

**CHAPTER 18**

**EXECUTIVE AND ADMINISTRATIVE SERVICE**

**Authority**

N.J.S.A. 17:33B-41, 39:2-3, 39:2-3.3 et seq., 39:2A-36.1, 39:3-4e, 39:3-6.12b, 39:3-20, 39:3-43, 39:3-84, 39:5-30, 39:6-25, 39:6-50, 39:6-86.1, 39:6-86.4, 47:1A-1 et seq., 52:14B-3(1), and 54:39A-24; and Pub. L. 102-240 §4008 and Pub. L. 103-322.

**Source and Effective Date**

R.2011 d.106, effective March 9, 2011.  
See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Executive and Administrative Service, expires on March 9, 2018. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 18, Executive and Administrative Service, was filed and became effective prior to September 1, 1969.

Chapter 18, Executive and Administrative Service, was repealed and Chapter 18, Executive and Administrative Service, was adopted as new rules by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c).

Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b).

Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e).

Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and Subchapter 4, Motor Fuels Use Tax Act, was adopted as new rules by R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as new rules by R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b).

Subchapter 3, Overwidth Vehicles, was adopted as new rules by R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a).

Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a).

Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b).

Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, and Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1990 d.225, effective March 30, 1990, and Subchapter 3, Overwidth Vehicles, and Subchapter 7,

Payment and Collection of Bus Excise Tax, were repealed by R.1990 d.225, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Subchapter 6, Insurance, was repealed and Subchapter 6, Insurance Verification, was adopted as new rules by R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1995 d.218, effective March 28, 1995, and Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed by R.1995 d.218, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Subchapter 2, International Registration Plan, was adopted as new rules by R.1996 d.186, effective April 1, 1996. See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

Subchapter 3, International Fuel Tax Agreement Implementation, was adopted as new rules, and Subchapter 4, Motor Fuels Use Tax Act, was repealed by R.1996 d.311, effective July 1, 1996. See: 28 N.J.R. 3328(a), 28 N.J.R. 3307(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.2000 d.174, effective March 28, 2000. See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Chapter 18, Executive and Administrative Service, was readopted as R.2005 d.359, effective September 23, 2005. See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Chapter 18, Executive and Administrative Service, was readopted as R.2011 d.106, effective March 9, 2011. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES**

**13:18-1.1 Scope**

(a) This Subchapter 1 replaces the following regulations previously adopted:

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;
3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;
4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

**13:18-1.2 Requirement of permit**

(a) Except as provided in (c) below, a single-trip permit is required for each one-way trip of an oversize or overweight vehicle that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84.

(b) In the event the vehicle is both oversize and overweight, a single-trip permit will be issued for each one-way trip.

(c) An annual ocean borne containerized cargo multiple-trip permit may be issued for a tractor semitrailer combination engaged in the transportation of sealed containers of the type commonly used for the conveyance of freight transportation in international ocean going commerce as follows:

1. Sealed containers transported under an annual ocean borne containerized cargo multiple-trip permit shall bear

the seal of the United States Custom Service, the seal of another governmental agency or the seal of a shipper;

2. The combined gross vehicle weight of any tractor semitrailer combination, including load or content convey-

ing sealed containers, shall not exceed 90,000 pounds. The tractor semitrailer combination per-axle combined weight shall not exceed 38,000 pounds for any one tandem axle

vehicle by the licensee and surrendered to the Chief Administrator within 48 hours of such sale, trade or loss of control. If a licensee discontinues business in this State, the identification card shall also be surrendered. The licensee to whom the identification card and decals were issued shall be liable for taxes applicable to the operations of the vehicles licensed pursuant to IFTA through the date the card and/or decals were surrendered. In the event the vehicle is that of an owner/operator who fails to surrender the decals to the licensee before leaving service, the licensee's liability will terminate upon the date of notification to the Chief Administrator providing the serial number of the decals and the name and address of the person having possession of same. The provisions of this subsection shall not apply if the vehicle has been stolen and a report of such theft has been made to an appropriate law enforcement agency.

Amended by R.2000 d.174, effective May 1, 2000.  
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (f), substituted a reference to account numbers for a reference to codes; in (h), substituted a reference to this subchapter for a reference to this subsection; in (i)3, neutralized a gender reference; and in (n), rewrote the first sentence.

Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Chief Administrator" for "Director" throughout; substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" in (i)3; substituted "when" for "where" in (k).

Amended by R.2011 d.106, effective April 4, 2011.  
See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

In (f), inserted "the" preceding "licensee's", and deleted a comma following "year to year".

### 13:18-3.4 Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a fee of \$10.00 for two decals per vehicle from a New Jersey IFTA licensee with an account in good standing, the Chief Administrator shall issue in person, by mail or through a preapproved third party an IFTA Temporary Permit for a qualified motor vehicle. A temporary permit shall be valid for a period of 30 consecutive days beginning with the date of issue to allow a carrier sufficient time to affix permanent decals and carry the identification card.

(b) Such permit shall be valid in all member jurisdictions, shall be carried in the cab of the vehicle for which the permit is issued, and is not transferrable.

(c) The permit shall include, at a minimum, the following:

1. The vehicle identification number;
2. The issue and expiration date;
3. The licensee name and address;
4. The licensee account number, if not a new account; and
5. The vehicle plate number, make, vehicle type, and fuel type.

(d) The fee of \$5.00 per decal shall be credited against the annual identification marker fees applicable to the same vehicle.

(e) All mileage and fuel purchases must be reported while operating pursuant to a temporary permit.

Amended by R.2000 d.174, effective May 1, 2000.  
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (a), substituted "licensee" for "license" following "IFTA" in the first sentence.

Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), substituted "\$10.00 for two decals per vehicle" for "\$5.00 per decal" and "Chief Administrator" for "Director".

### 13:18-3.5 Trip permits

(a) A licensing permit credential known as a trip permit shall be issued by the Commission, or by an approved provider of the Commission, upon application on forms prescribed by the Chief Administrator, in lieu of regular IFTA licensing credentials. A block of 10 trip permits may be issued upon application to the Commission by an approved provider. The Commission seal shall be electronically pre-affixed to the trip permit form prior to mass reproduction.

(b) The trip permit is a 96-hour IFTA credential issued by the Chief Administrator, or by an approved provider of the Commission, to an out-of-State carrier for a specific vehicle, in lieu of regular IFTA licensing. A trip permit is issued to a user whose vehicle(s) in the aggregate makes not more than six trips into or through New Jersey in a 12-month period.

(c) The trip permit shall contain the following:

1. The date and time of issue;
2. The name and address of the user; and
3. The vehicle identification number.

(d) The trip permit shall be carried in the cab of the vehicle for which such permit is issued and is not transferrable.

(e) The Commission, or an approved provider of the Commission, may refuse to issue a trip permit to a carrier that formerly held an IFTA license issued by the Commission, or an approved provider of the Commission, which was suspended, revoked, or canceled for any reason.

(f) The Commission, for any appropriate reason, may revoke any trip permit issued to any person or entity, including those issued by an approved provider of the Commission.

(g) The fee for such permit shall be \$25.00, which shall be in lieu of tax reports, fees and taxes which otherwise would be applicable to said trip.

Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (b), substituted "Chief Administrator" for "Director"; in (e), substituted "Commission" for "Division" throughout.

Amended by R.2014 d.183, effective December 1, 2014.  
See: 46 N.J.R. 1326(a), 46 N.J.R. 2371(a).

Rewrote (a); in (b), inserted “, or by an approved provider of the Commission.”; in (e), inserted “, or an approved provider of the Commission,” twice; added new (f); and recodified former (f) as (g).

### 13:18-3.6 Tax reports; due dates

(a) Each licensee shall, on or before the last day of January, April, July and October of each year, make to the Chief Administrator such aggregate reports of the licensee’s entire operations during the quarter ending on the last day of the preceding month as the Chief Administrator may require.

(b) Each licensee shall accompany the quarterly reports with a single remittance, in total amount equal to the net taxes due all member jurisdictions, made payable to the New Jersey Motor Vehicle Commission.

(c) The Chief Administrator may require a licensee to post a bond when timely reports have not been filed, tax due has not been remitted, or when payment has been dishonored.

(d) If the licensee is required to post bond in guarantee of fuel tax payment, the Chief Administrator may require that payment be in the form of certified funds.

(e) Each quarterly tax report shall reflect operations for the previous calendar quarter, and shall be filed even where no operations were conducted during the reporting period.

(f) The tax report filed by the licensee shall be due on the last day of the month immediately following the close of the quarter for which the report is due. Reports postmarked with U.S. or Canadian Postal Service postmark by the due date or otherwise verified as timely delivered shall be considered timely filed.

1. In the event the licensee files the report by personal delivery, the Motor Vehicle Commission date-received stamp shall be conclusive evidence of the filing date.

2. Reports not filed by the due date shall be considered late and any taxes due considered delinquent.

Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (c) and (d), substituted “Chief Administrator” for “Director” throughout; in (b) and (f)1, substituted “Motor Vehicle Commission” for “Division of Motor Vehicle”; also in (c), substituted “when” for “where” throughout.

Amended by R.2011 d.106, effective April 4, 2011.  
See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

In (b), inserted “the” preceding “New Jersey Motor Vehicle Commission”.

### 13:18-3.7 Tax reports; penalties; interest

(a) The Chief Administrator shall assess a penalty of \$50.00 or 10 percent of the taxes due, whichever is greater, for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(b) The Chief Administrator may waive the penalty imposed in (a) above if it is determined there is reasonable cause for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(c) For a fleet based in the United States, interest shall accrue at the rate of one percent per month or fraction thereof, calculated from the date the tax was due until the tax is paid. The interest shall be computed on the tax due each member jurisdiction. For a fleet based in a Canadian jurisdiction, interest shall accrue at a rate equal to the Canadian Federal Treasury Bill rate, plus two percent, and adjusted every calendar year quarter, calculated from the date tax was due until the tax is paid. All interest collected shall be remitted to the appropriate jurisdictions.

(d) The Chief Administrator shall waive interest on unpaid amounts when the licensee reasonably relied on erroneous advice furnished to him or her in writing by an employee of the Commission acting in the employee’s official capacity, provided that such interest did not result from failure of the licensee to provide adequate and accurate information.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (d), neutralized a gender reference.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (b) and (d), substituted “Chief Administrator” for “Director”; also in (d), substituted “when” for “where” and “Commission” for “Division”.

### 13:18-3.8 Tax reports; annual reporting

The Chief Administrator shall in his or her discretion exempt any licensee who has sufficient liability to warrant quarterly reporting from the quarterly reporting requirements of this subchapter, upon finding that the administration and purpose of this subchapter would not be adversely affected. Such licensee may be permitted to make an annual report of the licensee’s entire operations subject to such terms, conditions, or limitations as the Chief Administrator may prescribe, provided no objection is received from other member jurisdictions to which the licensee is reporting.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted “Chief Administrator” for “Director” throughout.

### 13:18-3.9 Tax reports; content

(a) The tax report shall include the following information:

1. The name, address, account number or license number of the licensee;

2. The type of fuel used and being reported;

3. The total distance traveled during the reporting period by qualified motor vehicles in the licensee’s fleet, regardless of whether the miles or kilometers are taxable or non-taxable by a jurisdiction;

No.	Field Name	Description
4.	Year	Four digit vehicle model year.
5.	Model	National Crime Information Center (NCIC) vehicle model code. Space fill if not available.
6.	Insurance-Company-Code	MVR code assigned by New Jersey Motor Vehicle Commission for driver abstracts.
7.	Policy-Effective-Date	Format is MMDDYYYY.
8.	Date-Stamp	Format is MMDDYYYY.
9.	Filler	Spaces.

Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Motor Vehicle Commission" for "Motor Vehicle Services" in the description of No. 6.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

**13:18-9.1 Security deposits for uninsured motorists**

(a) A deposit from an uninsured motor vehicle owner or operator to secure the payment of any reimbursement of the Unsatisfied Claim and Judgment Fund for the payment of personal injury protection benefits the Fund has made or shall make pursuant to N.J.S.A. 39:6-86.1 or 39:6-86.4, or any judgment or judgments which may be rendered against him or her for damages arising out of a motor vehicle accident in which such an individual has been involved shall be required in those situations where:

1. The uninsured owner or operator has been involved in an accident resulting in injury to a passenger in his or her vehicle and the passenger is not otherwise protected by an automobile insurance policy;
2. The uninsured owner or operator has been involved in an accident resulting in injury to a pedestrian or bicyclist who is not otherwise protected by an automobile insurance policy;
3. The uninsured owner or operator has been involved in an accident resulting in injury to a nonresident motorist who is not protected by uninsured motorist coverage;
4. The uninsured owner or operator has been involved in an accident resulting in damage to property other than a motor vehicle;
5. The uninsured owner or operator has been involved in an accident resulting in the filing of a claim by a qualified individual against the Unsatisfied Claim and Judgment Fund for payment of personal injury protection benefits pursuant to N.J.S.A. 39:6-86.1 or 39:6-86.4; or
6. The Chief Administrator of the Motor Vehicle Commission determines a deposit of security to be necessary in

view of the total insurance protection available to an injured party.

R.1976 d.75, effective March 8, 1976.  
See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).  
Amended by R.2000 d.174, effective May 1, 2000.  
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).  
In (a), rewrote the introductory paragraph, and neutralized a gender reference in 1.  
Amended by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).  
In (a)6, substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE MOTOR VEHICLE COMMISSION

**13:18-11.1 Motor Vehicle Commission organizational structure**

(a) The Motor Vehicle Commission consists of the Chair/Chief Administrator and such offices and other organizational units as allowed by law and as necessary to carry out the Commission's statutory mandates.

(b) The Motor Vehicle Commission has a Deputy Chief Administrator.

(c) The Motor Vehicle Commission has two Deputy Administrators, as follows:

1. Deputy Administrator of Administration; and
2. Deputy Administrator of Operations.

(d) The Motor Vehicle Commission has two Assistant Chief Administrators, as follows:

1. Assistant Chief Administrator, Vehicle Safety, Compliance and Business Operations; and
2. Assistant Chief Administrator, Motor Vehicle Agency Services.

(e) The Motor Vehicle Commission has 15 directors, as follows:

1. Director of Policy and Planning;
2. Director of Financial Management;
3. Director of Human Resources;
4. Director of Compliance and Safety;
5. Director of Security, Investigations and Internal Audit;
6. Director of Regulatory and Legislative Affairs;
7. Director of Communications;

8. Director of Facilities and Support Services;
9. Director of Business and Government Operations;
10. Director of Northern Agency Services;
11. Director of Southern Agency Services;
12. Director of Information Technology;
13. Director of Inspection Services;
14. Director of Procurement; and
15. Director of Customer Information and Advocacy.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.2002 d.270, effective July 23, 2002.

See: 34 N.J.R. 2970(a).

Rewrote the section.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was "Division of Motor Vehicles organizational structure"; rewrote the section.

Amended by R.2009 d.219, effective July 6, 2009.

See: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).

Rewrote (d), (e)3, (e)4, and (e)8 through (e)12; in the introductory paragraph of (e), substituted "14" for "12"; and added (e)13 and (e)14.

Amended by R.2011 d.106, effective April 4, 2011.

See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

Rewrote (c) and (e); in the introductory paragraph of (d), substituted "two" for "three"; in (d)1, inserted "Vehicle Safety, Compliance and Business" and the second occurrence of "and"; in (d)2, substituted a period for a semicolon at the end; and deleted (d)3.

### 13:18-11.2 Public information requests and submissions

(a) Except as may be otherwise provided in N.J.A.C. 13:18-11.5, a member of the public may obtain information or make a submission or a request by writing to the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, PO Box 160, Trenton, New Jersey 08666-0160.

(b) A member of the public seeking general information may telephone the Motor Vehicle Commission by calling 1-609-292-6500.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.1995 d.218, effective May 1, 1995.

See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rewrote the section.

### 13:18-11.3 Government records; examination; purchase of copies; exemption

(a) All government records shall be subject to public access unless exempt from such access by N.J.S.A. 47:1A-1 et seq. as amended and supplemented, any other statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, Rules of Court, any Federal law, Federal regulation or Federal order, or regulation promulgated under the authority of any statute or Executive Order of the Governor. Where it shall appear that a person who has

been convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access shall be denied in accordance with N.J.S.A. 47:1A-2.2. Government records shall be readily accessible for inspection, copying, or examination by any person, with certain exceptions found within N.J.S.A. 47:1A-1 for the protection of the public interest, during the regular business hours of the Motor Vehicle Commission at the Trenton Regional Service Center, 120 South Stockton Street, Trenton, New Jersey or other office of the Motor Vehicle Commission as determined by the Custodian of Records. Any person shall have the right to inspect, copy, or examine government records under reasonable supervision during regular business hours. Any person shall have the right to purchase copies of government records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

(b) The right of inspection, copying, or examination of government records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the record or records being sought for inspection, copying, or examination pertain to any investigation in progress, if the inspection, copying, or examination of such record or records is inimical to the public interest.

(c) The Motor Vehicle Commission's database and the information contained in it do not constitute government records. In no event shall data or information contained in the database be provided to any person or entity which seeks to use such information for the purpose of commercial solicitation for profit or political canvassing or campaigning or any similar purpose or objective.

(d) Motor vehicle records shall be released in accordance with the provisions of the New Jersey Drivers' Privacy Protection Act (N.J.S.A. 39:2-3.3 through 3.7, inclusive).

(e) In the interest of public safety and privacy, the government records listed below shall only be made available for inspection, examination, and copying by a person who demonstrates to the satisfaction of the Chief Administrator of the Motor Vehicle Commission that he or she is the person to whom the record pertains or that he or she has a legitimate beneficial interest in the requested record for the protection of his or her property rights or the protection of any interest the person may have in any matter affecting the person to which said record is relevant. Availability may be limited to that part of the record which is particularly relevant to the person, and personal information may be deleted from the copy of such record. Such records include all those government records of the Motor Vehicle Commission relating to:

1. Driver licenses;
2. Vehicle registrations;

3. Vehicle titles; and
4. Driver histories.

(f) Persons requesting the inspection, examination or copying of government records of the Motor Vehicle Commission specified in this subchapter shall be required to present identification, which shall include a photocopy of the requestor's driver license or, if the person is unlicensed, either a photocopy of the requestor's identification card issued by the Motor Vehicle Commission in accordance with the "Identification Cards for Nondrivers' Act" (N.J.S.A. 39:3-29.2 et seq.) or other proof of identity acceptable to the Commission, and to complete a formal request form prepared by the Motor Vehicle Commission, which shall include:

1. The requestor's name and address;
2. The requestor's driver license number or corporate identification number;
3. The requestor's reason for requesting the record;
4. The driver license number or the name, address, and birth date of the person whose driver record is requested;
5. The license plate number or VIN number of the vehicle for which a record is requested; and
6. A description of the information the requestor is seeking in order to ensure that a copy of the appropriate record is provided.

(g) Nothing in this section shall be construed as prohibiting the provision of an abstract of the operating record of any person by the Motor Vehicle Commission to insurance companies, persons furnishing any financial responsibility, and sureties on bonds in accordance with the provisions of N.J.S.A. 39:6-42.

(h) Nothing in this section shall be construed as prohibiting the provision of certificates of ownership by the Motor Vehicle Commission in accordance with the provisions of N.J.S.A. 39:10-14.

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (c) through (g).

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was "Public records; examination; purchase of copies; exemption"; rewrote the section.

Amended by R.2011 d.106, effective April 4, 2011.

See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

In (d), substituted "Drivers' " for "Driver", and updated the N.J.S.A. references.

#### Case Notes

Computerized database of the DMV is not a public record itself, but its contents are contained within the public records maintained by the DMV. *State v. Donis*, 157 N.J. 44, 723 A.2d. 35 (N.J.1998).

#### 13:18-11.4 Fees; information search; exemption

(a) A person requesting to purchase a government record shall pay the fee established by the Motor Vehicle Commission as set forth in this section.

(b) The fees are as follows:

1. A Driver History Abstract:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
3. Violation Record:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
4. Mail Lists:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
5. Registration or Driver License Application:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
6. Boat Registration Application:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
7. Final Decision of Chief Administrator:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.
8. File Search of Motor Vehicle Commission Records:
  - i. Uncertified, \$15.00.
  - ii. Certified, \$15.00.

(c) Payment shall be made by check or money order payable to the New Jersey Motor Vehicle Commission.

(d) Except as otherwise provided in (g) below, governmental agencies are exempt from the fees set forth in this section.

(e) Notwithstanding the fees set forth in this section, the Chief Administrator shall collect from high volume on-line information users a fee of \$12.00 for each driver history record requested on-line; a fee of \$12.00 for each vehicle registration record or each title record requested on-line; and a fee of \$12.00 for each title history requested on-line.

(f) “High volume users,” as used in this section, shall be defined as those businesses approved by the Chief Administrator of the Motor Vehicle Commission for participation in its Limited On-Line Access program or its Standard Data Files program, which provides for the electronic transmittal of records. The Chief Administrator’s approval shall be based on a business demonstrating its beneficial interest in and legitimate business use of the Motor Vehicle Commission’s database information, as well as on the volume of requests for such information.

1. Political and commercial solicitation and marketing shall not constitute legitimate business uses of the database information.

2. The volume of requests constituting “high volume” shall be a minimum of 100 requests per calendar quarter for the Limited On-Line Access program.

(g) Notwithstanding the fees set forth in this section, the Chief Administrator shall collect a fee of \$.05 per individual registration transaction record and individual title transaction record from users (including businesses acting on behalf of governmental agencies) of the Standard Data Files program, which provides for the electronic transmittal of registration and title records. The Chief Administrator may, in accordance with the New Jersey Drivers’ Privacy Protection Act (N.J.S.A. 39:2-3.3 et seq.), redact “personal information” from the registration and title records made available through the Standard Data Files program. In all cases, the social security number shall be redacted from the registration and title records made available through the Standard Data Files program. A business user’s utilization of personal information contained in the registration and title records that are made available through the Standard Data Files program shall be subject to the disclosure limitations set forth in the New Jersey Drivers’ Privacy Protection Act (N.J.S.A. 39:2-3.4). In addition to the per record transaction fee set forth above, the Chief Administrator shall collect from users (including users who qualify as governmental agencies) of the Standard Data Files program a processing fee equal to the service fee imposed on the Motor Vehicle Commission by the Office of Information Technology for data processing costs incurred in formatting the registration and title records requested by the user. The \$.05 fee per individual registration transaction record and individual title transaction record set forth in this subsection shall be phased in as follows:

1. A fee of \$.03 per transaction record shall be collected in 2005;

2. A fee of \$.04 per transaction record shall be collected in 2006; and

3. A fee of \$.05 per transaction record shall be collected in 2007.

New Rule, R.1991 d.575, effective November 18, 1991.  
See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).  
Amended by R.1995 d.365, effective July 3, 1995.  
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Amended by R.1996 d.410, effective September 3, 1996.

See: 28 N.J.R. 2795(b), 28 N.J.R. 4110(a).

Added \$4 fee for high volume on-line information users.

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (g).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rewrote the section.

Amended by R.2009 d.219, effective July 6, 2009.

See: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).

In (b) and (e), updated the fee amounts throughout.

Amended by R.2011 d.106, effective April 4, 2011.

See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

In (d), deleted “and (h)” following “(g)”.

#### Case Notes

Motor Vehicle Commission must proceed to rule-making in accordance with *Metromedia, Inc. v. Director, Div. of Taxation*, 97 N.J. 313 (1984), to effectuate its interpretation that only motor vehicle dealers, attorneys, and towing companies acting on their own behalf are covered by N.J.S.A. 39:2-3.4(c)(7), which permits limited access to motor vehicle data “for use in providing notices to the owners of towed or impounded vehicles.” *DeMarco v. N.J. Motor Vehicle Comm’n*, OAL Dkt. No. MVH 04159-07, 2008 N.J. AGEN LEXIS 305, Initial Decision (April 7, 2008).

#### 13:18-11.5 Procedure for record examination or request to purchase government records

A person may request a copy of a government record of the Motor Vehicle Commission not specified in this subchapter, or make inquiry concerning the inspection, copying, or examination of a government record not specified in this subchapter, by contacting:

Official Custodian of Records  
New Jersey Motor Vehicle Commission  
225 East State Street  
PO Box 122  
Trenton, NJ 08666-0122  
Attn: Manager, Bureau of Information Update and Retrieval  
Telephone: (609) 292-4572

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Changed address.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was “Procedures for record examination or request to purchase public records”; rewrote the section.

#### 13:18-11.6 Extension of the public comment period

(a) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, may extend the time for submission of public comments on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, shall extend the time for submission of public comments for an additional 30-day period if, within 30 days of the publication of a notice of proposal, sufficient public interest is demonstrated in an extension of time to submit comments.

(c) Sufficient public interest is demonstrated in an extension of the comment period when 50 or more individuals have expressed the need for the extension of the comment period.

New Rule by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

### 13:18-11.7 Conducting a public hearing

(a) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, may conduct a public hearing on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, shall hold a public hearing on a proposed rulemaking at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is demonstrated within 30 days of the publication of the proposed rulemaking in the New Jersey Register.

(c) Sufficient public interest is demonstrated with regard to the conducting of a public hearing when 100 or more individuals have either expressed the need for a public hearing on the rule proposal or disagreement with one or more substantive provisions of the rule proposal.

(d) The Motor Vehicle Commission shall not consider, in the calculation of the number of comments received under (c) above, those comments that relate to specific recommended changes in the rules that the Motor Vehicle Commission has agreed to make or does not have the legal authority to make.

New Rule by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

### 13:18-11.8 Notice of rulemaking proposals

(a) When the Motor Vehicle Commission causes a rule-making notice of proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall distribute a notice of the rulemaking notice to the news media maintaining a press office in the State House Complex.

(b) When the Motor Vehicle Commission causes a rule-making notice of proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall make available on its internet website ([www.state.nj.us/mvc](http://www.state.nj.us/mvc)) a notice of the rulemaking notice of proposal.

(c) When the Motor Vehicle Commission causes a rule-making notice of proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall mail either the notice of proposal, as filed, or a statement of the substance of the proposed action to those persons who have made timely requests to the Motor Vehicle Commission for notice of its rulemaking activity.

(d) When the Motor Vehicle Commission causes a rule-making notice of proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall mail the notice of proposal, as filed, to a distribution list of organized entities that are the subject of or significantly related to the notice of proposal.

(e) When the Motor Vehicle Commission causes a rule-making notice of proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall post the notice of proposal, as filed, or a statement of the substance of the proposed action in the lobby of the Motor Vehicle Commission's administrative office at 225 East State Street, Trenton, New Jersey.

New Rule by R.2005 d.359, effective November 7, 2005.  
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).  
Amended by R.2011 d.106, effective April 4, 2011.  
See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

In (a) and (b), inserted "notice of" preceding "proposal" throughout; in (a), substituted the third occurrence of "notice" for the second occurrence of "proposal"; in (c) through (e), inserted the first occurrence of "notice of proposal"; and in (c) and (e), inserted "the" preceding "substance".