

GARDEN STATE CLE LESSON PLAN

A 1.0 credit course

**FREE DOWNLOAD
LESSON PLAN AND EVALUATION**

MV POINTS AND DRIVER IMPROVEMENT SCHOOL

Featuring

**Robert Ramsey, Esq.
Garden State CLE Senior Instructor; Author**

And

**Robert A. Del Sordo
Attorney; Driver Improvement Instructor**

Program description

The MVC is quick to tell you: driving is a privilege, not a right. This 1.0 credit CLE program takes a look at the NJSA point schedule, the benefits of driver improvement school, and how your clients can get out of a jam.

I. New Jersey MV Points System

- **Show demerits (demerits v. credits)**
- **Safe driving on the highways is something that must be monitored and therefore point system monitors people who are not driving safely**
- **More points = person needs “corrective action”**
- **Are points true reflection of driving skills with ability to plead guilty? – possibly under-reflection – series of non-point violations on driving history also!**
- **12 points – administrative determination that person must serve suspension as deterrence**
- **If license is restored after suspension – automatic 1 year probationary period – any moving violation even a non-point violation triggers a further suspension**
 - **Try to plead client to a non-Chapter 4/moving violation so avoid the additional suspension**
- **Surcharges**
 - **Not the number of points accumulate but number of points assessed**
 - **During a three year period, \$100 for six points and \$25 for each additional points thereafter until the points are reduced**
 - **Look at the abstract whether or not going to trigger surcharges for client**
- **Points are never eradicated – DMV does not take away your points, they are just not considered – after a year 3 points may not be considered anymore, but don’t drop off your abstract**
- **Medical or employment need for a license – much better deal from hearing officers at DMV than if you just claim “unfair”**
- **Insurance eligibility points: private insurance companies can assess points against you that you may not get from DMV; insurance points do not equate to DMV points; insurance company can kick you out**
 - **NJSA 39:4-67 – obstructing**
 - **39:4-50 DWI**
 - **Involved in an accident with partial fault**
 - **Driving revoked**

- **Driving without liability insurance**
- **NJ insurance companies can drop 15% of its insured each year without cause**
- **Ways to lose points through DMV:**
 - **Passage of time (each year without violation, lose 3 points on abstract) – does not apply if you are on the revoked list**
 - **Driver improvement program – last resort effort before client gets suspended**
 - **Defensive driving programs (offered by AAA and other organizations)**
- **Accumulation of points during certain periods in someone's life tells a story about what is going on in a person's life – psychological profile**

II. Driver Improvement Program for AAA

- **Tremendous benefit to drivers**
- **2 points off license when complete defensive driving course**
- **MV Commission's course takes 3 points off for their own program**
 - **Send driver to driver improvement school to avoid a suspension**
 - **Different from AAA program**
- **AAA program**
 - **Don't need to have any points in order to be in this program**
 - **Defensive driving program**
 - **Most of the people that come through the course have a large number of points**
 - **Others have some points and someone recommended to take the course**
- **Not necessarily a good idea to take AAA course before you go to court because you must have the points on the abstract in order for the 2 points to come off your record**
 - **However, can bring documentation to court to show taking responsibility and may get benefit of a no point ticket in court**
 - **Consider also possibility of negotiating a plea then adjourning to allow client to complete program, then**

- returning to court with certificate of completion as negotiating tool**
- **Can save money if you take advantage of defensive driving program – plead to a point violation, as opposed to no point violation (39:4-97.2 unsafe with \$250 surcharges) and then have 2 points taken off for completing the class – save money because less points/no surcharges**
- **NJSA 17:33B-45.1 – NJ insurance companies – required rate reduction for automobile insurance after completing approved defense driving course; minimum 5% off liability portion of policy for 3 years – some are providing almost 10%**
 - **Driver must take certificate to insurance agent directly – not done automatically**
- **Live vs. online courses**
 - **Online course leads to point that other people can take the course for you!**
 - **Online is boring – videos for 6 hours**
 - **Live = benefit of having a live person and someone experienced in the area of the law**
 - **Live provides people someone to answer your own personal questions**
- **NJSA 17:33B-14.1 – speeding violations, requires mandatory forgiveness by insurance company under certain circumstances – nothing else on record and did not happen in a school zone**
 - **If only have single 2 point speeding violation, insurance companies are required to forgive that**
 - **No surcharges**
 - **Every out of state violation is 2 points – no matter what it is**
- **Only get 2 points credit every 5 years – for defensive driving class**
- **Insurance reduction – can get once every 3 years**
- **No more than 30 students at one time**
- **Attitude of students – depends on the age; younger students more likely to have negative attitude while older students more accepting of learning**

- **In PA, the defensive driving program is only available to older drivers – in NJ all ages are allowed to take the course**
- **Costs for classes:**
 - **AAA: young driver, non-member \$75; young driver, member \$50; senior driver, non-member \$50; senior driver, member \$25**
- **6 hour course of instruction – courses are offered at different times to accommodate schedules**
 - **Right to give a test and also right to waive the test**
 - **Combination of lecture, hypotheticals, videos**
- **“Move over rover” law**
 - **intended to protect police officers who are out of their vehicles with a vehicle on the side of the road;**
 - **when you see any emergency vehicle then you must move over to give safety margin for officers and other emergency personnel;**
 - **initially passed for police vehicles; then bill reformed to incorporate any vehicle that has lights illuminated on the shoulder;**
 - **if impossible to move over then must reduce speed when passing the emergency vehicle – no specific speed mentioned**
 - **difficult to enforce**
- **Curriculum and materials distributed for class**
 - **MV requires certain curriculum – must cover certain topics and hours of instruction**
- **No behind the wheel component of this program**
- **Probationary points cannot be taken away if new driver goes to defensive driving course**
- **Course taught in English, but if have ADA disability then can conduct a special class and use subtitles – strictly to videos, no lecture**
 - **People who speak other languages have a basic understanding of the concepts being taught even if primary language is not English**
- **Right on red camera tickets have become a difficult issue for the students in class**
- **CDLs – can be used; CDL drivers are very conscious of this program**

- **Some people equate the program with the police and the court - sometimes very bad attitude of students – however this is an independent program – not associated with police and courts**

III. Tips for Driver Improvement

- **Assessment of Risk – actual risk and perceived risk**
 - **Perceived risk – something that draws your attention away from your driving**
- **Seeing**
- **Communicating**
- **Margin of safety**
- **You, the driver – the most important thing to do before you drive is to recognize when you should drive, if you should drive, when it is safe to drive**
 - **Pre-drive inspection of vehicle**
 - **Assess your own mental and emotional situation**
 - **Road rage**
 - **Roadwiserox.com – AAA website; you can enter what drugs you are taking and what, if any, effects it may have for driving**

IV. Advice for attorneys

- **Tell clients this class is to their benefit**
- **Attorneys have an obligation more than going to court – giving advice is part of the job of being an attorney**
- **MV can re-examine anyone every 10 years to determine if they need to re-take driving test**
- **Other organizations offer defensive driving programs also**
- **Any questions – feel free to contact:**
 - **Robert Del Sordo, Esq.**
322 W Clements Bridge Rd
Runnemede, New Jersey
Office Phone: 856 939 2511
- **AAA: 856 783 4222**