

# NEW JERSEY TRAFFIC VIOLATIONS GUIDE

*Fighting Traffic  
Tickets In New Jersey*

CARL SPECTOR

*Law Office of*  
**CARL SPECTOR**



Have you been pulled over and given a ticket? This can be so aggravating. Getting a ticket is a huge inconvenience as well as a frustrating experience. You are probably worried about getting points on your license, having to pay fines, and going to traffic school. With the help of a New Jersey traffic violation attorney, you can

minimize your penalties.

## TYPES OF TRAFFIC VIOLATION CHARGES

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### *Careless Driving in New Jersey*

This is the New Jersey Statute for Careless Driving. A person who drives a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of careless driving.

The penalties for careless driving are 2 motor vehicle points as well as fines.

### *Speeding In New Jersey – Rates of Speed*

This statute is more commonly known as speeding. Speeding is broken down into three categories according to the Motor Vehicle Point System depending on how much a person is driving over the speed limit.

1. If a person is travelling up to 14 MPH over the speed limit, 2 points will be assessed on their driver's license.
2. If a person is going anywhere from 15-29 MPH over the limit, 4 points will be assessed.
3. And finally if a person is in excess of 30 or more over the speed limit, 5 points will be assessed to your driver's license.

4. In addition, speeding comes with fines that are increased if speeding in a safe corridor area, construction zone or a 65MPH zone.
5. For any speeding case, the state must prove three elements: 1) the defendant was operating the vehicle, 2) the speed limit on that road, 3) the driver exceeded the speed limit.

## *Reckless Driving In New Jersey*

In New Jersey, statute number 39:4-96 is also known as reckless driving. As a result of being convicted of reckless driving in NJ, a driver will receive 5 motor vehicle points on their license. Also a person could face fines of \$200 or more, a driver's license suspension and/or a short jail sentence.

Since reckless driving is one of the most serious moving violations in New Jersey, the consequences are also more serious than others. In some towns reckless driving is commonly tacked on to DWI or DUI, and excessive speeding charges. On a second or subsequent conviction a person shall be punished by imprisonment for not more than three months, or by a fine not less than \$100 or more than \$500 or both.

Reckless driving is defined as one who drives a vehicle heedlessly, (which is a gross deviation from the standard of care or grossly improper operation of a vehicle) in a willful or wanton disregard of the rights or safety of others, in a manner so as to endanger, or be likely to endanger, a person or property.

## *Unsafe Lane Change In New Jersey*

In New Jersey, statute number 39:4-88B is also known as an unsafe lane change, or failure to observe traffic lanes. Or in other words, if a road is separated by clear lanes markers, a driver must only change lanes when there is free space to do so. A vehicle shall normally be driven in the lane nearest the right-hand edge or the curb of the roadway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.

A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

Upon a highway which is divided into 3 lanes, a vehicle shall not be driven in the center lane except when overtaking or passing another vehicle or in preparation for a left turn or unless the center lane is at the time allocated for traffic moving in the direction the vehicle is proceeding and is signposted to give notice of that allocation.

According to the Motor Vehicle Point System, unsafe lane change are 2 point traffic offenses. Conviction of these traffic offenses comes with fines that range from \$50 to \$200 or imprisonment for a term not to exceeding 15 days or both. In addition if charged with these traffic offenses in a safe corridor, construction zone or 65MPH zone, the fines are doubled.

## *Failure to Yield to An Emergency Vehicle In New Jersey*

In New Jersey drivers must yield to any emergency vehicle when that vehicle has its sirens on or lights flashing. Failing to do so will cost a person 2 motor vehicle points.



Where ever a driver is, unless in the middle of an intersection, that person must immediately pull over to the side of the road, or into a different lane so that the emergency vehicle can easily pass them. Being convicted of 39:4-92 also comes with a fine of up to \$200.

## *Failure to Observe A Traffic Signal in New Jersey*

This statute is the failure to observe a traffic signal. There are two levels to this statute:

1. Failing to observe a traffic signal and,

2. Failing to observe a traffic signal in a safe corridor, construction zone or a 65 MPH area.

Failing to observe the signal will normally cost a person \$81 in New Jersey. But if a person ignores the signal in a safe corridor, construction zone, or in a 65 MPH zone it will cost them \$136. It will also be a 2 points violation.

The most common example that falls under this statute is running a red light. In addition, saying the light was yellow does not constitute a defense under New Jersey law. Also, this statute also applies to pedestrians as well as drivers.

## *Red Light Violations in New Jersey*

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## *Driving While Suspended in New Jersey: If the Suspension Was A Result of A DWI*

This brings up a very interesting and problematic case. These are cases that I have handled in the past. A potential client may come to me, after being convicted of a DWI that possibly was handled by another attorney. Now, they've been pulled over and it was discovered that they were driving with a suspended license as a result of a DWI conviction.

They are actually facing jail time at this point. The minimum sentence is ten days and the maximum sentence is 90 days. That is what I would consider traffic offenses with great magnitude. This is because now you are facing enhancements on the time your driver's license will be suspended. You are looking at a \$1,000.00 fine, and not less than 12 months and up to thirty months of additional time your license will be suspended. Also important, you could be facing nine additional insurance points on your license. In New Jersey, that's what we call a traditional enhancement.



## PUNISHMENTS FOR TRAFFIC VIOLATIONS

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### *The Point System in the State of New Jersey*

There are two different types of points. One is the traditional, for example careless driving, 2 points, reckless driving, 5 points, speeding, depending on how fast you were driving is 2 points and so on.

There is a list with the traffic offenses and how many points you can incur for each of the traffic offenses. Most people are pretty familiar with this system, such as receiving points for running a red light or going through a stop sign.

### *Insurance Points Lead to A Higher Insurance Rate*

The other type of point accumulation is receiving what is called insurance points. They are not as easy to figure out and they are based on a different system. Insurance points do not lead to suspension of your driving privileges, but they do lead to a higher insurance rate.

### *Your License Can Be Suspended for Accumulating 12 or More Points*

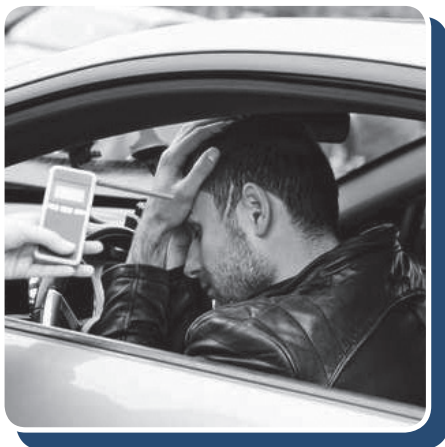
The discussion about the point system segues back to the discussion of driving while suspended, statute 39:3-40. This is because point accumulation is

another way to wind up with a suspended driver's license. When you reach 12 points, the Motor Vehicle Commission will suspend your driving privileges.

That leads us back to getting pulled over while your license is suspended due to too many points. Now, you'll be facing statute 39:3-40. This is where the point system becomes very relevant to our discussion of driving while your license is suspended.

## *Driver Improvement Courses Can Lower Your Insurance Rate*

Even if you don't have any points on your license, you can take a Driver's Improvement course to lower your insurance rate.



## FREQUENTLY ASKED TRAFFIC VIOLATION QUESTIONS

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### *Should I Talk to an Attorney?*

It's a very individual and personalized decision on how to handle a case. I feel that everybody's entitled to an attorney. The law says that. It's not just my feeling as an experienced criminal defense

attorney. In fact, if you go to the municipal court, part of the judge's instructions will say that you have a right to a reasonable postponement in order to consult with an attorney.

### *Is Self-Representation a Viable Option to Defend a Traffic Offense?*

There's an old saying that says that someone who represents themselves has a fool for a client. I think it's very difficult for some people in certain situations, especially as the cases get more serious, to represent themselves because they, obviously, have an emotional interest in the outcome of the case.

An attorney doesn't have that level of emotional attachment. They also know how to communicate the law to the prosecutor and/or to the judge, and they can do that without emotion and also with, perhaps, decades of experience in doing that, which is one of the things that I do.

## *How Do I Avoid Providing Self-Incriminating Statements?*

Part of it is just human nature, and you can't stop somebody from just being honest. So honestly answering an officer's question sometimes could actually be an incriminating statement.

We do not suggest that anyone should lie to a police officer. But sometimes giving information that is beyond what the question might be is difficult for some people to avoid when being questioned by a police officer, especially when they are pulled over at the very beginning. People usually say too much when being asked a simple question by a police officer, and that can very often come back to hurt them and self-incriminating themselves.

## *Does Hiring a Traffic Ticket Attorney Make Sense for Minor Traffic Infractions?*

I advise clients as an experienced New Jersey traffic violation lawyer that the answer to that has to do with your background. Do you have a lot of points on your license? Do you have no points on your license and you want to keep it that way? If so, hiring an attorney for a traffic ticket makes perfect sense, and can save you a lot of time and money down the line.

## *How Do I Avoid Having Points Added to My License?*

As an experienced New Jersey traffic violation lawyer I think every single summons should be pled not guilty to and warrant a trip to the court. Even if you're going without a lawyer, you should make that trip and see whether or not you could just do a little better. Of course, my angle or my goal is to do a lot better, if I can. That's what I try to do for my clients. Everybody should try to do a little better.



## *How Long Do Points Stay on Your Driving Record?*

I believe you get a two-point reduction every year. There are also driving point reduction classes that you can attend, either in person or participate in online.

These classes can reduce your Motor Vehicle points, not your insurance points, however. I believe you can participate once a year to qualify for a deduction, it's not something you can take every month to try to eliminate all the points.

## *Will I Still Receive Points If I Pay the Fine?*

It all depends on the case. The goal in most simple traffic infractions that involve points is to either minimize the amount of points that you're charged with or get them down to zero.

## *What Are the Penalties for Driving with a Suspended License?*

If you are found guilty of violating statute 39:3-40, for a first offense, the minimum mandatory fine is \$500.00. That is going to be issued from the court. There will also be a three-year surcharge, which the Motor Vehicle Commission is going to impose, of \$250.00, per year, payable each year. Keep in mind; these fines only apply to a FIRST offense.

If you are found guilty, you are looking at \$1250.00, and you are also looking at paying court costs. Those may come to about \$1260.00. There is also the possibility of the judge imposing a suspension of your driving privileges of up to six months. The Department of Motor Vehicles can still suspend your license administratively, which also can become very problematic as well.

## *What Are Common Ways People End Up with a Suspended Driver's License?*

The most common reason for a suspended license is receiving a ticket and forgetting to pay it late. Eventually what will happen is the Department of Motor Vehicles will suspend their driving privileges. And they may not even be aware of that until they get pulled over for an unrelated traffic matter. Even

one unaddressed ticket could lead to a suspension. Even an out-of-state ticket could result in having your driving privileges suspended in the state of New Jersey.



## *What Happens to Habitual Traffic Offenders?*

A second violation for a traffic offence will entail a fine of \$750.00. You could also be looking at imprisonment in the county jail for up to five days. It is imperative to have a New Jersey Traffic Violation Lawyer represent you if you are a habitual traffic offender.

There have been some recent cases that stipulated that that penalty of up to five days imprisonment must actually be served in jail, not in an outside program. When you are facing a second offense, you're looking at imprisonment and a driver's license suspension.

A conviction on a third offense carries a fine of \$1,000.00 and imprisonment in the county jail for ten days. The license suspension for a third offense is up to one year. The Department of Motor Vehicles can become involved after first offense and may enhance the penalties for a habitual traffic offender.

## *Are Defendants Ever Punished for Pursuing a Case Instead of Accepting a Plea Bargain or Pleading Guilty?*

With a lot of cases, there is a range of sentences. For instance, a judge may be able to sentence you to a minimum or maximum fine in certain situations. Very often, a judge may, on a plea, give you either the minimum fine or close to the minimum, on a plea.

If you or a loved one was pulled over or arrested for traffic offenses in New Jersey, contact dedicated New Jersey traffic violation lawyer Carl Spector today for dedicated representation. With over 30 years of experience, he has in depth knowledge of how the New Jersey court system works, and how to best navigate your case to ensure you get the best possible outcome. Call today for a free confidential consultation. Let his experience work for you.



## ABOUT THE AUTHOR:

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Carl Spector graduated from The University of Buffalo in New York where he received his bachelor's degree in Communication. He then received his legal education and earned his Juris Doctorate at New York Law School and Nova Southeastern University.

Attorney Carl Spector is licensed to practice in New York, New Jersey, Florida (inactive), the United States District Court, Southern and Eastern Districts of New York, and the District Court of New Jersey.

New Jersey DUI Lawyer Carl Spector worked as an attorney in the Bronx County District Attorney's office as an Assistant District Attorney for six years. This experience has allowed him to effectively and aggressively defend clients charged with all varieties of crimes and DWI / DUI.

For the past 30 years, New Jersey DUI Lawyer Carl Spector has been representing over 10,000 people that have been charged with crimes throughout New York and New Jersey, including Bergen County, Essex County, Hudson County, Passaic County, Morris County, and Union County. New Jersey DUI Lawyer Carl Spector has served as an attorney in countless criminal and DWI / DUI matters with full control of initial investigations, trial planning, motions, discovery, legal research and courtroom appearances and trials.

Carl Spector has successfully litigated and argued many pre-trial motions to suppress evidence based on probable cause to stop and frisk and violations of

the defendant's Fifth and Fourteenth Amendment rights. In 2009 Carl Spector served as the Municipal Prosecutor in the large Bergen County municipality of Fair Lawn. He was reappointed to that position for 2010 and 2011. Attorney Carl Spector was appointed by the Mayor and Counsel of Municipality Fair Lawn to serve as the alternate Public Defender in 2012, 2013, 2014, 2015 and 2016.

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