

CHAPTER 21

LICENSING SERVICE

Authority

N.J.S.A. 2A:17-56.51, 2A:17-56.59, 2A:17-56.60, 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., 39:4-56.5, 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-6, 39:10-9, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:10A-15, 39:13-7, and 56:10-25; and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.2014 d.007, effective December 4, 2013.
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Chapter Expiration Date

Chapter 21, Licensing Service, expires on December 4, 2020.

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Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

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 21, Licensing Service, was readopted as R.2014 d.007, effective December 4, 2013. See: Source and Effective Date. See, also, section annotations.

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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

Commercial Driver License Act” (P.L. 1990, c. 103) and the rules adopted thereunder, and the “New Jersey Automobile Insurance Reform Act of 1982” (N.J.S.A. 17:29A-33 et seq.) and the rules adopted thereunder, utilize Social Security numbers for the purpose of establishing the identification of individuals affected by such laws.

(b) The Motor Vehicle Commission or its designee shall utilize Social Security numbers for the purpose of establishing the identification of individuals who are indebted to the Commission for unpaid motor vehicle fees, or who are indebted to the State for unpaid Merit Rating Plan insurance surcharges assessed pursuant to the “New Jersey Automobile Insurance Reform Act of 1982” (N.J.S.A. 17:29A-33 et seq.) and the rules adopted thereunder, and for the purpose of satisfying such indebtedness in accordance with N.J.S.A. 54A:9-8.1 et seq. or the civil judgment provisions of N.J.S.A. 17:29A-35.

(c) The Motor Vehicle Commission shall utilize Social Security numbers as an identifier in the administration and enforcement of the “Driver License Compact” (N.J.S.A. 39:5D-1 et seq.) and the licensing provisions of Title 39 of the Revised Statutes for the purpose of determining through the National Driver Register whether a driver license applicant has had his or her driver license suspended in any other state.

(d) The Social Security number shall be provided to and used in communications with the Commercial Driver License Information System, the National Driver Register and the driver licensing authorities of other states and jurisdictions, including the District of Columbia, Canadian provinces and the Republic of Mexico. It shall be used in reporting motor vehicle and other violations, driver license suspensions, revocations, disqualifications or out-of-service orders. The Social Security number may be displayed on the commercial driver license and examination permits and shall be used in carrying out the purposes and provisions of the Federal Commercial Motor Vehicle Safety Act of 1986 and the rules adopted thereunder and the “New Jersey Commercial Driver License Act” (P.L. 1990, c. 103) and the rules adopted thereunder.

(e) The Social Security number shall be provided to and used in communications with the New Jersey Department of Human Services for child support enforcement purposes.

(f) Neither the Motor Vehicle Commission nor its designee shall utilize Social Security numbers for any purpose other than those specified in this section.

(g) The Motor Vehicle Commission shall inform an individual required to disclose a Social Security number that disclosure is mandatory under N.J.A.C. 13:21-1.3 and shall inform the individual of the uses that will be made of that number under this section.

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 requirements to applicants for 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.1998 d.422, effective August 17, 1998.

See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (a), inserted “, and the ‘New Jersey Automobile Insurance Reform Act of 1982’ (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, “ preceding “utilize social security”; rewrote (b); and in (e), inserted “Neither the” and “nor its designee”, and deleted “not” following “shall”.

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 of Motor Vehicles” throughout; and in (b), substituted “Commission” for “Division”. 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 “Restricted use of social security numbers”. Substituted “Social Security” for “social security” and “rules” for “regulations” throughout; added new (e); recodified former (e) and (f) as (f) and (g).

13:21-1.5 Public record exception; disclosure prohibited

(a) Social Security numbers recorded on applications for driver licenses (including commercial driver licenses), motor vehicle registrations and other documents set forth in N.J.A.C. 13:21-1.3, are not public records and are not accessible for public examination pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(b) Social Security numbers shall not be disclosed by the Motor Vehicle Commission or its designee in any manner or any circumstance other than those specified in N.J.A.C. 13:21-1.4. Social Security numbers shall not be disclosed on driver licenses, driver license abstracts or motor vehicle registration abstracts prepared by the Commission, except as provided in N.J.A.C. 13:21-1.4(d).

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 requirements to applicants for 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.1998 d.422, effective August 17, 1998.

See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (b), inserted “or its designee” following “Motor Vehicles” in the first sentence.

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 “Open Public Records Act,” for “ ‘Right to Know Law’ ” and deleted parenthesis around and period following “N.J.S.A. 47:1A-1 et seq.”; in (b), substituted “Motor Vehicle Commission” for “Division of Motor Vehicles” and “Commission” for “Division”.

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

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

Substituted “Security” for “security” throughout; and in (a), deleted a comma following “registrations”.

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

13:21-2.1 Basis for interpretation

Pursuant to the authority granted to administrative agencies to interpret statutory language, the phrase “while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles” in N.J.S.A. 39:3-13 is interpreted by the Motor Vehicle Commission as provided in N.J.A.C. 13:21-2.2 and 13:21-2.3.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Substantially amended.

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.

13:21-2.2 “Accompanied” in motor vehicles defined

A person learning to drive a motor vehicle in preparation for the driving (road) test shall be accompanied by a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive such designated class of motor vehicles for not less than three years. The term “accompanied” shall mean that the licensed driver shall sit in the front seat of the vehicle next to the person learning to drive and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed motor vehicle driver” and substituted “driver licensed by ... of motor vehicles.”

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.

13:21-2.3 “Accompanied” in motorcycles defined

A person learning to drive a motorcycle in preparation for the driving (road) test shall be accompanied by a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive motorcycles for not less than three years and who is qualified to handle the type of motorcycle being used by the person learning to drive. The term “accompanied” shall mean that the licensed driver shall assume a position where he or she can visually supervise the person learning to drive and render immediate assistance to that person if the need should arise.

R.1980 d.495, effective November 6, 1980.

See: 11 N.J.R. 87(c), 12 N.J.R. 727(b).

“Accompanied” redefined to include the language “assume a position where he can visually supervise and” to delete language immediately preceding.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed Motor Vehicle driver” and substituted “driver licensed by ... operate motorcycles and”.

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.

13:21-2.4 (Reserved)

R.1972 d.253, effective December 12, 1972.

See: 4 N.J.R. 275(a), 5 N.J.R. 18(b).

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 “Nonconventional type motor vehicles”.

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. TITLES

13:21-4.1 Certificate of origin; year model designation

(a) For purposes of N.J.S.A. 39:10-8, a certificate of origin for a new motor vehicle delivered in New Jersey shall be a document which conforms with the design and specifications of the model form for “Manufacturers’ Certificate of Origin” developed by the American Association of Motor Vehicle Administrators.

(b) When a manufacturer or importer, or any person or organization delivers a new motor vehicle into this State, he shall designate on the manufacturer’s certificate of origin, or the importer’s certificate of origin the year model of the vehicle, in addition to the vehicle’s description and identification required by N.J.S.A. 39:10-8.

(c) Neither the manufacturer, importer, dealer, or any other person or organization may alter, remove, or in any manner change such year model designation; nor shall a manufacturer, importer, dealer, person or organization recall a manufacturer’s certificate of origin or importer’s certificate of origin for the purpose of reissuing such document or replacing such document and designating a year model other than the year model that is designated in the original certificate of origin.

As amended, R.1980 d.112, effective March 18, 1980.

See: 11 N.J.R. 628(a), 12 N.J.R. 209(c).

13:21-4.2 Certificate of ownership fees

(a) The fee collected by the Commission for issuing a certificate of ownership in the case of a sale not subject to a security interest pursuant to N.J.S.A. 39:10-11A shall be \$60.00.

(b) The fee collected by the Commission for issuing a certificate of ownership and a copy thereof in the case of a sale subject to a security interest pursuant to N.J.S.A. 39:10-11B shall be \$60.00.

(c) The fee collected by the Commission for a certificate of ownership, upon the filing with the Commission of a certificate of ownership together with a financing statement, pursuant to N.J.S.A. 39:10-11C shall be \$60.00.