

**SENATE, No. 1163**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**Co-Sponsored by:**

**Senators Corrado and A.R.Bucco**

**SYNOPSIS**

Requires police notification when driver's license is suspended.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/14/2019)**

1 AN ACT concerning driver's license suspensions or revocations and  
2 amending R.S.39:5-30.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. R.S.39:5-30 is amended to read as follows:

8 39:5-30. a. Every registration certificate, every license  
9 certificate, every privilege to drive motor vehicles, including  
10 commercial motor vehicles as defined in P.L.1990, c.103 (C.39:3-  
11 10.9 et al.), every endorsement, class of license, and commercial  
12 driver's license, may be suspended or revoked, and any person may  
13 be prohibited from obtaining a driver's license or a registration  
14 certificate, or disqualified from obtaining any class of or  
15 endorsement on a commercial driver's license, and the reciprocity  
16 privilege of any nonresident may be suspended or revoked by the  
17 **[director]** chief administrator for a violation of any of the  
18 provisions of this Title or on any other reasonable grounds, after  
19 due notice in writing of **[such]** the proposed suspension,  
20 revocation, disqualification or prohibition and the ground thereof.

21 **[He]** The chief administrator may also summon witnesses to  
22 appear before him at his office or at any other place he designates,  
23 to give testimony in a hearing which he holds looking toward a  
24 revocation of a license or registration certificate issued by or under  
25 his authority. The summons shall be served at least five days  
26 before the return date, either by registered mail or personal service.  
27 A person who fails to obey the summons shall be subject to a  
28 penalty not exceeding **[\$100.00]** \$100, to be recovered with costs  
29 in an action at law, prosecuted by the Attorney General, and in  
30 addition the vehicle registration or driver's license, or both, as the  
31 case may be, shall forthwith be revoked. The fee for witnesses  
32 required to attend before the **[director]** chief administrator shall be  
33 **[\$1.00]** \$1 for each day's attendance and \$0.03 for every mile of  
34 travel by the nearest generally traveled route in going to and from  
35 the place where the attendance of the witness is required. These  
36 fees shall be paid when the witness is excused from further  
37 attendance, and the disbursements made from payment of the fees  
38 shall be audited and paid in the manner provided for expenses of the  
39 **[department]** commission. The actual conduct of **[said]** the hearing  
40 may be delegated by the **[director]** chief administrator to **[such]**  
41 **departmental]** commission employees as he may designate, in  
42 which case the **[said]** employees shall recommend to the **[director]**  
43 chief administrator in writing whether the **[said]** licenses or  
44 certificates shall or shall not be suspended or revoked.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       b. Whenever a matter is presented to the **【director】** chief  
2 administrator involving an alleged violation of

3       (1) R.S.39:4-98, where an excess of 20 miles per hour over the  
4 authorized speed limit is alleged, and which has resulted in the  
5 death of another;

6       (2) R.S.39:4-50, and which has resulted in the death of another;

7       (3) R.S.39:4-96, and which has resulted in the death of another;  
8 or

9       (4) R.S.39:4-129, wherein the death of another has occurred,  
10 and the **【director】** chief administrator has not determined to  
11 immediately issue a preliminary suspension pursuant to subsection  
12 e. of this section, the **【director】** chief administrator shall issue a  
13 notice of proposed final suspension or revocation of any license  
14 certificate or any nonresident reciprocity privilege to operate any  
15 motor vehicle or motorized bicycle held by the individual charged  
16 or temporary order prohibiting the individual from obtaining any  
17 license to operate any motor vehicle or motorized bicycle in this  
18 State.

19       In the notice, the **【director】** chief administrator shall provide the  
20 individual charged with an opportunity for a plenary hearing to  
21 contest the proposed final suspension, revocation or other final  
22 agency action. Unless the **【division】** commission receives, no later  
23 than the 10th day from the date the notice was mailed, a written  
24 request for hearing, the proposed final agency action shall take  
25 effect on the date specified in the notice.

26       Upon receipt of a timely request for a plenary hearing, a  
27 preliminary hearing shall be held by an administrative law judge  
28 within 15 days of the receipt of the request. The preliminary  
29 hearing shall be for the purpose of determining whether, pending a  
30 plenary hearing on the proposed final agency action, a preliminary  
31 suspension shall be immediately issued by the judge. Adjournment  
32 of **【such】** the hearing upon motion by the individual charged shall  
33 be given only for good cause shown.

34       At the preliminary hearing, the parties shall proceed on the  
35 papers submitted to the judge, including the summons, the police  
36 reports and the charged individual's prior driving record submitted  
37 by the **【division】** commission, and any brief affidavits permitted by  
38 the judge from persons who shall be witnesses at the plenary  
39 hearing, and the parties may present oral argument. Based on the  
40 papers, on any oral argument, on the individual's prior driving  
41 record, and on the circumstances of the alleged violation presented  
42 in the papers, the judge shall determine whether the individual was  
43 properly charged with a violation of the law and a death occurred;  
44 and, if so, whether in the interest of public safety, a preliminary  
45 suspension shall be immediately ordered pending the plenary  
46 hearing on the proposed suspension or revocation. The

1 administrative law judge shall transmit his findings to the  
2 **【director】** chief administrator.

3 A plenary hearing shall be held no later than the 45th day  
4 following the preliminary hearing. Adjournment of the hearing  
5 shall be given only for good cause shown. If the hearing is  
6 otherwise postponed or delayed solely at the instance of the  
7 individual charged, the administrative law judge shall immediately  
8 issue a preliminary suspension of any license certificate or any  
9 nonresident reciprocity privilege held by the individual charged, or  
10 if any **【such】** preliminary suspension or order is in effect, he shall  
11 continue **【such】** the suspension or order. **【Such】** The preliminary  
12 suspension or temporary order shall remain in effect pending a final  
13 agency decision on the matter. If the hearing is otherwise  
14 postponed or delayed at the instance of anyone other than the  
15 individual charged, the judge shall immediately issue an order  
16 restoring the individual's license certificate or any nonresident  
17 reciprocity privilege pending final agency decision in the matter.  
18 The period of any preliminary suspension imposed under this  
19 section shall be deducted from any suspension imposed by the final  
20 agency decision in the matter.

21 c. Whenever any other matter is presented to the **【director】**  
22 chief administrator involving an alleged violation of this **【title】**  
23 Title, wherein the death of another occurred and for which he  
24 determines immediate action is warranted, he may proceed in the  
25 manner prescribed in subsection b. above.

26 d. Whenever a fatal accident occurs in this State, an  
27 investigation of the incident, whether performed by the State Police  
28 or by local police, shall be completed and forwarded to the  
29 **【director】** chief administrator within 72 hours of the time of the  
30 accident.

31 e. Whenever a matter is presented to the **【director】** chief  
32 administrator involving an alleged violation of

33 (1) R.S.39:4-98, where an excess of 20 miles per hour over the  
34 authorized speed limit is alleged, and which has resulted in the  
35 death or serious bodily injury of another;

36 (2) R.S.39:4-50, which has resulted in the death or serious  
37 bodily injury of another;

38 (3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death  
39 or serious bodily injury of another; or

40 (4) R.S.39:4-129, wherein the death or serious bodily injury of  
41 another has occurred, the **【director】** chief administrator for good  
42 cause may, without hearing, immediately issue a preliminary  
43 suspension of any license certificate or any nonresident reciprocity  
44 privilege to operate any motor vehicle or motorized bicycle held by  
45 an individual charged or temporary order prohibiting the individual  
46 from obtaining any license to operate any motor vehicle or  
47 motorized bicycle in this State. For purposes of this subsection,

1 "serious bodily injury" means bodily injury which creates a  
2 substantial risk of death or which causes serious, permanent  
3 disfigurement, or protracted loss or impairment of the function of  
4 any bodily member or organ. Along with the notice of preliminary  
5 suspension, the **【director】** chief administrator shall issue a notice of  
6 proposed final suspension, revocation or other final agency action,  
7 and shall afford the individual the right to a preliminary hearing to  
8 contest the preliminary suspension and a plenary hearing to contest  
9 the proposed final agency action.

10 The preliminary suspension shall remain in effect pending a final  
11 agency decision on the proposed final agency action, unless a  
12 request for a preliminary hearing is received by the **【division】**  
13 commission no later than the 10th day from the date on which the  
14 notice was mailed. The proposed final agency action shall take  
15 effect on the date specified in the notice unless a request for a  
16 plenary hearing is received by the **【division】** commission no later  
17 than the 10th day from the date on which the notice was mailed.

18 Upon timely request by the individual, a preliminary hearing  
19 shall be held by an administrative law judge, no later than the 15th  
20 day from the date on which the **【division】** commission receives the  
21 request. The preliminary hearing shall be for the purpose of  
22 determining whether, pending a final agency decision on the matter,  
23 the preliminary suspension issued by the **【director】** chief  
24 administrator shall remain in effect. Adjournment of the hearing  
25 shall be given only for good cause shown. If the preliminary  
26 hearing is otherwise postponed or delayed solely at the instance of  
27 someone other than the individual charged, the judge shall  
28 immediately order that the individual's license certificate or any  
29 nonresident reciprocity privilege be restored pending the  
30 rescheduled preliminary hearing.

31 At the preliminary hearing, the parties shall proceed on the  
32 papers submitted to the judge, including the summons, the police  
33 reports and the charged individual's prior driving record submitted  
34 by the **【division】** commission, and any brief affidavits permitted by  
35 the judge from persons who shall be witnesses at the final hearing,  
36 and the parties may present oral arguments. Based on the papers,  
37 on any oral argument, on the individual's prior driving record, and  
38 on the circumstances of the alleged violation presented in the  
39 papers, the judge shall immediately determine whether the  
40 individual was properly charged with a violation of the law and a  
41 death occurred; and, if so, whether in the interest of public safety,  
42 the preliminary suspension shall be continued pending the final  
43 agency decision on the matter. The administrative law judge shall  
44 transmit his findings to the **【director】** chief administrator.

45 Any plenary hearing to contest the proposed final agency action  
46 shall conform to the requirements for a plenary hearing contained in  
47 subsection b. of this section.

1 f. In addition to any other final agency action, the **[director]**  
2 chief administrator shall require any person whose privileges to  
3 operate a motor vehicle or motorized bicycle are suspended or who  
4 has been prohibited from obtaining a license, pursuant to this  
5 section, to be reexamined to determine the person's ability to  
6 operate a motor vehicle or motorized bicycle, prior to regaining or  
7 obtaining any driving privileges in this State.

8 When a person's privileges to operate a motor vehicle or  
9 motorized bicycle are suspended or revoked, the chief administrator  
10 shall notify, by electronic means, the law enforcement agency of the  
11 jurisdiction wherein the person resides.

12 Any determination resulting from any preliminary or plenary  
13 hearing held pursuant to subsection b., c., or e. of this section shall  
14 not be admissible at any criminal or quasi-criminal proceedings on  
15 the alleged violation or violations.

16 g. In addition to any other requirements imposed by statute or  
17 regulation, as a condition for the restoration of a revoked or  
18 suspended license issued under the provisions of the "New Jersey  
19 Commercial Driver License Act," P.L.1990, c.103 **[(C.39:3-10.9 et**  
20 **seq.)]** (C.39:3-10.9 et al.), the person whose commercial driving  
21 privileges are revoked or suspended shall successfully complete a  
22 commercial driver improvement program. The **[director]** chief  
23 administrator, in accordance with the provisions of the  
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
25 seq.), shall promulgate rules and regulations prescribing the scope  
26 and content of the program, the qualifications of third parties that  
27 may offer a commercial driver improvement program, a fee  
28 schedule for persons attending a commercial driver improvement  
29 program and such other matters as the **[director]** chief  
30 administrator may deem appropriate and necessary. The successful  
31 completion of a commercial driver improvement program pursuant  
32 to this subsection shall not entitle a person to any reduction in the  
33 points assessed and recorded under P.L.1982, c.43 (C.39:5-30.5 et  
34 seq.). In addition, the **[director]** chief administrator may also  
35 require a person holding a commercial driver's license pursuant to  
36 P.L.1990, c.103 **[(C.39:3-10.9 et seq.)]** (C.39:3-10.9 et al.) who  
37 receives 12 or more points during a 24-month period to complete a  
38 commercial driver improvement program successfully or face full  
39 suspension of the commercial driver's license driving privilege.

40 (cf: P.L.2003, c.131, s.3)

41  
42 2. This act shall take effect immediately.

43  
44 STATEMENT

45  
46 This bill requires the Chief Administrator of the New Jersey  
47 Motor Vehicle Commission, upon the suspension or revocation of a

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1 person's driver's license, to notify through electronic means the law  
2 enforcement agency with jurisdiction over the place where the  
3 person resides. R.S.39:5-30 authorizes the chief administrator to  
4 suspend or revoke a person's driver's license for a violation of Title  
5 39, the motor vehicle code, or on other reasonable grounds.