

CHAPTER 21

LICENSING SERVICE

Authority

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

Source and Effective Date

R.2001 d.19, effective December 12, 2000.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Licensing Service, expires on December 12, 2005.

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Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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: Source and Effective Date. See, also, section annotations.

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

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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 Division, or for any reason being recorded on the records of the Division, shall do so in his legal name.

##### 13:21-1.2 Proof of legal name

Any person using a name for the purposes outlined in Section 1.1 (Use of legal name on all documents) of this Chapter shall furnish proof that the name given is the legal name, when this proof is requested by any agent, officer or employee of the 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(s) upon the application form furnished by the Director.

(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(s) 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).

##### 13:21-1.4 Restricted use of social security numbers

(a) The Division of Motor Vehicles or its designee shall, in the administration of the driver license and motor vehicle registration laws of this State, including the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) and the regulations adopted thereunder, and the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, utilize social security numbers for the purpose of establishing the identification of individuals affected by such laws.

(b) The Division of Motor Vehicles or its designee shall utilize social security numbers for the purpose of establishing the identification of individuals who are indebted to the Division 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 regulations 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 Division of Motor Vehicles 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.

(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 Division.

New Rule, R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

## 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.

"Examination permit" means a permit issued by the Director of the Division of Motor Vehicles to a person over 17 years of age, in accordance with the provisions of 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).

### 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 Division unless the applicant therefor submits proof of identity and date of birth 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(b).

New Rule, R. 1994 d.486, effective September 19, 1994.  
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

### 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.

## SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

### 13:21-7.1 Definitions

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

“Special learner’s permit” means a permit issued to a person over 16 years of age, in accordance with the provisions of N.J.S.A. 39:3-13.1, allowing such person, for the purpose of fitting himself or herself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a licensed driving school, and which, in accordance with the provisions of N.J.S.A. 39:3-13.2a may, upon successful completion of a behind-the-wheel driving course, be retained by the holder to operate a motor vehicle of the class for which a basic driver’s license is required except during the hours between 12:01 A.M. and 5:00 A.M. while in the company and under the control of a licensed motor vehicle driver of this State who has at least three years experience as a licensed motor vehicle driver.

“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.

As amended, R.1984 d.11, effective February 6, 1984.  
See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

“Student” changed to “Special” permit. Also added course of behind-the-wheel instruction conducted by licensed driving school.  
Amended by R. 1994 d.486, effective September 19, 1994.  
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

### 13:21-7.2 Requirements for issuance of special learner’s permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no special learner’s permit shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth 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(b).

New Rule, R. 1994 d.486, effective September 19, 1994.  
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

### 13:21-7.3 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the special learner’s permit prior to 17th birthday of the applicant; provided that:

1. The student will be at least 17 years of age on the date of the appointment;
2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf, Interpreter Referral Service must accompany the student for the oral test.
3. The special learner’s permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles;
4. The special learner’s permit, when presented for the driving test, bears the signatures of the school principal or driving school owner, school nurse and student. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.
5. The student will have completed an approved “behind-the-wheel” training course on the date of the appointment.

R.1970 d.9, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).  
As amended, R.1981 d.66, effective February 26, 1984.  
See: 12 N.J.R. 490(a), 13 N.J.R. 237(d).

(a)2-4 substantially amended.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a)2, added requirements for student having hearing impairment.

In (a)4, added last sentence.

Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

(a)5 added.

Recodified from 13:21-7.2 and amended by R.1994 d.486, effective September 19, 1994.

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

#### 13:21-7.4 Method of securing appointment

A student may present his or her special learner's permit at any Driver Testing Center for the purpose of securing an appointment for the driving test; provided, however, that the applicant has completed six hours of "behind-the-wheel" automobile driver training.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

Deleted old and added new requirement that applicant must complete six behind-the-wheel hours of training. Also deleted old (b).

Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Substituted "Testing" for "Qualification"; "or has reached the age of 16½" has been deleted.

Recodified from 13:21-7.3 and amended by R.1994 d.486, effective September 19, 1994.

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

#### 13:21-7.5 Validation of special learner's permits

(a) A special learner's permit is valid for practice driving a motor vehicle of the class for which a basic driver's license is required while the holder of the special learner's permit is in the company and under the control of a licensed driver of this State who has had at least three years experience as a licensed motor vehicle driver when:

1. A student has completed "behind-the-wheel" driver training and has successfully completed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approved certificate indicating that he has passed.

2. The Snellen eye reading has been recorded on the special learner's permit by the school nurse. The eye reading may be recorded by a representative of the Division of Motor Vehicles if the eye reading has not been recorded by the school nurse.

3. The signature of the school principal or driving school owner, school nurse and student must be on the special learner's permit. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.

(b) If a student has not completed six hours of "behind-the-wheel" driving training, he or she must purchase an examination permit before the driving test appointment.

(c) A special learner's permit is not valid during the hours between 12:01 A.M. and 5:00 A.M.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a), added motor vehicle may be used for practice driving between sunrise and sunset while accompanied by a driver licensed for three years. In (a)2, added DMV representative may record eye reading if school nurse has not. In (a)3, added last sentence. Also added new 4. Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Deleted text in (a)1 "or is at least 16½ years old".

Recodified from 13:21-7.4 and amended by R.1994 d.486, effective September 19, 1994.

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

## SUBCHAPTER 8. DRIVER LICENSES

### 13:21-8.1 Definitions

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

"Applicant" means every person who has made application for a driver license as provided in N.J.S.A. 39:3-10 or who has complied with the provisions of N.J.S.A. 39:3-11.1, 39:3-13, or 39:3-13.1 et seq.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation.

"Division" means the Division of Motor Vehicles in the Department of Transportation.

"Driving test" means that portion of the driver license examination wherein the applicant for a New Jersey basic driver's license or motorcycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he or she has applied for would be valid.

"Examinations" means a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles administered by the Division of Motor Vehicles.

"Permit" means a special learner's permit, examination permit or any written instrument issued under the provisions of N.J.S.A. 39:3-13 or 39:3-13.1 et seq.

"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.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).

Amended definition of "driving test" and "examinations".

As amended, R.1984 d.411, effective September 17, 1984.

See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Changed text is definition "Examinations".  
 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 "Applicant", substituted "complied" for "compiled" preceding "with the provisions"; added "Director" and "Division".

**13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law**

(a) All applicants must have reached the age of 17 years, except applicants making application under the provisions of N.J.S.A. 39:3-11.1 or 39:3-13.1.

(b) As a condition for obtaining a license, all applicants shall be required to furnish to the Division proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified copy of any of the following documents:

1. A United States birth certificate showing the name and date of birth of the applicant and bearing the registrar's signature and seal of office;
2. A United States government identification card issued to persons serving in the United States military;
3. United States military discharge papers;
4. A current alien registration card issued by the United States Department of Immigration and Naturalization;
5. A passport issued by the United States or passport issued by a foreign country accompanied by a current form I-94 or equivalent document;
6. United States citizenship papers;
7. A Certificate of Naturalization issued by the United States Department of Immigration and Naturalization;
8. A current employment authorization card issued by the United States Department of Immigration and Naturalization when accompanied by a Social Security card;
9. United States adoption papers; or
10. Any other documents issued by the United States which establish the applicant's proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law.

(c) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Division pursuant to this section unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.

(d) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver's license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Director may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(e) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (d) 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 Director 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.

(f) The Division 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 (d) 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 Division 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).

**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).

(d) When there is no vision in one eye, the good eye must meet the minimum standard of 20/50 with or without corrective lenses.

(e) In the event any special device or equipment is used or needed to meet the minimum requirements of this section, the matter may be referred to the Director or his or her designee for final determination.

As amended, R.1983 d.609, effective January 3, 1984.  
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).  
Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

### 13:21-8.11 Color perception check standards

(a) The color perception check will measure the applicant's ability to distinguish red, amber, and green as used on official traffic control devices.

(b) An applicant may not be denied a driver's license solely upon the basis of a color deficiency.

R.1970 d.5, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

### 13:21-8.12 Necessity of driving test

Every applicant for a New Jersey driver's license must satisfactorily complete a practical demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he desires a license to drive.

R.1970 d.6, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

### 13:21-8.13 Driving test maneuvers

(a) The driving test may include but is not limited to the following maneuvers:

1. Starting;
2. Stopping;
3. Steering;
4. Turning;
5. Backing;
6. Turning around;
7. Parallel parking;
8. Signaling.

R.1970 d.4, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

### 13:21-8.14 Vehicle used in driving demonstration

(a) The vehicle used for the driving demonstration shall be provided by the applicant, who must have a current validated permit in his or her possession.

(b) The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment. A vehicle registered in a state other than New Jersey may be used for the driving test if it is properly registered in the home state of the registered owner and is properly equipped in accordance with the laws of this State.

(c) The vehicle must be equipped with a fixed seat (with back) so situated that the licensing examiner may be able to operate the controls in case of an emergency.

(d) The driving test cannot be administered in a vehicle in which there is a center console type construction, or other obstruction which will prevent the licensing examiner from having access to the foot brake, unless the parking brake is mounted to the right of the driver in a position accessible to the examiner.

(e) The vehicle may be required to be equipped with snow tires or tire chains when, in the opinion of the Unit Supervisor-in-charge, such equipment is necessary to insure maximum safety.

(f) In the case of a motorcycle or "commercial motor vehicle" as that term is defined in N.J.S.A. 39:3-10.11 and N.J.A.C. 13:21-23.1, the provisions of (a), (b) and (c) above may not be applicable.

As amended, R.1983 d.609, effective January 3, 1984.  
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).  
In (f), added "articulated vehicle or bus test".  
Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

### 13:21-8.15 Accompanying driver

(a) The applicant must be accompanied to the testing area by a New Jersey licensed driver who will be required to exhibit his credentials, and whose license does not restrict him from operating the vehicle used on the test.

(b) This Section does not prohibit a person holding a valid out-of-State license from driving the vehicle to the road test starting point; provided, however, such license does not restrict him from operating the vehicle used on the test.

(c) No unauthorized person may accompany the applicant and the licensing examiner in the vehicle during the test.

As amended, R.1983 d.609, effective January 3, 1984.  
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

### 13:21-8.16 Failure of driving test

(a) An applicant who fails the driving test shall not be retested until a period of at least two weeks has elapsed.

(b) An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any material improvement in his or her performance, will be

referred to the Unit Supervisor-in-charge of the Driver Testing Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months. The applicant shall retain the examination permit for the purpose of practice driving.

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

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

In (b), added last sentence.

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 (a), substituted "shall" for "may" preceding "not be retested".

### 13:21-8.17 Waiver of driving test

(a) The driving test may be waived by the Unit Supervisor-in-charge of the Driver Testing Center if the applicant:

1. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Director;
2. Holds a license issued by the United States Armed Forces for the type or general class of vehicles he desires to drive;

3. Has returned from foreign service and holds a license issued by the United States Military Government. Application in such cases must be made within 60 days of reentry to this county;

4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary;

5. Produces evidence of having held a valid New Jersey driver's license for the type of general class of vehicle he desires to drive within three years of the date of application for a New Jersey driver license.

R.1970 d.4, eff. January 9, 1970.

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

As amended, R.1981 d.65, effective February 26, 1981.

See: 12 N.J.R. 666(f), 13 N.J.R. 237(c), (a)5 added.

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

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

In (a), added "Unit Supervisor-in-charge of the Driver Qualification Center".

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

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

### 13:21-8.18 through 13:21-8.20 (Reserved)

### 13:21-8.21 Eyes and weight numerical code chart

The following numerical codes will designate the indicated color of eyes and the licensee's weight: