



Chapter 7

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THE DRIVING PRIVILEGE

Driving is a privilege, not a right. State law allows or requires an individual's driving privilege to be suspended for certain motor vehicle violations, which means the driver license will be taken away and the motorist may not drive for a stated period of time. In addition to license suspension, fines and imprisonment may also be imposed for moving violations. The length of suspension time depends on the law that is broken and how many convictions a motorist receives. Likewise, license restoration depends on the types of offenses and the number of convictions. A habitual offender is a motorist whose driver license has been suspended three times in three years. To avoid any problems, it is important to know and obey New Jersey's traffic laws, which are in place to protect every motorist.

Some suspensions are decided on a case-by-case basis. If the sentence is not mandatory, the Chief Administrator of the MVC or the courts may suspend driving privileges. Reasons for loss of driving privileges may include, but is not limited to the following reasons:

- Failure to appear in court or to pay fines
- Failure to pay motor vehicle surcharges
- Driving while suspended
- Failure to provide proof of insurance
- Physical or mental disqualification
- Drug or alcohol use
- Traffic law violations
- At fault in a fatal accident
- Failure to respond to an MVC notice

The MVC Chief Administrator may also require a re-examination of any person considered to be a problem driver. This re-examination will help to determine whether driving privileges should be suspended.

DRIVING UNDER THE INFLUENCE (DUI)

Drivers under age 21 (the legal age to purchase/consume an alcoholic beverage) found with a blood alcohol concentration (BAC) at .01 percent or more while operating a motor vehicle will be penalized (N.J.S.A. 39:4-50.14). The current BAC for drivers age 21 and older is .08 percent (N.J.S.A. 39:4-50).

In New Jersey, a person must be 21 to purchase, possess or consume alcoholic beverages. Underage drinking is illegal and can have severe consequences for young people who drink and for adults who provide alcoholic beverages to those under age 21.

If a driver under age 21 buys or drinks alcohol in a place with an alcoholic beverage license, he/she may be fined \$500 and lose his/her license for six months. If a person under age 21 does not have a driver license, the suspension starts when he/she is first eligible to receive a license. Also, the person may be required to participate in an alcohol education or treatment program.

MANDATORY PENALTIES

First offense/BAC .08% or more but less than .10% (N.J.S.A. 39:4-50)

- Three-month suspension of driving privilege
- \$250 to \$400 fine
- 12- to 48-hour participation in an Intoxicated Driver Resource Center (IDRC)
- \$230 per day IDRC fee
- Up to 30 days imprisonment
- \$100 Drunk Driving Enforcement Fund fee (N.J.S.A. 39:4-50.8)
- \$100 Alcohol Education, Rehabilitation and Enforcement Fund (AERF) fee
- \$1,000 annual surcharge for three years
- \$75 Safe Neighborhood Services Fund fee (N.J.S.A. 2C:43-3.2)
- Possible interlock device requirement for six months to one year (N.J.S.A. 39:4-50.17)

First offense/BAC .10% or more (N.J.S.A. 39:4-50)

- Seven-month to one-year suspension of driving privilege
- \$300 to \$500 fine
- 12- to 48-hour participation in an Intoxicated Driver Resource Center (IDRC)
- \$230 per day IDRC fee
- Up to 30 days imprisonment
- \$100 Drunk Driving Enforcement Fund fee (N.J.S.A. 39:4-50.8)
- \$100 Alcohol Education, Rehabilitation and Enforcement Fund fee
- \$1,000 annual surcharge for three years
- \$75 Safe Neighborhood Services Fund fee (N.J.S.A. 2C:43-3.2)
- Possible interlock device requirement for six months to one year (N.J.S.A. 39:4-50.17)

Underage first offense/BAC .01% or more but less than .08%(N.J.S.A. 39:4-50.14)

- 30- to 90-day suspension of driving privilege (on the day motorist becomes eligible to obtain a license or on the day of conviction, whichever is later)
- 15 to 30 days community service
- Participation in an Intoxicated Driver Resource Center (IDRC) or alcohol education and highway safety program, as prescribed by the MVC Chief Administrator.

| DRIVING OFFENSE CONVICTION | LOSS OF LICENSE ¹ | FINES, FEES, SURCHARGES | IMPRISONMENT | COMMUNITY SERVICE (CS), IDRC ² OR DETAINMENT |
|---|------------------------------|--|----------------|---|
| Alcohol- or drug-related (DUI) ³ first offense | 3 months to 1 year | \$250-\$500 fine; \$1,000 a yr for 3 yrs surcharge; \$230 per day IDRC fee; \$100 drunk driving fund; \$75 Safe Neighborhood Services Fund \$100 AERF | Up to 30 days | 12-48 hrs IDRC |
| Alcohol- or drug-related (DUI) ³ second offense that occurs within 10 yrs of first offense | 2 years | \$500-\$1,000 fine \$1,000 a yr for 3 yrs surcharge; \$280 per day IDRC fee; \$100 drunk driving fund; \$75 Safe Neighborhood Services Fund \$100 AERF | 48 hrs-90 days | 12-48 hrs IDRC 30 days CS |
| Alcohol- or drug-related (DUI) ³ third offense that occurs within 10 yrs of second offense | 10 years | \$1,000 fine \$1,500 a yr for 3 yrs surcharge; \$280 per day IDRC fee; \$100 drunk driving fund; \$75 Safe Neighborhood Services Fund \$100 AERF | 180 days | 12-48 hrs IDRC Up to 90 days CS, which can reduce a period of imprisonment |
| Drinking alcoholic beverages while driving or riding | N/A | \$200 fine, first offense \$250 fine, second offense | N/A | N/A |

| DRIVING OFFENSE CONVICTION | LOSS OF LICENSE ¹ | FINES, FEES, SURCHARGES | IMPRISONMENT | COMMUNITY SERVICE (CS), IDRC ² OR DETAINMENT |
|---|---------------------------------|--|--------------|---|
| Drinking alcoholic beverages while driving or riding (second offense) | N/A | \$250 fine | N/A | 10 days CS |
| Driving on DUI suspension | Additional 1-2 yrs ⁴ | \$500 fine; \$250 per yr for 3 yrs surcharge | 10-90 days | N/A |
| Driving with no insurance (first offense) | 1 year | \$300-\$1,000 fine; \$250 per yr for 3 yrs surcharge | N/A | CS determined by court |
| Driving with no insurance (second offense) | 2 years | Up to \$5,000 fine; \$250 per year for 3 yrs surcharge | 14 days | 30 days CS |
| Driving with possessing drugs | 2 years | Min. \$50 fine | N/A | N/A |

¹Underage drinking may cause a six-month delay to get a license.

²Intoxicated Driver Resource Center.

³Driving under the influence (DUI). Alcohol- and drug-related offenses require completion of an alcohol screening and evaluation program.

⁴Also suspends registrations for the same period.

The courts may require DUI offenders to use ignition interlock devices on their motor vehicles. An interlock device (see page 117) is attached to a motor vehicle to prevent it from being started when the alcohol level of the motorist's breath exceeds a predetermined amount. The interlock requirement is in addition to any other penalty required under the state's drunk driving statute. Installation is for six months to three years, beginning when the motorist's driver license has been restored following suspension.

BREATH TEST (N.J.S.A. 39:4-50.4a)

New Jersey has an implied consent law. This means that motorists on New Jersey roadways have agreed, simply by using New Jersey roadways, to submit to a breath test given by law enforcement or hospital staff following an arrest for a drinking-and-driving offense. Motorists who refuse to take a breath test will be detained and brought to a hospital, where hospital staff may draw blood.

Motorists who refuse to take a breath test in New Jersey are subject to an MVC insurance surcharge of \$1,000 per year for three years. Failure to pay this surcharge will result in an indefinite suspension of driving privileges until the fee is paid. Motorists who refuse to take a breath test will be detained and brought to a hospital, where hospital staff may draw blood.

Under state law, refusal to take a breath test is equal to driving with a BAC of .10 percent for a first offense. The current penalty for refusal is the loss of driving privileges for between seven months and one year, to run concurrently or consecutively, based upon a judge's order.

IGNITION INTERLOCK DEVICE (N.J.S.A. 39:4-50.17)

If a driver license was suspended because of a DUI offense, the court may require the individual to install an ignition interlock device in order to fully restore his/her driving privilege. This device is attached to the vehicle with a built-in Breathalyzer and prevents the vehicle from starting if the motorist's BAC exceeds .05 percent. The interlock requirement is in addition to any other penalty required under the state's drunk driving statute. Court ordered installation may be required for:

- **First DUI offense:** Installation of interlock device for six months to one year (judge's discretion)
- **Second DUI offense:** Installation of interlock device for one to three years or a two-year suspension of registration privileges
- **Third DUI offense:** Installation of interlock device for one to three years as a condition of restoring driving privileges or a 10-year suspension of registration privileges

If the court sentences a motorist to install an interlock device, he/she will receive an MVC notice explaining how to obtain the device, as well as an additional MVC notice confirming the suspension. An approved list of interlock device manufacturers can be found on the MVC's Web site at www.njmvc.gov.

INTOXICATED DRIVER RESOURCE CENTER

State law requires that any motorist charged with an alcohol-related traffic offense must be detained at an IDRC. Each of New Jersey's 21 counties has an IDRC where first- and third-time offenders are detained. Second-time offenders are detained at one of three regional IDRCs. The N.J. Department of Health and Senior Services, Division of Addiction Services, and the Intoxicated Driving Program coordinates all IDRCs.

During detention, all offenders attend an alcohol and highway safety education program. The center evaluates each offender for an alcohol or drug problem and determines the need for treatment. Those deemed in need of treatment are referred to an appropriate provider for at least a 16-week treatment program.

Satisfactory participation in a state-assigned program is a condition for re-licensing. Failure to comply will result in further loss of driving privileges and the possibility of imprisonment.

MOTOR VEHICLE VIOLATIONS

- **Unsafe driving:** A conviction of unsafe driving that endangers a person or property requires payment of a fine of not less than \$50 or more than \$150 for a first offense; not less than \$100 or more than \$250 for a second offense; and not less than \$200 or more than \$500 for a third offense. Motorist may be assessed motor vehicle penalty points if the offense occurs within five years of the prior offense. There is also a \$250 court surcharge for each offense (N.J.S.A. 39:4-97.2).
- **Reckless driving:** Driving recklessly in a manner that willfully endangers the rights, property or safety of others is punishable by imprisonment of up to 60 days, or by a fine of not less than \$50 or more than \$200, or both for a first offense (N.J.S.A. 39:4-96). Points are assessed.
- **Abandoning a vehicle:** Motorists who abandon their motor vehicles on or along limited-access highways for four hours or more without permission are subject to a fine of not less than \$100 or more than \$500 and possible loss of driving privileges for up to two years. For subsequent violations the fine is not less than \$500 or more than \$1,000, and the suspension is up to five years. The same penalties apply when owners abandon their vehicles on any highway or public property without consent for 48 hours or more and when owners abandon their vehicles for any period without current license plates (N.J.S.A. 39:4-56.5).

- **Carrying alcoholic beverages:** Motorists who carry open or unsealed alcoholic beverage containers in passenger areas of motor vehicles are subject to a fine of \$200 for a first offense and \$250 or 10 days of community service for all subsequent offenses (N.J.S.A. 39:4-51a).
- **Ice and snow:** Motorists of private vehicles face fines of \$200 to \$1,000 for each time ice flies from their vehicles and causes death, injury or property damage. Fines for commercial owners and operators range from \$500 to \$1,500 (N.J.S.A. 39:4-77.1).
- **Highway construction zones:** Speeding or other moving violations in areas undergoing highway construction mean doubled fines. Some offenses include reckless driving, careless driving, speeding, improper passing, tailgating, improper turns, failure to observe traffic lanes, failure to observe a traffic signal or sign and failure to obey directions of an officer (N.J.S.A. 39:4-203.5).
- **65 mph zone:** Speeding 10 mph or more above the posted speed limit or other certain moving violations in a 65-mph speed zone means doubled fines. Some offenses include racing on a public highway, refusal to comply with an officer's request, or failure to obey traffic signs or signals, failure to comply with rules for passing another vehicle, failure to obey road markings, failure to observe distance between vehicles and careless driving (N.J.S.A. 39:4-98.6).
- **Failure to comply:** Motorists face a \$50 fine if they fail to comply with a police officer's request to illuminate the driver's compartment of the vehicle when stopped (N.J.S.A. 39:4-57.1).
- **Insurance fraud:** Motorists convicted of fraud on insurance applications and claims forms may receive fines of up to \$5,000, or imprisonment for up to three years, or both. In the event the motorist fraudulently receives \$500 or less, he/she may be fined up to \$500 and/or imprisoned for not more than six months as a disorderly person. In addition, a person convicted of an automobile insurance crime will lose his/her driver license for one year (N.J.S.A. 39:6A-15).
- **Drug offense:** A New Jersey motorist's driving privileges will be suspended after he/she is convicted of drug offenses in any federal or state court.
- **Hit-and-run:** A hit-and-run involving bodily injury or death results in a fine of \$2,500 to \$5,000 and/or 180 days in jail for the motorist. In addition, for a first offense, the motorist loses his/her license for one year. For subsequent offense, the motorist permanently loses his/her license (N.J.S.A. 39:4-129).
- **Lying on application:** Lying when applying for a license or registration will result in a fine of not less than \$200 or more than \$500 and/or up to six months imprisonment. A motorist will also lose his/her driver license privileges for six months to two years (N.J.S. A. 39:3-37).

- **Forgery and fraud:** Altering, forging and/or possession with intent to distribute a facsimile of a N.J. driver license is illegal and will result in up to a \$150,000 fine, up to 10 years in prison and a driver license suspension (N.J.S.A. 2C:21-2.1).
- **Driving while suspended:** Driving while a driver license and/or registration is suspended can result in the following penalties:
 - **First offense:** Fine of \$500 and up to six months additional license and or registration suspension (N.J.S.A. 39:3-40)
 - **Second offense:** Fine of \$750, jail sentence for not more than five days and up to six months additional license and/or registration suspension (N.J.S.A. 39:3-40)
 - **Third offense:** Fine of \$1,000, a 10-day jail sentence and up to six months additional license and/or registration suspension (N.J.S.A. 39:3-40).

Additional penalties for driving while suspended:

- Driving while suspended for failing to pay an insurance surcharge will result in an additional \$3,000 fine, plus the fines and penalties listed above (N.J.S.A. 39:3-40).
- Driving while a license and/or registration is suspended for failure to properly insure a vehicle will result in a fine of \$500, an additional driver license suspension of one to two years and possible court ordered imprisonment for up to 90 days (N.J.S.A. 39:3-40).
- Driving while a license and/or registration is suspended and having a collision that causes injury to another person will result in a fine, continued suspension and the potential for a minimum 45-day jail sentence (N.J.S.A. 39:3-40).
- Driving while a license and/or registration is suspended for a drug or alcohol offense, refusal to take a breath test or if the motorist is a habitual offender, will result in a fine of \$500 and an additional license suspension of one to two years and/or possible court-ordered imprisonment for 10 to 90 days (N.J.S.A. 39:3-40).
- Driving while a driving privilege is suspended due to driving while under the influence, refusal to submit to a chemical test or for a habitual offender offense, and driving on school property or within 1,000 feet of school property or through a school crossing zone will result in one to two years additional suspension time, a \$500 fine and between 60 to 90 days imprisonment for a first offense. For second and third offenses, the suspension and fines remain the same, but the imprisonment term is increased to 120 to 150 days and 180 days, respectively (N.J.S.A. 39:3-40).

- Driving after failing to install an interlock device, as ordered by the court, results in a one-year suspension, in addition to any other suspensions already imposed, and may include penalties as a disorderly person (N.J.S.A. 39:4-50.19).

Other violations:

- A motorist who refuses to submit to a chemical test and driving on any school property or within 1,000 feet of school property or through a school crossing zone. Motorist will receive for a first offense a \$600 to \$1,000 fine and a one-to two-year driving privilege suspension; for second offenses the fine is \$1,000 to \$2,000 and the driving privilege will be suspended for four years. For a third offense, the fine is \$2,000 and the driving privilege is suspended for 20 years (N.J.S.A. 39:4-50.4a).
- A motorist who allows another motorist, who is currently suspended for driving under the influence or operating while suspended, to operate his/her vehicle. The result may be a loss of driving and/or registration privileges (N.J.S.A. 39:3-40).
- A motorist who loans a license to another motorist. He/she may be fined \$200 to \$500, face jail time and face a suspension of license.
- A motorist who has another person take the driving test. Motorist may be fined \$200 to \$500 and/or imprisonment from 30 to 90 days. The driver license may also be revoked (N.J.S.A. 39:3-37).
- Failure to appear at any scheduled court proceeding when charged with a non-indictable criminal offense, an ordinance violation or a motor vehicle offense. It will result in a court-ordered driver license suspension until the pending matter is settled (2B:12-31).
- Failure to meet the conditions of a sentence imposed (such as to pay a fine, make restitution or perform community service). It will result in a court-ordered driver license suspension (2B:12-31).
- Failure to pay a total of six months' court-ordered child support or provide health insurance. If a child support-related warrant exists in the motorists name, the courts can order basic and commercial driver licenses and professional occupational licenses to be suspended until payments are made (N.J.S.A. 2A:17-56.44).
- A boater convicted of driving under the influence (DUI) on New Jersey's waterways will be suspended from both boating and all driver license privileges and be fined \$250 to \$400 for the first offense, \$500 to \$1,000 for the second offense and \$1,000 for the third offense. Violators under 17 years of age will have their vehicle and moped license privileges delayed for three months, six months and two years for first, second and third offenses, respectively (N.J.S.A. 12:7-46).

Driving under the influence (DUI) convictions:

- A motorist caught with a passenger under 18 years of age at the time of the violation will face a disorderly persons offense, will receive suspension of driving privileges for not more than six months and will perform up to five days of community service (N.J.S.A. 39:4-50.15).

If an individual:

- Is at least 13 years old but under 18 years of age, he/she may have driving privileges suspended or postponed for a graffiti conviction (N.J.S.A. 2A:4A-43.3).
- Sets false alarms and is under 21 years of age, moped or other motor vehicle privileges will be suspended or postponed for six months. If under 17 years of age at the time of conviction, driving privileges will be suspended immediately and until six months after the day the person reaches 17 years of age. Additionally, the courts may apply civil penalties (N.J.S.A. 2C:33-3.1).

DRIVER PROGRAMS

DRIVER IMPROVEMENT PROGRAM

Motorists who accumulate between 12 and 14 points in a 24-month period will receive a Notice of Scheduled Suspension by mail from the MVC.

Upon receiving the notice, a motorist can do one of the following:

- Attend a New Jersey Driver Improvement Program
- Request a hearing
- Surrender his/her driver license for the suspension period

The MVC Chief Administrator or an administrative law judge will determine if driving privileges should be suspended for a motorist who is granted a hearing. A motorist who successfully completes a Driver Improvement Program will have three points removed from his/her record (N.J.S.A. 39:5-30.9). The class fee is \$100 (N.J.A.C. 13:19-10.3(c)). After completion of a Driver Improvement Program or after restoration of a motorist's driving privilege, he/she will be in a probationary period for one year. Any violations that occur during this probationary period will result in a scheduled suspension of the motorist's driving privileges.

DEFENSIVE DRIVING COURSES

Most road collisions are caused by motorist error. To reduce the likelihood of being involved in a collision, a motorist needs to understand the concept of defensive driving. These voluntary courses provide a motorist with standard collision-preventing techniques. Upon completion of the defensive driving course:

- Two points will be removed from the accumulated points currently on a driver license (N.J.S.A. 39:5-30.9).
- The motorist may qualify for an insurance rate reduction. Contact an insurance agent for more information.
- The MVC will only recognize a defensive driving course once every five years for point reduction (N.J.S.A. 39:5-30.9).

For a list of state-approved defensive driving courses, check the Department of Banking and Insurance Web site, www.state.nj.us/dobi/dmvschl.htm.

PROBATIONARY DRIVER PROGRAM

A motorist begins a two-year probationary driver period after receiving a special learner or examination permit. During this probationary period, a motorist convicted of two or more moving violations totaling four or more points must enroll in the Probationary Driver School Program, which is administered by the MVC (N.J.A.C. 13:19-10.3(d)). The attendance fee is \$100 for this program, which corrects improper or dangerous driving habits (N.J.A.C. 13:19-10.3f).

Completion of this program will result in a three-point reduction on an individual motorist's history record. Failure to complete the program or conviction of one or more subsequent moving violations during the test period will result in a suspension of driving privileges.

▼ MATURE DRIVER PROGRAM

A mature driver should constantly re-evaluate his/her driving skills. Driver improvement courses are available to mature drivers at various driving schools or through specific organizations.

For example, the American Association of Retired Persons (AARP) offers 55 Alive, a motorist improvement course that is specially designed for motorists age 50 and older. The eight-hour course helps motorists refine existing skills and develop safe defensive driving techniques. An added bonus is that in New Jersey, the course may qualify motorists who successfully complete the course to a minimum five percent vehicle insurance discount.

To find out more about this course, call AARP toll-free at (888) 227-7669. Check with insurance companies about how completing the course will affect a premium.

▼ MOTOR VEHICLE SURCHARGES AND POINT VIOLATIONS

Motorists who accumulate six or more points within three years are subject to a surcharge of \$150 for six points and \$25 for each additional point. Surcharges are levied in addition to any court-imposed fines and penalties. Surcharges will remain operational if a motorist has six or more points on his/her motorist record resulting from violations posted in the preceding three years. Point totals are based on the date the violations are posted to a motorist's record, not when the violations occurred (N.J.S.A. 17:29A-35).

Point system reductions in the Driver Improvement Program, the Point System and Defensive Driving Program sections do not apply to the motor vehicle surcharge system. Convicted or administratively suspended motorists must pay a prescribed dollar amount each year for three years.

| VIOLATION | SURCHARGE |
|---|-----------|
| Unlicensed driver (N.J.A.C. 13:19-13.1) | \$100 |
| No insurance – moped (N.J.A.C. 13:19-13.1) | \$100 |
| Driving while suspended (Court or MVC reported) (N.J.A.C. 13:19-13.2) | \$250 |
| No liability insurance on motor vehicle (N.J.A.C. 13:19-13.2) | \$250 |
| DUI/Refusal | \$1,000 |
| DUI/Refusal (third and subsequent convictions) | \$1,500 |

Ways to pay a motor vehicle surcharge bill:

- Mail payment to NJ-AISC, P.O. Box 4850, Trenton, NJ 08650-4850.
- Pay online at **www.njmvc.gov** (online services).
- Use charge-by-phone: call toll free **(888) 651-9999** (using American Express, MasterCard, Visa or Discover).
- Visit an MVC Regional Service Center in person.

Restoration fees may also be paid when making a motor vehicle surcharge payment using the charge-by-phone. Failure to pay any motor vehicle surcharges will result in the indefinite suspension of all driving privileges. The MVC may file a judgment action in the state Superior Court for unpaid surcharges, secure a lien against any real property that a motorist owns, file for a garnishment of wages or take other similar actions (N.J.S.A.17:29A-35). Motor vehicle convictions may increase automobile insurance premiums assessed by a motorist's insurance company.

POINT SYSTEM

The MVC keeps track of a motorist's driving record by adding points to the record when the motorist is convicted of a moving violation. The more serious the violation, the more points the motorist is given. See the following point chart for various violations. For an expanded or updated list of point violations, visit **www.njcourtsonline.com**.

All point violations after March 1, 1974, will stay on a motorist's driving record. Two points will be added to a driving record for traffic violations committed in other states.

Up to three points will be subtracted from a motorist's point total for every year that the motorist goes without a violation or suspension, but the point total will never be reduced below zero (N.J.S.A. 39:5-30.9).

Traffic laws are enforceable on highways, roadways, parking areas, driveways and grounds owned and maintained by government entities. Also, motorists convicted of reckless or careless driving in any area open to vehicular traffic or usage will be subject to the charges applicable to that moving violation.

MOVING VIOLATION POINT CHART

| STATUTES | VIOLATION | POINT VALUE |
|------------------------------|--|-------------|
| N.J.S.A. 27:23-29 | Moving against traffic: New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway | 2 |
| N.J.S.A. 27:23-29 | Improper passing: New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway | 4 |
| N.J.S.A. 27:23-29 | Unlawful use of median strip: New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway | 2 |
| N.J.S.A. 39:3-20 | Operating a constructor vehicle in excess of 45 mph | 3 |
| N.J.S.A. 39:4-14.3 | Operating a motorized bicycle on a restricted highway | 2 |
| N.J.S.A. 39:4-14.3d | More than one person on a motorized bicycle | 2 |
| N.J.S.A. 39:4-35 | Failure to yield to a pedestrian in a crosswalk | 2 |
| N.J.S.A. 39:4-36 | Failure to yield to pedestrian in crosswalk; passing a vehicle yielding to a pedestrian in a crosswalk | 2 |
| N.J.S.A. 39:4-41 | Driving through a safety zone | 2 |
| N.J.S.A. 39:4-52 and 39:5C-1 | Racing on highway | 5 |
| N.J.S.A. 39:4-55 | Improper action or omission on grades and curves | 2 |
| N.J.S.A. 39:4-57 | Failure to observe a direction of an officer | 2 |
| N.J.S.A. 39:4-66 | Failure to stop a vehicle before crossing a sidewalk | 2 |
| N.J.S.A. 39:4-66.1 | Failure to yield to pedestrians or vehicles while entering or leaving a highway | 2 |
| N.J.S.A. 39:4-66.2 | Operating a motor vehicle on public or private property to avoid a traffic control signal or sign | 2 |
| N.J.S.A. 39:4-71 | Operating a motor vehicle on a sidewalk | 2 |
| N.J.S.A. 39:4-80 | Failure to obey a direction of an officer | 2 |
| N.J.S.A. 39:4-81 | Failure to observe traffic signals | 2 |
| N.J.S.A. 39:4-82 | Failure to keep right | 2 |

MOVING VIOLATION POINT CHART

| STATUTES | VIOLATION | POINT VALUE |
|------------------------------|---|-------------|
| N.J.S.A. 39:4-82.1 | Improper operating of a vehicle on a divided highway or divider | 2 |
| N.J.S.A. 39:4-83 | Failure to keep right at an intersection | 2 |
| N.J.S.A. 39:4-84 | Failure to pass right of vehicle proceeding in opposite direction | 5 |
| N.J.S.A. 39:4-85 | Improper passing on right or off roadway | 4 |
| N.J.S.A. 39:4-85.1 | Wrong way on a one-way street | 2 |
| N.J.S.A. 39:4-86 | Improper passing in a no passing zone | 4 |
| N.J.S.A. 39:4-87 | Failure to yield to an overtaking vehicle | 2 |
| N.J.S.A. 39:4-88 | Failure to observe traffic lanes | 2 |
| N.J.S.A. 39:4-89 | Tailgating | 5 |
| N.J.S.A. 39:4-90 | Failure to yield at an intersection | 2 |
| N.J.S.A. 39:4-90.1 | Failure to use proper entrances to limited access highways | 2 |
| N.J.S.A. 39:4-91 and 39:4-92 | Failure to yield to emergency vehicles | 2 |
| N.J.S.A. 39:4-96 | Reckless driving | 5 |
| N.J.S.A. 39:4-97 | Careless driving | 2 |
| N.J.S.A. 39:4-97a | Destruction of agricultural or recreational property | 2 |
| N.J.S.A. 39:4-97.1 | Slow speed blocking traffic | 2 |
| N.J.S.A. 39:4-97.2 | Driving in an unsafe manner (points only assessed for the third or subsequent violation(s) within a five year period) | 4 |
| N.J.S.A. 39:4-98 and 39:4-99 | Exceeding maximum speed 1-14 mph over the limit | 2 |
| | Exceeding maximum speed 15-29 mph over the limit | 4 |
| | Exceeding maximum speed 30 mph or more over the limit | 5 |

MOVING VIOLATION POINT CHART

| STATUTES | VIOLATION | POINT VALUE |
|---------------------|--|-------------|
| N.J.S.A. 39:4-105 | Failure to stop for a traffic light | 2 |
| N.J.S.A. 39:4-115 | Improper turn at a traffic light | 3 |
| N.J.S.A. 39:4-119 | Failure to stop at a flashing red signal | 2 |
| N.J.S.A. 39:4-122 | Failure to stop for a police whistle | 2 |
| N.J.S.A. 39:4-123 | Improper right or left turn | 3 |
| N.J.S.A. 39:4-124 | Improper turn from an approved turning course | 3 |
| N.J.S.A. 39:4-125 | Improper U-turn | 3 |
| N.J.S.A. 39:4-126 | Failure to give proper signal | 2 |
| N.J.S.A. 39:4-127 | Improper backing or turning in street | 2 |
| N.J.S.A. 39:4-127.1 | Improper crossing of a railroad grade crossing | 2 |
| N.J.S.A. 39:4-127.2 | Improper crossing of a bridge | 2 |
| N.J.S.A. 39:4-128 | Improper crossing of a railroad grade crossing by certain vehicles | 2 |
| N.J.S.A. 39:4-128.1 | Improper passing of a school bus | 5 |
| N.J.S.A. 39:4-128.4 | Improper passing of a frozen dessert truck | 4 |
| N.J.S.A. 39:4-129 | Leaving the scene of an accident | |
| | No personal injury | 2 |
| | Personal injury | 8 |
| N.J.S.A. 39:4-144 | Failure to observe Stop or Yield signs | 2 |
| N.J.S.A. 39:5D-4 | Moving violation out of state | 2 |

INTERSTATE COMPACTS

New Jersey belongs to two interstate compacts. Member states exchange information to ensure motorist compliance with the law and that they receive penalties for violations.

The Non-resident Violator Compact assures that non-resident motorists in member states will receive the same treatment as resident motorists. When motorists receive traffic citations in member states, they must fulfill the terms of that citation or face the possibility of license suspension in their home state until they meet those terms. Non-resident motorists have due process protection and cannot be detained out of state. Currently, 44 states and the District of Columbia are members of the compact. Alaska, California, Michigan, Montana, Oregon and Wisconsin are non-members. The compact does not apply to parking or standing violations, highway weight limit violations and violations of hazmat transportation laws (N.J.S.A. 39:5F-1 through 39:5F-30).

The Driver License Compact exchanges violation information with other states and the District of Columbia. Out-of-state violations become part of a motorist's New Jersey driving record. Georgia, Massachusetts, Michigan, Tennessee and Wisconsin are non-member states (N.J.S.A. 39:5D-1 through 39:5D-14).

WORK LICENSES

New Jersey does not allow conditional or special work licenses. If a motorist loses his/her license for any reason, driving is not permitted for any reason until the period of suspension ends and the motorist receives a notice of restoration.