

CHAPTER 21
LICENSING SERVICE

Authority

N.J.S.A. 17:33B-45, 39:2-3, 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10.1, 39:3-10.17a, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-10a, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-29.9, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, and 56:10-25; and 42 U.S.C. §405(c)(2)(C).

Source and Effective Date

R.2006 d.250, effective June 8, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 21, Licensing Service, expires on December 5, 2013. See: 45 N.J.R. 870(a).

Chapter Historical Note

Chapter 21, Licensing Service, was adopted and became effective prior to September 1, 1969.

Subchapter 7, Special Learner's Permits, was adopted as new rules by R.1970 d.9, effective January 9, 1970. See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was adopted as new rules by R.1972 d.232, effective January 1, 1973. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a).

Subchapter 16, Counterpart Fees, was adopted as new rules by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a).

Subchapter 17, Special Road Crossing Permits, was adopted as new rules by R.1973 d.103, effective April 12, 1973. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

Subchapter 18, Snowmobile Registration, was adopted as new rules by R.1975 d.289, effective October 1, 1975. See: 7 N.J.R. 340(b), 7 N.J.R. 508(b).

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1980 d.474, effective October 30, 1980. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b).

Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981. See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

Subchapter 5, Registrations, was readopted as R.1984 d.408, effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Subchapter 8, Driver Licenses, was readopted as R.1984 d.411, effective August 28, 1984. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was readopted as R.1984 d.443, effective September 14, 1984. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985.

Subchapter 4, Titles, was adopted as new rules by R.1985 d.200, effective April 15, 1985. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Bus Drivers, expired on March 18, 1985.

Subchapter 14, Bus Drivers, was adopted as new rules by R.1985 d.205, effective May 6, 1985. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b).

Subchapter 2, Statutory Language Interpretation, was readopted as R.1985 d.576, effective November 18, 1985. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Pursuant to Executive Order No. 66(1978), Subchapter 20, Motor Home Title Certificates, expired on October 20, 1985.

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Special Learner's Permits, expired on February 18, 1986.

Subchapter 7, Learner's Permits, was adopted as new rules by R.1986, d.81, effective April 7, 1986. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Subchapter 21, Auto Body Repair Facilities, was adopted as new rules by R.1988 d.474, effective October 3, 1988. See: 19 N.J.R. 1624(c), 20 N.J.R. 2460(a).

Subchapter 22, Salvage Certificates of Title, was adopted as new rules by R.1989 d.157, effective March 20, 1989. See: 20 N.J.R. 2675(a), 21 N.J.R. 768(b).

Subchapter 16, Counterpart Fees, was repealed by R.1990 d.435, effective September 4, 1990. See: 22 N.J.R. 1325(a), 22 N.J.R. 2747(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted as R.1991 d.21, effective December 13, 1990. See: 22 N.J.R. 3311(a), 23 N.J.R. 207(c).

Subchapter 23, Commercial Driver Licensing, was adopted as new rules by R.1992 d.138, effective March 16, 1992. See: 24 N.J.R. 219(b), 24 N.J.R. 960(a).

Subchapter 24, Defensive Driving Courses, was adopted as new rules by R.1994 d.347, effective July 5, 1994. See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a).

Subchapter 16, Identification Cards for Nondrivers, was adopted as new rules by R.1994 d.496, effective September 19, 1994. See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted as R.1996 d.27, effective December 13, 1995. See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted effective December 12, 2000, and Subchapter 11, Central Title and Registration Service, was repealed effective January 16, 2001 by R.2001 d.19. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Subchapter 11, Central Title and Registration Service, was repealed by R.2001 d.19, effective January 16, 2001. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Administrative correction. See: 33 N.J.R. 568(a).

Chapter 21, Licensing Service, was readopted as R.2006 d.250, effective June 8, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 14, Bus Drivers, was renamed Passenger Endorsements by R.2012 d.072, effective April 2, 2012. See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 21, Licensing Service, was scheduled to expire on June 8, 2013. See: 43 N.J.R. 1203(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:21-1.1 Use of legal name on all documents
- 13:21-1.2 Proof of legal name
- 13:21-1.3 Mandatory disclosure of Social Security number
- 13:21-1.4 Restricted use of Social Security numbers
- 13:21-1.5 Public record exception; disclosure prohibited

**SUBCHAPTER 2. STATUTORY LANGUAGE
INTERPRETATION**

- 13:21-2.1 Basis for interpretation
- 13:21-2.2 "Accompanied" in motor vehicles defined
- 13:21-2.3 "Accompanied" in motorcycles defined
- 13:21-2.4 (Reserved)

SUBCHAPTER 3. (RESERVED)
SUBCHAPTER 4. TITLES

- 13:21-4.1 Certificate of origin; year model designation
- 13:21-4.2 Certificate of ownership fees
- 13:21-4.3 (Reserved)
- 13:21-4.4 Certificate of ownership application for homemade vehicles
- 13:21-4.5 through 13:21-4.6 (Reserved)

SUBCHAPTER 5. REGISTRATIONS

- 13:21-5.1 Weight class
- 13:21-5.2 Certificate of Origin
- 13:21-5.3 (Reserved)
- 13:21-5.4 Registration fee
- 13:21-5.5 Motorcycle registration fee
- 13:21-5.6 Registering flood-damaged vehicles
- 13:21-5.7 Notification of flood damage
- 13:21-5.8 Mileage reading on certificate of ownership
- 13:21-5.9 Transferring of ownership on certain motor vehicles
- 13:21-5.10 Surrender of registration plates
- 13:21-5.11 Registration refusal
- 13:21-5.12 (Reserved)
- 13:21-5.13 Nonresident temporary registrations issued by motor vehicle agencies

SUBCHAPTER 6. EXAMINATION PERMITS

- 13:21-6.1 Definitions
- 13:21-6.2 Requirements for issuance of examination permits
- 13:21-6.3 Prerequisites for validation of examination permits
- 13:21-6.4 Expiration of examination permits

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

- 13:21-7.1 Definitions
- 13:21-7.2 Requirements for issuance of special learner's permits
- 13:21-7.3 Road test appointment requirements
- 13:21-7.4 Methods of securing appointment for road test
- 13:21-7.5 Validation of special learner's permits
- 13:21-7.6 Expiration of special learner's permits

SUBCHAPTER 8. DRIVER LICENSES

- 13:21-8.1 Definitions
- 13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address
- 13:21-8.3 Permits
- 13:21-8.4 Physical and mental qualifications
- 13:21-8.5 Driving privilege status
- 13:21-8.6 Law-knowledge tests; written; English language; foreign language
- 13:21-8.7 Law-knowledge tests; oral; English language; foreign language
- 13:21-8.8 Special examination; hearing-impaired
- 13:21-8.9 Visual acuity and color perception check generally
- 13:21-8.10 Visual acuity test standards
- 13:21-8.11 Color perception check standards
- 13:21-8.12 Necessity of road test
- 13:21-8.13 Road test maneuvers
- 13:21-8.14 Vehicle used for road test
- 13:21-8.15 Accompanying driver
- 13:21-8.16 Failure of driving test

- 13:21-8.17 Waiver of driving test
- 13:21-8.18 Employment and religious waivers of time restrictions for permit and probationary drivers under 21
- 13:21-8.19 through 13:21-8.20 (Reserved)
- 13:21-8.21 Eyes and weight numerical code chart
- 13:21-8.22 License class, endorsement and restriction codes
- 13:21-8.23 (Reserved)
- 13:21-8.24 Suspension of license; failure to notify of change of address

**SUBCHAPTER 9. LICENSE AND REGISTRATION
RENEWALS AND RESTORATIONS**

- 13:21-9.1 Expired license or registration
- 13:21-9.2 Proof of allegations
- 13:21-9.3 Restoration fees
- 13:21-9.4 Suspension continues until restoration; application for restoration
- 13:21-9.5 Definitions
- 13:21-9.6 Application for renewal of vehicle registration in electronic or digital form
- 13:21-9.7 Content of application; signature; false entry
- 13:21-9.8 Identification of insurance carrier and policy number
- 13:21-9.9 Verification of current mailing address
- 13:21-9.10 Submission of social security number
- 13:21-9.11 Inability or refusal to provide all information requested
- 13:21-9.12 Automatic extension of prior registration for timely renewal by mail, telephone or through the Internet
- 13:21-9.13 Protection of personal information
- 13:21-9.14 Applicant survey
- 13:21-9.15 Non-waiver of privacy protections
- 13:21-9.16 Electronic records; applicable rules; minimum standards

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

- 13:21-10.1 Final certificate

SUBCHAPTER 11. (RESERVED)
SUBCHAPTER 12. FARM VEHICLES

- 13:21-12.1 Vehicles exempted from statutory provisions
- 13:21-12.2 Limitation on operation between farms
- 13:21-12.3 Hours of travel; visibility requirements
- 13:21-12.4 Distance of travel
- 13:21-12.5 Speed limitations
- 13:21-12.6 Vehicle dimensions
- 13:21-12.7 Priority of travel
- 13:21-12.8 Movement on certain highways
- 13:21-12.9 Tires; wheel coverings
- 13:21-12.10 (Reserved)

SUBCHAPTER 13. MIGRANT FARM WORKERS

- 13:21-13.1 Definitions
- 13:21-13.2 Basic driver qualifications
- 13:21-13.3 Vehicles permitted for transportation
- 13:21-13.4 Vehicle entrance and exit
- 13:21-13.5 Lighting equipment
- 13:21-13.6 Brakes
- 13:21-13.7 Audible signal
- 13:21-13.8 Exhaust system
- 13:21-13.9 Mirrors
- 13:21-13.10 Windshield wipers; windshield; side and rear glass
- 13:21-13.11 Tires
- 13:21-13.12 Speedometer
- 13:21-13.13 Fire extinguisher
- 13:21-13.14 Road warning devices
- 13:21-13.15 Markings
- 13:21-13.16 Penalties
- 13:21-13.17 Insurance
- 13:21-13.18 Statutory compliance

LICENSING SERVICE

SUBCHAPTER 14. PASSENGER ENDORSEMENTS

- 13:21-14.1 (Reserved)
- 13:21-14.2 Definitions
- 13:21-14.3 Passenger endorsement requirement
- 13:21-14.4 (Reserved)
- 13:21-14.5 Passenger endorsement regulations
- 13:21-14.6 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

- 13:21-15.1 Definitions
- 13:21-15.2 Application
- 13:21-15.3 Proper person
- 13:21-15.4 Established place of business
- 13:21-15.5 Grounds for rejection, suspension or revocation of a dealer license or issuance of a cease and desist order
- 13:21-15.6 Transfer of ownership without title; presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license
- 13:21-15.7 Responsibilities of licensee
- 13:21-15.8 Informing purchaser of dealer's responsibilities; suspension, revocation or refusal to renew license due to noncompliance
- 13:21-15.9 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey
- 13:21-15.10 Nonresident temporary registrations issued by licensed motor vehicle dealers
- 13:21-15.11 Dealer plates
- 13:21-15.12 New motor vehicle inspection stickers
- 13:21-15.13 Investigations
- 13:21-15.14 Hearings
- 13:21-15.15 Emergency disciplinary action

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

- 13:21-16.1 Definitions
- 13:21-16.2 Requirements for issuance of nondriver identification cards
- 13:21-16.3 Nondriver identification card class codes

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

- 13:21-17.1 Application; fees
- 13:21-17.2 Restrictions
- 13:21-17.3 Warning signs
- 13:21-17.4 Width of crossing zone
- 13:21-17.5 Speed
- 13:21-17.6 Applicability of laws
- 13:21-17.7 Penalties

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

- 13:21-18.1 Proof of ownership
- 13:21-18.2 Sales tax
- 13:21-18.3 Proof of insurance
- 13:21-18.4 Registration certificate
- 13:21-18.5 Registration number
- 13:21-18.6 Transfer of ownership
- 13:21-18.7 Renewal of registration certificate

SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

- 13:21-19.1 Notice of intent; copies served on Chairman
- 13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing
- 13:21-19.3 Protest; copy filed with a franchisor and relocating franchisee
- 13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings
- 13:21-19.5 Relocating franchisee; party to Committee's proceedings

- 13:21-19.6 Papers filed with Chief Administrator; papers and envelopes specifically marked
- 13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law
- 13:21-19.8 Denial, suspension or revocation of dealers license
- 13:21-19.9 Hearing costs; deposit; sanctions

SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES

- 13:21-20.1 Definitions
- 13:21-20.2 Assignment and affixation of vehicle identification number
- 13:21-20.3 Certificate of origin
- 13:21-20.4 Transfer of ownership of new motor homes
- 13:21-20.5 Certificate of ownership for used motor vehicles converted into motor homes

SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES

- 13:21-21.1 Purpose
- 13:21-21.2 Scope; license classes
- 13:21-21.3 Definitions
- 13:21-21.4 Initial application for a license
- 13:21-21.5 Applicant qualifications
- 13:21-21.6 Application and license fees
- 13:21-21.7 License renewals
- 13:21-21.8 Surrender of license
- 13:21-21.9 Responsibility of licensees
- 13:21-21.10 Estimates and repairs
- 13:21-21.11 Authorization for repairs
- 13:21-21.12 Notice and recordkeeping requirements
- 13:21-21.13 Advertising
- 13:21-21.14 Storage rates
- 13:21-21.15 Additional violations
- 13:21-21.16 Additional penalties
- 13:21-21.17 Investigations
- 13:21-21.18 Written notice of suspension or revocation or refusal to grant or renew license
- 13:21-21.19 Request for hearing
- 13:21-21.20 Hearing procedures
- 13:21-21.21 Limitations on issuance of a license after a suspension, revocation or refusal to grant or renew
- 13:21-21.22 License restoration

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

- 13:21-22.1 Purpose
- 13:21-22.2 Prohibition on transfer
- 13:21-22.3 Definitions
- 13:21-22.4 Issuance of salvage certificates of title; fee
- 13:21-22.5 Subsequent transfer of salvage motor vehicles
- 13:21-22.6 Salvage motor vehicles precluded from obtaining a registration
- 13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired
- 13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers
- 13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair
- 13:21-22.10 Inspection; appointment; inspection fee; rescheduling
- 13:21-22.11 Temporary registration for salvage motor vehicles
- 13:21-22.12 Grounds for failing State inspection
- 13:21-22.13 Seizure of a salvage motor vehicle
- 13:21-22.14 Issuance of certificates of ownership without a salvage designation
- 13:21-22.15 Issuance of certificates of ownership with a salvage designation
- 13:21-22.16 Penalties
- 13:21-22.17 Written notice
- 13:21-22.18 Request for hearing
- 13:21-22.19 Hearing procedures

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

- 13:21-23.1 Definitions
- 13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined
- 13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity
- 13:21-23.4 (Reserved)
- 13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes
- 13:21-23.6 Endorsements; descriptions; testing requirements
- 13:21-23.7 Air brake restrictions
- 13:21-23.8 General requirement for knowledge and skills
- 13:21-23.9 Required knowledge
- 13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation
- 13:21-23.11 Requirements for double/triple trailers endorsement
- 13:21-23.12 Requirements for passenger endorsement
- 13:21-23.13 Requirements for tank vehicle endorsement
- 13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test
- 13:21-23.15 Requirements for a school bus endorsement
- 13:21-23.16 Minimum passing scores; test longevity; waiting period between tests
- 13:21-23.17 Third party testing; proof of testing
- 13:21-23.18 Commercial driver's license document; general
- 13:21-23.19 Information on the document and application
- 13:21-23.20 Tamperproofing requirements
- 13:21-23.21 Duplicate CDL
- 13:21-23.22 Change of legal name or address; application for corrected CDL
- 13:21-23.23 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years
- 13:21-23.24 Ineligibility for reduction of lifetime revocation
- 13:21-23.25 Driver rehabilitation program
- 13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator
- 13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23
- 13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act
- 13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

- 13:21-24.1 Definitions
- 13:21-24.2 Point reduction; computation; course completion
- 13:21-24.3 Sponsoring agency qualifications
- 13:21-24.4 Instructor qualification; training
- 13:21-24.5 Course curriculum; length; content; scope; class size
- 13:21-24.6 Classroom facilities
- 13:21-24.7 Student records
- 13:21-24.8 Certification of course completion
- 13:21-24.9 Suspension or revocation of sponsoring agency's approved status
- 13:21-24.10 Voluntary nature of course; fees

SUBCHAPTER 1. GENERAL PROVISIONS

13:21-1.1 Use of legal name on all documents

Any person securing a driver license, registering a vehicle, titling a vehicle or filing any document with the Motor Vehicle Commission, or for any reason being recorded on the

records of the Commission, shall do so in his or her legal name.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Motor Vehicle Commission" for first occurrence of "Division" and "Commission" for the second occurrence; and inserted gender neutral reference.

13:21-1.2 Proof of legal name

Any person using a name for the purposes set forth in N.J.A.C. 13:21-1.1 shall furnish proof that the name given is the legal name when such proof is requested by any agent, officer or employee of the Motor Vehicle Commission.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "set forth" for "outlined" and "N.J.A.C. 13:21-1.1" for "Section 1.1 (Use of legal name on all documents) of this Chapter"; deleted comma following "legal name"; and substituted "such" for "this" and "Motor Vehicle Commission" for "Division".

13:21-1.3 Mandatory disclosure of Social Security number

(a) An applicant for any special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto or registration shall disclose his or her Social Security number upon the application form furnished by the Chief Administrator of the Motor Vehicle Commission.

(b) A special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto or registration shall not be issued unless the applicant therefor discloses his or her Social Security number upon the application form.

(c) This section shall not apply to persons who are exempt from applying for a Social Security number.

New Rule, R.1985 d.307, effective June 17, 1985.

See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).

Amended by R.1990 d.514, effective October 15, 1990.

See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirement to applicants of commercial licenses.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Mandatory disclosure of social security number". Substituted "Social Security" for "social security" throughout; and in (a) and (b), deleted a comma following "thereto" and substituted "number" for "number(s)".

13:21-1.4 Restricted use of Social Security numbers

(a) The Motor Vehicle Commission or its designee shall, in the administration of the driver license and motor vehicle registration laws of this State, including the "New Jersey

Inserted gender neutral language and substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; and in the last sentence of (b), substituted "his or her" for "this".

13:21-5.11 Registration refusal

The Chief Administrator of the Motor Vehicle Commission shall refuse registration of a vehicle if the applicant therefor has failed to furnish proof, in the form prescribed by the United States Secretary of the Treasury at 26 CFR §41.6001-2, that the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. §4481) has been paid.

New Rule R.1986 d.38, effective February 3, 1986.

See: 17 N.J.R. 2737(a), 18 N.J.R. 421(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

13:21-5.12 (Reserved)

New Rule, R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote the section.

Repealed by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Registration plate decals".

13:21-5.13 Nonresident temporary registrations issued by motor vehicle agencies

(a) A motor vehicle agency may, in accordance with this section, issue a nonresident temporary registration for a new or used vehicle to a nonresident person or entity who has purchased or leased said vehicle from a person or entity in this State while enroute to another state or Federal district provided that said vehicle will not be permanently registered in New Jersey. A nonresident temporary registration may be issued for passenger vehicles, noncommercial trucks, unladen non-apportioned commercial vehicles, motorcycles, and motorized bicycles. The nonresident temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents a properly assigned manufacturers' statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle.

(c) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof that he or she is a nonresident. Such proof of nonresidency shall include, but not be limited to, a valid out-of-State driver license which lists an out-of-State address for the applicant.

(d) An applicant for a nonresident temporary registration pursuant to this section shall indicate on the application therefor the name of the insurance company which is provid-

ing liability insurance coverage for the vehicle and the insurance policy number or binder number.

(e) If the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), a nonresident temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the permanent registration for the vehicle has been received by the registrant from his or her state or Federal district of residence, whichever occurs first. The nonresident temporary registration shall be destroyed by the registrant at the time of expiration.

(g) The expiration date of a nonresident temporary registration shall not be extended, nor shall another nonresident temporary registration be issued to the same registrant for the same vehicle.

(h) A nonresident temporary registration is not transferable from one vehicle to another.

(i) A fee of \$5.00 shall be charged for the issuance of a nonresident temporary registration to a nonresident person or entity making application therefor in accordance with this section.

(j) A nonresident temporary registration issued by a motor vehicle agency pursuant to this section is a three-part document consisting of an original and two copies thereof. Prior to the issuance of a nonresident temporary registration pursuant to this section, the motor vehicle agency shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle agency shall enter the following information in the appropriate locations on the right side of the nonresident temporary registration:

1. The name of the registrant;
2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);
3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;
4. The date of issue of the nonresident temporary registration;
5. The date of expiration of the nonresident temporary registration; and
6. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number.

(l) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle agency in the appropriate location on the lower left side of the document. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle agency in smaller numerals on the right side of the document in accordance with (k)5 above.

(m) The registrant shall sign his or her name in the appropriate location on the nonresident temporary registration after all other required information has been typed or printed on the document by the motor vehicle agency.

(n) The "original" of the nonresident temporary registration issued by a motor vehicle agency pursuant to this section shall be affixed by the registrant to the driver's side of the rear window inside the passenger compartment of the vehicle. The nonresident temporary registration shall be affixed in such a manner so as to be clearly visible from the rear of the vehicle. For motorcycles, motorized bicycles and vehicles without rear window glass, the nonresident temporary registration shall be in the possession of the driver of such vehicle when it is being operated and shall be exhibited upon the request of any law enforcement official or authorized representative of the Motor Vehicle Commission.

New Rule, R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Motor Vehicle Commission" for "Division" in (n).

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Examination permit" means a permit issued by the Chief Administrator of the Motor Vehicle Commission to a person over 17 years of age, in accordance with N.J.S.A. 39:3-13, for the purpose of fitting himself or herself for the issuance of a New Jersey basic driver's license or motorcycle license.

"United States" means any state, territory or possession of the United States and the District of Columbia, including the

Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

R.1970 d.8, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Inserted definitions "Chief Administrator" and "Commission"; in definition "Examination permit", substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles" and deleted "the provisions of" preceding the N.J.S.A. reference.

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no examination permit shall be issued by the Commission unless the applicant therefor submits proof of identity, date of birth and address, and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(a), (b) and (c).

New Rule, R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).

See: 35 N.J.R. 2946(a).

Substituted "Commission" for "Division", inserted "and address," following "date of birth" and amended N.J.A.C. reference.

Adopted concurrent amendment, R.2003 d.365, effective August 15, 2003.

See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).

Provisions of R.2003 d.280 adopted without change.

13:21-6.3 Prerequisites for validation of examination permits

(a) No examination permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:

1. Successful completion of a law-knowledge test; and
2. Minimum standard in visual acuity is attained.

R.1970 d.8, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Recodified from 13:21-6.2 and amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Prior text at 13:21-6.3, Provisional requirements, repealed.

13:21-6.4 Expiration of examination permits

Examination permits shall expire two years from the date of issuance.

New Rule, R.2001 d.143, effective May 7, 2001.

See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

entitled to operate a motor vehicle in this State pursuant to (e) above but for the fact that he or she is not the holder of a driver's license from the country in which he or she resides shall be eligible to make application for a New Jersey driver's license or permit. The Chief Administrator shall suspend or revoke any driver's license or permit issued pursuant to this subsection upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(g) The Commission shall not issue a driver's license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (e) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver's license to the Commission upon issuance of a New Jersey driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1979 d.382, effective September 26, 1979.

See: 11 N.J.R. 385(a), 11 N.J.R. 580(d).

As amended, R.1980 d.493, effective November 6, 1980.

See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

(b)1 "civil" deleted (b)2 "civil" and "cannot be obtained" deleted, "is unavailable" added; (b)2i was "Hospital birth certificates", (b)2ii deleted, (b)2iii through ix renumbered as ii through vii; (b)2iv "the United States or passport issued by" added, "may be used by an alien provided that an I-94" deleted.

Amended by R.1986 d.68, effective March 17, 1986.

See: 18 N.J.R. 49(a), 18 N.J.R. 567(a).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).

See: 35 N.J.R. 2946(a).

Rewrote the section.

Adopted concurrent amendment, R.2003 d.365, effective September 15, 2003.

See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).

In (a), amended the website in 9; in (b), inserted a reference to Form FS-240 in the list in 1i and inserted a reference to current employee identification cards accompanied by a printed pay stub in the list in 2i.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (d) and (g), substituted "Commission" for "Division"; and in (e) and (f), substituted "Chief Administrator" for "Director".

Petition for Rulemaking.

See: 41 N.J.R. 2809(a), 3330(a).

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote the table in (b)iii.

13:21-8.3 Permits

(a) The following applicants must produce a valid permit when appearing for examination:

1. Initial applicants;
2. Applicants appearing for re-testing;
3. Applicants holding an out-of-State driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.4 Physical and mental qualifications

(a) A person may be prohibited from obtaining or holding a New Jersey driver's license or permit if he or she:

1. Has any physical disability, which cannot be compensated for by use of a prosthetic device(s) or special vehicle equipment, which would render him or her incapable of operating a motor vehicle in a safe manner as determined by an actual driving demonstration.

2. Through any mental or physical defect is incapable of operating a motor vehicle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a licensed physician, may be required.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (b), deleted "New Jersey".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a)1, inserted gender neutral reference; and in (a)2, inserted "a" following "operating".

Case Notes

Indefinite suspension of driver's license due to mental incapacity was dismissed after motorist admitted that he had not experienced earlier reported hallucinations. *Kelly v. New Jersey Division of Motor Vehicles*, 96 N.J.A.R.2d (MVH) 8.

13:21-8.5 Driving privilege status

(a) Any person who has had his or her driving privilege revoked or suspended in New Jersey may be required to present written evidence supplied by the Commission that his or her privilege has been restored.

(b) Any person who has had his or her driving privilege revoked or suspended in another state within the three years prior to making application for the New Jersey driver's license may be required to present written evidence supplied by the licensing authority of that state that his or her driving privilege has been restored. The National Driver Register may be utilized to determine whether the driver's driving privilege in that state has been restored.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Deleted old (c).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), inserted gender neutral references, inserted "or suspended" and substituted "Commission" for "Division of Motor Vehicles".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (b), inserted "or her" and "or her driving", and rewrote the last sentence.

13:21-8.6 Law-knowledge tests; written; English language; foreign language

(a) Law-knowledge tests will be administered in English to driver license applicants having an adequate ability to read and understand the English language.

(b) Law-knowledge tests shall be administered in foreign languages to applicants having a limited ability to read and understand the English language. The foreign languages in which the law-knowledge test will be given shall be determined by the Chief Administrator.

(c) Law-knowledge tests will consist of a series of questionnaires concerning the safe operation of an automobile or motorcycle and the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the driver manual and supplements thereto.

(d) The law-knowledge test shall consist of 50 questions; provided, however, that the law-knowledge test concerning the operation of a motorcycle shall consist of 30 questions. The test shall include a demonstration of an ability to read and understand road signs in common use.

(e) The written test administered in public, private or parochial schools shall consist of 50 questions and shall be approved by the State Department of Education and the Commission.

(f) A passing score of at least 80 percent must be attained by the applicant. If the test consists of two parts (laws and signs), a passing score of 80 percent must be attained in each part. Each question will be of equal value when scoring the test.

(g) An applicant who fails the law-knowledge test for a driver license shall not be retested for a period of at least one week from the date of failure.

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Deleted old and added new text.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (g), substituted "shall not" for "cannot" preceding "be retested".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "shall" for "will" and "Chief Administrator" for "Director"; in (d), substituted "shall" for "will" two times and "50" for "at least 20", inserted "; provided, however, that the written test concerning the operation of a motorcycle shall consist of 30 questions"; in (e), deleted "at least" preceding "50" and substituted "Commission" for "Division of Motor Vehicles".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (a), (b) and (c), substituted "Law-knowledge" for "Written"; and in (b), (d) and (g), substituted "law-knowledge" for "written" throughout.

13:21-8.7 Law-knowledge tests; oral; English language; foreign language

(a) Oral tests shall be administered to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that they are unable to complete the written test.

(b) The English language oral test administered by the Commission or as part of a high school driver education program shall consist of a Motor Vehicle Commission employee reading the questions to the applicant from the computer and asking the applicant to choose A, B, C or D.

(c) An applicant who fails the English language oral test for a driver license shall not be retested for a period of at least one week from the date of failure.

(d) Oral tests shall be administered in foreign languages determined by the Chief Administrator to driver license applicants who are unable to read and understand the English language or a foreign language so that they are unable to complete the written test.

(e) Foreign language oral testing shall be administered in the same manner as English language oral testing. The questions shall be read to the applicant in the applicant's language by a translator from the standard computer test. The translator must be either a full-time college professor, a person from the clergy or a person who is listed on the New Jersey Administrative Office of the Courts' (Language Service Section) Registry of Interpreters and Agencies.

(f) An applicant who fails the foreign language oral test for a driver license shall not be retested for a period of at least one week from the date of failure.

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 143(b), 16 N.J.R. 51(d).

Deleted old and added new text.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (c), inserted "English language" preceding "oral test"; recodified (e)4 as (f) and inserted "foreign language" preceding "oral test".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "shall" for "will" and inserted "they"; in (b), substituted "Commission" for "Division"; in (d), substituted "shall" for "will" and "Chief Administrator" for "Director".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote (b) and (e); and in (c) and (f), substituted "one week" for "two weeks".

13:21-8.8 Special examination; hearing-impaired

(a) A special test will be administered to driver license applicants who are hearing-impaired and unable to read and understand the English or foreign language written test.

SUBCHAPTER 14. PASSENGER ENDORSEMENTS

13:21-14.1 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Purpose".

13:21-14.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Bus" means:

1. Any motor vehicle used for the intrastate transportation of passengers for hire, having a carrying capacity of more than six passengers;
2. Any motor vehicle used for the intrastate transportation of passengers not for hire, having a carrying capacity of more than 16 passengers; and
3. Any "school bus" as defined in N.J.S.A. 39:1-1. The terms "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

R.1970 d.7, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-14.3 Passenger endorsement requirement

Every driver of a bus, as defined in N.J.A.C. 13:21-14.2, shall be qualified with a passenger endorsement in accordance with the provisions of N.J.S.A. 39:3-10.1.

Amended by R.2012 d.072, effective April 2, 2012.
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Special bus license requirement". Substituted "N.J.A.C. 13:21-14.2" for "section 1 (Definitions), of this subchapter" and "qualified with a passenger endorsement" for "specially licensed as a bus driver".

13:21-14.4 (Reserved)**13:21-14.5 Passenger endorsement regulations**

(a) Applicants for passenger endorsements shall submit an application as prescribed. Applicants shall be at least 21 years of age, have a minimum of three years driving experience, be of good character and physically fit and possess a valid New Jersey driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey and adequate visual capabilities.

(c) The Chief Administrator of the Motor Vehicle Commission may not issue a passenger endorsement, or may revoke or suspend the passenger endorsement of any person

when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death;
2. Twelve or more current points under the point system;
3. A record of at least three motor vehicle accidents within one year preceding the date of application;
4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions;
5. Committed a misstatement of fact or withheld material information on applications;
6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a licensed physician);
7. Failed to notify the Motor Vehicle Commission and his or her employer immediately of any medical condition that may affect his or her ability to operate a motor vehicle safely;
8. Failed to pass the prescribed driving test;
9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices;
10. Failed to submit a renewal application within one year of the expiration of his or her last valid passenger endorsement;
11. Failed to meet the medical and physical qualifications set forth in the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, 49 CFR 391.41, as amended and supplemented;
12. A criminal record that is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:
 - i. He or she has been convicted of, or forfeited bond or collateral upon, any of the following:
 - (1) An offense involving the manufacture, transportation, possession, sale or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Substance Act";

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault and arson;

(4) Any crime or other offense indicative of bad moral character; or

(5) He or she fails to notify the Motor Vehicle Commission that he or she has been arrested for, charged with, indicted for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event; or

13. In the absence of a conviction, the Chief Administrator of the Motor Vehicle Commission shall refuse to issue or shall revoke or suspend the passenger endorsement of any person arrested for, charged with or indicted for any crime or other offense if the Chief Administrator determines that such person is of bad character or is morally unfit to retain the privilege of holding a passenger endorsement, or is a potential danger to his or her passengers or to other motorists or to himself or herself.

(d) If sufficient and reasonable grounds are established either upon initial review or at a hearing, the Chief Administrator of the Motor Vehicle Commission may, not inconsistent with N.J.S.A. 39:3-10, waive any portion or portions of this subchapter. Applicants seeking such waivers must, prior to a hearing, submit to the Chief Administrator a request for such waiver and the basis of such request.

Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

In (a) increased the minimum age from 18 to 21.
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote (c) and (d).
Amended by R.2012 d.072, effective April 2, 2012.
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Bus driver licensing regulations". In the introductory paragraph of (a), substituted "passenger endorsements" for "bus driver licenses" and "have" for "having", and deleted "previously" following "experience"; in the introductory paragraph of (c) and in (c)10 and (c)13, substituted "passenger endorsement" for "bus driver license" throughout; in (c)1 through (c)11, deleted "or" at the end; in (c)10, inserted "a" and "or her"; in (c)11, deleted "§" following "CFR"; in (c)12i(4), inserted "or" at the end; in (c)12i(5), substituted "; or" for a period at the end; in (c)13, deleted a comma following "with"; and in (d), inserted "either upon initial review or".

Case Notes

Minimal risk of cardiac collapse, syncope, or near-syncope from atrial fibrillation did not automatically disqualify bus driver from maintaining his passenger-carrying endorsement to license. *Mernick v. Division of Motor Vehicles*, 328 N.J.Super. 512, 746 A.2d 493 (N.J.Super.A.D. 2000).

Rule providing that Director shall not issue, or shall suspend, bus driver license if applicant or holder has disqualifying criminal record upheld as reasonable and not violative of procedural due process rights; conviction of assault on youngster sufficiently disqualifying. *Sanders v.*

Div. of Motor Vehicles, 131 N.J.Super. 95, 328 A.2d 637 (App.Div. 1974).

Denial of commercial driver license due to licensee's failure to demonstrate physical qualification sustained. *Johnson v. Division of Motor Vehicles*, 97 N.J.A.R.2d (MVH) 1.

Passenger endorsement would be removed from bus driver's commercial license where driver suffered from chronic atrial fibrillation. *Division of Motor Vehicles v. Geibel*, 96 N.J.A.R.2d (MVH) 22.

Application for commercial driver's license passenger endorsement would be denied based upon applicant's coronary insufficiency. *Division of Motor Vehicles v. Johnson*, 96 N.J.A.R.2d (MVH) 15.

Application for bus driver's license would not be denied on basis of applicant's 30-year old assault conviction where applicant was able to demonstrate his rehabilitation. *Division of Motor Vehicles v. Outlaw*, 96 N.J.A.R.2d (MVH) 10.

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Coronary artery disease was noncritical and did not require revocation of bus endorsement on licensee's commercial driver's license. *Division of Motor Vehicles v. Abagnale*, 95 N.J.A.R.2d (MVH) 75.

Convictions on charge of possessing marijuana were not a basis for indefinite suspension when licensee was not otherwise a threat to public safety. *Division of Motor Vehicles v. Ellerbe*, 95 N.J.A.R.2d (MVH) 65.

Drug conviction arising from isolated incident that did not otherwise reflect on reliability as bus driver did not require license suspension. *Division of Motor Vehicles v. Cecala*, 95 N.J.A.R.2d (MVH) 53.

Acquittal on charge of second degree sexual assault, in face of applicant's good character and excellent employment record, was not sufficient to deny passenger endorsement on commercial driver's license. *Department of Motor Vehicles v. Rivas*, 95 N.J.A.R.2d (MVH) 50.

Admission of occasional drug use, and consequent possession, warranted suspension of licensee's bus/commercial driving privilege. *Division of Motor Vehicles v. Borowicz*, 95 N.J.A.R.2d (MVH) 49.

Incident which led to licensee's conviction was isolated and, in view of licensee's successful rehabilitation thereafter, was not a basis for suspending licensee's bus driving privileges. *Division of Motor Vehicles v. Richardson*, 95 N.J.A.R.2d (MVH) 40.

Bus driving endorsement on commercial driver's license was properly refused on basis of conviction on counts charging conspiracy and theft and failure to reveal same on application for endorsement. *Division of Motor Vehicles v. Ortiz*, 95 N.J.A.R.2d (MVH) 39.

Driver with coronary insufficiency or ischemia could not obtain passenger endorsement on commercial driver's license. *Division of Motor Vehicles v. Lovallo*, 95 N.J.A.R.2d (MVH) 35.

Driver's conviction for assault and battery warranted his disqualification from obtaining school bus endorsement, but his subsequent rehabilitation also warranted retention of his commercial driver's license without endorsement. *Division of Motor Vehicles v. Argeese*, 95 N.J.A.R.2d (MVH) 28.

Applicant with irregular heart rate was precluded from obtaining passenger endorsement on commercial driver's license by reason of coronary insufficiency. In *Matter of Oleksza*, 95 N.J.A.R.2d (MVH) 5.

Conviction on plea of guilty to murder of sixteen-year-old disqualified applicant from obtaining special license to bus juvenile offenders. *Russell v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 1.

Driver's bus/commercial driving privileges were suspended indefinitely. *Division of Motor Vehicles v. Reginald Mann*, 94 N.J.A.R.2d (MVH) 71.

Licensee who had been convicted for sexually assaulting minors was allowed to retain his bus driving privilege subject to restriction. *Division of Motor Vehicles v. Mead*, 94 N.J.A.R.2d (MVH) 65.

Licensee was permitted to maintain commercial driver license. *Division of Motor Vehicles v. Heffernan*, 94 N.J.A.R.2d (MVH) 59.

Licensee was permitted to maintain bus driver license despite driving while intoxicated conviction. *Division of Motor Vehicles v. Pincus*, 94 N.J.A.R.2d (MVH) 58.

Licensee's bus driving privileges were suspended for careless driving. *Division of Motor Vehicles v. Cromer*, 94 N.J.A.R.2d (MVH) 56.

Licensee's bus driving privileges were suspended. *Division of Motor Vehicles v. Napolitano*, 94 N.J.A.R.2d (MVH) 54.

Licensee was permitted to maintain bus/commercial driver license driving privileges; rehabilitation. In the Matter of the Bus Driver's License of Edward Lanza, 94 N.J.A.R.2d (MVH) 53.

Proposed suspension of driver's bus driving privileges due to a disqualifying cardiovascular disease was dismissed. *Langlois v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 36.

Proposed suspension of bus driver's license arising out of a manslaughter conviction was dismissed. *Division of Motor Vehicles v. Pearce*, 94 N.J.A.R.2d (MVH) 34.

Driver's license was suspended for driving a bus without checking for emergency reflectors and for failing to attempt to place reflectors on the road. *Division of Motor Vehicles v. Tulli*, 94 N.J.A.R.2d (MVH) 13.

Suspension of passenger endorsement to bus driver's license was proper. *Rech v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 9.

Denial of bus driver's license was proper. *Division of Motor Vehicles v. Reale*, 94 N.J.A.R.2d (MVH) 5.

Bus driver's license; failure to meet the medical and physical qualifications. *Oleksza v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 1.

Driver with disqualifying criminal record could have "no passenger" mechanic's endorsement. *Division of Motor Vehicles v. DiBiase*, 93 N.J.A.R.2d (MVH) 13.

Driver with asymptomatic cardiovascular condition was subject to more frequent testing. *Leek v. Division of Motor Vehicles*, 93 N.J.A.R.2d (MVH) 9.

Bus driver not guilty of careless driving or failing to yield to pedestrian. *Division of Motor Vehicles v. Hurdle*, 93 N.J.A.R.2d (MVH) 1.

Amputation of left leg warranted indefinite suspension. *Division of Motor Vehicles v. Ingenito*, 92 N.J.A.R.2d (MVH) 31.

Bus driver was rehabilitated following conviction for criminal negligent homicide. *Division of Motor Vehicles v. Montenero*, 92 N.J.A.R.2d (MVH) 28.

No present cardiovascular disease warranted suspension. *Michalski v. Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 24.

No disqualifying cardiovascular disease found. *McLaughlin v. Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 22.

Cardiovascular disease warranted suspension of bus driving privilege. *McCauley v. New Jersey Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 13.

Bus driver disclosed arrest record. *Division of Motor Vehicles v. Jones*, 92 N.J.A.R.2d (MVH) 5.

13:21-14.6 (Reserved)

Repealed by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section was "Release of privileged application information".

13:21-14.7 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Section was "Drivers of empty buses".

13:21-14.8 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.1 Definitions

The following terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any person applying for an initial license to engage in the business of buying, selling or dealing in motor vehicles or for a renewal of an existing license and shall include all partners, officers, directors and persons having a controlling interest in a sole proprietorship, limited liability company, corporation or other business entity.

"Authorized signatory" means a dealer and any employee, officer, director, partner or other holder of an ownership interest in the licensed business, which person is authorized to execute documents on behalf of the dealer, but shall not include any attorney in fact who is not an employee, officer, director, partner or holder of an ownership interest.

"Business of buying, selling or dealing in motor vehicles" means engaging in the business of buying or selling motor vehicles on one's own account or on behalf of another or participating in any transaction, including brokerage, which transaction involves the transfer of title or of legal or beneficial ownership of a motor vehicle.

"Chief Administrator" means the Chief Administrator of the Commission, as defined in this section.

"Commission" means the New Jersey Motor Vehicle Commission.

"Controlling interest" means possessing the authority to bind the applicant or licensee and shall be presumed to be held by corporate officers and directors, partners and all individuals with ownership interests of greater than 10 percent.

"Leasing dealer" means an entity licensed solely to sell motor vehicles formerly leased for 120 days or more to their lessees, to members of the lessees' families or to a licensed dealer at the termination of the respective leases.

“Licensee” or “dealer” means any person or entity that is licensed to buy, sell or deal in motor vehicles pursuant to N.J.S.A. 39:10-19 et. seq., other than leasing dealer.

New Rule, R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Former N.J.A.C. 13:21-15.1, General provisions, recodified as N.J.A.C. 13:21-15.2.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

In definition “Applicant”, inserted “for” preceding “a renewal”, and deleted commas following “directors” and “corporation”; in definition “Business of buying, selling or dealing in motor vehicles”, substituted “which transaction involves” for “involving”; and added definition “Chief Administrator”.

13:21-15.2 Application

(a) An application for a dealer license required to be obtained under the provisions of N.J.S.A. 39:10-19 shall be verified by an oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants.

(b) An initial applicant, if a natural person, shall undergo a criminal background check by submitting his or her fingerprints in the manner prescribed in the application.

1. An applicant for renewal who first received a license pursuant to this subchapter prior to June 1, 2002 shall submit his or her fingerprints in the manner prescribed in the application with the first renewal application submitted after March 6, 2006.

(c) The initial applicant, if a business entity other than a natural person, shall undergo a criminal background check by submitting the fingerprints in the manner prescribed in the application of each officer, director, controlling person or partner.

1. An applicant for renewal, if a business entity that first received a license pursuant to this subchapter prior to June 1, 2002 other than a natural person, shall submit the fingerprints of each officer, director, or controlling person or partner in the manner prescribed in the application with the first renewal application submitted after March 6, 2006.

(d) The applicant for an initial license, or at least one officer, director, or controlling person, if the applicant is other than a natural person, shall attend a prelicensure interview as scheduled by the Motor Vehicle Commission, at which time the applicant will be examined as to his knowledge of the lawful conduct of the business of buying, selling or dealing in motor vehicles in New Jersey; in the event that the applicant cannot demonstrate adequate knowledge thereof, the Commission may require the applicant to attend a training program.

(e) At the time of initial application, the applicant shall submit a copy of the Federal notice of his or her tax identification number and his or her New Jersey sales tax certificate of authority.

(f) At the time of initial application, the applicant shall submit a list of all proposed authorized signatories to be listed on the license application and the licensee shall notify the Commission within 10 days of any change in that list on forms prescribed by the Commission; every application shall include an affidavit by each authorized signatory that he or she has not been convicted of a crime arising out of fraud or misrepresentation nor previously held a license issued by the Director or the MVC which license was revoked and not reissued.

(g) All applicants shall disclose whether or not they intend to trade or to do business under a name other than the name in which the application is filed. Subsequent to licensing, a

dealer shall be required to report to the Commission any additional business name or changes in existing names under which the dealer intends to do business.

(h) Photographs and/or plans that clearly depict the complete premises, including proposed signage, from which premises a dealer intends to do business shall be submitted with the initial application for a dealer license along with proof that the premises comply with all zoning, planning, use and environmental laws, rules and ordinances and that all activities permitted by the license will be permitted therein. In no event will an application for a license be approved until the premises are suitable for use as a dealership at the time of the initial compliance inspection by the Commission.

(i) The applicant shall submit a true copy of the deed to the premises in the name of the applicant or, if the applicant does not own the premises, a contract for purchase of the premises enforceable by the applicant or a lease or an enforceable contract to lease the premises for a term of at least one year in favor of the applicant.

(j) Unless the business hours of the applicant will be no fewer than 48 hours per week between the hours of 9:00 A.M. and 5:00 P.M. Monday through Saturday, the applicant shall submit with his or her initial application a schedule of business hours, of which no fewer than 20 hours per week shall occur between the hours of 9:00 A.M. and 5:00 P.M. Monday through Saturday.

(k) The applicant shall submit current color passport-type photographs of the applicant, if an individual, or of all partners, members, officers, directors or shareholders with controlling interests, if a partnership, limited liability company or corporation, respectively.

(l) At some time during the application process prior to licensure, the applicant shall submit a certificate of insurance demonstrating liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance shall be in the amount of \$100,000 per person per incident up to \$250,000 per incident for bodily injury or death, \$25,000 per incident for property damage and \$250,000 combined personal injury and property damage per incident. This insurance shall be renewed as necessary to ensure that it remains valid for the entire prospective license term.

(m) Misrepresentation of any facts or failure to fulfill any of the commitments made in the license application including, but not limited to, commitments concerning the establishment of a place of business, shall be grounds for denial, suspension or revocation of the license.

Recodified from N.J.A.C. 13:21-15.1 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Section heading was "General provisions"; rewrote the section; former N.J.A.C. 13:21-15.2, Proper person, recodified as N.J.A.C. 13:21-15.3.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

In (a), substituted "An application" for "Applications" and "Commission" for "Director"; in (g), inserted "or not" and "to" preceding "do" in the first sentence, and substituted "Commission" for "Division of Motor Vehicles"; in (h), substituted "license" for "licensee" preceding "will", and inserted "the" following "until"; and in (i), substituted "At some time during the application process prior to licensure, the" for "The" and deleted a comma following the first occurrence of "damage" in the last sentence.

Administrative correction.
Sec: 39 N.J.R. 3546(a).

13:21-15.3 Proper person

(a) In order to be considered a proper person, an applicant must:

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts;
2. Be of sufficient good character, in the Chief Administrator's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Chief Administrator in making this determination, he may consider an applicant's financial responsibility, as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license;
3. Not have been convicted of a crime arising out of fraud or misrepresentation;
4. The Motor Vehicle Commission will request the New Jersey Division of State Police to place a State Bureau of Investigation Number flag pursuant to N.J.A.C. 13:59 on the fingerprint record of each person required to undergo a criminal background check pursuant to N.J.A.C. 13:21-15.2.

Recodified from N.J.A.C. 13:21-15.2 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Deleted ":", from introductory paragraph (a); deleted "in the sale or financing of a motor vehicle" from (a)3; rewrote (a)4; former N.J.A.C. 13:21-15.3, Established place of business, recodified as N.J.A.C. 13:21-15.4.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

In the introductory paragraph of (a), inserted a colon at the end; and in (a)2, substituted "Chief Administrator's" for "Director's" and "Chief Administrator" for "Director", and inserted a comma following "responsibility".

Case Notes

Suspension of dealer's license ordered due to misrepresentation of prior criminal conviction on renewal application; license not revoked due to nature of offense and licensee's conduct of business. In Re: Allen Rosenberg, 4 N.J.A.R. 208 (1981).

Denial of motor vehicle dealer license reversed upon finding of good moral character despite aberrant narcotics conviction. *Leston v. Div. of Motor Vehicles*, 3 N.J.A.R. 111 (1981).

13:21-15.4 Established place of business

(a) All licensees shall maintain a permanent, properly identified location with a minimum office space of 72 square feet within a permanent, enclosed building and where there are included or immediately contiguous, clearly identified,

fixed facilities to display at least two automobiles and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business, including, but not limited to, all documents required by N.J.S.A. 39:10-6, all payroll records, checkbooks and ledgers for business accounts and trust accounts, all unissued temporary registrations, dealer reassignments, corporate authorities and licenses, dealer plates, and ledgers listing all issued and unissued temporary registrations, dealer assignments and dealer plates.

1. Failure to comply with all requirements of this section at a follow-up compliance inspection (to be held any time after 90 days after licensing) will result in revocation of the license.

2. A dealer licensed prior to March 6, 2006 may continue to maintain a place of business that does not meet the square footage and display space requirements of this subsection, as amended; provided, that the premises meets and continues to meet the requirements of this section prior to March 6, 2006.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building, which sign is consistent with local ordinances and which has letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Commission.

(c) The licensee or an authorized signatory shall be present at the dealership at all times during the business hours set forth in the application for licensure, which schedule shall be conspicuously posted along with the dealer's license on the dealer's premises in an area readily accessible to the public.

1. If the licensee was not required to submit a schedule of business hours pursuant to N.J.A.C. 13:21-15.2(j), no schedule need be posted.

(d) A proposed place of business will not be considered suitable for approval if there already exist one or more licenses issued for, or other business entities present at, the same premises, except where there is absolutely common identity of ownership or where an affiliated motor vehicle leasing company is also licensed as a motor vehicle dealer and in such cases a record of the transactions of each licensed dealer shall be separately maintained; a proposed place of business is deemed to occupy the same premises as another dealership if the two facilities are not completely separated by exterior walls or a firewall conforming to National Building Code requirements, they do not have separate entrances, or they do not have separate, fixed, clearly identified display facilities, separate mailboxes, and separate, fixed-location (that is, not mobile or cellular) telephone systems.

(e) Any licensed dealer who intends to change his or her business location or to open a branch operation must notify the Dealer Licensing Section of the Commission in writing at least 30 days prior to doing so.

1. In order to obtain approval of a new or a branch location, the dealer's notification to the Commission shall include a description of the proposed location, which description shall contain sufficient information to demonstrate that the premises will meet all the criteria set forth in this section.

(f) No licensed dealer may relocate his or her business location or open a branch location until after notification that the site is approved by the Commission.

(g) All business records including, but not limited to, those set forth in (d) above, shall be maintained for three years on the licensed premises and shall be made available to Commission personnel during normal business hours on request.

1. In the event that all branches of a dealership utilize centralized administration facilities and that the remaining requirements of this subsection are met at the branch location site, records that are not immediately necessary for the conduct of current business at a branch location may be maintained at the main or principal location of a dealership.

(h) Every established place of business shall be equipped with office furniture and equipment, including, but not limited to, a desk, chairs, file storage, a fixed safe, electric lighting, communications lines and equipment and climate control, sufficient to conduct business at that location.

(i) Every established place of business shall contain a secured area accessible only to the dealer and authorized signatories for the storage of controlled Commission documents.

(j) In the event that the site of the proposed place of business is not owned by the dealer, it must be subject to a lease in favor of the dealer for a minimum term expiring no earlier than April 1 of the year for which licensure is sought.

As amended, R.1979 d.371, effective September 20, 1979.

Sec: 11 N.J.R. 350(b), 11 N.J.R. 580(a).

Amended by R.1996 d.27, effective January 16, 1996.

Sec: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Recodified from N.J.A.C. 13:21-15.3 and amended by R.2006 d.98, effective March 6, 2006.

Sec: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Rewrote the section; former N.J.A.C. 13:21-15.4, Grounds for rejection or suspension or revocation of a dealer license, recodified as N.J.A.C. 13:21-15.5.

Amended by R.2007 d.228, effective August 6, 2007.

Sec: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

In (b), inserted a comma following "building", inserted "sign" preceding "is", and substituted "Commission" for "Division of Motor Vehicles".

Case Notes

Automobile franchise would be allowed to relocate without notice to Division of Motor Vehicles, even though previous relocation had occurred within last five years, where that relocation occurred within 180 days of franchisee's purchase of franchise. *The New A.C. Chevrolet, Inc. v. Chevrolet Division of General Motors*, 96 N.J.A.R.2d (MVH) 28.

13:21-15.5 Grounds for rejection, suspension or revocation of a dealer license or issuance of a cease and desist order

(a) The Chief Administrator may deny an application for a license, revoke or suspend a license after it has been granted or issue a cease and desist order to a licensee or to an unlicensed person or entity engaged in activities for which a license is required pursuant to N.J.S.A. 39:10-19 et seq. for any of the following reasons:

1. Applicant or licensee is not a proper person as defined in N.J.A.C. 13:21-15.3;

2. Applicant has made a willful misrepresentation or omission in an application for a dealer license or renewal thereof under the provisions of this rule;

3. Applicant was a previous holder of a license that was suspended or revoked for cause by the Director or the Chief Administrator and the terms of such suspension have not been satisfied and/or the license has not been reissued;

4. One or more of the partners, officers, directors, other controlling persons, or employees of the applicant previously held a license issued under the authority of the Division or the Commission, which license was revoked for cause and never reissued or was suspended for cause and terms of suspension have not been satisfied, or have willfully violated a cease and desist order issued by the Chief Administrator;

5. The licensee has willfully failed to comply with the requirements of N.J.S.A. 39:10-19 through 25 and the rules promulgated thereunder;

6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule;

7. The licensee or applicant knew or should have known that any employee, partner, officer, director, owner of a controlling interest or agent of the licensee or applicant is an individual who has been convicted of a crime arising out of fraud or misrepresentation or previously held a license issued by the Director or the Commission, which license was suspended or revoked for cause and not reissued;

8. The dealer fails to comply with the requirements of existing law governing the standards for used motor vehicles. (N.J.S.A. 39:10-26 thru 39:10-30);

9. It is found by an administrative determination of the Commission that the subject licensee or applicant has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the possession of the licensee or applicant shall be prima facie proof that such alteration was performed by the licensee or applicant or with his or her consent;

10. It is found by an administrative determination of the Commission that the subject licensee or applicant has engaged in the unlawful act of altering a vehicle identification number (VIN). Evidence that such alteration was made while the vehicle was in the possession of the licensee or applicant shall be prima facie proof that such alteration was performed by the licensee or applicant or with the licensee's or applicant's consent;

11. A person engages in activities regulated hereunder for which he or she does not hold the required license;

12. The licensee has failed to maintain any of the qualifications for a license herein set forth or otherwise set forth by law, including, but not limited to, failure to maintain an established place of business as set forth in N.J.A.C. 13:21-15.4.

13. The licensee employs call forwarding, telephone answering services and/or mail forwarding services during scheduled business hours or otherwise sells, buys or deals in motor vehicles from a remote or otherwise unlicensed location;

14. The licensee engaged in selling, displaying for sale or lease, or dealing in motor vehicles at a location other than that at which the licensed business is permanently established. The assertion by the licensee as a defense in any action that he has conducted sales activity at other than the premises where the business is permanently established shall constitute conclusive proof of that fact;

15. The licensee has conducted negotiations or sales activity in other than a licensed location over the internet or otherwise;

16. The licensee has failed to satisfy a valid, collectible judgment within 90 days of its entry against him;

17. The licensee has issued a check that was subsequently dishonored for insufficient funds or other reason caused by or within the control of the licensee; or

18. The licensee has violated any of the rules set forth in this subchapter.

(b) Upon suspension, revocation or denial of renewal of a license, or upon voluntary relinquishment of the license or dissolution of the dealership, the licensee shall forthwith return all Commission property, including, but not limited to, the dealer license, dealer plates, dealer reassignments and temporary registrations, and shall account for all those not returned without refund for unused stock; failure to do so may result in suspension or revocation of the privilege to reapply for any business license within the jurisdiction of the Motor Vehicle Commission.

As amended, R.1976 d.4, effective January 8, 1976.

See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

Recodified from N.J.A.C. 13:21-15.4 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Section heading was "Grounds for rejection or suspension or revocation of a dealer license"; rewrote the section; former N.J.A.C. 13:21-15.5, Hearing, repealed.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

Section was "Grounds for rejection, suspension, or revocation of a dealer license or issuance of cease and desist order". In the introductory paragraph of (a), inserted "to" preceding "an unlicensed"; in (a)5, substituted "25" for "39:21-25", and a semicolon for the period at the end; in (a)6, substituted a semicolon for the period at the end; and in (a)12, updated the N.J.A.C. reference.

Case Notes

Dealer license, plates and registration certification privileges were permanently revoked. Division of Motor Vehicles v. Keirle, 94 N.J.A.R.2d (MVH) 67.

Suspension of dealer's license ordered due to misrepresentation of prior criminal conviction on renewal application; license not revoked due to nature of offense and licensee's conduct of business. In Re: Allen Rosenberg, 4 N.J.A.R. 208 (1981).

13:21-15.6 Transfer of ownership without title; presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

(a) No motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19, nor any person on his behalf shall present to the Commission or reassign to a subsequent purchaser a motor vehicle title issued by this or any other state, province or jurisdiction or any other title document that contains any erasure, obliteration, correction or any other alteration where said alteration was reasonably detectable by a person of ordinary intelligence from a routine review of the motor vehicle title or any other title document.

(b) Except as provided in (c) below no motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 nor any person on his or her behalf shall buy, sell or deal in any motor vehicle unaccompanied by, or in the absence of, a valid title at the time of the transaction, except as provided pursuant to N.J.S.A. 39:10A-15 and 39:4-56.5.

(c) No leasing dealer shall retain title papers of a vehicle sold at the termination of a lease for a period of more than 48 hours.

(d) The license of a motor vehicle dealer who violates (a) or (b) above may be suspended for the periods set forth in (e) below, pursuant to the provisions set forth in N.J.S.A. 39:10-20.

(e) For the purpose of suspending a motor vehicle dealer's license pursuant to (b) above, each document presented or reassigned shall constitute a separate violation. For a first violation the dealer's license may be suspended for a period less than the unexpired period of the license or 15 days, whichever period is lesser. For subsequent violations the dealer's license shall be suspended for a period of not less than 15 days or more than 90 days.

(f) The Chief Administrator may revoke or refuse to renew a dealer license where the applicant has had two or more violations of (a) and/or (b) above which violations resulted in a suspension pursuant to (d) above.

New Rule, R.1985 d.699, effective January 21, 1986.

Sec: 17 N.J.R. 169(a), 18 N.J.R. 203(b).

Amended by R.2006 d.98, effective March 6, 2006.

Sec: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Section heading was "Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license"; rewrote the section.

Amended by R.2007 d.228, effective August 6, 2007.

Sec: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

In (a), inserted a comma following "N.J.S.A. 39:10-19", substituted "Commission" for "Division" and "that" for "which", and deleted the comma following "correction".

13:21-15.7 Responsibilities of licensee

(a) All documents, including, but not limited to, title papers, reassignments, temporary registrations, and applications for registration and applications for licensure, shall be executed in the name of the dealer only by the dealer or leasing dealer or an authorized signatory.

(b) The dealer shall be responsible for the disposition of all reassignments in his possession.

1. All dealer reassignments shall be filled out completely, including the name and license number of the dealer, with carbon copies made contemporaneously and not separately and retained for three years.

2. All dealer reassignments shall be accounted for upon request of Commission personnel.

3. All lost or stolen reassignments shall be promptly reported to the Commission and to the local police; failure to do shall be conclusive evidence of improper disposition thereof.

(c) The dealer, all partners, officers, directors and/or holders of controlling interests shall be individually responsible for the conduct of all business at the dealership and for compliance with all the requirements of the statutes and rules governing the business of buying, selling or dealing in motor vehicles.

(d) In the event that any information required to be submitted to the Commission in an application should change, the applicant or licensee shall notify the Commission of the change within 10 days thereof.

New Rule, R.2006 d.98, effective March 6, 2006.

Sec: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Former N.J.A.C. 13:21-15.7, Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance, recodified as N.J.A.C. 13:21-15.8.

13:21-15.8 Informing purchaser of dealer's responsibilities; suspension, revocation or refusal to renew license due to noncompliance

(a) Prior to entering into any agreement for the retail sale of a used passenger motor vehicle, a motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 shall give written notice to the purchaser of a used passenger motor vehicle to be registered in this State of the dealer's responsibilities under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(b) In the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30.

(c) Notwithstanding (b) above, in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, and such used passenger motor vehicle will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and/or has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal that indicates the motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30.

(d) The motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 in accordance with (b) or (c) above, whichever is applicable, within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission than that set forth in (b) and (c) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30.

(e) A motor vehicle dealer who violates this section may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Commission pursuant to N.J.S.A. 39:10-20.

New Rule, R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Recodified from N.J.A.C. 13:21-15.7 by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Former N.J.A.C. 13:21-15.8, Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey, recodified as N.J.A.C. 13:21-15.9.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

Section was "Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance". In (b) and (c), substituted "Commission" for "Division of Motor Vehicles"; and in (d), substituted "Commission" for "Director of the Division of Motor Vehicles".

Amended by R.2009 d.312, effective October 19, 2009 (operative January 1, 2010).

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted "an official inspection facility as defined in N.J.A.C. 13:20-43.1 or" following "inspection at", and ", inclusive" from the end; added new (c); recodified former (c) and (d) as (d) and (e); and in (d), substituted "The" for "Notwithstanding (b) above, the", inserted "in accordance with (b) or (c) above, whichever is applicable," and "and (c)", and deleted ", inclusive" at the end.

13:21-15.9 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey

(a) A motor vehicle dealer, licensed pursuant to N.J.S.A. 39:10-19, and authorized to issue temporary registrations by the Commission, may, in accordance with this section, issue a temporary registration for a new or used vehicle to a person or entity that has purchased or leased said vehicle from such dealer provided that said vehicle is to be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a temporary registration. Temporary registrations may be issued for passenger vehicles, noncommercial trucks, laden or unladen non-appportioned commercial vehicles, motorcycles and motorized bicycles, and may be issued for either initial or transfer registrations. If the registrant is not transferring a registration as permitted by N.J.S.A. 39:3-30, the temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A temporary registration shall not be issued pursuant to this section if the motor vehicle dealer does not have in its possession a valid manufacturers' statement of origin or title for the vehicle and, if applicable, a valid dealer reassignment certificate for the vehicle.

(c) A temporary registration shall not be issued pursuant to this section unless the applicant therefor intends to secure permanent New Jersey registration for the vehicle.

(d) A temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof of current liability insurance coverage available to the vehicle as

required by N.J.S.A. 39:6B-1 and/or 39:6A-3. Such proof of current liability insurance coverage shall include, but not be limited to, a valid New Jersey insurance identification card for the vehicle, the declarations page of the insurance policy for the vehicle, or an insurance policy binder for the vehicle, a copy of which card, declaration or binder shall be retained with the dealer copy of the temporary registration. No dealer shall sell, provide, transfer or otherwise arrange for insurance coverage required pursuant to this section unless the dealer is an insurance producer properly licensed by the New Jersey Department of Banking and Insurance.

(e) If the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), a temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the permanent registration for the vehicle (and, if applicable, license plates) have been received by the registrant, whichever occurs first. The temporary registration shall be destroyed by the registrant at the time of expiration.

(g) A motor vehicle dealer shall not extend the expiration date of a temporary registration, nor issue another temporary registration to the same registrant for the same vehicle. A motor vehicle dealer shall not in any way alter a previously issued temporary registration.

(h) A temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A temporary registration shall not be lent by a motor vehicle dealer to a customer, to another motor vehicle dealer nor to any other person or entity. A temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer, or for vehicles covered solely by the dealer's insurance policy.

(i) A licensed motor vehicle dealer, which has been authorized to issue temporary registrations by the Commission, may purchase temporary registrations from a motor vehicle agency at a cost of \$3.00 per temporary registration upon submission of a motor vehicle dealership business check in an amount that reflects the number of such temporary registrations being purchased by the dealer.

(j) Prior to the issuance of a temporary registration, the motor vehicle dealer or his authorized signatory shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle dealer or authorized signatory shall enter the following information in the appropriate locations on the right side of the temporary registration:

1. The name of the registrant;

2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);

3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;

4. The date of issue of the temporary registration;

5. The date of expiration of the temporary registration;

6. The license plate number, if applicable;

7. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number; and

8. The motor vehicle dealer's name, address, dealer identification number, and telephone number.

(l) The motor vehicle dealer or authorized signatory shall both print and sign his or her name in the appropriate location on the temporary registration.

(m) The expiration date of the temporary registration shall be entered by the motor vehicle dealer or authorized signatory in the appropriate location on the lower left side of the docu-

ment directly below the large numerals indicating the temporary registration number. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle dealer or authorized signatory in smaller numerals on the right side of the document in accordance with (k)5 above.

(n) The registrant shall execute the temporary registration in the appropriate place only after all other required information has been typed or printed on the document by the motor vehicle dealer or authorized signatory.

(o) The dealer or authorized signatory shall affix the "original" of the temporary registration issued by the motor vehicle dealer pursuant to this section to the driver's side of the rear window inside the passenger compartment of the vehicle or to a side rear window of the vehicle if the rear window is not accessible provided that the driver's vision is not thereby obstructed. The temporary registration shall be affixed in such a manner as to be clearly visible from the rear of the vehicle. In the event that the temporary registration cannot be affixed to the vehicle it shall be in the possession of the driver of such vehicle when it is being operated and shall be exhibited upon the request of any law enforcement official or authorized representative of the Commission.

(p) The "customer copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be given to the registrant. This copy of the temporary registration shall be in the possession of the driver of such vehicle when it is being operated, and shall be exhibited upon the request of any law enforcement official or authorized representative of the Commission.

(q) The "Commission copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be forwarded, together with a properly assigned manufacturer's statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle, and together with the title and registration applications and the fees therefor, to a motor vehicle agency for issuance of a motor vehicle title, permanent registration, and, if applicable, license plates. If the registrant is transferring a registration as permitted by N.J.S.A. 39:3-30, the motor vehicle dealer shall also forward to such agency the current registration, which is being transferred.

(r) The "dealer copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be retained by such dealer for a period of three years from the date of issuance of the temporary registration. Records pertaining to the issuance of temporary registrations by a motor vehicle dealer pursuant to this section, as well as records pertaining to unissued or voided temporary registrations, shall be maintained in a ledger by such dealer for a period of three years. Such records, including the "dealer copies" of temporary registrations issued by such dealer as well as any unissued or voided temporary registrations that

are in the possession of such dealer, shall be made available by the licensed dealer for examination by authorized representatives of the Commission at any time during regular business hours. A licensed dealer shall permit authorized Commission representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of temporary registration records.

(s) A motor vehicle dealer who violates any provision of this section shall, upon notice and an opportunity to be heard, have the privilege of issuing temporary registrations suspended. In addition, a motor vehicle dealer who commits such a violation may, upon notice and an opportunity to be heard, have the motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Chief Administrator of the Commission pursuant to N.J.S.A. 39:10-20.

(t) All lost or stolen temporary registrations shall be promptly reported to the Commission and to the local police; failure to do so shall be conclusive evidence of improper disposition thereof.

New Rule. R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-15.8 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Rewrote (d), (h), (j), (n), (o) and (r) and added new (t); throughout replaced "Division" with "Commission" and "dealer's" with "dealer or"; former N.J.A.C. 13:21-15.9, Nonresident temporary registrations issued by licensed motor vehicle dealers, recodified as N.J.A.C. 13:21-15.10.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

Rewrote (a); and in (i), substituted "which" for "that" and "Commission," for "Division of Motor Vehicles".

13:21-15.10 Nonresident temporary registrations issued by licensed motor vehicle dealers

(a) A motor vehicle dealer, licensed pursuant to N.J.S.A. 39:10-19, and authorized to issue temporary registrations by the Commission, may, in accordance with this section, issue a nonresident temporary registration for a new or used vehicle to a nonresident person or entity that has purchased or leased said vehicle from such dealer while enroute to another state or Federal district, provided that said vehicle will not be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a nonresident temporary registration. Nonresident temporary registrations may be issued for passenger vehicles, noncommercial trucks, unladen non-apportioned commercial vehicles, motorcycles and motorized bicycles. The nonresident temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A nonresident temporary registration shall not be issued pursuant to this section if the motor vehicle dealer does not have in its possession a valid manufacturer's statement of origin or title for the vehicle and, if applicable, a valid dealer reassignment certificate for the vehicle.

(c) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof that he or she is a nonresident. Such proof of nonresidency shall include, but not be limited to, a valid out-of-State driver license which lists an out-of-State address for the applicant.

(d) An applicant for a nonresident temporary registration pursuant to this section shall present proof to the motor vehicle dealer or authorized signatory of his out-of-State residence and of the name of the insurance company that is providing liability insurance coverage for the vehicle and the insurance policy number or binder number; such proofs shall be retained with the dealer's copy of the temporary registration.

(e) If the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), a nonresident temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the permanent registration for the vehicle has been received by the registrant from his or her state or Federal district of residence, whichever occurs first. The nonresident temporary registration shall be destroyed by the registrant at the time of expiration.

(g) A motor vehicle dealer shall not extend the expiration date of a nonresident temporary registration, nor issue another nonresident temporary registration to the same registrant for the same vehicle. A motor vehicle dealer shall not in any way alter a previously issued nonresident temporary registration.

(h) A nonresident temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A nonresident temporary registration shall not be lent by a motor vehicle dealer to a customer, to another motor vehicle dealer, nor to any other person or entity. A nonresident temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer nor for vehicles covered solely by the dealer's insurance policy.

(i) A licensed motor vehicle dealer, which has been authorized to issue temporary registrations by the Commission, may purchase nonresident temporary registrations from a motor vehicle agency at a cost of \$5.00 per nonresident temporary registration upon submission of a motor vehicle dealership business check in an amount that reflects the number of such nonresident temporary registrations being purchased by the dealer.

(j) A nonresident temporary registration issued by a motor vehicle dealer pursuant to this section is a three-part document consisting of an original and two copies thereof. Prior to the issuance of a nonresident temporary registration pursuant to this section, the motor vehicle dealer or authorized signa-

tory shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle dealer or authorized signatory shall enter the following information in the appropriate locations on the right side of the nonresident temporary registration:

1. The name of the registrant;
2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);
3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;
4. The date of issue of the nonresident temporary registration;
5. The date of expiration of the nonresident temporary registration;
6. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number; and
7. The motor vehicle dealer's name, address, dealer identification number, and telephone number.

(l) The motor vehicle dealer or authorized signatory shall both print and sign his or her name in the appropriate location on the nonresident temporary registration.

(m) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle dealer or authorized signatory in the appropriate location on the lower left side of the document. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle dealer or authorized signatory in smaller numerals on the right side of the document in accordance with (k)5 above.

(n) The registrant shall execute the nonresident temporary registration in the appropriate location only after all other required information has been typed or printed on the document by the motor vehicle dealer or authorized signatory.

(o) The "original" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be affixed by the dealer or authorized signatory to the driver's side of the rear window inside the passenger compartment of the vehicle. The nonresident temporary registration shall be affixed in such a manner as to be clearly visible from the rear of the vehicle. For a motorcycle, a motorized bicycle or a vehicle without rear window glass, the nonresident temporary registration shall be in the possession of the driver of such vehicle when it is being operated and

shall be exhibited upon the request of any law enforcement official or authorized representative of the Commission.

(p) The "Commission copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be forwarded, together with a properly assigned manufacturer's statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle, to the Commission.

(q) The "dealer copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be retained by such dealer for a period of three years from the date of issuance of the nonresident temporary registration. Records pertaining to the issuance of nonresident temporary registrations by a motor vehicle dealer pursuant to this section, as well as records pertaining by a motor vehicle dealer pursuant to this section, as well as records pertaining to unissued or voided nonresident temporary registrations, shall be maintained in a ledger by such dealer for a period of three years. Such records including the "dealer copies" of nonresident temporary registrations issued by such dealer as well as any unissued or voided nonresident temporary registrations, that are in possession of the dealer, shall be made available by the licensed dealer for examination by authorized representatives of the Commission at any time during regular business hours. A licensed dealer shall permit authorized Commission representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of nonresident temporary registration records.

(r) A motor vehicle dealer who violates any provision of this section shall, upon notice and an opportunity to be heard, have the privilege of issuing temporary registrations suspended. In addition, a motor vehicle dealer who commits such a violation may, upon notice and an opportunity to be heard, have the motor vehicle dealer's license suspended or revoked or renewal thereof refused by the Chief Administrator of the Commission pursuant to N.J.S.A. 39:10-20.

(s) All lost or stolen non-resident temporary registrations shall be promptly reported to the local police and the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

New Rule, R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-15.9 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Rewrote the section.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

Rewrote (a); and in (i), substituted " , which" for "that" and "Commission," for "Division of Motor Vehicles".

13:21-15.11 Dealer plates

(a) All dealer plates shall be accounted for in a logbook or ledger, for which the following information is listed for each dealer plate:

1. The plate number;

2. Vehicle identification numbers (VINs) of all vehicles to which the plate was assigned, along with dates of assignment; and

3. The location at which the vehicle to which the plate is assigned is garaged (if not on dealer's premises).

(b) The log or ledger in (a) above shall be maintained for at least three years.

(c) A motor vehicle dealer who fails upon the demand of the Commission to produce the log or ledger required pursuant to (a) above shall, upon notice and opportunity to be heard, be subject to suspension or revocation of the motor vehicle dealer's license or the suspension or revocation of the privilege of retaining dealer plates heretofore issued or purchasing additional plates.

(d) No dealer plates may be affixed to a vehicle that would otherwise require registration as a commercial vehicle unless the vehicle is held solely for sale and is driven solely for demonstration purposes to prospective purchasers.

(e) No dealer plates may be affixed to a vehicle used for purposes of the dealership other than inventory.

(f) No dealer plate shall be affixed to a vehicle other than one titled in the name of the dealer or for which title documents are accompanied by a bill of sale or documents are held by the dealer to whom the plates were issued.

1. Title documents shall include a manufacturer's certificate of origin or a title of which the dealer is the endorsee.

(g) Lost or stolen dealer plates shall be promptly reported to the local police and the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

New Rule, R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.12 New motor vehicle inspection stickers

(a) All new motor vehicle inspection stickers shall be accounted for in consecutive order in a logbook or ledger, for which the following information is listed for each sticker:

1. The plate number, if applicable;

2. The date of issue or date voided, whichever the case may be;

3. The year, make and VIN of vehicle to which the sticker was affixed, if applicable; and

4. The name, address and driver's license number of registrant of the vehicle.

(b) The log or ledger in (a) above shall be maintained for at least five years.

(c) All voided stickers shall be retained by the dealer.

(d) Lost or stolen stickers shall be promptly reported to the local police and to the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

(e) A motor vehicle dealer who fails upon the demand of the Commission to produce the log or ledger required pursuant to (a) above or voided stickers retained pursuant to (c) above or who fails to report, or falsely reports, the loss or theft of stickers, as required by (d) above, shall, upon notice and opportunity to be heard, be subject to suspension or revocation of the motor vehicle dealer's license.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
In (b), substituted "five" for "three".

13:21-15.13 Investigations

(a) The Chief Administrator may investigate or cause to be investigated, on complaint or on his or her own motion, any allegations of violations of the statutes or rules governing the conduct of motor vehicle dealers.

(b) The Chief Administrator or designee shall have the authority to enter onto the premises of any individual or entity engaged in the business of buying, selling or dealing in motor vehicles for the purpose of surveying the premises, examining the books and records and otherwise ascertaining that the business is in compliance with the applicable law.

(c) The Chief Administrator shall have the authority to issue subpoenas and to administer oaths and to compel the production of documents and/or the appearance of witnesses at hearings in any action concerning the license of a motor vehicle dealer.

(d) If a licensee or applicant fails to cooperate in an investigation or to comply with a subpoena or order to produce documents or appear at a hearing, the Chief Administrator may suspend or revoke or decline to issue or to renew the motor vehicle dealer's license.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.14 Hearings

(a) Except as provided in N.J.A.C. 13:21-15.15, prior to revoking, suspending, declining to renew or denying a motor vehicle dealer's license, or prohibiting any activity for which a license is required, the Chief Administrator will send a Notice of Proposed Disciplinary Action to the licensee's or applicant's business address.

(b) Within 25 days of the date of the Notice, the licensee or applicant may request a hearing concerning the proposed disciplinary action.

(c) The hearing request must be in writing, must list all contested issues of material fact, issues of law, and mitigating circumstances that the licensee intends to demonstrate.

(d) If the Chief Administrator finds that there exist issues of material fact or potentially mitigating circumstances, the matter will be referred for a hearing. The hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 and N.J.A.C. 1:13.

(e) Prior to scheduling a formal hearing, the Chief Administrator may, in his or her sole discretion, elect to conduct a prehearing conference.

(f) If there are no material facts in dispute or specific mitigating circumstances subject to proof or if the licensee does not respond to the Notice of Proposed Disciplinary Action, the Chief Administrator will issue a Final Administrative Determination appealable only to the Appellate Division of the Superior Court.

(g) Except in the case of extraordinary circumstances, it shall not be a defense to disciplinary action based on a failure to respond to a Notice of Proposed Disciplinary Action that the licensee or applicant was not present at the business address listed in the MVC records.

(h) Nothing herein shall prevent the Chief Administrator from seeking to resolve any disciplinary matters through informal means at any stage of disciplinary proceedings described in this section.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.15 Emergency disciplinary action

(a) In the event of an emergent situation, in which ongoing fraud, lack of insurance, destruction or vacation of premises or other circumstances that would jeopardize the integrity of the Commission's title records and the ability to prevent traffic in stolen or fraudulently titled motor vehicles, the Commission may immediately issue a preliminary suspension of the dealer's license.

(b) Along with the notice of preliminary suspension, the Commission will issue a notice of preliminary hearing to be held by the Commission no later than the 10th day after mailing of the notice.

1. At the preliminary hearing, the Commission will consider whether or not there exists probable cause to find that the alleged conduct that served as a basis for the preliminary suspension occurred and whether or not that conduct constitutes sufficient basis to find an emergent situation justifying the imposition of a preliminary suspension.

(c) Along with the notice of preliminary suspension, the Commission will issue a notice of proposed final suspension, revocation or other agency action.

(d) The licensee will be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. 13:21-15.14.

New Rule. R.2006 d.98. effective March 6, 2006.
See: 37 N.J.R. 1002(a). 38 N.J.R. 1324(a).

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

(b) No certificate of ownership with a salvage designation shall be issued unless the following documents are presented to the Commission:

1. Salvage certificate of title;
2. Inspection report; and
3. For vehicles described in (a)2 above, a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(c) A unique vehicle identification number shall be assigned by the Commission to a motor vehicle that is reconstructed, rebuilt or repaired from more than one salvage motor vehicle.

(d) A fee, as set forth in N.J.A.C. 13:21-4.2, shall be charged for the issuance of a certificate of ownership with a salvage designation.

Amended by R.2006 d.250, effective July 3, 2006.
Sec: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b) and (c), substituted "Commission" for "Division"; in (c), substituted "that" for "which" following "vehicle".
Amended by R.2009 d.219, effective July 6, 2009.
Sec: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).
In (d), updated the N.J.A.C. reference.

13:21-22.16 Penalties

(a) Any person who transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title shall be subject to the penalties set forth in N.J.S.A. 39:10-24.

(b) In addition to the penalties set forth in (a) above, the Chief Administrator may suspend or revoke the license of any person who is licensed by the Chief Administrator as an auto body repair facility, junk yard and/or motor vehicle dealer for a period not to exceed three years if such person transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

Amended by R.2006 d.250, effective July 3, 2006.
Sec: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Chief Administrator" for "Director" twice.

13:21-22.17 Written notice

(a) Any person who transfers ownership of a salvage motor vehicle in violation of N.J.S.A. 39:10-31 et seq. and/or this subchapter shall be notified by the Chief Administrator, in writing by registered mail, of any license suspension or revocation or other action sought to be imposed and the grounds thereof.

(b) Written notice shall be mailed to the person at the address of record with the Commission.

Amended by R.2006 d.250, effective July 3, 2006.
Sec: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

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

13:21-22.18 Request for hearing

(a) Any person who has been notified in accordance with N.J.A.C. 13:21-22.17 shall be entitled to an administrative hearing, provided that such person has filed with the Chief Administrator a written request for a hearing within 30 days from the date of such notice. The 30-day period shall commence on the date such notice was mailed to the person by the Commission in accordance with N.J.A.C. 13:21-22.17.

(b) Any written request for a hearing shall be sent to the Chief Administrator. The hearing request shall contain the following information:

1. The name, address and telephone number of the person requesting the hearing;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Commission in its notice or order to show cause, or if the person is without knowledge thereof, a statement to that effect; any allegation in the Commission's notice or order to show cause that is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

Amended by R.2001 d.19, effective January 16, 2001.

Sec: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Amended by R.2006 d.250, effective July 3, 2006.

Sec: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section was "Request for a hearing". Substituted "Chief Administrator" for "Director" and "Commission" for "Division" throughout; in (b)3, substituted "Commission's" for "Division's" and "that" for "which" following "cause".

13:21-22.19 Hearing procedures

Any hearing pursuant to this subchapter shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Alien registration number" means the number issued by the United States Department of Homeland Security to an individual when he or she becomes a lawful permanent resident of the United States.

"Basic driver's license" means a license issued by the Commission which authorizes a person to operate motor vehicles other than CMVs.

“Cargo tank” means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle. Any packaging fabricated under specifications for cylinders is not a cargo tank.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commercial driver license” or “CDL” means a license issued in accordance with the “New Jersey Commercial Driver License Act” (P.L. 1990, c.103) to a person authorizing the person to operate a certain class of commercial motor vehicle.

“Commercial Driver License Information System” or “CDLIS” means the information system established pursuant to the Federal “Commercial Motor Vehicle Safety Act of 1986,” Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

“Commercial motor vehicle” or “CMV” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway:

1. If the motor vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;
2. If the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
3. If the motor vehicle is designed to transport 16 or more passengers including the driver;
4. If the motor vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment;
5. If the motor vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with subpart f. of 49 CFR § 172, or the vehicle displays a hazardous material placard; or
6. If the motor vehicle is operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or is privately operated, and is used for the transportation of children to or from school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center, or other similar places of education.

This term shall include those vehicles specifically described and classified in N.J.A.C. 13:21-23.5.

This term shall not include recreation vehicles.

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

“Controlled substance” means any substance so classified under subsection (6) of section 102 of the “Controlled Substances Act” (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 CFR § 1308, or under P.L. 1970, c.226 (C. 24:21-1 et seq.) as they may be revised from time to time. The term shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 355).

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person’s appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

“Disqualification” means:

1. The suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privilege to operate a commercial motor vehicle;
2. A determination by the Federal Motor Carrier Safety Administration under the rules of practice for motor carrier safety contained in 49 CFR Part 386 that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR Part 391;
3. The loss of qualification that automatically follows conviction of an offense listed in 49 CFR § 383.51;
4. Failure to meet the citizenship status or possessing a disqualifying criminal or mental health history as set forth in 49 CFR § 1572.5(b)(1)(i)(A), (B), or (C); or
5. A determination by the TSA of a security threat by service of a Final Notification of Threat Assessment pursuant to 49 CFR § 1572.141(e)(2) or a direction by the TSA to revoke a hazardous materials endorsement immediately pursuant to 49 CFR § 1572.5(d)(4).

“Domicile” means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

“Driver license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Endorsement” means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

“Final Notification of Threat Assessment” means a final administrative determination by the TSA that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

“Foreign jurisdiction” means any jurisdiction other than a state of the United States or the District of Columbia.

“Gross vehicle weight rating” or “GVWR” means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

“Hazardous material” means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provision of the “Hazardous Materials Transportation Act,” (49 U.S.C. § 1801 et seq.).

“Incarceration” means confined or otherwise restricted to a jail-type institution, half-way house, treatment facility, or another institution, on a full or part-time basis pursuant to a sentence imposed as the result of a conviction.

“Lawful permanent resident” means an individual who has been lawfully admitted for permanent residence to the United States, as defined in 8 U.S.C. § 1101.

“Mental institution” means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term “motor vehicle” includes motorized bicycles.

“Nonresident CDL” means a CDL issued by a State under either of the following two conditions:

1. To an individual domiciled in a foreign country meeting the requirements of 49 CFR § 383.23(b)(1); or
2. To an individual domiciled in another State meeting the requirements of 49 CFR § 383.23(b)(2).

“Notification of No Security Threat” means an administrative determination by the TSA that an individual does not pose a security threat warranting denial of the authorization for which the individual is applying.

“Out of service order” means a temporary prohibition against operating a CMV.

“Portable tank” means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

“Representative vehicle” means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

“Serious traffic violation” means conviction for one of the following offenses committed while operating a commercial motor vehicle:

1. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
2. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of N.J.S.A. 39:4-96;
3. Improper or erratic traffic lane changes;
4. Following a vehicle ahead too closely, including violations of N.J.S.A. 39:4-89;
5. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation;
6. Driving a CMV without a CDL in the driver’s possession;
7. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or

8. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 CFR § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or equipment defect violations.

“Severe transportation security incident” means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

“State” means a state of the United States or the District of Columbia.

“State of domicile” means the state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever he or she is absent.

“Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined in this section. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“TSA” means the Transportation Security Administration in the United States Department of Homeland Security.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Amended introductory paragraph and “State of domicile”.

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Rewrote the section.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In definition “Chief Administrator”, capitalized second occurrence of “Chief Administrator”.

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person operates or expects to operate;

2. Pass a driving or skills test in accordance with the standards contained in N.J.A.C. 13:21-23.8 through 23.15 taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate

or provide evidence that he or she has successfully passed a driving test administered by an authorized third party;

3. If a person operates or expects to operate in interstate commerce, meet the driver qualification requirements set forth in 49 CFR Part 391;

4. Make application for an initial CDL, CDL examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL, to the Commission in the form specified in (g) below. An applicant must provide complete and accurate information and all certifications on the application;

5. Complete the application form with the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;

6. Surrender his or her noncommercial driver’s license to the Commission;

7. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years; and

8. Pay to the Commission the license fee established by N.J.S.A. 39:3-10.30.

(b) In addition to any other requirements provided by law, a person applying for a CDL, a CDL examination permit, a transfer of a CDL from another state, a renewal of a CDL or a person applying to operate a CMV in a different group or endorsement from the group or endorsement in which he or she already holds a CDL, shall provide the following certifications:

1. A certification that he or she meets the qualification requirements contained in 49 CFR Part 391; provided, a person who operates or expects to operate entirely in interstate commerce and is not subject to 49 CFR Part 391, may instead certify that he or she is not subject to 49 CFR Part 391; and

2. Certify that the motor vehicle in which he or she takes the driving skills test, if such test is required, is representative of the type of motor vehicle he or she operates or expects to operate; and

3. Certify that he or she is not subject to any disqualification, suspension, revocation or cancellation as contained in the “New Jersey Commercial Driver License Act” or 49 CFR § 383.51; and

4. Certify that he or she does not have a driver license from more than one state or jurisdiction.

(c) When applying to transfer a CDL from another state of domicile to New Jersey, an applicant shall apply for a CDL from the Commission within no more than 30 days after establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Commission the certifications contained in (b)1 and (b)3 above;

2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;

3. If the applicant wishes to retain a hazardous materials endorsement, comply with Commission requirements as specified in N.J.A.C. 13:21-23.3(b) 4;

4. Surrender the CDL from the old state of domicile to the Commission; and

5. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(d) When applying for a renewal of a CDL, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 above;

2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;

3. If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in N.J.A.C. 13:21-23.14; and

4. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(e) When applying to operate a CMV in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, the applicant shall:

1. Provide to the Commission the necessary certifications as specified in (b)1 and (b)2 above;

2. Pass the tests specified in (a)1 and (a)2 above for the new vehicle group and/or different endorsements; and

3. Surrender his or her current CDL to the Commission.

(f) When applying for a CDL examination permit, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 through (b)4 above;

2. Provide to the Commission the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;

3. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years;

4. Pay to the Commission an examination permit fee of \$125.00; and

5. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person intends to operate.

(g) An application for an initial CDL, commercial driver examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL shall include the following:

1. The full legal name, including any middle name and any applicable suffix, the street address of the current residence, all other residential addresses for the previous seven years, and the mailing address, if different from the street address of the applicant; a post office box shall appear on the application only as a part of a mailing address that is submitted in addition to a street address;

2. A physical description of the person including sex, height, weight, and eye color;

3. Full date of birth;

4. The applicant's Social Security number (An applicant shall be required to exhibit the original Social Security card or other acceptable proof of said number);

5. The applicant's signature and date of signature;

6. Such proof of physical condition, experience, training, prior driving experience and knowledge as the Chief Administrator may require;

7. City, state and country of birth;

8. Citizenship;

9. The date of naturalization, if the applicant is a naturalized citizen;

10. Alien registration number, if the individual is a lawful permanent resident of the United States;

11. Any other information required by the Chief Administrator.

(h) In addition to the requirements of (g) above, an application for an initial, renewal, or transfer of a hazardous materials endorsement shall include the following:

1. A statement that the individual signing the application was not convicted, or found not guilty by reason of insanity, of any of the following disqualifying crimes or their equivalent in this or any other state or in a Federal, military, or civilian court during the seven years before the date of the individual's application:

i. Any crime listed in 18 U.S.C. Chapter 113B—Terrorism;

ii. Murder;

iii. Assault with intent to murder;

iv. Espionage;

v. Sedition;

- vi. Kidnapping or hostage taking;
- vii. Treason;
- viii. Rape or aggravated sexual abuse;
- ix. Unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon;
- x. Extortion;
- xi. Robbery;
- xii. Arson;
- xiii. Distribution of, intent to distribute, possession, or importation of a controlled substance;
- xiv. Dishonesty, fraud, or misrepresentation, including identity fraud;
- xv. A crime involving a severe transportation security incident;
- xvi. Improper transportation of a hazardous material;
- xvii. Bribery;
- xviii. Smuggling;
- xix. Immigration violations;
- xx. Violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §§ 1961 et seq.); or
- xxi. Conspiracy or attempt to commit any of the crimes listed in (h)1i through xx above.

2. A statement that the applicant was not released from incarceration in any jurisdiction set forth in (h)1 above for committing any disqualifying crime set forth in (h)1i through xxi above during the five years before the date of the individual's application.

3. A statement that the applicant is not wanted for, charged with, or under indictment for any disqualifying crime set forth in (h)1i through xxi above in any jurisdiction set forth in (h)1 above.

4. A statement that the applicant has not been adjudicated as a mental defective or committed to a mental institution involuntarily.

5. A statement that the applicant is a United States citizen who has not renounced his or her United States citizenship, or is a lawful permanent resident of the United States.

6. A statement that the applicant has or has not served in the military, and if so, the branch in which he or she served, and the date of discharge and the type of discharge;

7. A statement that the applicant has been informed that Federal regulations under 49 CFR 1572.5(b) impose a

continuing obligation to disclose to the State within 24 hours if he or she is convicted, or found not guilty by reason of insanity, of any disqualifying crime set forth in (h)1i through xxi above, or adjudicated as a mental defective or committed to a mental institution, while he or she has an hazardous materials endorsement for a CDL.

8. A statement reading:

The information I have provided on this application is true, complete, and correct to the best of my knowledge and belief and is provided in good faith. I understand that a knowing and willful false statement, or an omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code), and may be grounds for denial of an hazardous materials endorsement.

(i) In addition to fulfilling the requirements of this section, an applicant for an initial, renewal, or transfer of an hazardous materials endorsement shall submit his or her fingerprints in accordance with the TSA's requirements through the State fingerprint vendor along with the fee therefor in accordance with the instructions on the Universal Fingerprint Form supplied with the application package.

(j) In the case of a renewal of an hazardous materials endorsement the application process must be completed no later than 90 days prior to the expiration of the current endorsement. If an applicant for a renewal of an hazardous materials endorsement completes the application process no later than 45 days prior to the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall be extended by the Commission for a period of 45 days. If an applicant for a renewal of an hazardous materials endorsement completes the application process within 45 days of the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall not be renewed by the Commission until the Commission receives a Notification of No Security Threat from the TSA.

(k) For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court.

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(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 (f)4, substituted "an" for the second occurrence of "the" and "of \$125.00" for "established by N.J.S.A. 39:3-10.30".

13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity

(a) Prior to issuing a CDL to a person, the Commission shall:

1. Require the driver applicant to certify, pass tests, and provide information as described in N.J.A.C. 13:21-23.2(a) and (b);
 2. Check that the vehicle in which the applicant takes his or her test is representative of the vehicle group the applicant has certified that he or she operates or expects to operate;
 3. Initiate and complete a check of the applicant's driving record as specified in Section 6 of the New Jersey Commercial Driver License Act to ensure that the person is not subject to any disqualification, suspensions, revocations or cancellations as contained in the New Jersey Commercial Driver License Act or 49 CFR § 383.51 and that the person does not have a driver's license from more than one state. The record check shall include, but not be limited to, the following:
 - i. A check of the applicant's driving record as maintained by his or her current state of licensure, if any;
 - ii. A check with CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a CMV; and
 - iii. A check with the National Driver Register (NDR) to determine whether the driver applicant has:
 - (1) Been disqualified from operating a motor vehicle (other than a CMV);
 - (2) Had a license (other than a CDL) suspended, revoked, or canceled for cause in the three-year period ending on the date of application; or
 - (3) Been convicted of any offenses contained in section 205(a)(3) of the National Driver Register Act of 1982 (23 U.S.C. § 401 note);
 4. Request the applicant's complete driving record from all States where the applicant was previously licensed over the last 10 years to drive any type of motor vehicle.
 5. If the applicant is applying for a hazardous materials endorsement, ensure that the applicant has:
 - i. Prior to January 31, 2005, not received a Final Notification of Threat Assessment from the TSA; and
 - ii. On or after January 31, 2005, received a Notification of No Security Threat from the TSA.
 6. Require the driver applicant, if he or she has moved from another state, to surrender his or her driver's license issued by another state.
- (b) Prior to issuing a CDL to a person who has a CDL from another state, the Commission shall:
1. Require the driver applicant to make the certifications contained in N.J.A.C. 13:21-23.2(b);
 2. Complete a check of the driver applicant's record as contained in (a)3 above;
 3. Request and receive updates of information specified in N.J.A.C. 13:21-23.19;
 4. If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the two years preceding the transfer, either passed the test for such endorsement specified in N.J.A.C. 13:21-23.14 or successfully completed a hazardous material test or training that is given by a third party and is deemed by the Chief Administrator to substantially cover the same knowledge base as that described in N.J.A.C. 13:21-23.14; and
 - i. Prior to January 31, 2005, not received a Final Notification of Threat Assessment from the TSA; and
 - ii. On or after January 31, 2005, received a Notification of No Security Threat from the TSA; and
 5. Obtain the CDL issued by the applicant's previous State of domicile.
- (c) Prior to renewing any CDL the Commission shall:
1. Require the driver applicant to make the certification contained in N.J.A.C. 13:21-23.2(b);
 2. Complete a check of the driver applicant's record as contained in (a)3 above;
 3. Request and receive updates of information specified in N.J.A.C. 13:21-23.19; and
 4. If such applicant wishes to retain a hazardous materials endorsement, regardless of whether the applicant contemplated or has applied for transfer to another state:
 - i. Require the driver to pass the test for such endorsement specified in N.J.A.C. 13:21-23.14;
 - ii. Prior to January 31, 2005, ensure that the driver applicant has not received a Final Notification of Threat Assessment from the TSA; and
 - iii. On or after January 31, 2005, ensure that the driver applicant has received a Notification of No Security Threat from the TSA.
- (d) Prior to issuing an upgrade of a CDL, the Commission shall:
1. Require such driver applicant to obtain an examination permit, provide certifications and pass tests as described in N.J.A.C. 13:21-23.2(e);
 2. Complete a check of the driver applicant's record as described in (a)3 above; and
 3. If the driver applicant is applying for a hazardous materials endorsement:

i. Prior to January 31, 2005, ensure that the driver applicant has not received a Final Notification of Threat Assessment from the TSA; and

ii. On or after January 31, 2005, ensure that the driver applicant has received a Notification of No Security Threat from the TSA.

(e) After the Commission has completed the procedures described in (a), (b), (c), or (d) above, it may issue a CDL to the driver applicant. The Commission shall notify the operator of the CDLIS of such issuance, transfer, renewal, or upgrade within the 10-day period beginning on the date of license issuance.

(f) If the Commission determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in N.J.A.C. 13:21-23.19 or any of the certifications required in N.J.A.C. 13:21-23.2(b), the Commission shall, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 at a minimum suspend, cancel, or revoke the person's CDL, or his or her pending application, or disqualify the person from operating a CMV for a period of at least 60 consecutive days.

(g) If the Commission is notified by the TSA that an individual has received a Final Notification of Threat Assessment concerning a driver or receives a direction from the TSA to revoke a driver's hazardous materials endorsement immediately, the Commission shall revoke the endorsement without a hearing; the driver's sole recourse will be to the TSA pursuant to 49 CFR § 1572.141.

(h) Any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified

from operating a CMV, may operate a CMV in this State on a reciprocal basis in accordance with N.J.S.A. 39:3-17.

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Rewrote the section.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a)4, deleted "for" following "request"; in (c)4; substituted a colon for a period at the end.

Case Notes

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Ischemia to a minimal degree did not preclude bus endorsement on licensee's commercial driver's license for coronary insufficiency. *Hahola v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 80.

13:21-23.4 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Section was "Substitute for driving skills tests".

13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes

(a) Each driver applicant must possess and be tested on his or her knowledge and skills, described in N.J.A.C. 13:21-23.8 through 23.15, for the CMV group(s) for which he or she desires a CDL. The CMV groups are as follows:

1. Combination Vehicle (Group A)—Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

2. **Heavy Straight Vehicle (Group B)**—Any single vehicle with a GVWR of 26,001 or more pounds, any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, any vehicle with a GVWR of 26,001 or more pounds and designed to carry 16 or more persons including the driver whether used for hire or not.

3. **Small Vehicle (Group C)**—Any single vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR provided that the vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which is required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F); or the vehicle is designed to transport 16 or more passengers including the driver, whether used for hire or not; or the vehicle is designed to transport eight to 15 passengers including the driver and is used for hire; or the vehicle is used to transport eight to 15 persons including the driver for hire on a daily basis to and from places of employment; or the vehicle is used for the transportation of more than six passengers to or from summer day camps or summer residence camps; or the vehicle is required to be registered as a school bus except that a person licensed as a bus driver on or before December 31, 1990 may operate a bus required to be registered as a school bus without a CDL provided the vehicle is designed to carry not more than 15 passengers including the driver.

(b) For purposes of taking the driving test in accordance with N.J.A.C. 13:21-23.10, a representative vehicle for a given vehicle group contained in (a) above is any CMV which meets the definition of that vehicle group.

(c) Each driver applicant who desires to operate in a different CMV group from the one which his or her CDL authorizes shall be required to take and pass all related tests, except the following:

1. A driver who has passed the knowledge and skills tests for a combination vehicle (Group A) may operate a heavy straight vehicle (Group B) or a small vehicle (Group C), provided that he or she possesses the requisite endorsement(s); and

2. A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided that he or she possesses the requisite endorsement(s).

Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

In (a)3 substituted "on or before December 31" for "before December 1".

Amended by R.2005 d.48, effective February 7, 2005.
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended the introductory paragraph in (a).

13:21-23.6 Endorsements; descriptions; testing requirements

(a) In addition to taking and passing the knowledge and skills tests described in N.J.A.C. 13:21-23.8 through 23.15, all persons who operate or expect to operate the type(s) of motor vehicles described in (b) below shall take and pass specialized tests to obtain each endorsement. The Commission shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) An operator must obtain endorsements to his or her CDL to operate CMVs which are:

1. Double/triple trailers;
2. Passenger vehicles (for example, omnibuses);
3. Tank vehicles;
4. Required to be placarded for hazardous materials; or
5. School buses.

(c) The following tests are required for the endorsements contained in (b) above:

1. Double/Triple Trailers—a knowledge test;
2. Passenger—a knowledge and a skills test;
3. Tank vehicle—a knowledge test;
4. Hazardous Materials—a knowledge test; and
5. School bus—a knowledge and skills test.

Amended by R.2005 d.48, effective February 7, 2005.
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), amended N.J.A.C. reference, substituted "Commission" for "Division" following "The"; in (b), deleted "and school buses" following "omnibuses" in 2, added 5; in (c), added 5.

13:21-23.7 Air brake restrictions

(a) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the Commission shall indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with air brakes.

(b) For the purposes of the skills test and the restriction, air brakes shall include any braking system operating fully or partially on the air brake principle.

Amended by R.2005 d.48, effective February 7, 2005.
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Commission" for "Division" following "airbrakes, the".

13:21-23.8 General requirement for knowledge and skills

All drivers of CMVs shall have knowledge and skills necessary to operate a CMV safely as contained in this subchapter.

13:21-23.9 Required knowledge

(a) All CMV operators must have knowledge of the following general areas as developed by the Commission and approved by the United States Department of Transportation as meeting its minimum standards:

1. Driver-related elements of the regulations contained in 49 CFR Parts 391, 392, 393, 395, 396, and 397, such as: motor vehicle inspection, repair, and maintenance requirements; procedures for safe vehicle operations; the effects of fatigue, poor vision, hearing, and general health upon safe CMV operation; the types of motor vehicles and cargoes subject to the requirements; and the effects of alcohol and drug use upon safe CMV operations;
2. Proper use of the motor vehicle's safety system, including lights, horns, side and rear view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. CMV drivers shall have knowledge of the correct procedures needed to use these safety systems in an emergency situation, for example, skids and loss of brakes;
3. The purpose and function of the controls and instruments commonly found on CMVs;
4. The proper procedures for performing various basic maneuvers;
5. The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions;
6. The procedures and rules for various backing maneuvers;
7. The importance of proper visual search, and proper visual search methods;
8. The principles and procedures for proper communications and the hazards of failure to signal properly;
9. The importance of understanding the effects of speed;
10. The procedures and techniques for controlling the space around the vehicle;
11. Preparations and procedures for night driving;
12. The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions;
13. The basic information on hazard perception and clues for recognition of hazards;
14. The basic information concerning when and how to make emergency maneuvers;
15. The information on the causes and major types of skids, as well as the procedures for recovering from skids;

16. The principles and procedures for the proper handling of cargo;

17. The objectives and proper procedures for performing vehicle safety inspections, as follows:

- i. The importance of periodic inspection and repair to vehicle safety;
- ii. The effect of undiscovered malfunctions upon safety;
- iii. What safety-related parts to look for when inspecting vehicles;
- iv. Pre-trip/enroute/post-trip inspection procedures; and
- v. Reporting findings;

18. What constitutes hazardous material requiring an endorsement to transport; classes of hazardous materials; labeling/placarding requirements; and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes;

19. Operators of vehicles equipped with air brakes shall also have knowledge of:

- i. Air brake system nomenclature;
- ii. The dangers of contaminated air supply;
- iii. Implications of severed or disconnected air lines between the power unit and the trailer(s);
- iv. Implications of low air pressure readings;
- v. Procedures to conduct safe and accurate pre-trip inspections; and
- vi. Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail; and

20. Operators for the combination vehicle group shall also have knowledge of:

- i. Coupling and uncoupling—The procedures for proper coupling and uncoupling a tractor to semi-trailer; and
- ii. Vehicle inspection—The objectives and proper procedures that are unique for performing safety inspections on combination vehicles.

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Commission" for "Division" following "general areas as developed by the" in the introductory paragraph.

13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation

(a) All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Except as provided in N.J.A.C. 13:21-23.7, applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

1. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

i. Locate and verbally identify air brake operating controls and monitoring devices;

ii. Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

iii. Inspect the low pressure warning device(s) to ensure that they will activate in emergency situations;

iv. Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

v. Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

vi. Operationally check the brake system for proper performance.

2. Applicants shall successfully complete the skills test contained in this subsection in a representative vehicle equipped with air brakes.

(d) Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

13:21-23.11 Requirements for double/triple trailers endorsement

(a) In order to obtain a double/triple trailers endorsement, each applicant must have knowledge covering:

1. Procedures for assembly and hookup of the units;
2. Proper placement of heaviest trailer;
3. Handling and stability characteristics including off-tracking, response to steering, sensory feedback, braking,

oscillatory sway, rollover in steady turns, yaw stability in steady turns; and

4. Potential problems in traffic operations, including problems the motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicles on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

13:21-23.12 Requirements for passenger endorsement

(a) An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements:

1. All applicants for the passenger endorsement must have knowledge covering at least the following topics:

i. Proper procedures for loading/unloading passengers;

ii. Proper use of emergency exits, including push-out windows;

iii. Proper responses to such emergency situations as fires and unruly passengers;

iv. Proper procedures at railroad crossings and drawbridges; and

v. Proper braking procedures.

2. To obtain a passenger endorsement applicable to a specific vehicle group, an applicant must take his or her skills test in a passenger vehicle satisfying the requirements of that group as defined in N.J.A.C. 13:21-23.5.

Case Notes

License was restricted to prohibit operating passenger-carrying commercial motor vehicles. *Division of Motor Vehicles v. Brine*, 94 N.J.A.R.2d (MVH) 30.

13:21-23.13 Requirements for tank vehicle endorsement

(a) In order to obtain a tank vehicle endorsement, each applicant must have knowledge covering the following:

1. Causes, prevention, and effects of cargo surge on motor vehicle handling;

2. Proper braking procedures for the motor vehicle when it is empty, full and partially full;

3. Differences in handling of baffled/compartmental tank interiors versus non-baffled motor vehicles;

4. Differences in tank vehicle type and construction;

5. Differences in cargo surge for liquids of varying product densities;

6. Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;

7. Proper use of emergency systems; and

8. For drivers of Federal Department of Transportation specification tank vehicles, retest and marking requirements.

13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test

(a) In order to obtain a hazardous material endorsement, each applicant must have such knowledge as is required of a driver of a hazardous materials laden vehicle, from information contained in 49 CFR Parts 171, 172, 173, 177, 178, and 397 on the following:

1. Hazardous materials regulations including:
 - i. Hazardous materials table;
 - ii. Shipping paper requirements;
 - iii. Marking;
 - iv. Labeling;
 - v. Placarding requirements;
 - vi. Hazardous materials packaging;
 - vii. Hazardous materials definitions and preparation;
 - viii. Other regulated material (for example, ORM-D);
 - ix. Reporting hazardous materials accidents; and
 - x. Tunnels and railroad crossings;
2. Hazardous materials handling including:
 - i. Forbidden materials and packages;
 - ii. Loading and unloading materials;
 - iii. Cargo segregation;
 - iv. Passenger carrying buses and hazardous materials;
 - v. Attendance of motor vehicles;
 - vi. Parking;
 - vii. Routes;
 - viii. Cargo tanks; and
 - ix. "Safe Havens";
3. Operation of emergency equipment including:
 - i. Use of equipment to protect the public;
 - ii. Special precautions for equipment to be used in fires;
 - iii. Special precautions for use of emergency equipment when loading or unloading a hazardous materials laden motor vehicle; and
 - iv. Use of emergency equipment for tank vehicles; and

4. Emergency response procedures including:

- i. Special care and precautions for different types of accidents;
- ii. Special precautions for driving near a fire and carrying hazardous materials, and smoking and carrying hazardous materials;
- iii. Emergency procedures; and
- iv. Existence of special requirements for transporting Class A and B explosives.

(b) The Chief Administrator may waive the written knowledge test if an applicant for a renewal of a hazardous materials endorsement or the transfer of a hazardous materials endorsement from another state has satisfactorily completed an approved training course pertaining to the operation of motor vehicles transporting hazardous materials within two years of the date of application.

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (b), substituted "Chief Administrator" for "Director" following "The".

13:21-23.15 Requirements for a school bus endorsement

(a) An applicant for a school bus endorsement must satisfy the following three requirements:

1. Qualify for the passenger vehicle endorsement. Pass the knowledge and skills tests for obtaining a passenger vehicle endorsement;
2. Knowledge test. Must have knowledge covering at least the following three topics:
 - i. Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights and other warning and passenger safety devices required for school buses by State or Federal law or regulation;
 - ii. Emergency exits and procedures for safely evacuating passengers in an emergency; and
 - iii. State and Federal laws and regulations related to safely traversing highway rail grade crossings; and
3. Skills test. Must take a driving skills test in a school bus of the same vehicle group as the school bus applicant will drive.

(b) The driving skills test required in (a)3 above may be waived for an applicant who is currently licensed, has experience driving a school bus, has a good driving record, and meets the following conditions:

1. An applicant must certify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

i. Held a valid CDL with a passenger vehicle endorsement to operate a school bus representative of the group he or she will be driving;

ii. Has not had his or her driver's license or CDL suspended, revoked or cancelled or been disqualified from operating a CMV;

iii. Has not been convicted of any of the disqualifying offenses in 49 CFR § 383.51(b) while operating a CMV or of any offense in a noncommercial motor vehicle that would be disqualifying under 49 CFR § 383.51(b) if committed in a CMV;

iv. Has not had more than one conviction of any of the serious traffic violations defined in 49 CFR § 383.5 or N.J.A.C. 13:21-23.1, while operating any type motor vehicle;

v. Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;

vi. Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and

vii. Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.

(c) The provisions of (b) above shall not apply after September 30, 2005.

New Rule, R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.15, Minimum passing scores; test longevity; waiting period between tests, recodified to N.J.A.C. 13:21-23.16.

13:21-23.16 Minimum passing scores; test longevity; waiting period between tests

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test. The results of a knowledge test shall remain valid for a period of two years from the date that the applicant achieved a passing score.

(b) To achieve a passing score on the skills test, the driver applicant must demonstrate that he or she can successfully perform all of the skills listed in N.J.A.C. 13:21-23.10.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he or she shall automatically fail the test.

(d) The scoring of the basic knowledge and skills test shall be adjusted as follows to allow for the air brake restriction (see N.J.A.C. 13:21-23.7):

1. If the applicant scores less than 80 percent on the air brake component of the basic knowledge test as described in N.J.A.C. 13:21-23.9(a)(7), the driver will have failed the air brake component and, if the driver is issued a CDL, an air brake restriction shall be indicated on the license; and

2. If the applicant performs the skills test in a vehicle not equipped with air brakes, the driver will have omitted the air brake component as described in N.J.A.C. 13:21-23.10(c) and, if the driver is issued a CDL, the air brake restriction shall be indicated on the license.

Recodified from N.J.A.C. 13:21-23.15 by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.16, Third party testing; proof of testing, recodified to N.J.A.C. 13:21-23.17.

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (a), substituted "two years" for "one year".

13:21-23.17 Third party testing; proof of testing

(a) The Chief Administrator may authorize a person (including an employer, or a department, agency or instrumentality of a local government) to administer the skills test as specified in N.J.A.C. 13:21-23.10 if the following conditions are met:

1. The tests given by the third party are the same as those which would otherwise be given by the Commission; and

2. The third party has an agreement with the Commission containing, at a minimum, provisions that:

i. Allow the Federal Highway Administration, or its representative, and the Commission to conduct random examinations, inspections and audits without prior notice;

ii. Require the Commission to conduct on-site inspections at least annually;

iii. Require that all third party examiners meet the same qualification and training standards as Commission examiners, to the extent necessary to conduct skills tests in compliance with N.J.A.C. 13:21-23.10;

iv. Require that, at least on an annual basis, Commission employees take the tests actually administered by the third party as if the Commission employees were test applicants, or that the Commission test a sample of drivers who were examined by the third party to compare pass/fail results; and

v. Reserve unto the Commission the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with the Commission or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

(b) A driver applicant who takes and passes driving tests administered by an authorized third party shall provide evidence to the Commission that he or she has successfully passed the driving tests administered by the third party.

(c) An authorized third party may charge a driver applicant a fee for the administration of the skills test, except that said fee shall not exceed an amount equal to the cost to the State for administering such testing.

Recodified from N.J.A.C. 13:21-23.16 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director" following "The" in the introductory paragraph, substituted "Commission" for "Division" throughout. Former N.J.A.C. 13:21-23.17, Commercial driver's license document; general, recodified to N.J.A.C. 13:21-23.18.

13:21-23.18 Commercial driver's license document; general

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain the information specified in N.J.A.C. 13:21-23.19.

Recodified from N.J.A.C. 13:21-23.17 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended N.J.A.C. reference. Former N.J.A.C. 13:21-23.18, Information on the document and application, recodified to N.J.A.C. 13:21-23.19.

13:21-23.19 Information on the document and application

(a) All CDLs shall contain the following information:

1. The prominent statement that the license is a "Commercial Driver's License" or "CDL";
2. The full name, signature, and mailing address of the person to whom such license is issued;
3. Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;
4. A color photograph of the driver;
5. The driver's license number;
6. The name of New Jersey as the State which issued the license;
7. The date of issuance and the date of expiration of the license;
8. The group or groups of CMV(s) that the driver is authorized to operate, indicated as follows:
 - i. A for Combination Vehicle;
 - ii. B for Heavy Straight Vehicle; and
 - iii. C for Small Vehicle;

9. The endorsement(s) for which the driver has qualified, if any, indicated as follows:

- i. T for double/triple trailers;
- ii. P for passenger;
- iii. N for tank vehicle;
- iv. H for hazardous materials;
- v. X for a combination of the tank vehicle and hazardous materials endorsements;
- vi. S for school bus; and
- vii. At the discretion of the Chief Administrator, additional codes for additional classes of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document; and

10. The restriction(s) and/or exception(s) applicable to the driver, if any, indicated as follows:

- i. L except vehicles with air brakes;
- ii. M except Class A Passenger Vehicles;
- iii. N except Class A & B Passenger Vehicles;
- iv. O except Tractor-Trailer (Tow Trucks);
- v. P Passenger endorsement restricted to school bus capacity 15 or less;
- vi. Q except Passenger Vehicles Capacity 16 or more; and
- vii. R No Passengers (Bus Mechanics).

(b) If the Commission has issued the applicant an air brake restriction as specified in N.J.A.C. 13:21-23.7, that restriction must be indicated on the license.

(c) If the Commission has issued the applicant a Small Vehicle (Group C) CDL which is restricted to the operation of vehicles, including school buses, which are designed to transport not more than 15 passengers including the driver, that restriction must be indicated on the license.

(d) A driver applicant must provide his or her Social Security Number on the application of a CDL. If the applicant has been exempted from applying for a Social Security Number because of his or her religious beliefs, the applicant must submit a letter from the Social Security Administration or the Internal Revenue Service confirming the grant of the exemption. The Commission will assign an identification number for the applicant if the applicant has been granted an exemption from applying for a Social Security Number.

(e) The Commission must provide the Social Security Number or identification number assigned by the Commission to the CDLIS.

Recodified from N.J.A.C. 13:21-23.18 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a)9, substituted "X" for "NH" in v, added vi, recodified former vi as vii and substituted "Chief Administrator" for "Director"; substituted "Commission" for "Division" throughout. Former N.J.A.C. 13:21-23.19, Tamperproofing requirements, recodified to N.J.A.C. 13:21-23.20.

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (a)10vi, inserted "and" at the end; in (a)10vii, substituted a period for "; and" at the end; and deleted (a)10viii.

13:21-23.20 Tamperproofing requirements

The Commission shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Commission shall use the same tamperproof method used for noncommercial drivers' licenses.

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-23.19 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Commission" for "Division". Former N.J.A.C. 13:21-23.20, Duplicate CDL, recodified to N.J.A.C. 13:21-23.21.

13:21-23.21 Duplicate CDL

The Chief Administrator, upon presentation of a statement stating that the original CDL has been destroyed, lost or stolen, may, if he or she is satisfied that the facts as set forth in the statement are true, issue a duplicate CDL, if needed, to the original holder thereof, upon the payment to the Chief Administrator of the fee set forth in N.J.S.A. 39:3-31 for the duplicate CDL so issued and a fee for the color photograph established by the Chief Administrator in accordance with N.J.S.A. 39:3-10.30. The original CDL holder must provide satisfactory proof of identity, date of birth, address, and lawful presence in the United States, as indicated in N.J.A.C. 13:21-8.2.

Recodified from N.J.A.C. 13:21-23.20 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.21, Change of legal name or address, application for corrected CDL, recodified to N.J.A.C. 13:21-23.22.

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Deleted a comma following the first occurrence of "statement" and inserted the last sentence.

13:21-23.22 Change of legal name or address; application for corrected CDL

When a person holding a CDL issued by this State changes his or her legal name, mailing address or residence, he or she shall notify the Chief Administrator, in writing, of such change within two weeks after the change of legal name is made and within one week after the change of mailing address or residence is made. The Chief Administrator may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Chief Administrator may require.

Recodified from N.J.A.C. 13:21-23.21 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.22, Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years, recodified to N.J.A.C. 13:21-23.23.

13:21-23.23 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years

(a) A person whose CMV driving privilege has been revoked for life under section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction, may apply to the Chief Administrator to have his or her CMV driving privilege restored.

(b) The Chief Administrator may, in his or her discretion, restore the CMV driving privileges of such applicant provided the applicant satisfies all of the following requirements:

1. The applicant has served a minimum suspension period of 10 years under the suspension imposed pursuant to section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction;
2. The applicant has enrolled in, paid for, attended and successfully completed a rehabilitation program (that is, driver improvement program and/or alcohol education or rehabilitation program) approved by the Chief Administrator and has provided sufficient proof of program completion;
3. The applicant is domiciled in this State and has produced sufficient proof of domicile;
4. The applicant has paid the restoration fee provided in N.J.S.A. 39:3-10a, if required;
5. The applicant has paid the Alcohol Education, Rehabilitation and Enforcement Fund fee provided in N.J.S.A. 39:4-50(b), if required;
6. The applicant has satisfied all of the requirements for obtaining a CDL and applicable endorsements in this State. No waiver of the skills test shall be permitted for applicants under this section;
7. The applicant has not previously had his or her CMV driving privileges restored pursuant to this section or the law of another state or jurisdiction similar to this section;
8. The applicant's driving privileges are not suspended or revoked in this State or any other state or jurisdiction and he or she has satisfied all outstanding suspensions in this State or any other state or jurisdiction;
9. If the lifetime revocation was imposed by a licensing authority or court of any other state or jurisdiction, the

applicant shall provide proof from that state or jurisdiction authorizing a restoration;

10. The applicant's driving record in this and any other state or jurisdiction, including his or her driving record during the period when his or her CMV driving privilege was suspended, clearly demonstrates that it is consistent with public safety that the applicant be again permitted to operate CMVs. The Chief Administrator may consider all relevant evidence including the frequency, nature and number of violations, accidents, suspensions and revocations, any special circumstances connected with any violation or suspension, including whether the applicant has been involved in any accident resulting in death or bodily injury to any person. The burden shall be on the applicant to demonstrate requisite qualification. The applicant's failure to produce requisite evidence of qualification shall be sufficient grounds to deny the application; and

11. The applicant has submitted an application for such restoration as provided by the Chief Administrator.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

In (b)9 inserted " , the applicant shall provide proof from that state of jurisdiction".

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-23.22 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief administrator" for Director" throughout. Former N.J.A.C. 13:21-23.23, Ineligibility for reduction of lifetime revocation, recodified to N.J.A.C. 13:21-23.24.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), capitalized "License" preceding "Act".

13:21-23.24 Ineligibility for reduction of lifetime revocation

No person whose CMV driving privilege has been revoked pursuant to section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other state or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be eligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

Recodified from N.J.A.C. 13:21-23.23 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended N.J.A.C. reference. Former N.J.A.C. 13:21-23.24, Driver rehabilitation program, recodified to N.J.A.C.13:21-23.25.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Removed capitalization of "section" preceding "12(e)".

13:21-23.25 Driver rehabilitation program

(a) For purposes of this subchapter, a driver rehabilitation program shall consist of:

1. A driver improvement course, or a program in another state or jurisdiction which the Chief Administrator determines is substantially similar; and

2. If the applicant has ever been convicted of a violation of section 5 or 16 of the New Jersey Commercial Driver License Act or N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.2 or similar laws of this or any other state or jurisdiction, he or she must show that he or she has satisfied the educational and rehabilitation requirements set forth in N.J.S.A. 39:4-50 or the similar program requirements of another state or jurisdiction that the Chief Administrator or the Division of Alcoholism, as the case may be, has determined satisfy those requirements.

(b) The fee for the Driver Improvement Course shall be the fee set forth in N.J.A.C. 13:20-17.3.

Recodified from N.J.A.C. 13:21-23.24 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director" in 1. Former N.J.A.C. 13:21-23.25, Application to another jurisdiction for restoration; notice to Director, recodified to N.J.A.C. 13:21-23.26.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a)2, removed capitalization of "section" preceding "5", substituted "that" for "which" following "jurisdiction" and substituted "Chief Administrator" for "Director".

13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator

A person whose CMV driving privileges have been revoked for life pursuant to Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act shall notify the Chief Administrator, in writing, within 10 days of any application to the licensing authority of another state or jurisdiction for restoration of those privileges. The notice shall provide the information specified at N.J.A.C. 13:21-23.2(g)1 through (g)5, the New Jersey drivers license number issued to such person, and any other information required by the Chief Administrator.

Recodified from N.J.A.C. 13:21-23.25 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.26, Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22, recodified to N.J.A.C. 13:21-23.27.

13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23

(a) The Chief Administrator may issue a letter of temporary authority to a person who has applied for restoration of his or her CMV driving privilege under N.J.A.C. 13:21-23.23 for the purpose of allowing said person to fit himself or herself to become a CMV operator. A person making application for a letter of temporary authority under this section shall comply with the application procedures set forth in N.J.A.C. 13:21-23.2.

(b) If, upon expiration of the letter of temporary authority, a CDL has not been issued as provided in N.J.A.C. 13:21-23.23, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

Recodified from N.J.A.C. 13:21-23.26 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director", amended N.J.A.C. reference throughout. Former N.J.A.C. 13:21-23.27, Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act, recodified to N.J.A.C. 13:21-23.28.

13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state.

(b) For those persons licensed by this State, a valid basic driver license is a prerequisite for the operation of a CMV. For persons properly licensed in another state, the law of that state should be consulted.

(c) Whenever a person's basic driver license is suspended, revoked, or prohibited pursuant to any statute or regulation of this State, the person's CDL, if any, shall be suspended, revoked or prohibited, as the case may be, until the basic driver license and the CDL have been restored by the Chief Administrator.

(d) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50 committed in a CMV, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-50(a)(1), (a)(2) or (a)(3). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-50, all violations of N.J.S.A. 39:4-50 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(e) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.13 shall not serve to suspend the person's basic driver's license unless the violation that gave rise to the CMV driving privilege suspension, revocation, or denial would have resulted in a suspension, revocation, or denial of the person's basic driver's license if committed in a noncommercial motor vehicle. An example of such a violation would be where the court has convicted the person of a violation of both N.J.S.A. 39:3-10.13 and 39:4-50, or where the court has convicted the

person of a violation of N.J.S.A. 39:3-10.13 and has exercised its power under N.J.S.A. 39:5-31.

(f) Whenever a person is convicted for a violation of N.J.S.A. 39:4-129 committed in a CMV and an injury or death to any person has occurred, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-129(a). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-129(a), all violations of N.J.S.A. 39:4-129 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(g) The suspension or revocation of a person's CMV driving privilege for a violation of using a CMV in the commission of a crime or using a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or a controlled substance analog, or possession with intent to manufacture, distribute or dispense a controlled substance or controlled substance analog shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(h) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50.2 or section 16 of the Act or other similar law committed in a CMV the person's basic driver's license shall be suspended in accordance with N.J.S.A. 39:4-50.4a or 39:3-10.24(f) or other similar law.

(i) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.18(b) shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(j) With regard to serious traffic violations, the suspension or revocation of a person's CMV driving privilege by a court shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court. If the particular serious traffic violation also is cause for suspension of the basic driver license by the Chief Administrator pursuant to N.J.S.A. 39:5-30(b), 39:5-30(c), 39:5-30(e), 39:5-30.8, 39:5-30.10 or N.J.A.C. 13:19-10, the person may accept the period proposed by the Chief Administrator and ask that the suspension of the basic driver's license imposed by the Chief Administrator run to the greatest extent possible concurrently with the court-imposed suspension of CMV driving privilege. However, the pendency of any administrative action shall not serve to stay any court-imposed suspension.

(k) The provisions of this rule are not intended to be exhaustive or otherwise to restrict the court's or the Chief Administrator's powers.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Recodified from N.J.A.C. 13:21-23.27 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted reference to "Chief Administrator" throughout. Former N.J.A.C. 13:21-23.28, Display of GVWR not required on firefighting

apparatus, ambulances, first aid and rescue vehicles, recodified to N.J.A.C. 13:21-23.29.

Case Notes

Driver's license suspended. Division of Motor Vehicles v. Castaneda, 94 N.J.A.R.2d (MVH) 63.

Proposed suspension of licensee's driving privileges denied. Division of Motor Vehicles v. Scalzo, 94 N.J.A.R.2d (MVH) 60.

Licensee was permitted to maintain commercial driver license; rehabilitation. Division of Motor Vehicles v. Rambold, 94 N.J.A.R.2d (MVH) 51.

Licensee was permitted to maintain commercial driver license. Division of Motor Vehicles v. Cortes, 94 N.J.A.R.2d (MVH) 49.

Licensee was permitted to maintain commercial driver license; rehabilitation. Division of Motor Vehicles v. Frey, 94 N.J.A.R.2d (MVH) 47.

Proposed suspension of licensee's commercial driver license was dismissed. Division of Motor Vehicles v. Stach, 94 N.J.A.R.2d (MVH) 38.

13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

Owners of firefighting apparatus, ambulances, first aid and rescue vehicles are exempted from the requirement of N.J.S.A. 39:4-46(b) pertaining to the display of the GVWR on the vehicle.

Recodified from N.J.A.C. 13:21-23.28 by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.29, operative date, repealed.

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

13:21-24.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Approved motor vehicle defensive driving course" means a course of motor vehicle driver safety instruction delivered either in a traditional classroom setting or online by means of the Internet in a computer-assisted virtual classroom, that:

1. Is predicated on defensive driving techniques;
2. Has been approved by the Chief Administrator of the Motor Vehicle Commission following proper and complete application;
3. Has been determined to meet or exceed the standards of the National Safety Council's defensive driving course; and
4. Has been determined to be effective in terms of either reducing moving violation convictions or accident involvement or both.

This definition shall not be taken to include driver training courses offered by driving schools pursuant to N.J.S.A. 39:12-1 et seq., public, parochial or private school driving education courses, a Motor Vehicle Commission Driver Improvement Program required pursuant to N.J.S.A. 39:5-30.2 et seq., or a Motor Vehicle Commission Probationary Driver Program required pursuant to N.J.A.C. 13:19-10.3(d).

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Security mechanisms" mean a combination of devices and procedures that the Chief Administrator is satisfied ensures on a continuing basis, the identity of a student taking an approved defensive driving course and proficiency examination by means of an online, computer-assisted, virtual classroom for the duration of the course and examination.

"Sponsoring agency" means an organization that offers an approved motor vehicle defensive driving course approved by the Chief Administrator of the Motor Vehicle Commission pursuant to N.J.S.A. 17:33B-45 and this subchapter.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

At the end of the introductory paragraph, substituted a period for a semicolon; substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; added definitions "Chief Administrator" and "Commission"; deleted definitions "Director" and "Division"; and in definition "Sponsoring agency", substituted "that" for "which" following "organization".

Amended by R.2007 d.354, effective November 19, 2007.

See: 39 N.J.R. 160(a), 39 N.J.R. 4943(a).

Rewrote definition "Approved motor vehicle defensive driving course"; added definition "Security mechanisms"; and in definition "Sponsoring agency", substituted "offers an approved" for "has a".

13:21-24.2 Point reduction; computation; course completion

(a) Motor vehicle violation points recorded against a licensee shall be reduced by two points when the licensee satisfactorily completes an approved motor vehicle defensive driving course, except that:

1. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course more than once in any five year period;
2. No point totals shall be reduced below zero; and
3. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course in which the licensee was the course instructor.

(b) Computation of the time periods used in granting point reduction credits, in all cases, will be based upon the respective dates of commission of the offenses for which the

licensee was convicted and assessed points and completion date of the motor vehicle defensive driving course.

(c) Upon receipt by the Chief Administrator of a certified student course completion record from a sponsoring agency, the licensee's record will be reviewed by the Commission and a reduction of motor vehicle violation points shall be awarded in accordance with this section. A sponsoring agency shall submit student course completion documentation and all other required information to the Chief Administrator in the manner prescribed by the Chief Administrator.

(d) Point reduction credits granted in accordance with this section shall not invalidate proposed suspension action by the Commission against a licensee's driving privileges due to excessive point accumulation by the licensee.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (c), substituted "Chief Administrator" for "Director" and "Commission" for "Division of Motor Vehicles"; in (b), substituted "Commission" for "Division".

Amended by R.2007 d.354, effective November 19, 2007.

See: 39 N.J.R. 160(a), 39 N.J.R. 4943(a).

In the introductory paragraph of (a), substituted "the licensee" for "he or she attends and".

13:21-24.3 Sponsoring agency qualifications

(a) In order to qualify as an approved sponsoring agency pursuant to this subchapter, an entity shall:

1. Request approval from the Chief Administrator, on official letterhead signed by the chief executive officer or designee of the entity;
2. Demonstrate that its motor vehicle defensive driving course meets or exceeds the standards of the National Safety Council's defensive driving course;
3. Demonstrate its course's effectiveness in terms of either reduced moving violation convictions or accident involvement or both by licensees who have satisfactorily completed its motor vehicle defensive driving course;
4. Provide the Chief Administrator with the name and title of the official of the sponsoring agency designated as the liaison between the sponsoring agency and the Commission;
5. For defensive driving courses provided in a traditional classroom setting, demonstrate by written operating procedures and/or on-site visitation by the Chief Administrator or designee, that its instructors are qualified to conduct its motor vehicle defensive driving course; and
6. For online, computer-assisted, courses, provide sufficient demonstration through written operating procedures and by providing a gratis test of a representative course in its entirety for review by the Chief Administrator or designee and shall further:

i. Provide a description of the technology to be used to present the course, technical specifications, an online course description document, and a verbatim transcript of the online course including all module completion quizzes, proficiency examinations and answer keys to be presented;

ii. Provide a description of the security mechanisms the sponsoring agency will employ, at random intervals, in administering the course, the module completion quizzes, and the proficiency examinations and shall include:

(1) At a minimum, sufficient technology to ensure and verify the identity of the individual taking the course throughout the duration of the course and the proficiency examination, which may include the use of computer mounted cameras or available biometric technology;

(2) Security mechanisms employing the use of, at least, personal validation questions, course environment questions, and third party verification of personnel information questions and which may include the use of e-mail or telephonic verification processes; and

(3) If, due to advances in technology, additional security mechanisms become available, the Commission, upon notice and review, may approve changes to the course delivery. Changes to course technology and/or security mechanisms, must be at least as secure as those originally approved by the Commission;

iii. Provide appropriate technology to capture student responses and additional information including:

(1) Electronic time logs for each informational module to ensure temporal duration requirements are met; and

(2) Student responses to all questions including answers to proficiency examinations, module completion quizzes, personal validation questions, course environment questions, and third party verification of personal information questions; and

iv. Require as a condition of satisfactory course completion the licensee's passage, with a minimum passing grade of 80 percent, of a course content proficiency examination administered using approved security mechanisms. The course provider may permit the licensee, if they do not meet the minimum passing grade, to retake the proficiency examination up to two times after sufficient course review.

(b) All data required by the Commission must be readily available upon request and securely and reliably provided. All information must be inaccessible by unauthorized third parties.

(c) The Chief Administrator shall not approve an entity seeking to offer an online, computer-assisted, motor vehicle defensive driving course as a sponsoring agency to conduct

such a course, unless the entity can demonstrate to the satisfaction of the Chief Administrator that the security mechanisms, required by this section to be employed in administering such a course, adequately ensure that the identity of the student taking the course can be verified on a continual basis for the duration of the course, and that the security mechanisms eliminate to the extent practicable the potential for abuse or fraud.

(d) The Chief Administrator shall, in accordance with N.J.A.C. 13:21-24.9, suspend or revoke a sponsoring agency's status as an approved agency if, after such approval is initially granted, the Commission learns that the entity's security mechanisms are inadequate.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator" for "Director" throughout; in (a)4, substituted "Commission" for "Division of Motor Vehicles".

Amended by R.2007 d.354, effective November 19, 2007.

See: 39 N.J.R. 160(a), 39 N.J.R. 4943(a).

In (a)1, inserted a comma following "Administrator"; in (a)4, deleted "and" from the end; in (a)5, substituted "For defensive driving courses provided in a traditional classroom setting, demonstrate" for "Demonstrate" and substituted "; and" for a period at the end; and added (a)6 and (b) through (d).

13:21-24.4 Instructor qualification; training

(a) No person shall be permitted by a sponsoring agency to act as a motor vehicle defensive driving course instructor for a course provided in a traditional classroom setting if such person has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1, or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

(b) For online, computer assisted, courses, instructors providing curriculum support on the 24-hour hotline will be certified as instructors in the State of New Jersey and shall have met all the requirements of this section. No person shall be permitted by a sponsoring agency providing an online course to act as instructor for curriculum assistance on an information hotline if such person has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1, or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

(c) The sponsoring agency shall submit the following information to the Commission:

1. Instructor preparation course outline;
2. Instructor certification and re-certification procedures which insure course competency and continuity;
3. Instructor manuals; and

4. Instructor course curriculum and lesson plans.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Commission" for "Division".

Amended by R.2007 d.354, effective November 19, 2007.

See: 39 N.J.R. 160(a), 39 N.J.R. 4943(a).

In (a), inserted "for a course provided in a traditional classroom setting"; added new (b); and recodified former (b) as (c).

13:21-24.5 Course curriculum; length; content; scope; class size

(a) For an approved defensive driving course provided in a traditional classroom setting:

1. The sponsoring agency's motor vehicle defensive driving course shall provide at least six hours of instruction of which a minimum of four hours shall be classroom instruction.

2. Not more than three hours of the six hours of instruction shall be conducted by use of audiovisual aids, including, but not limited to:

- i. Films and/or videotapes;
- ii. Filmstrips;
- iii. Slides; and
- iv. Digital video discs.

3. Not more than 30 students shall be scheduled in any given class; provided, however, that up to five additional students may attend a class if they have failed to attend a previously scheduled class.

4. The use of visual aids such as magnetic boards, flip charts, and blackboards shall be incorporated into the curriculum.

5. The lesson plans for traditional classroom settings shall utilize educational techniques designed to encourage interaction between students and instructor as a method of instruction.

(b) The curriculum content of any approved defensive driving course shall be predicated on defensive driving techniques, including, but not limited to:

1. Alcohol and drug usage as an accident factor;
2. The risk factors involved in improper driver attitude and behavior such as speeding, tailgating, reckless driving, inattentiveness, careless driving, and improper lane use;
3. Adjustment of driving patterns to compensate for adverse weather conditions;
4. Following distances;
5. Communication with other road users; and
6. Current motor vehicle and traffic laws of New Jersey.

(c) For an approved defensive driving course provided online, by means of a computer-assisted virtual classroom, the sponsoring agency shall provide:

1. No less than six hours of instruction and curriculum information;
2. No advertising during the six hours of instruction;
3. The use of visual aids such as movies, audio instruction, computer graphics and interactive participatory programs, to aid in instruction and student comprehension;
4. Informational module quizzes at the close of each section of information which must be successfully completed by the student before progression to the next informational module;
5. A proficiency examination presented upon completion of all informational modules which incorporates questions from each informational module;
6. An explanation of all correct and incorrect answers to questions for the proficiency examination and module completion quizzes;
7. Supplemental material including books, manuals and worksheets for student study and review;
8. Technology assistance for online or computer related problems;
9. Twenty-four-hour "live" telephone hotline for support and assistance for students provided by a New Jersey certified instructor.

Amended by R.2007 d.354, effective November 19, 2007.
See: 39 N.J.R. 160(a), 39 N.J.R. 4943(a).
Rewrote the section.

13:21-24.6 Classroom facilities

- (a) Classrooms shall be large enough to accommodate a minimum of 15 students with a minimum of 15 square feet of space per student.
- (b) Classrooms shall be clean, adequately lighted, heated and ventilated and free from any visible and/or audible distractions.
- (c) Restroom facilities shall be available to accommodate both sexes.
- (d) Adequate parking shall be available in close proximity to the classroom.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Deleted former (d), and recodified (e) as (d).

13:21-24.7 Student records

(a) The sponsoring agency shall have written operating procedures approved by the Chief Administrator regarding the preparation and maintenance of student records.

(b) Student records shall include:

1. The complete student name as it appears on the student's New Jersey driver license, and complete street address;
2. The full date of birth and eye color;
3. The complete New Jersey driver license number;
4. The student application and course registration forms;
5. Course attendance dates and course attendance locations; and
6. The date of student course completion.

(c) Student records shall be retained at the principal business location of the sponsoring agency for a period of five years from the date of a student's completion of the motor vehicle defensive driving course.

(d) Upon request by the Chief Administrator or his or her designee, the sponsoring agency shall make available for inspection by the Chief Administrator or his or her designee the student records required to be prepared and maintained in accordance with this section.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a) and (d), substituted "Chief Administrator" for "Director".

13:21-24.8 Certification of course completion

(a) Upon course completion, the sponsoring agency shall provide the Commission a list of the students who have satisfactorily completed the approved motor vehicle defensive driving course.

(b) The student list shall be certified by the chief executive officer of the sponsoring agency or his or her authorized agent.

(c) The student information shall be submitted in the form and manner prescribed by the Chief Administrator.

(d) The course completion certification list shall be submitted to the Commission within 10 days of the completion of each course.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Commission" for "Division of Motor Vehicles"; in (c), substituted "shall" for "must" and "Chief Administrator" for "Director"; in (d), substituted "Commission" for "Division".

13:21-24.9 Suspension or revocation of sponsoring agency's approved status

(a) The Chief Administrator may, in his or her discretion, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1, suspend or revoke a sponsoring agency's status as an approved sponsoring agency if the entity:

1. Fails to comply with any of the provisions of this subchapter;
2. Fails to maintain qualification as an approved motor vehicle defensive driving course in accordance with the provisions of this subchapter;
3. Misstates a material fact to the Commission in its application for program approval;
4. Falsely authenticates a student course completion certification or an instructor certification or re-certification; or

5. For other good cause.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Chief Administrator" for "Director"; in (a)3, substituted "Commission" for "Division of Motor Vehicles".

13:21-24.10 Voluntary nature of course; fees

- (a) Entry into an approved motor vehicle defensive driving course is voluntary.
- (b) An attendance fee may be charged for a motor vehicle defensive driving course.