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TRANSPORTATION

MOTOR VEHICLE COMMISSION

Driver Improvement Program and Probationary Driver Program

Proposed New Rules: N.J.A.C. 13:19-14

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chair.

Authority: N.J.S.A. 39:2-3, 39:3-13.4, and 39:5-30.2.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2012-005.

Submit written comments by March 3, 2012 to:

Steven E. Robertson, Director

Regulatory & Legislative Affairs

Motor Vehicle Commission

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The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days, since the notice is not listed in the agency rulemaking calendar. This notice of proposal is,

therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of the proposed new rules by the Motor Vehicle Commission (Commission) is to establish standards for the licensing and regulating of driving schools and Statewide safety organizations that will be providing remedial driver education to New Jersey motorists, pursuant to N.J.S.A. 39:3-13.4 and 39:5-30.2.

The Commission currently administers the Probationary Driver Program (PDP) pursuant to N.J.S.A. 39:3-13.4(d). A remedial training course is required of the holder of a probationary license who accumulates more than two motor vehicle points or is convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.4a, 39:4-50.14, 39:4-129, 2C:11-5, 2C:12-1(c), "or any other motor vehicle law the chief administrator deems to be significant and applicable pursuant to regulation ...". The course fee is \$150.00, pursuant to N.J.A.C. 13:19-10.3. A licensed driving school or Statewide safety organization recognized by the Chief Administrator may, subject to the approval of the Chief Administrator, conduct the four-hour course, pursuant to N.J.S.A. 39:3-13.4(d). The course is to be administered pursuant to rules promulgated by the Chief Administrator and subject to oversight by the Commission. The Chief Administrator also has the authority to suspend, revoke, or deny issuance of an initial or renewal license to conduct a Probationary Driver Program, and to assess fines for violations of the guidelines, under N.J.S.A. 39:3-13.4(d).

In 2010, 4,112 drivers completed the Commission's Probationary Driver Program; in 2009, 4,839 drivers completed the program; in 2008, 4,307 drivers

completed the program; and in 2007, 4,454 drivers completed the program. Each class had an average of 20 – 25 students.

Drivers receive notice from the Commission advising him or her of the requirement to attend a PDP. Drivers contact a provider, register, pay for, and attend the class. Drivers also pay the Commission an administrative fee of \$75.00. The provider will notify the Commission as to whether the driver completes (or fails to complete) the PDP course, and the Commission will update the driver record accordingly.

The Commission's Driver Improvement Program (DIP) is a program for non-probationary drivers. The Chief Administrator may permit the holder of a basic driver's license subject to suspension or revocation to elect to attend a DIP, in lieu of all or part of a period of suspension, pursuant to N.J.S.A. 39:5-30.2. This statute further provides that the Chief Administrator may authorize a driving school licensed pursuant to N.J.S.A. 39:12-1 et seq., or any Statewide safety organization recognized by the Commission, to provide a DIP subject to the oversight of, and any guidelines established by, the Chief Administrator. N.J.S.A. 39:5-30.2 provides the Chief Administrator with the authority to suspend, revoke, or deny issuance of an initial or renewal license to conduct a DIP and to assess fines for violations of the guidelines.

In 2010, 1,560 drivers completed the Commission's Driver Improvement Program; in 2009, 2,133 drivers completed the program; in 2008, 2,040 drivers completed the program; and in 2007, 2,009 drivers completed the program. Each class had an average of 20 students.

The DIP is a three-hour course that results in the removal of three points from the participant's driving record upon successful completion of the course. The fee for the course is \$150.00, pursuant to N.J.S.A. 39:5-30.4 and N.J.A.C. 13:19-10.3. Currently, the Commission administers the course through instructors, who are paid by the Commission, at locations designated by the Commission. All scheduling is done through the Commission. Drivers are notified that he or she is permitted to attend a DIP and are instructed to contact a DIP provider directly, register for a class, pay the provider the course fee, and pay the Commission an administrative fee of \$75.00. Once the driver completes the DIP course, the provider will notify the Commission and the driver record will be updated accordingly.

The need for changes to the current remedial driver education programs are based on the Commission's overall assessment of its mission, as well as the operation of the PDP and DIP programs over recent years. The licensing of driving schools and Statewide safety organizations that provide the PDP and DIP courses should result in better availability of classes and more choices for students, in terms of provider preference and location, while providing the Commission the opportunity to reduce its administrative costs and use its resources to focus on its mission to promote motor vehicle safety, by delivering secure, effective, and professional motor vehicle services. Although the courses will be offered by licensed driving schools and Statewide safety organizations, the Commission will continue to oversee the programs to ensure their continued success.

As of June 2011, there were 272 licensed driving schools in New Jersey, all of which are eligible to apply to provide remedial driver education to drivers in New

Jersey under this subchapter. The Commission also anticipates that a small number of as yet unidentified Statewide safety organizations, in addition to the National Safety Council and the American Automobile Association, will be qualified to apply to become remedial driver education providers.

The proposed new rules will not require that one program in particular be used by the providers for either the PDP or DIP course. However, the rules will specify that four programs developed by the American Automobile Association and the National Safety Council are acceptable to the Commission and may, but are not required to be used by providers for the PDP and DIP. The courses for the PDP are: "Alive at 25" (National Safety Council), Attitudinal Dynamics of Driving for young adults (National Safety Council), and the offender version of the Driver Improvement Program (American Automobile Association); and the course for the DIP is Attitudinal Dynamics of Driving (National Safety Council). These courses have been demonstrated to be effective in improving driver behavior and safety and will be available to providers wishing to use them in remedial driver education courses in New Jersey.

Proposed new N.J.A.C. 13:19-14.1 through 14.4 describe the purpose and scope of the rules and contain definitions. Also included are descriptions of the PDP and DIP course contents approved by the Chief Administrator and a description of the provider license to be issued to successful applicants upon successful completion of the application and payment of the license fee.

Proposed new N.J.A.C. 13:19-14.5 through 14.13 describe the provider requirements and eligibility for these programs. Included in these sections are provisions regarding application requirements, including fingerprinting and a criminal

history background check. Also included are provisions regarding the initial provider license fee (\$250.00); license term (one year); license renewal and fee (\$200.00); lost, mutilated, or destroyed licenses; denial, suspension, or revocation of the license, administrative penalties (for violations of the provisions of the rules); license restoration after suspension, change of business ownership or interest; surety bond; and liability insurance.

Proposed new N.J.A.C. 13:19-14.14 through 14.19 describe the operational requirements for a classroom, requirements for conducting a class, reporting and recordkeeping requirements, privacy policy, advertising, promotion of groups and associations, and course tuition. A licensed provider must use the approved curriculum, conduct the class in a classroom approved by the Chief Administrator, and submit a completed roster to the Commission after conducting a class so that driver records can be updated.

Proposed new N.J.A.C. 13:19-14.20 through 14.26 describe the requirements and eligibility for instructors for these programs. Included in these sections are provisions regarding application for an instructor's license; license fee (\$75.00 for the initial license and \$50.00 for renewal) and term (one year); possession of instructor license; lost, mutilated, or destroyed license; denial, suspension, revocation, or refusal to renew an instructor license; and license restoration. Among other things, applicants for instructor licenses are subject to fingerprinting and a criminal history background check, must have a valid driver's license, and must hold a certification for the curriculum they plan to teach.

Proposed new N.J.A.C. 13:19-14.27 through 14.30 describe the procedures for hearing requests and the manner in which hearings will be conducted, as well as procedures for conducting emergency disciplinary actions. Also included are the requirements for requesting a hearing in the event the Commission issues a notice to an applicant or licensee that the Commission proposes to deny, refuse to renew, suspend, or revoke a license. Hearings will be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Social Impact

The Commission anticipates that the proposed new rules will have a positive social impact on the citizens of New Jersey. The PDP and DIP are designed to improve improper or dangerous driving and promote safety on the roadways. In 2010, there were 5,672 drivers throughout the State in need of remedial driver education. Under the proposed new rules, the providers of remedial driver education will be independent entities approved by the Chief Administrator to offer participants the PDP and DIP courses. The Commission anticipates that this new initiative will result in improved availability of courses for participants and encourage ongoing improvement in the methods used to educate drivers.

The Commission will ensure consistency of standards by providing guidelines in the rules and application instructions regarding minimal course content requirements for PDP and DIP. The Commission will also ensure that only qualified providers offer the PDP and DIP courses, and that the courses are taught by qualified

instructors. Thus, the overall impact of the new rules will be to promote the Commission's goal of improving driver safety by making the courses widely available while ensuring consistency of course standards and quality teaching methods.

Economic Impact

The proposed new rules may have a minor economic impact on drivers required to attend a PDP or DIP. Currently, participants are required to pay \$150.00 each for the PDP and DIP courses, pursuant to statute and rules. Under the proposed new rules, the maximum a participant will pay for a PDP or DIP course will be \$150.00 (a \$75.00 administrative fee will be paid to the Commission, and a maximum of \$75.00 will be paid to the provider), in addition to any administrative fees the provider may charge (pursuant to these proposed rules, administrative fees are limited and may include rescheduling or cancellation fees, dishonored check fees, or materials fees). The Commission anticipates that competition may result in a course fee of less than \$75.00.

The Commission anticipates that the proposed new rules will have a positive economic impact on instructors and providers. Previously, only the Commission offered the PDP and DIP courses. Under the new rules, licensed driving schools and Statewide safety organizations will be permitted to offer the PDP and DIP courses, and the provider will set the course fee up to \$75.00, in addition to limited administrative fees. Thus, the rules give providers and instructors an opportunity to earn additional income from teaching the PDP and DIP courses. The income generated will be offset by overhead (including costs of administering the courses, the application for the license, and criminal history background checks), but the

Commission anticipates that the overhead costs to providers and instructors will be outweighed by the course fee and administrative fees providers are allowed to charge participants.

The Commission anticipates that the proposed new rules will eventually have a neutral economic impact on the Commission. On one hand, the Commission will realize less revenue, represented by the reduced fee to be paid by participants, from \$150.00 to \$75.00. On the other hand, over time, the Commission anticipates that it will have less administrative costs, less instructor fees, and less recordkeeping.

Federal Standards Statement

A Federal standards analysis is not required for the proposed new rules because State law (N.J.S.A. 39:3-13.4 and 39:5-30.2) governs the subject of this rulemaking and no Federal requirements or standards are applicable.

Jobs Impact

The Commission anticipates that the proposed new rules may result in the creation of jobs. Licensed driving schools and Statewide safety organizations will be permitted to offer either or both of the existing remedial education courses, thus creating a need for additional instructors or expanding the number and type of courses existing instructors may teach.

Agriculture Industry Impact

The proposed new rules have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The proposed new rules impose certain reporting and recordkeeping requirements on providers, some of which may qualify as small businesses pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Currently, licensed driving schools that are eligible to offer remedial driver education are regulated by the Commission. The proposed new rules will apply to those driving schools, if they are approved as providers under this program. The proposed new rules will also apply to Statewide safety organizations, some of which may qualify as small businesses, although safety organizations such as the American Automobile Association and the National Safety Council may not qualify as small businesses as defined by N.J.S.A. 52:14B-17.

Providers will be required to submit to the Commission, class schedules and course completion records (rosters of participants). Providers will also be required to maintain records of all documents generated through normal operations of the program. The cost of compliance will thus be administrative in nature; no professional services are needed.

These requirements must be uniform for all providers in order to ensure adherence to the standards of the Commission's remedial education programs, the goals of which are to improve driver and motor vehicle safety and security. Accordingly, an exemption from the recordkeeping requirements of these rules is not warranted.

Housing Affordability Impact Analysis

The proposed new rules will not have any impact on affordable housing in New Jersey, and there is an extreme unlikelihood that the rules would evoke a change in the

average costs associated with housing because the rules pertain solely to the conduct of remedial driver education courses and the providers of those courses.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain solely to the conduct of remedial driver education courses and the providers of those courses.

Full text of the proposed new rules follows:

SUBCHAPTER 14: DRIVER IMPROVEMENT PROGRAM AND PROBATIONARY DRIVER PROGRAM

13:19-14.1 Purpose and scope

The rules contained in this subchapter implement the provisions of the New Jersey Motor Vehicle Commission's Probationary Driver Program under N.J.S.A. 39:3-13.4 and the Driver Improvement Program under N.J.S.A. 39:5-30.2, including the requirements and procedures for the approval of providers and instructors, and the administration of remedial driver education courses.

13:19-14.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Basic driver’s license” means a license issued by this State or any other jurisdiction that authorizes a person to operate motor vehicles, other than commercial motor vehicles.

“Business day” or “business hours” means Monday through Friday, 9:00 A.M. to 5:00 P.M., and excludes State holidays.

“Certified instructor” means a person certified by the sponsor of the curriculum to provide instruction based on the curriculum.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Class” means a group of people enrolled for training as participants in a particular scheduled course.

“Classroom location” means each separate place approved by the Chief Administrator where classroom instruction is offered to participants.

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult, or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond, or collateral deposited to secure the person's appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

“Course curriculum” means the complete classroom instruction program established or approved by the Chief Administrator for presentation to a class in order to

provide each participant with the specified activities necessary for satisfactory completion of the remedial driver education course in question.

“Driver Improvement Program” or “DIP” means the program of remedial driver education established or approved by the Chief Administrator pursuant to N.J.S.A. 39:5-30.2 and N.J.A.C. 13:19-10.3.

“Driver’s license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Driving school” means an organization licensed by the New Jersey Motor Vehicle Commission pursuant to N.J.S.A. 39:12-1 et seq., to provide instruction in the driving of motor vehicles and motorcycles.

“Location and scheduling coordinator” means a person designated by a provider to fulfill certain administrative responsibilities and meet recordkeeping and reporting requirements for, or in connection with, the scheduling of remedial driver education classes at one or more locations.

“Motor vehicle” includes all vehicles as defined by N.J.S.A. 39:1–1, and, for purposes of this subchapter, shall include motorized bicycles and motorcycles.

“Motor Vehicle Commission” or “Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

“Participant” means a person enrolled in a PDP or DIP course approved by the Chief Administrator.

“Person” includes an individual or any form of business entity, including, but not limited to, a corporation or a partnership.

“Personal information” means information that identifies an individual, such as an individual’s photograph, Social Security number, driver identification or license number, name, address other than the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver’s status.

“Probationary driver” means an individual licensed in accordance with N.J.S.A. 39:3-13.4.

“Probationary Driver Program” or “PDP” means the program of remedial driver education established or approved by the Chief Administrator pursuant to N.J.S.A. 39:3-13.4(d).

“Provider” means a business entity, organization, or individual approved by the Chief Administrator to conduct a remedial driver education course.

“Remedial driver education” means a PDP or DIP course, or any similar remedial program approved by the Chief Administrator, but does not include driving instruction included under, and taught pursuant to, N.J.S.A. 39:12-1 et seq.

“Sponsor” means a person or organization that owns or creates a remedial driver education course approved by the Chief Administrator.

“Statewide safety organization” means an organization, approved by the Chief Administrator, licensed to do business and located within the State of New Jersey, or an educational institution, the purpose of which includes the promotion of safety in the operation of motor vehicles and/or motorcycles, and shall include, but is not limited to, the following: the National Safety Council and its recognized New Jersey chapters or

branches; the American Automobile Association and its recognized New Jersey chapters or branches.

13:19-14.3 Remedial driver education curriculum

(a) The Chief Administrator may approve any Driver Improvement Program course that meets the following criteria:

1. The course shall provide at least three hours of instruction;
2. Not more than one hour of the three hours shall be conducted by use of audio-visual aids, including, but not limited to:
 - i. Films and/or videotapes;
 - ii. Slides; and/or
 - iii. Digital video discs;
3. Not more than 25 participants shall be scheduled in any given class; provided, however, that up to five participants, in addition to the 25 scheduled, may attend a class if they have failed to attend a previously scheduled class;
4. Visual aids such as, but not limited to, magnetic boards, flip charts, blackboards, and/or whiteboards shall be incorporated into the curriculum;
5. The curriculum content of any approved Driver Improvement Program must be appropriate for non-probationary drivers, must meet or exceed the standards of the National Safety Council's "Attitudinal Dynamics of Driving" course, and shall be predicated on improving improper driving behavior using behavior modification, with course elements specifically addressing, at a minimum:

- i. The major causes of collisions including, but not limited to:
 - (1) Driver attitude;
 - (2) Driver inattention;
 - (3) Driver-related hazards;
 - (4) Hazards created by others;
 - (5) Alcohol and drug use;
 - (6) Failure to obey traffic control devices and road signs; and
 - (7) Reckless and irresponsible driving;
- ii. Collision statistics;
- iii. Collision-related injury and death statistics;
- iv. The consequences and risk factors involved in improper driver attitude and in irresponsible driver behavior;
- v. The skills necessary for the safe and lawful operation of a motor vehicle;
- vi. Collision preventability, including, but not limited to:
 - (1) Making proper observations;
 - (2) Reducing driver distractions;
 - (3) Accounting for roadway hazards;
 - (4) Accounting for the actions of other drivers;
 - (5) Accounting for different types of vehicles using the roadways;
 - (6) Maintaining a safe following distance;
 - (7) Changing lanes safely;
 - (8) Adverse weather conditions;
 - (9) Maintaining control in an emergency situation;

(10) Getting adequate sleep; and

(11) Proper vehicle maintenance;

vii. Highway courtesy;

viii. Taking responsibility for driving behavior;

ix. Review of the major traffic laws of the State of New Jersey; and

x. Respect for the State of New Jersey's motor vehicle laws; and

6. The provider/applicant must provide the name, address, and telephone number of the individual or entity supplying any course materials to be used by the provider/applicant and certify that the provider/applicant has received permission to use materials owned or developed by such individual or entity if other than provider/applicant.

(b) The Chief Administrator may approve any Probationary Driver Program course that meets the following criteria:

1. The course shall provide at least four hours of instruction;

2. Not more than one hour of the four hours shall be conducted by use of audio-visual aids including, but not limited to:

i. Films and/or videotapes;

ii. Slides; and/or

iii. Digital video discs;

3. Not more than 25 participants shall be scheduled in any given class; provided, however, that up to five participants, in addition to the 25 scheduled, may attend a class if they have failed to attend a previously scheduled class;

4. Visual aids such as magnetic boards, flip charts, blackboards, and/or whiteboards shall be incorporated into the curriculum;

5. The lesson plans for PDP shall utilize educational techniques designed to be facilitative in nature, encouraging interaction between participants and instructor as a method of instruction. Such techniques include, but are not limited to:

- i. Group discussion;
- ii. Group activities;
- iii. Role playing; and
- iv. Question and answer sessions;

6. The curriculum content of any approved Probationary Driver Program must be appropriate for probationary drivers, must meet or exceed the standards of the National Safety Council's "Alive at 25" program or Attitudinal Dynamics of Driving (for probationary drivers), or the American Automobile Association's Driver Improvement Program - offender version, and shall be predicated on improving improper driving behavior with course elements specifically addressing, at a minimum:

- i. The statistics showing injury and death rates in collisions involving young drivers (ages 15-24);
- ii. The reasons behind unsafe and irresponsible driving behaviors;
- iii. The risk factors and consequences of unsafe and irresponsible driving practices;
- iv. Alcohol and drug use as a collision factor;
- v. Cell phone use and texting while driving as a collision factor;
- vi. Seat belt safety;

- vii. The skills necessary for the safe and lawful operation of a motor vehicle;
 - viii. Highway courtesy;
 - ix. Collision preventability, including a discussion of the various hazards, both driver-created and hazards created by others;
 - x. The magnitude of traffic collision problems and taking responsibility for driving behavior;
 - xi. Review of the major traffic laws of the State of New Jersey; and
 - xii. Respect for the State of New Jersey's motor vehicle laws; and
7. The provider/applicant must provide the name, address, and telephone number of the individual or entity supplying any course materials to be used by the provider/applicant and certify that the provider/applicant has received permission to use materials owned or developed by such individual or entity if other than provider/applicant.

13:19-14.4 Provider license

Every person proposing to engage in the business of conducting a remedial driver education course shall have been issued a remedial driver education provider license and appropriate approval(s) by the Chief Administrator prior to engaging in such business. The Chief Administrator may only issue a remedial driver education provider license to a licensed driving school or a Statewide safety organization.

13:19-14.5 Application for provider license; contents

(a) Application for a provider license to conduct a remedial driver education course shall be made on a form and in a format prescribed by the Chief Administrator.

(b) The application shall be accompanied by a remedial driver education provider license fee of \$250.00 payable to the Motor Vehicle Commission; \$25.00 shall be payable at the time the application is submitted and the remainder of the remedial driver education provider license fee shall be payable following approval of the application and prior to issuance of the provider license. The application shall include the following information:

1. The names, addresses, and business telephone numbers of the driving school or Statewide safety organization's principal(s), partner(s), or corporate officer(s), and the name, address and business telephone number of the officer(s) or employee(s) who will serve as the location and scheduling coordinator(s);
2. The name, address, and telephone number of a registered agent designated to receive service of process on behalf of the applicant. The agent must be located and available at a physical street address within the State of New Jersey during normal business hours;
3. The name, address, and business telephone number of the individual(s) authorized to transmit remedial driver education course completion information to the Commission;
4. An individual applicant, and all principals, partners, and corporate officers shall, at the time of his or her initial application, submit documentation confirming that such individual applicant, partner, or corporate officer has submitted to a criminal history

record check in accordance with rules promulgated by the New Jersey Division of State Police at N.J.A.C. 13:59. The Commission shall request the State Bureau of Identification (SBI) to attach an SBI number flag to the individual applicant's, principal's, partner's, and corporate officer's SBI number in accordance with N.J.A.C. 13:59-1.8. The applicant shall bear the cost of fingerprinting and the cost for the background check, including all costs of administering and processing the background check. The requirements of this paragraph do not apply to an individual applicant, principal, partner, or corporate officer who was previously fingerprinted using the Live Scan process and who has submitted to a criminal history check in connection with an application for a driving school license pursuant to N.J.S.A. 39:12-1 et seq.;

5. The address of the location where classes in remedial driver education will be conducted, and whether the location is owned by the applicant, or will be leased, rented, or otherwise secured from the owner, and the name, address, and telephone number of the owner;

6. The applicant's Federal Tax Identification Number;

7. The applicant's State Tax Identification Number;

8. The applicant's email address, address for inquiries, and provider telephone number;

9. Proof of workers' compensation insurance coverage for all employees by a mutual association or stock company authorized to write coverage on such risks in this State or written authorization by the Commissioner of Banking and Insurance to self-insure for workers' compensation pursuant to N.J.S.A. 34:15-77;

10. Whether the applicant will directly employ and/or contract with each certified instructor and, if so, a list of all certified instructors, a copy of the proposed agreement with each such certified instructor and, if applicable, proof of employment of each certified instructor by applicant;

11. Evidence that the proposed classroom(s) used to conduct remedial driver education courses meets all applicable zoning, fire, and safety regulations, codes, and standards for use as a classroom and meets the requirements of N.J.A.C. 13:19-14.14; and

12. The proposed curriculum to be used as the basis for the remedial driver education course(s) for which Commission approval is sought.

(c) When application is made by an individual, the application shall be signed and certified by the individual. In the case of a partnership, the application shall be signed and sworn to by all partners. In the case of a corporation, the application shall be signed and sworn to by the president and attested to by the secretary.

(d) The Chief Administrator or his or her designee shall have the authority to inspect the proposed classroom location(s) at any time, either prior to, or subsequent to, issuing approval for its use as a remedial driver education course location. If a proposed classroom location is in an existing public, private, or parochial school located in New Jersey, it is not subject to inspection by the Chief Administrator.

(e) The provider shall notify the Chief Administrator, in writing, prior to providing the approved course(s) at any additional or altered location. The provider must receive written approval from the Chief Administrator prior to providing the approved course(s)

at any additional or altered location. The Chief Administrator or his or her designee shall have the authority to inspect the additional or altered location at any time, either prior to, or subsequent to, issuing approval for its use as a remedial driver education course location. If a proposed additional or altered classroom location is in an existing public, private, or parochial school located in New Jersey, it is not subject to inspection by the Chief Administrator.

(f) The provider shall submit a separate application conforming to the requirements of this subchapter, along with the \$25.00 fee set forth in (b) above, prior to providing any additional course(s) subsequent to the issuance of a provider license under this subchapter. The provider shall not provide any additional course(s) without the written approval of the Chief Administrator.

(g) An approved provider shall either assign to an employee, who must be a certified instructor, or contract with a certified instructor, to serve as an instructor at the location(s) established and approved by the Chief Administrator for remedial driver education. The provider named in the application and receiving the approval shall be responsible for ensuring the course is provided in compliance with this subchapter and shall make all filings or requests for approvals required or permitted by this subchapter.

(h) The provider must notify the Chief Administrator, in writing, within five business days of any change in the information submitted on the application including, but not limited to, any partial or complete change in course curriculum.

13:19-14.6 Provider license term

(a) The initial provider license and every renewal thereafter, shall be valid for a period of one year from the date of initial issuance, and may be renewed upon application in accordance with the requirements of this subchapter.

(b) The licensee shall be assigned the same license number for the duration of the license.

13:19-14.7 Renewal of provider license

A provider who requests to renew its license to offer any of the programs under this subchapter shall submit a renewal application with a renewal license fee of \$200.00, not less than 30 days before the end of the license period. The renewal application must meet the requirements of an initial application and shall be on a form and in a format prescribed by the Chief Administrator.

13:19-14.8 Lost, mutilated, or destroyed provider license

(a) In the event a provider license, or duplicate thereof, is lost, mutilated, or destroyed a duplicate license shall be issued upon proof of the loss, mutilation, or destruction, and payment of a fee of \$5.00 and, in the case of a mutilated license, upon surrender of such mutilated license. Such proof shall be submitted in the form of an affidavit including:

1. The date the license, or duplicate thereof, was lost, mutilated, or destroyed; and

2. The circumstances involving the loss, mutilation, or destruction of the license or duplicate thereof.

13:19-14.9 Denial, suspension, or revocation of provider license; administrative penalties

(a) After due notice in writing, in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., the Chief Administrator may deny issuance or renewal of a license or may suspend or revoke a license on the basis of any of the following criteria:

1. Any reason specified in this subchapter or failure of the applicant or licensee to comply, or continue to comply, with any of the provisions of this subchapter;
2. Failure of the applicant or licensee to provide information or documentation required by this subchapter or requested by the Chief Administrator, or concealment of a material fact by the applicant or licensee, or the supplying of information that is untrue or misleading as to a material fact;
3. The conviction of an individual owner, or any partner, officer, director, or stockholder of a provider, or of an entity seeking provider licensure, of any offense in any jurisdiction that would be:
 - i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c. 95 (Title 2C of the New Jersey Statutes) as amended and supplemented:
 - (1) All crimes of the first degree;
 - (2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph);

- (3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph);
- (4) N.J.S.A. 2C:11-4b (manslaughter);
- (5) N.J.S.A. 2C:11-5 (vehicular homicide);
- (6) N.J.S.A. 2C:12-1b (aggravated assault);
- (7) N.J.S.A. 2C:13-1 (kidnapping);
- (8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);
- (9) N.J.S.A. 2C:15-1 (robberies);
- (10) N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);
- (11) N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);
- (12) N.J.S.A. 2C:18-2 (burglary);
- (13) N.J.S.A. 2C:20-1 et seq. (theft and related offenses);
- (14) N.J.S.A. 2C:21-1 et seq. (forgery and fraudulent practices);
- (15) N.J.S.A. 2C:21-4a (falsifying or tampering with records);
- (16) N.J.S.A. 2C:24-4 (child endangerment);
- (17) N.J.S.A. 2C:24-9 (use of minor to commit criminal offense);
- (18) N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);
- (19) N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);
- (20) N.J.S.A. 2C:30-2 and 3 (misconduct in office and abuse of office);
- (21) N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);
- (22) N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

(23) N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

(24) N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

(25) N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances); or

(26) N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

ii. Any other offense under New Jersey or Federal law that indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in this subchapter;

4. The failure of an individual owner, or any partner, officer, director or stockholder of a provider, or of an entity seeking provider licensure, to notify the Commission that he or she has been arrested for, charged with, indicted for, or convicted of any of the offenses enumerated in (a)3 above within 14 days after the date of such event;

5. The commission, by an individual owner, or any partner, officer, director or stockholder of a provider, or of a person seeking provider licensure, of any act or acts that would constitute any offense under (a)3 above, even if such conduct has not resulted in a conviction, or has not or may not be prosecuted under the laws of this State; or

6. In the absence of a conviction, the Chief Administrator shall refuse to issue or shall revoke or suspend the license of any person arrested for, charged with, or indicted for any crime or other offense if the Chief Administrator determines that such person is of bad character or is morally unfit to retain the privilege of holding a driver education provider or instructor license, or is a potential danger to students.

(b) In addition to the authority to deny, suspend, or revoke a license, the Chief Administrator may impose a fine of not less than \$250.00 nor more than \$500.00 for a first offense and not less than \$500.00 nor more than \$1,000 for any subsequent offense upon the holder of a license for a violation of any provision of this subchapter.

13:19-14.10 Provider license restoration

(a) The fee specified in N.J.S.A. 39:3-10a shall be payable to the Commission for the restoration of a license that is suspended or revoked pursuant to this subchapter. Such license restoration fee shall be paid to the Commission before the license may be restored.

(b) Each suspension or revocation of any license pursuant to this subchapter shall continue in force and effect until such license is restored by the Chief Administrator.

(c) In the case of every suspension or revocation of a license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Chief Administrator, in such form as the Chief Administrator may determine, and pay the license restoration fee specified in (a) above. The Chief Administrator may, upon notice

and opportunity to be heard, deny any application for restoration of a license for good cause.

13:19-14.11 Change of business ownership or interest

(a) In the event of any change in ownership or interest in the business licensed under this subchapter, the person to whom the business or interest is to be transferred shall file application for a new provider license with the Chief Administrator within seven days of such change in ownership or interest. This shall include any sale or transfer of five percent or more of the capital stock of a corporation. In the event of a sale or transfer of less than five percent of the capital stock it shall not be necessary for the licensee to pay a new fee to the Chief Administrator.

(b) The Chief Administrator may, in his or her discretion, permit continuation of the provider license pending processing of the application. The licensee shall request, in writing, the Chief Administrator's permission to continue the business pending the processing of the application.

(c) In the event of a name change as a result of a sale or transfer, of all or part of a business, the existing provider license and copies thereof, and all other documents issued in connection with the license must be surrendered before a new license will be issued to the new owner.

13:19-14.12 Surety bond

A provider license, either initial or renewal, shall not be issued unless the applicant has filed with the Commission a surety bond in the amount of \$10,000, issued by a company authorized to transact surety business in this State and payable to the New Jersey Motor Vehicle Commission, which surety bond shall cover the provider's obligations and performance under this subchapter. The surety bond shall be filed with each initial application and each renewal application and shall cover the entire term of the license. If a surety bond is cancelled or terminated for any reason during the term of the license, the company that issued the surety bond shall immediately notify the Chief Administrator of such cancellation or termination. The licensee shall immediately obtain and file with the Chief Administrator a replacement surety bond that shall cover the remaining term of the license.

13:19-14.13 Liability insurance

Each applicant for a driver education provider license shall submit to the Chief Administrator proof of adequate insurance covering all business offices and classroom sites, whether owned, leased, or otherwise secured by the provider, for the protection of individuals using the premises and equipment during program instruction. The insurance must provide, at a minimum, \$1,000,000 single occurrence and \$2,000,000 in the aggregate, liability and medical payment protection to participants, and professional liability insurance. Insurance shall be provided from a company authorized to do business in the State of New Jersey. The provider shall provide an original certificate of insurance that requires the Chief Administrator to be given written notice by the insurer

30 days prior to the termination of coverage, and that names the Motor Vehicle Commission as an additional insured.

13:19-14.14 Operating requirements

(a) A provider's classroom facilities and equipment shall conform to the standards established by the Motor Vehicle Commission, be located in New Jersey, and meet all applicable State and local zoning, building, fire, health, and safety regulations.

(b) Classes may be conducted in classroom facilities located at public, private, or parochial schools, or other location(s) subject to the approval of the Chief Administrator, and shall be subject to the following standards. The class shall:

1. Provide a minimum per participant space of at least 15 square feet and be adequately lighted, heated, and ventilated;
2. Be equipped with desks or tables, electrical outlets, and a blackboard or similar device;
3. Be within a building containing bathroom facilities that accommodate both sexes;
4. Not be conducted from a location or conducted in such a manner as to give the appearance to the public that the business has an official connection with a Commission, facility, or authorized motor vehicle agency;
5. Not be conducted from a private residence, liquor store, bar, grocery store, restaurant, tent, temporary stand, or temporary address; and
6. Have posted on the premises a certificate identifying the maximum occupant capacity of the premises to be used as a classroom.

(c) All remedial driver education courses are subject to audit by the Chief Administrator or his or her designee, at any time and at the Chief Administrator's discretion. Failure to cooperate with an audit conducted under this subsection shall be grounds for suspension or revocation of provider's license issued pursuant to this subchapter.

(d) A provider shall:

1. Use only instructors licensed by the Commission and certified by the curriculum sponsor;
2. Be responsible for scheduling, and, where necessary due to the provider's need to reschedule, rescheduling participants for the appropriate remedial driver education course and ensure that there is an available class scheduled prior to participant's compliance date;
3. Notify the Chief Administrator, on a form and in a format to be specified by the Chief Administrator, of the names of the enrollees, and the date, time, and place of each scheduled class, within five business days of scheduling the class;
4. Notify the Chief Administrator, in writing, within two business days of the cancellation or rescheduling of any class;
5. Be responsible for providing to each participant, the necessary course materials, including instructional materials, workbooks, or aids as required by the approved course curriculum. All materials provided by the provider to a participant shall include the provider's name, phone number, and Commission-issued license number;

6. Use only the curriculum, instructional materials, and forms approved by the Chief Administrator;
7. Notify the Chief Administrator, in writing, of any changes or updates to the Commission-approved curriculum within five business days of the effective date of the change or update, and provide the reason for the change or update to the Commission-approved curriculum;
8. Maintain an attendance roster on a form and in a format to be supplied by the Commission for each class, which roster shall include:
 - i. The provider's name and license number;
 - ii. The instructor's name and signature;
 - iii. The instructor license number;
 - iv. Each participant's name, address, date of birth, permit or license number, and signature;
 - v. The name of the remedial driver education course taught;
 - vi. The date of the class;
 - vii. The date the class was completed by each participant; and
 - viii. Information detailing which participant(s) rescheduled, along with the date of the rescheduled class;
9. Comply with the requirements of all applicable State, local and Federal anti-discrimination laws and regulations including, but not limited to, the Americans with Disabilities Act (ADA);

10. Notify the Chief Administrator, in writing, of the identity of the individual(s) who will be authorized to transmit remedial driver education course completion information to the Commission;
11. Notify the Chief Administrator, in writing, by the end of the next business day, if the individual(s) authorized to transmit data to the Commission is(are) no longer employed by the provider or no longer authorized to transmit completion information to the Commission;
12. Require each participant in a remedial driver education course to present a government-issued driver's license or photo identification card immediately prior to the commencement of classroom instruction;
13. Immediately upon completion of the course and at the course location, issue to participants who successfully complete the course a certification of program completion that includes the following:
 - i. The provider's name, address, and phone number, and the Commission-issued provider identification/license number;
 - ii. The participant's full name as it appears on the assignment letter and driver's license or photo identification card;
 - iii. The participant's date of birth;
 - iv. The participant's driver's license number;
 - v. The date the program was completed; and
 - vi. The location where the program was completed; and
14. Monitor each instructor's driving record and:

- i. Immediately notify the instructor, if the instructor's driving record is unsatisfactory pursuant to the standards set forth in this subchapter;
- ii. Not schedule an instructor to teach remedial driver education who has an unsatisfactory driving record; and
- iii. Notify the Commission by letter, email, or facsimile of the action taken by the provider against the instructor. Upon notice to the provider, the Chief Administrator may require electronic transmittal of such information by the provider.

(e) Prior to enrollment and payment of any fees from the participant to the provider, the provider shall make available the following information, in writing or by electronic means, such as, but not limited to, a website or email, to program participants:

1. Classroom locations and course dates and times;
2. A notice of services provided, which shall include provider's license number and provider's established policy regarding the program, including information on:
 - i. Scheduling, rescheduling, cancellations, and postponements; and
 - ii. Course fees, administrative fees (limited to a maximum of \$25.00 for rescheduling; \$5.00 for materials; and \$25.00 for a dishonored check in addition to any bank fees charged in connection with the dishonored check), payment methods, and refunds;
 - iii. The provider's behavior policy; and
 - iv. The provider's privacy policy;
3. Notice that the updating of participant's driving record is dependent on the provider transmitting the remedial driver education course completion information to the Commission by the end of the next business day following completion of the program, pursuant to N.J.A.C. 13:19-14.16; and

4. Within 24 hours of payment of tuition, a receipt showing provider's license number and phone number, confirmation of class date, time and location, the course tuition charged to the participant, any administrative fees charged to the participant, and the amount paid by the participant.

(f) No provider shall issue a certification of completion to a participant who has not successfully completed the entire remedial driver education course.

13:19-14.15 Privacy policy

(a) Prior to the commencement of a course of instruction in remedial driver education, each provider must submit to the Commission a copy of the provider's written privacy policy incorporating the New Jersey Drivers' Privacy Protection Act, N.J.S.A. 39:2-3.3 et seq., and the Federal Drivers' Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq.

(b) In accordance with the New Jersey Drivers' Privacy Protection Act, N.J.S.A. 39:2-3.3 et seq., and the Federal Drivers' Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., the provider shall maintain in strictest confidence and not disclose to any person, firm, or corporation, personal information obtained from any participant, except as necessary, to perform its duties with respect to providing a remedial driver education course. A provider shall also take all steps necessary to protect personal information from theft and other unauthorized use while in its possession.

13:19-14.16 Reporting and recordkeeping requirements

(a) The provider shall submit the attendance roster to the Chief Administrator for each class no later than the end of the second business day after the completion of each class. The attendance roster may be submitted by fax, email, overnight mail delivery, or, at the Chief Administrator's discretion and upon notice to the provider, by other electronic means to be specified by the Chief Administrator.

(b) Upon 24 hours notice to the provider by the Commission, the provider shall make a record of all registrations, attendance, and operational documents available for inspection by the Chief Administrator or the Chief Administrator's designee, between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at a time and place to be designated by the Chief Administrator or his or her designee.

(c) The Chief Administrator may, in his or her discretion and upon notice to the provider, require the provider to notify the Commission by electronic means, including entering information on a website or by email, of the successful completion by a participant of a remedial driver education course. In the event the Chief Administrator requires the provider to notify the Commission, by electronic means, of the successful completion of a remedial driver education course by a participant, the Chief Administrator will provide instructions and information necessary to comply with this requirement.

(d) The provider shall be responsible for completing and recording any official reports required by other public or private agencies. The provider shall:

1. Retain all participant enrollment forms, participation records, rosters, and completion records for at least three years from the participant's completion date;
2. Secure all program records, including any testing materials and answer templates, in a manner acceptable to the Chief Administrator that protects the participant's privacy and ensures the integrity of the testing materials;
3. Maintain completed course evaluation forms for a period of three years, which forms shall be included in those items subject to review by the Commission as set forth in this subchapter;
4. When necessary, correct all submitted participant completion reports and re-submit, by fax or email, the corrected documents to the Commission by the end of the next business day after discovery of the error. The Chief Administrator may, in his or her discretion, and upon notice to the provider, require submission of corrected reports by other electronic means to be specified by the Chief Administrator; and
5. Accept full responsibility and indemnify the Commission for any and all claims by program participants when the provider fails to:
 - i. Notify the Commission by no later than the end of the second business day after successful completion of the program by the participant; or
 - ii. Correct errors in transmitted participant completion information by the end of the next business day following notification of the error by the Commission.

13:19-14.17 Advertising

(a) Neither the provider nor the instructor may advertise, in a classroom or during instruction of a remedial driver education course, any of the other services offered by the provider. A provider may include a participant's name on a mailing list, with the written permission of the participant; the participant must supply participant's name and address to the provider for mailing list purposes, if the participant chooses to be on the provider's mailing list. Personal information obtained from the Commission, shall not be used by the provider or an instructor to construct a mailing list.

(b) Any advertisement for remedial driver education, in any medium, shall include the following statement: "[Name of provider] has been approved by the Chief Administrator of the Motor Vehicle Commission to offer this [name of remedial driver education course]." Provider shall not use the Commission's logo on any printed materials offered by provider and not generated by the Commission.

(c) Any advertising used by a provider in any medium shall contain the provider's remedial driver education provider license number and a telephone number.

(d) Any advertisement through any medium that cannot be changed, deleted, or withdrawn within a period of seven days or less, including classified telephone directory advertisements, shall require the approval of the Chief Administrator or his or her

designee prior to printing. A copy of an advertisement that is subject to the requirements of this subsection shall be submitted to the Commission in writing.

13:19-14.18 Promotion of groups and associations

The provider shall not require that a participant join any organization, club, association, or other group as a requirement for enrollment or successful completion of a remedial driver education course and shall not permit solicitations for memberships in such groups, prior to the issuance of course completion documents and the dismissal of the class. The provider shall not use any of the participant's personal information for the purpose of marketing or selling the provider's products to the participant at any time.

13:19-14.19 Tuition

Each PDP and DIP provider may establish participant tuition for instruction, not to exceed the sum of \$75.00, in addition to any administrative fees imposed by the provider pursuant to this subsection for rescheduling, materials, and/or dishonored checks. Administrative fees are limited to the following: a maximum of \$25.00 for rescheduling; a maximum of \$5.00 for materials; and a maximum of \$25.00 for a dishonored check, in addition to any bank fees charged to the provider in connection with the dishonored check.

13:19-14.20 Application for instructor license; contents

(a) No person shall instruct a remedial driver education course unless such person is the holder of a valid instructor's license issued for such purpose by the Chief Administrator.

(b) Every applicant for an instructor's license shall:

1. Be 21 years old or older;
2. Be a graduate from a high school or possess a state high school equivalence certificate;
3. Be the holder of a driver's license issued by any state, provided the license is not suspended, revoked, or expired, and have at least three consecutive years of licensed driving experience on the public roads and highways;
4. Have no conviction for any of the offenses set forth at N.J.A.C. 13:19-14.9(a) within the past 10 years, in New Jersey or any other jurisdiction;
5. Have no record of a suspension or revocation on his or her driver's license, special learner's permit, examination permit, or probationary license during the past two years;
6. Have no conviction for a violation of N.J.S.A. 39:4-50 or 39:4-50.2, or a conviction or administrative determination of a substantially similar offense in any other jurisdictions during the past five years; and
7. Be the holder of an instructor certification issued by the sponsor of the curriculum to be used by the provider; the certification must have been issued within the two-year period prior to the date the application is submitted.

(c) When the suspension of an instructor applicant's driver's license occurring during the two-year period immediately prior to the date of review was imposed solely in

connection with a parking offense, as a sanction for failure to meet a financial obligation, or to compel appearance before a court or administrative body, and the license was restored upon payment of the parking fine or financial obligation, or appearance before the court or administrative body, the Chief Administrator may issue the instructor license, provided the length of any such suspension does not, in the judgment of the Chief Administrator, render the applicant unable to demonstrate that he or she has at least four consecutive years of driving experience under the license submitted with the application and all other requirements are met.

(d) Any person who meets the requirements set forth in this subchapter pertaining to applicants for instructor licenses may apply in writing to the Chief Administrator for the issuance of an instructor license. The applicant shall sign and date the application, which shall include the following information:

1. The applicant's full name, residential address, and telephone number;
2. The applicant's driver's license number, the name of the issuing state, and a copy of the front and back of the license;
3. The location, dates of attendance, identity of the sponsor of the instructor certification course attended by the applicant, and a copy of the certification issued to the applicant, or a copy of the applicant's course completion certificate;
4. At the time of his or her initial application, documentation confirming that such applicant has submitted to a criminal history record check in accordance with rules promulgated by the New Jersey Division of State Police at N.J.A.C. 13:59. The Commission shall request that the State Bureau of Identification (SBI) attach an SBI number flag to the applicant's SBI numbers in accordance with N.J.A.C. 13:59-1.8. The

applicant shall bear the cost of fingerprinting and the cost for the background check, including all costs of administering and processing the background check. The requirements of this paragraph do not apply to an applicant who was previously fingerprinted using the Live Scan process and submitted to a criminal history check in connection with an application for a driving school instructor license pursuant to N.J.S.A. 39:12-1 et seq.;

5. A statement by the applicant that he or she meets each of the requirements set forth in this section; and

6. In the case of an applicant who is the holder of a driver's license issued by another state or jurisdiction, a copy of the applicant's driving history certified by the motor vehicle licensing agency of that state or jurisdiction.

(e) Prior to commencement of any remedial driver education course, the instructor assigned to the class shall take attendance and record the same on the form and in the format provided by the Chief Administrator, obtain each participant's signature on the roster and all other information listed on the roster, ensure that each participant has all necessary classroom instructional materials, and require each participant to present a government or secondary school-issued photo identification confirming the identity of the participant.

13:19-14.21 Instructor license fee; term

The fee for the initial instructor license shall be \$75.00; the fee for renewal of the instructor license shall be \$50.00. The license and every renewal thereafter shall be

valid for a period of one year from the date of initial issuance and may be renewed upon application in accordance with the requirements of this subchapter.

13:19-14.22 Renewal of instructor license

(a) An instructor seeking to renew his or her license to offer any of the programs under this subchapter shall submit a renewal application with a renewal license fee of \$50.00, not less than 30 days before the end of the license period.

(b) The renewal application must meet the requirements of an initial application and shall be on a form and in a format to be prescribed by the Chief Administrator.

13:19-14.23 Possession of instructor license

A valid instructor license shall be in the possession of the instructor at all times when he or she is conducting a remedial driver education course.

13:19-14.24 Lost, mutilated, or destroyed instructor license

(a) In the event an instructor license, or duplicate thereof, is lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the loss, mutilation, or destruction and payment of a fee of \$5.00 and, in the case of a mutilated license, upon surrender of such mutilated license. Such proof shall be submitted in the form of an affidavit indicating:

1. The date the license, or duplicate thereof, was lost, mutilated, or destroyed; and
2. The circumstances involving the loss, mutilation, or destruction of the license, or duplicate thereof.

13:19-14.25 Denial, suspension, revocation, or refusal to renew instructor's license

(a) The Chief Administrator or his or her designee may deny, suspend, or revoke an instructor license, or refuse to issue an instructor license or a renewal thereof, for any of the reasons specified in this subchapter, including those set forth at N.J.A.C. 13:19-14.9, or for failure to continue to meet the requirements set forth at N.J.A.C. 13:19-14.20(b), or for other good cause, after due notice in writing thereof, in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(b) The Chief Administrator or his or her designee may deny, suspend, or revoke an instructor license, or may refuse to issue an instructor license or a renewal thereof, if such instructor or applicant has accumulated seven or more points, within the five most recent years, by reason of convictions for violations of the motor vehicle laws, or has been convicted of a violation of N.J.S.A. 39:4-49.1, 39:4-50, or 39:4-50.2, or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction. In addition to the authority to deny, suspend, or revoke a license, the Chief Administrator may impose a fine of not less than \$250.00 and not more than \$500.00 for a first offense and not less than \$500.00 and not more than \$1,000 for any subsequent offense upon the holder of a license for a violation of any provision of this subchapter.

13:19-14.26 Instructor license restoration

(a) The fee specified in N.J.S.A. 39:3-10a shall be payable to the Commission for the restoration of an instructor's license that is suspended or revoked pursuant to this subchapter. Such license restoration fee shall be paid to the Commission before the license may be restored.

(b) Each suspension or revocation of any instructor license pursuant to this subchapter shall continue in full force and effect until such license is restored by the Chief Administrator.

(c) In the case of every suspension or revocation of an instructor license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Chief Administrator, in such form as the Chief Administrator may determine, and pay the license restoration fee specified in (a) above. The Chief Administrator may, upon notice and an opportunity to be heard, deny any application for restoration of an instructor's license for good cause.

13:19-14.27 Written notice of suspension or revocation or refusal to grant or renew provider or instructor license

The Chief Administrator shall notify the applicant or licensee, in writing, of any proposed denial, refusal to renew, suspension, or revocation of the license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Commission. Unless the applicant or licensee files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:19-14.28, the license shall be suspended or revoked on the date specified in such notice.

13:19-14.28 Request for hearing

(a) If an applicant or licensee has been notified in accordance with N.J.A.C. 13:19-14.27 of a proposed denial, refusal to renew, suspension, or revocation of its provider or

instructor license, the applicant or licensee shall be entitled to an administrative hearing concerning such proposed denial, refusal to renew, suspension, or revocation provided the applicant or licensee has filed, and the Chief Administrator has received, a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the applicant or licensee by the Commission in accordance with N.J.A.C. 13:19-14.27.

(b) Any written request for a hearing by an applicant or licensee shall be sent to the Business Licensing Services unit of the Commission at NJMVC, Business Licensing Services, 225 E. State Street, P.O. Box 168, Trenton, New Jersey 08666. The hearing request shall contain the following information:

1. The name, license number, place of business, and telephone number of the applicant or licensee;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial, or explanation of each fact alleged by the Commission in its notice, or, if without knowledge thereof, a statement to that effect. Any allegation in the Commission's notice that is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(c) If the applicant or licensee does not file a written request for a hearing in accordance with (a) or (b) above, the denial, suspension, revocation, or refusal to renew the license shall be effective on the date specified in such notice. The licensee shall cease all remedial driver education activities effective on the date specified in such notice.

13:19-14.29 Hearing procedure

Any hearing concerning the denial, suspension, revocation, or refusal to renew a provider or instructor license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:19-14.30 Emergency disciplinary action

(a) In the event of an emergent situation in which there is ongoing fraud or circumstances that would jeopardize the health, safety, or welfare of a student, the Chief Administrator may issue a preliminary suspension of the provider or instructor's license, which preliminary suspension shall take effect immediately upon its issuance.

(b) Along with the notice of preliminary suspension, the Commission shall issue a notice of preliminary hearing to be held by the Commission no later than the 10th day after mailing of the notice. At the preliminary hearing, the Commission will consider whether or not there exists probable cause to find that the alleged conduct that served as a basis for the preliminary suspension occurred, and whether or not that conduct constitutes sufficient basis to find an emergent situation justifying the imposition of a preliminary suspension.

(c) Along with the notice of preliminary suspension, the Commission shall issue a notice of proposed final suspension, revocation, or other agency action.

(d) The licensee shall be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. 13:19-14.29.