

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

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

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

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

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

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

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

Added (c) through (g).

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

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

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

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

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

#### Case Notes

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

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

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

(b) The fees are as follows:

1. A Driver History Abstract:
  - i. Uncertified, \$10.00.
  - ii. Certified, \$10.00.
2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:
  - i. Uncertified, \$4.00.
  - ii. Certified, \$5.00.
3. Violation Record:

- i. Uncertified, \$4.00.
- ii. Certified, \$5.00.

4. Mail Lists:

- i. Uncertified, \$4.00.
- ii. Certified, \$5.00.

5. Registration or Driver License Application:

- i. Uncertified, \$8.00.
- ii. Certified, \$10.00.

6. Boat Registration Application:

- i. Uncertified, \$8.00.
- ii. Certified, \$10.00.

7. Final Decision of Chief Administrator:

- i. Uncertified, \$4.00.
- ii. Certified, \$5.00.

8. File Search of Motor Vehicle Commission Records:

- i. Uncertified, \$8.00.
- ii. Certified, \$10.00.

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

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

(e) Notwithstanding the fees set forth in this section, the Chief Administrator shall collect from high volume on-line information users a fee of \$10.00 for each driver history record requested on-line; a fee of \$4.00 for each vehicle registration record or each title record requested on-line; and a fee of \$8.00 for each title history requested on-line.

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

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

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

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

1. A fee of \$.03 per transaction record shall be collected in 2005;
2. A fee of \$.04 per transaction record shall be collected in 2006; and
3. A fee of \$.05 per transaction record shall be collected in 2007.

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

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

Amended by R.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

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

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

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

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

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

Added (g).

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

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

Rewrote the section.

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

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

Official Custodian of Records  
New Jersey Motor Vehicle Commission

225 East State Street

PO Box 122

Trenton, NJ 08666-0122

Attn: Manager, Bureau of Information Update and Retrieval

Telephone: (609) 292-4572

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

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

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

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

Changed address.

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

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

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

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

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

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

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

New Rule by R.2005 d.359, effective November 7, 2005.

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

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

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

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

within 30 days of the publication of the proposed rulemaking in the New Jersey Register.

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

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

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

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

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

(b) When the Motor Vehicle Commission causes a rulemaking proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall make available

on its internet website ([www.state.nj.us/mvc](http://www.state.nj.us/mvc)) a notice of the rulemaking proposal.

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

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

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

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