

## LICENSE REINSTATEMENT OVERVIEW



Driver's license suspension has become a major barrier to employment in New Jersey, particularly for urban resident and those seeking employment. While there are over 400 grounds for having a driver's license suspended in New Jersey, in one year approximately half of the state's license suspensions were imposed for financial reasons, including a failure to pay fines, surcharges, and other penalties. An individual's license may be suspended for multiple reasons, or on multiple charges, at the same time. Some suspensions are imposed by courts and others by the New Jersey Motor Vehicle Commission (MVC).

The procedures for restoring a license vary greatly depending on the type of suspension. Restoring a license can be confusing, time consuming, and costly. A more detailed discussion of the procedures may be found in [Getting Back on the Road: A Manual for Addressing Driver's License Suspension in New Jersey](#). To get a copy of the manual, contact the New Jersey Institute for Social Justice at (973)624-9400 or download it from: [http://www.njisj.org/documents/GettingBackontheRoad\\_2008\\_000.pdf](http://www.njisj.org/documents/GettingBackontheRoad_2008_000.pdf)

### Step One: Determine the Cause(s) of the Suspension

1. Get a copy of the driver's abstract by:
  - Calling MVC or visiting MVC Regional Service Center and requesting an official, certified abstract;
  - Filling out an abstract request form on-line ([www.state.nj.us/mvc](http://www.state.nj.us/mvc));
  - Filling out and mailing an abstract request form to MVC; or
  - Contacting an auto insurance company for an unofficial abstract.

### Step Two: Identify the Type(s) of Suspension(s) and the Procedure(s) for Lifting the Suspension(s)

Using the chart, identify the type(s) of offense(s) that caused the driver's license to be suspended and the proper procedure(s) for lifting them.

### Step Three: Restoring the License

1. Call Motor Vehicle Commission (MVC) a few days after resolving the suspension(s) (as outlined on the attached chart) to confirm that:
  - The suspension has been lifted. It may take up to a week for the court to notify MVC that its suspension order has been lifted.
  - There are no other suspensions on the driver's license. This is important because if there are other suspensions on the license, even if the \$100 restoration fee is paid, the driver's license will be immediately resuspended and payment will not be refunded.
2. Once the driver has received confirmation that the order has been lifted, the driver may go to any MVC Regional Service Center or visit MVC's website ([www.state.nj.us/mvc](http://www.state.nj.us/mvc)) to pay the license restoration fee, which is currently \$100.00.
  - If the driver's license expires during the period of suspension and more than 3 years pass, they will have to take the written and/or road test again.
  - If the driver no longer has a copy of his/her license, a new one, with a new photo will have to be issued. This will cost \$5.00. This will also require that the driver meet MVC's "6 point verification" requirements. These requirements can be found by visiting MVC's website ([www.state.nj.us/mvc](http://www.state.nj.us/mvc)).
3. Keep current on payments.
  - Failure to keep up with any outstanding obligations—such as payment installments, child support obligations, or other obligation set out by the court—may result in the license being suspended again. A new suspension, however brief, will require the driver to pay the restoration fee again.
  - If the driver is unable to keep up with a payment plan, go back to the court to advise the judge of your situation as soon as possible and request a modification of the payment plan.

## TYPES OF SUSPENSION

Categories of Suspension	Description	Who Suspends?	Mandatory or Discretionary?	How Long Does the Suspension Last?	Procedures for Lifting	Other Important Information
<b>Driving Related Suspensions (p. 9 in <u>Getting Back on the Road Manual</u>)</b>	<ul style="list-style-type: none"> <li>▪ Traffic violations</li> <li>▪ Points</li> <li>▪ DWI</li> <li>▪ Driving on a suspended license</li> </ul>	<ul style="list-style-type: none"> <li>▪ Traffic violations: MVC, but court may impose sanctions</li> <li>▪ Points: MVC</li> <li>▪ Driving while suspended: MVC</li> <li>▪ DWI: court</li> </ul>	<ul style="list-style-type: none"> <li>▪ Traffic violations: discretionary</li> <li>▪ Points: mandatory suspension with discretionary length of time (30 – 180 days)</li> <li>▪ Driving while suspended: mandatory, but discretionary length</li> <li>▪ DWI: mandatory, but discretionary length on first offense</li> </ul>	<ul style="list-style-type: none"> <li>▪ Traffic: “reasonable”</li> <li>▪ Points: 30-180 days</li> <li>▪ DWI: 1<sup>st</sup> offense: 7 mo. to 1 year; 2<sup>nd</sup> offense: 2 years; 3<sup>rd</sup> offense :10 years</li> </ul>	<ul style="list-style-type: none"> <li>▪ If suspension is mandatory, then must wait until time has expired</li> <li>▪ If suspension is discretionary, then may seek to re-open case</li> </ul>	<ul style="list-style-type: none"> <li>▪ If the driver receives a notice for a hearing before the suspension is imposed, it is advisable to get representation</li> <li>▪ Driver is entitled to public defender if the suspension faced is six months or greater, or jail time.</li> </ul>
<b>Failure to Carry Insurance (p. 11)</b>	<ul style="list-style-type: none"> <li>▪ Driver received summons for failure to carry insurance</li> <li>▪ Insurance company notifies MVC that a driver has been dropped from coverage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Summons for the failure to carry insurance: municipal court</li> <li>▪ Administrative: MVC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mandatory for both types</li> </ul>	<ul style="list-style-type: none"> <li>▪ Judicial suspensions: 1 year for 1<sup>st</sup> offense; 2 years for second offense</li> <li>▪ Administrative: until the driver surrenders license plates or shows proof of insurance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Judicial: wait until term expires</li> <li>▪ Administrative: 1) surrender license plates and registration card; or 2) present proof of insurance to MVC, and get registration restored</li> </ul>	<ul style="list-style-type: none"> <li>▪ Registration restoration is \$100 fee; this is in addition to \$100 fee for license restoration</li> </ul>
<b>Failure to Pay Insurance Surcharges (p. 13)</b>	<ul style="list-style-type: none"> <li>▪ Failure to pay fines imposed on driver by MVC for earning 6 or more points</li> </ul>	<ul style="list-style-type: none"> <li>▪ MVC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mandatory</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until surcharges are paid</li> <li>▪ Note: MVC will usually agree to an installment agreement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pay the insurance surcharge</li> </ul>	<ul style="list-style-type: none"> <li>▪ Imposed annually for 3 years</li> <li>▪ Surcharges are in addition to fines</li> </ul>
<b>Failure to Appear in Municipal Court (p.17)</b>	<ul style="list-style-type: none"> <li>▪ Failure to appear for traffic summons, local ordinance violation, or failure to appear for another municipal proceeding</li> </ul>	<ul style="list-style-type: none"> <li>▪ Municipal court</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discretionary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until the driver appears in court to answer the summons</li> </ul>	<ul style="list-style-type: none"> <li>▪ Appear in court to answer summons &amp; request suspension be lifted</li> </ul>	<ul style="list-style-type: none"> <li>▪ The court may have issued a warrant for the driver’s arrest; call the court to determine how to get warrant recalled before appearing.</li> </ul>

Categories of Suspension	Description	Who Suspends?	Mandatory or Discretionary?	How Long Does the Suspension Last?	Procedures for Lifting	Other Important Information
<b>Failure to Pay Child Support (p.15)</b>	<ul style="list-style-type: none"> <li>▪ failure to pay child support for 6 mo. or more</li> <li>▪ failure to provide court-ordered health insurance for child for 6 mo. or more</li> <li>▪ refusal to submit to paternity test</li> </ul>	<ul style="list-style-type: none"> <li>▪ Court ordered or automatic when court issues warrant for arrest for failure to pay child support</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mandatory</li> <li>▪ Discretion for child support arrears</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until child support arrears are paid in full, health insurance coverage is provided as ordered, or the driver complies with paternity test</li> </ul>	<ul style="list-style-type: none"> <li>▪ If driver has received notice of pending suspension, the driver may request a hearing by writing to Probation Division within 30 days; if driver pays the money owed before or during hearing, the suspension will not be put into effect</li> <li>▪ Child support: Make payment or if driver is unable, then may file a motion to modify child support</li> <li>▪ Provide health insurance</li> <li>▪ Submit to paternity test</li> </ul>	<ul style="list-style-type: none"> <li>▪ Motions to modify child support require a showing of a change of circumstances</li> <li>▪ The court may have issued a warrant for the driver's arrest; call the court to determine how to get warrant recalled before appearing.</li> </ul>
<b>Criminal and Juvenile Justice Code Suspensions (p.20)</b>	<ul style="list-style-type: none"> <li>▪ Conviction of certain crimes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Superior court</li> </ul>	<ul style="list-style-type: none"> <li>▪ Depends on the offense</li> </ul>	<ul style="list-style-type: none"> <li>▪ Time period specified by judge</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unless discretionary, the suspension cannot be lifted until the time specified by judge at sentencing has expired.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vehicle registration may also be suspended</li> </ul>
<b>Failure to Pay Court-Ordered Penalty (p. 18)</b>	<ul style="list-style-type: none"> <li>▪ Failure to pay fines, court costs, judgments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Court where money is owed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discretionary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until fine is paid or installment payment is paid</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pay money owed; court may be willing to work out payment plan and allow suspension to be lifted prior to full payment</li> </ul>	<ul style="list-style-type: none"> <li>▪ The court may have issued a warrant for the driver's arrest; call the court to determine how to get warrant recalled before appearing.</li> </ul>
<b>Failure to Pay Parking Tickets (p.19)</b>	<ul style="list-style-type: none"> <li>▪ Failure to pay parking tickets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Municipal court where parking ticket was issued</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discretionary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until fine is paid or installment payment is paid</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pay money owed; court may be willing to work out payment plan and allow suspension to be lifted prior to full payment</li> </ul>	<ul style="list-style-type: none"> <li>▪ The court may have issued a warrant for the driver's arrest; call the court to determine how to get warrant recalled before appearing.</li> </ul>