

So They Say I'm a Negligent Operator

By Keith J. Staten

As a result of pleading guilty or being found guilty of a traffic violation, the DMV will update your driving record with an assigned point. If you are unlucky enough to accumulate 4 points in one year, you are charged with being a negligent operator. The codes define which violations deserve a point and which moving violations amount to two points assigned. Moving violations include most violations except parking, on a bicycle, walking, vehicle registration and defective equipment issues. Be wary of the 2 point violations which come after convictions from DUI, reckless driving alcohol and non-alcohol related, hit and run driving, and driving on a suspended license.

If you are in an accident and the reporting officer deems you to be primarily at fault for the cause of the accident, you may have a point assigned to your drive record. More than 2 points can be assigned as a result of once incident. The DMV will issue a warning letter after 3 points "hit" your record. They basically are warning you that a negligent operator action will be taken if another point "hits" the record within a specified time period.

When you receive the letter from DMV notifying you that you have 4 points in one year, 6 points in 2 years or 8 points in 3 years, you have been determined to be a negligent operator. The thing to do then is request a hearing. Yes, you do have the right to a hearing and you should always request one. The DMV has the burden at that hearing to "prove up" the points.

There are several issues that can arise from the facts and evidence at that hearing which will allow you to avoid a six-month license suspension. You need counsel to advise you of the ways to keep your privilege even when you have the requisite points to justify the six month suspension to your license.

There is another way you may be deemed a negligent operator and face a suspension for at least a year. No one even wants to imagine it, but auto accidents occur daily where a fatality may occur. Many times the cause is single negligence and the person deceased and the driver are related, friends, or acquaintances. If you are deemed at fault for the accident the DMV will initiated an action against you to suspend your license under the Vehicle Code because of your negligence leading to the cause of the accident.

In this circumstance, you must request a hearing in a timely fashion and seek advice on how to proceed to preserve your driving privilege. There are several ways to defend this action and you need to be aware of the consequences if you do not contest the suspension. Such events are extremely emotional and it is easy to take the position that your license does not matter compared to any other traumatic situation that is occurring. Know your rights and your defenses and exercise them. It could be the difference and can ensure that you keep your driving privilege.

Although DMV may deem you a negligent operator, you do have rights to a hearing and defenses to these actions that can work to avoid a suspension altogether or at least diminish the impact of the suspension on your life.