot. I just carefully tripped away.

After completion of the school, you are then put on a one year probationary period. Whether you attend the school or have a hearing and win the hearing, nevertheless you are still put on a probationary level.

Now the ruling works this way. If you receive a violation within the first three months after you attend the school, you receive an automatic suspension of your license for a period of 90 days; from three to nine months, it's 60 days; from nine to twelve months, 30 days. All right. Well, of course, at this point I was beginning to analyze in my own mind, what am I doing? what am I doing differently in this period of time that I didn't do in my first four years? I should be more mature. What's happening? Do I have a lead foot? Is something wrong with me?

I began to think of this very seriously. Then on

the morning of June 28, 1967, as I was proceeding to go on to the Garden State Parkway at the Elizabeth exit, which borders right on Cranford, I was stopped by a radar unit from Cranford that was located underneath the Parkway Bridge. I was negotiating a turn on to the Parkway. They said that I was going 45 in a 35.

Now, since that time I bought a new car and added a speed warning indicator. I figured that would certainly help, and had that set low.

Now, ironically enough, I remember adjusting my indicator, actually hearing my indicator - no, strike that - my indicator was adjusted at 35 miles an hour. I did not hear the indicator at that particular time and I was adjusting it up to 60 because I was going on to the Parkway.

Well, I pleaded with them. I said, "This is it for me, fellows. I've had it. This is within the 3 month period." I said, "We're coming into our busiest season. I've just had it." "We're sorry. This is a special crackdown program." I didn't know what to do. So I said to myself, at this point I've been to these hearings, the only thing I can do is hire an attorney, just hire an attorney.

Now, ironically enough, the next morning in the paper was an article - Cranford battles careless driving. It seems that they had had some accidents involving people under 25 years of age so that they were having this crackdown. I guess I might have been fortunate enough to be the first person stopped under this crackdown because

it was the first day and it was 9:40 in the morning.

Well, I went to a man, and if you want to hear the name of the individual, that's fine, I'll be very happy to repeat it, his name is David L. Ravich, he's a Counsellor-at-Law, he was an ex-magistrate from Rahway. He said, "I'll take your case. I want \$150 for that." Okeh. What else can I say? He said, "We'll see what we can do."

My contention was that there was a continuous line of traffic, which there was, there were numerous cars, and that my warning indicator had not buzzed off. Also the fact was that there was approximately 520 feet from where they said they clocked me to the point where I was negotiating a turn on the Parkway.

Now, I said, would I be reasonable and prudent to be negotiating a turn at 45 miles an hour? I said, by the time they stopped me I was just about ready to turn. I said, this isn't right, this wouldn't be possible.

All right. At my first hearing, I showed up for it, the man showed up and he had a secretary with him, or something like this. It seemed that my case was going to come up later in the evening. So, he said, "Listen, I can't really wait around. I've got some things to do. I'm going to ask for a postponement." I said, "Well, if that's what you'd like to do, fine." It was postponed for six weeks.

In the meantime, not a mention to my employer. because my employer was the type who said never involve us with these personal things because I remember what happened.

The salesman before me had a judgment against him and he was fired immediately. So I was frightened. I didn't want to say a word. I figured I might be able to work it out myself.

I believe the hearing was sometime in July, July or August. The night of the hearing I received a phone call from Mr. Ravich saying, "Listen, in the event I can't make it, I'm sending someone else in my place." I wasn't even home to receive the call. His name is Herzfeld or something like that. So as I got down to the hearing this Herzfeld walked up to me and said, "Hi, I'm going to be defending you." A young man, 27, 28. He said, "I've been instructed to pick up the check before we walk into the courtroom." He might as well have a gun over me. Fine. I'll give you the check. We go into the courtroom. We were the last case of the night.

The case before mine was very interesting. It was a hit-and-run case. The poor boy, you know, he panicked, he ran away from the scene of the accident. He was a very nervous type thing, very emotional about the whole thing. I'm bringing this up because I feel that it's relevant. He wasn't represented by Counsel. Apparently the insurance company's counsel was not able to make it. He was asked to ask for a postponement. "Magistrate Stevens, may I have a postponement of this?" The Magistrate said, "Does the Prosecutor have the evidence?" Yes, the Prosecutor has the evidence. "We will then proceed with the case." And they proved without a questionable doubt that the boy was guilty

and the Magistrate turned to the boy and said, "Do you have anything to say on your behalf?" He said, "What can I say? I'm not represented properly by Counsel, I don't know what to say." And the Judge said, "Refused to testify." Well, at this point I said, what chance have I got under these circumstances.

Well finally my case was ready to be heard. It started about a quarter to eleven. My man has his little book in front of him. He said that possibly the vibrations of the Parkway might have thrown off this particular device they had. Actually, they had a very crude instrument, it looked more or less like a gauge and then as a man would come near the radar device, as the speed reached its crest they could stop it and pinpoint it. What they did, they showed it to me, you see, this is what your car was doing. It wasn't at all sophisticated like the device that the State Police radar use. So he was throwing all this stuff at me, the Judge was yawning, and he said to my Attorney, "Young man, if you can't start making some relevant facts, we might as well end this hearing." I said, "Herzfeld, sit down." I stood up. And, of course, I was very anxious to bring in all the irrelevant facts on my behalf because I thought that they might help. I said that I had been driving in this area for the last 7 years, I used my car for business, blah, blah, blah, and this and that, and I brought in my whole story, and that I felt or I knew there was a continuous line of traffic and I questioned as to whether or not it was my car going at that speed, particularly because I had my

speed warning indicator set.

The two patrolmen, who stopped me, testified, "Did you ever see this person?" "Well, we don't recollect. Yes, I guess we gave him a ticket." "Were there any other cars on the roadway at that time?" "No, he was the only one." The Judge said, "Nice case. Lost. Too bad," all this sort of stuff.

At this point I went to my employer. I didn't go to my boss whom I have trouble communicating with, I went to the Comptroller. I said, "I'm probably going to lose my license." "What? What do you mean? Let's try for an appeal. We have a legal department." He called up the legal department. One day I had missed the appeal. He said, "Well, you know this could cost you your job." I said, "I know. I'm sorry I didn't let you know sooner. I'll work it out. Don't worry about it, blah, blah, blah."

I went away on a week's vacation which happened to be being an advisor at a youth group camp. I came back. The next day I was let go. I was just fired. I had been there 14 months. I was the leading salesman in that area. I had produced more business in my territory than anyone else previously, and I said, "Why?" My boss said, "just forget it, I'd rather not say." That's very nice. I still hadn't heard from Trenton.

I then began to negotiate with some of my distributors that I had been calling on, one of them being J&J Corporation. I decided to sell stereo tapes for them until I would lose my license. The day I began to start,

October 31st, I received a letter from the State, mail us your license, an automatic 90 day suspension, however if you want to have a hearing on this mail us the license and write to us for a hearing. I mailed the license.

In the meantime, they didn't want to hire me because I didn't have my license. So I said, all right, wait a minute, let me be a manufacturer's representative because if I go down for a hearing and my cause is that I need my license for driving to maintain my livelihood, what kind of a case am I going to have if I'm not working? I said, "Please, just pay me commission only."

Came November, I was called down for a hearing. Lo and behold, the man that I spoke to was the man I had spoken to previously. I talked to him about driver improvement. He said, "How are you?" and everything. We were talking about youth groups. Part time, also, I'm a youth director in the Synagogue. I'm a Chaplain's Assistant in the National Guard; Chairman of the University of Pittsburgh Alumni Association, all these various things. So, we're talking and he said, "Wait, we better go along with the hearing." But he remarked to me that hardship is not a reason for justifying reduction of suspension so I would have to come up with some better reason than that.

We went on with the hearing. I said, the first thing I explained to him was the exposure, undue exposure to unfamiliar areas of this State. I said this was one of the reasons I felt I had come under Motor Vehicle's jurisdiction. I said, "I have been driving in unfamiliar areas.

Until this violation I received in Cranford, I had never gotten a ticket within 20 miles of my house." So that was one thing.

The second I said was naivete. I said, "All right, ignorance maybe is not an answer but my naivete, the fact that I did not go down and try to fight some of these things, this was a cause also for having some of them appear on my record." And I labored this point. About three weeks later I received the answer, your hearing has been held and the Director has not changed her mind and you have lost your license until January 31.

Well now I am, of course, unemployed. I at that time began to collect unemployment insurance. I didn't even feel it was proper to go for an interview for a job because, being the way I am, I would say I lost my license and I don't think they would hire me until I would get it back.

In March of that year I had an opportunity to work for Atlas Rand Corporation in Paramus. I was working for them for three weeks when I was told that they didn't need my services any more. Again, knowledgeable, maybe they checked on my license or my driving record. I don't know. I don't know what the answer was. However, I never experienced these difficulties before.

Of course, my job picture had been poor because of the fact that my employer refused to give me a recommendation. All he said was, "I refuse to discuss it, he wasn't up to standard." I have records to prove that I was up to standard.

When anyone called he just said, "that's it, I don't want to discuss it."

Well, I began to finally decide maybe I ought to go into the insurance industry, they'll take just about anyone, maybe. Anyhow, --

MR. GREEN: Mr. Chairman, shouldn't there be a curb on something? This man has presented a hardship case but I mean we can't take all day on this.

MR. LAVINE: I'm almost finished.

MR. COAR: Well, if you are calling on a ruling of the Chair, I think we should let the witness continue, use a little more discretionary verbiage --

MR. GREEN: Oh, I don't mind his verbiage but I mean the length of time.

MR. COAR: In the interest of hardship, I think, the residents of this State should have their plight pleaded.

MR. LAVINE: I passed my insurance broker's license and began to go around to insurance companies to see if I could get a position possibly - I was interested in the commercial area of insurance. I went to one company and when I had told them I had lost my license and had gotten the license back the man stopped the interview right in the middle. He said, "I'm sorry, there is absolutely nothing I can do for you." Liberty Mutual and a number of other companies did not hire me. I don't know what the reasons were. Sun Life, however, my current employer, tested me first, gave me a complete psychological test, understood my problem, I had six interviews, I had a retail credit,

everything was done and finally I was hired. I have been employed there since September 3 of this year.

As of January 31 of this year, I am no longer under the probationary period. However, because my points remain on for three years, - I currently still have 8 points - any violations I get between now and the 27th of September of this year will again have me lose my license.

One other point that's very relevant to this. In July, after 7 1/2 years with State Farm, and again being in the insurance business I still wanted to be with State Farm because I thought they were a fine carrier, I got notice that I wasn't going to be renewed. So I said, "Why, please? Please tell me why. No accidents. Oh, yes, I'm sorry, one chargeable accident. I opened my car door and a girl hit it. That was charged against me." "It was because of your driving record, this is all it is, your driving record."

All right. So any insurance company I would apply to from that point on, I would have to put - was your insurance refused or cancelled, blah, blah, blah, - yes. I put that down. Who is going to take me? I tried leasing a car and the leasing company wouldn't take me. I had the money to pay for that. I needed the coverage. I realize how important it is to have coverage. I had a hundred and three hundred thousand. I had full collision and comprehensive.

One of the companies has a good program today. At lease they offer you full coverage, \$950.

MR. COAR: Would you repeat that figure? \$950?

MR. LAVINE: \$950.

MR. COAR: Is that per year?

MR. LAVINE: Yes, per year. But I will say at least that's full coverage. And in order to be fully insured I suppose, you know, I mean, you have to pay for it. But what I did instead, I went to one of the non-New Jersey companies, the Jefferson Company in Concord and I had excess coverage, assigned risk, a combination thing that I worked out. So I am only paying now about \$600 a year.

I had an interview with Dr. Imbrogno of the Testing Center in Trenton. He was the man responsible for interviewing all people involved in fatalities, and he told me that the minds of some of these people are demented, that they are psychotic, that in many cases they shouldn't even be walking the streets. However, again, the irony of this system is that the dangerous killer is still on the road because the system isn't strong enough for the people who are really in bad shape. And it is my contention that two factors must be taken into consideration, undue exposure to the road and the other thing that Commissioner Green brought out, psychological test and attitude. That comes under attitude.

I can see no reason why I would not have been afforded the opportunity to be examined by this man and have him say, "listen, he doesn't really fall in that category, his attitude isn't bad , maybe his mind has been on something else." This is my contention, that my mind, four or five

percent of the time might be on something else. And this, in finality, is what I have to say, that there might be a system adopted that might extend the point system for people in a particular class 18, say, or 24 points. I understood that at one time red licenses were issued, whatever that meant. And for instance, if insurance companies can ask if you use your car for business, which is fine and I pay top rates, I don't hide a thing, why can't Motor Vehicle? Why can't there be a code, A, for people who use their cars for business, and these people come under a particular type of jurisdiction.

These are my thoughts, these are my theories, and I will be very happy to answer any questions you may have.

MR. COAR: First, Mr. Commissioner on my right, any questions?

MR. GREEN: No.

MR. COAR: Mr. Jayne?

MR. JAYNE: Nothing?

MR. COAR: Mr. Horan?

MR. HORAN: No.

MR. COAR: Mr. Allen?

MR. ALLEN: No.

MR. COAR: I have one question. You tell us of a long period of problems that you've had. When your license was revoked and you paid the penalty, did your points carry through with you?

MR. LAVINE: Yes.

MR. COAR: After you paid the penalty? Are you sure

of that?

MR. LAVINE: Yes.

MR. COAR: Your slate wasn't washed clean?

MR. LAVINE: No, the slate is never washed clean.

MR. COAR: Now you mention that you were overtaking a truck on Route 22. Do you recall what kind of truck that was? Was it a New Jersey resident truck or out-of-State truck?

MR. LAVINE: I'm sorry, I don't know what type of truck that was.

MR. COAR: One other thing. Had the penalty been more severe for a violation, would that have stopped you from getting these violations? You know yourself as a person, if the penalty had been more severe would it have prevented you from getting all of these violations?

MR. LAVINE: Definitely not because there is one question that I would like to bring out at this point. There is no correlation between the municipalities and what the judicial area --

MR. COAR: I'm asking you, as a resident of this State, if the point system were more severe would it have stopped you from getting more points and losing your license?

MR. LAVINE: Absolutely not, because there are so many areas that you could be stopped for.

MR. COAR: Thank you for your testimony.

Is there anyone else who wishes to be heard from the public? If not, I want to put in the record a copy of a letter that I received from a Robert H. Clark, as

Chairman of this Commission. Along with it was an enclosure of a letter addressed to Miss June Strelecki, State Motor Vehicle Director. And I will submit this to the entire Commission.

I would like to draw attention to one particular request that was made by this New Jersey resident's letter to Miss Strelecki, the Director, and I am taking this out of context, just to save time. I am reading the portion that deals with the subject I am interested in:

"I called the local Motor Vehicle Office relative to the clinic but they were unable to give me any further information."

Now I reflect that this letter is a request on the Motor Vehicle Director for that information. And based on the testimony we have heard from the preceding witness, as well as others, there evidently seems to be some question about people knowing about this clinic. And I would stipulate that after a given time for response, I think this Commission should deal further with this to see whether or not there is anything to it.

MR. GREEN: Well, Mr. Coar, wasn't that a local Motor Vehicle Agent who issues license plates?

I mean -- well, let's be fair with the Motor Vehicle.

MR. COAR: Well I think we should be. I think there is some credibility gap here as to what was testified to --

MR. GREEN: Well I don't like the word "credibility"

gap.

MR. COAR: I do. I do, sir, if you please. I like it.

MR. GREEN: I don't want to get in a discussion with you.

MR. COAR: Well then let the record show --

MR. GREEN: We have a State Department. A man goes into a Motor Vehicle Licensing Agency, which is only a function of the Department in handing out license plates and licensing. I think before this matter is brought up again we ought to find out from the Motor Vehicle Commissioner or the Director herself.

MR. COAR: I think it's a function of this Commission to find out if what Motor Vehicle is saying is in fact true and available. And if there is a question of credibility, this Commission should certainly dig into it so that the Legislature can get a full and unbiased report.

MR. GREEN: Well let's be fair to the Motor Vehicle Director.

MR. COAR: We are. I am stating for the record that it has been brought to my attention that there is some possible conflict in statements and, until they get an answer, I am asking that this Commission sit in abeyance and we will review it at that time.

MR. GREEN: I move that we adjourn.

MR. COAR: I would ask you to table your motion for one minute, Mr. Commissioner, so that we can fix our date in caucus as to our next meeting.

MR. GREEN: Okeh.

MR. COAR: We will recess for a few minutes.

(Recess)

(After recess)

MR. COAR: Will the Commissioners resume their places and we will finish up this second hearing.

For the record I want to stipulate that the Commission has before it a letter dated February 25 from Commissioner Allen, along with a letter dated March 9, 1969, from a Robert H. Clarke, Box 79, R.F.D. 5, Flemington, New Jersey. Let the record reflect that they will be sent, these two respective letters, to the appropriate parties for proper answer.

Secondly, the Commission will meet in a closed session on April 7, Monday, in Newark, for the purpose of rendering an interim report to the Legislature.

Is there any further business to come before the Commission?

If not, we can stand adjourned until April 7.

Thank you, Mr. Senator.

(Hearing adjourned)

JUN 19 1985

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