

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Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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.

1. A stolen motor vehicle that is subsequently recovered and which has not sustained damage to such an extent that it has been rendered economically impractical to repair, provided that the recovered stolen motor vehicle does not have a missing, altered or damaged vehicle identification number or plate.

2. A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate after determination at a State inspection that such recovered motor vehicle is not a stolen motor vehicle, provided such vehicle has not sustained damage to such an extent that it has been rendered economically impractical to repair.

(b) No certificate of ownership without a salvage designation shall be issued unless the following documents are presented to the Division:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. For vehicles described in (a)2 above, a vehicle identification number verification form or inspection report.

(c) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership without a salvage designation.

13:21-22.15 Issuance of certificates of ownership with a salvage designation

(a) A certificate of ownership with a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership with a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following salvage motor vehicles:

1. A motor vehicle that was previously determined to be economically impractical to repair and that is subsequently reconstructed, rebuilt or repaired.
2. A stolen motor vehicle that is recovered in damaged condition (for example, stripped for major component parts) and that is subsequently reconstructed, rebuilt or repaired where the cost to repair the damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was stolen.

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

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 Division to a motor vehicle which is reconstructed, rebuilt or repaired from more than one salvage motor vehicle.

(d) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership with a salvage designation.

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 Director may suspend or revoke the license of any person who is licensed by the Director 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.

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 Director, 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 Division.

13:21-22.18 Request for a 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 Director 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 Division in accordance with N.J.A.C. 13:21-22.17.

(b) Any written request for a hearing shall be sent to the Director. 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 Division 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 Division's notice or order to show cause which 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.
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

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.

"Basic driver's license" means a license issued by the Division 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.

"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; or

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.

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.

"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.

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

“Disqualification” means either:

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 Highway Administration under the rules of practice for motor carrier safety contained in 49 CFR § 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR § 391; or
3. The loss of qualification which automatically follows conviction of an offense listed in 49 CFR § 383.51.

“Division” means the Division of Motor Vehicles in the Department of Transportation.

“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.

“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, or the registered gross weight, whichever is greater. 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.).

“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.

“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; or
6. 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.

“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.

“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”.

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 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 Division in the form specified in (g) below. An applicant must provide complete and accurate information and all required 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. 13:21-23.18;
6. Surrender his or her noncommercial driver's license to the Division; and
7. Pay to the Division 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 § 391; **provided**, a person who operates or expects to operate entirely in intrastate commerce and is not subject to 49 CFR 391, may instead certify that he or she is not subject to Part 391; and

2. Certify that the motor vehicle in which he or she takes the driving skills test, where 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 Division within no more than 30 days after establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Division the certifications contained in (b)1 and (b)3 above;
2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18;
3. If the applicant wishes to retain a hazardous materials endorsement, comply with Division requirements as specified in N.J.A.C. 13:21-23.3(b)4; and
4. Surrender the CDL from the old state of domicile to the Division.

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

1. Provide to the Division the certifications contained in (b)1 above;
2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18; and
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.

(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, all applicants shall:

1. Provide to the Division 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 Division.

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

1. Provide to the Division the certifications contained in (b)1 through (b)4 above;
2. Provide to the Division the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.18;
3. Pay to the Division the examination permit fee established by N.J.S.A. 39:3-10.30; and
4. 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, the street address of the residence 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;
6. Such proof of physical condition, experience, training, prior driving experience and knowledge as the Director may require; and
7. Any other information required by the Director.

(h) 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.

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 Division 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 CDL);

(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 Drivers Register Act of 1982 (23 U.S.C. 401 note); and

4. 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 Division 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. 13:21-23.18;

4. If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the two years preceding the transfer, either:

i. Passed the test for such endorsement specified in N.J.A.C. 13:21-23.14; or

ii. Successfully completed a hazardous materials test or training that is given by a third party and that is deemed by the Director to substantially cover the same knowledge base as that described in N.J.A.C. 13:21-23.14; and

5. Obtain the CDL issued by the applicant's previous State of domicile.

(c) Prior to renewing any CDL the Division 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. 13:21-23.18; and
4. If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test for such endorsement specified in N.J.A.C. 13:21-23.14.

(d) Prior to issuing an upgrade of a CDL, the Division 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); and
2. Complete a check of the driver applicant's record as described in (a)3 above.

(e) After the Division has completed the procedures described in (a), (b), (c), or (d) above, it may issue a CDL to the driver applicant. The Division 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 Division 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. 13:21-23.18 or any of the certifications required in N.J.A.C. 13:21-23.2(b), the Division 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) 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.

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 23.14 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".

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 23.14, 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 Division 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 and school buses);
3. Tank vehicles; or
4. Required to be placarded for hazardous materials.

(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; and
4. Hazardous Materials—a knowledge test.

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 Division 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.

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 Division 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).

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 Director 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.

13:21-23.15 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 one year 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.

13:21-23.16 Third party testing; proof of testing

(a) The Director 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 Division; and

2. The third party has an agreement with the Division containing, at a minimum, provisions that:

i. Allow the Federal Highway Administration, or its representative, and the Division to conduct random examinations, inspections and audits without prior notice;

ii. Require the Division to conduct on-site inspections at least annually;

iii. Require that all third party examiners meet the same qualification and training standards as Division 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, Division employees take the tests actually administered by the third party as if the Division employees were test applicants, or that the Division test a sample of drivers who were examined by the third party to compare pass/fail results; and

v. Reserve unto the Division 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 Division 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 Division 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.

13:21-23.17 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. 13:21-23.18.

13:21-23.18 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. NH for a combination of the tank vehicle and hazardous materials endorsements; and
- vi. At the discretion of the Director, 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;
- vii. R No Passengers (Bus Mechanics); and
- viii. S except School Age Passengers.

(b) If the Division 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 Division 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 Division 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 Division must provide the Social Security Number or identification number assigned by the Division to the CDLIS.

13:21-23.19 Tamperproofing requirements

The Division shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Division

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).

13:21-23.20 Duplicate CDL

The Director, 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 Director 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 Director in accordance with N.J.S.A. 39:3-10.30.

13:21-23.21 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 Director, 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 Director may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Director may require.

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

(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 Director to have his or her CMV driving privilege restored.

(b) The Director 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 Director 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 CMV's. The Director 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 Director.

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).

13:21-23.23 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. 13:21-23.22.

13:21-23.24 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 Director 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 which the Director 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.

13:21-23.25 Application to another jurisdiction for restoration; notice to Director

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 Director, 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 Director.

13:21-23.26 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22

(a) The Director 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. 13:21-23.22 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. 13:21-23.22, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

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

(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 Director.

(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 Director 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 Director and ask that the suspension of the basic driver's license imposed by the Director 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 Director'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).

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.

13:21-23.28 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.

13:21-23.29 Operative date

This subchapter shall take effect March 16, 1992, except that N.J.A.C. 13:21-23.22 through 13:21-23.27 shall become operative on April 1, 1992.

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 instruction predicated on defensive driving techniques that has been approved by the Director of the Division of Motor Vehicles, has been determined to meet or exceed the standards of the National Safety Council’s defensive driving course, and 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 Division of Motor Vehicles Driver Improvement Program required pursuant to N.J.S.A. 39:5-30.2 et seq., or a Division of Motor Vehicles Probationary Driver Program required pursuant to N.J.A.C. 13:19-10.3(d).

“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.

“Sponsoring agency” means an organization which has a motor vehicle defensive driving course approved by the Director of the Division of Motor Vehicles 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).

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 he or she attends and 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 Director of a certified student course completion record from a sponsoring agency, the licensee’s record will be reviewed by the Division of Motor Vehicles 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 Director in the manner prescribed by the Director.

(d) Point reduction credits granted in accordance with this section shall not invalidate proposed suspension action by the Division 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).

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 Director 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 Director with the name and title of the official of the sponsoring agency designated as the liaison between the sponsoring agency and the Division of Motor Vehicles; and
5. Demonstrate by written operating procedures and/or on-site visitation by the Director or his or her designee that its instructors are qualified to conduct its motor vehicle defensive driving course.

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 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) The sponsoring agency shall submit the following information to the Division:

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.

13:21-24.5 Course curriculum; length; content; scope; class size

(a) 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.

(b) Not more than three hours of the six hours of instruction shall be conducted by use of audiovisual aids, including, but not limited to:

1. Films and/or videotapes;
2. Filmstrips; and
3. Slides.

(c) 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.

(d) The use of visual aids such as magnetic boards, flip charts, and blackboards shall be incorporated into the curriculum.

(e) The curriculum content 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. Motor vehicle and traffic laws of New Jersey.

(f) The lesson plans shall utilize educational techniques which are designed to encourage interaction between students and instructor as a method of instruction.

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) If a classroom facility is not accessible to the handicapped the Director shall be notified prior to that facility being used as a classroom.

(e) Adequate parking shall be available in close proximity to the classroom.

13:21-24.7 Student records

(a) The sponsoring agency shall have written operating procedures approved by the Director 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 Director or his or her designee, the sponsoring agency shall make available for inspection by the Director or his or her designee the student records required to be prepared and maintained in accordance with this section.

13:21-24.8 Certification of course completion

(a) Upon course completion, the sponsoring agency shall provide the Division of Motor Vehicles 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 must be submitted in the form and manner prescribed by the Director.

(d) The course completion certification list shall be submitted to the Division within 10 days of the completion of each course.

13:21-24.9 Suspension or revocation of sponsoring agency's approved status

(a) The Director 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 Division of Motor Vehicles 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.

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.