

CHAPTER 21

LICENSING SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-4, 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.1996 d.27, effective December 13, 1995.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Licensing Service, expires on December 13, 2000.

Chapter Historical Note

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

1970 Revisions: Subchapter 7, Special Learner's Permits, was adopted as new rules and Subchapter 8, Driver Licenses, was amended by R.1970 d.9, effective January 9, 1970. See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

1972 Revisions: 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).

1973 Revisions: Amendments to Subchapter 5, Registrations, became effective January 2, 1973 as R.1973 d.2. See: 4 N.J.R. 307(b), 5 N.J.R. 53(d). 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).

1975 Revisions: 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).

1976 Revisions: Subchapter 15 was amended by R.1976 d.4, effective January 8, 1976. See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

1979 Revisions: Subchapter 15 was amended by R.1979 d.371, effective September 20, 1979. See: 11 N.J.R. 350(b), 11 N.J.R. 580(a). Subchapter 8 was amended by R.1979 d.382, effective September 26, 1979. See: 11 N.J.R. 385(b), 11 N.J.R. 580(d).

1980 Revisions: Subchapter 4, Titles, was amended by R.1980 d.112, effective March 18, 1980. See: 11 N.J.R. 628(a), 12 N.J.R. 209(c). Subchapter 14, Bus Drivers, was amended by R.1980 d.114, effective March 18, 1980. See: 11 N.J.R. 450(b), 12 N.J.R. 209(e). 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 8 was amended by R.1980 d.493, effective November 6, 1980. See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

1981 Revisions: 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 8 was amended by R.1981 d.65, effective February 26, 1981. See: 12 N.J.R. 666(f), 13 N.J.R. 237(c).

1982 Revisions: Subchapter 8 was amended by R.1982 d.95, effective April 15, 1982. See: 14 N.J.R. 88(a), 14 N.J.R. 346(d). Subchapter 4 was amended by R.1982 d.370, effective October 18, 1982. See: 14 N.J.R. 632(a), 14 N.J.R. 1163(a).

1983 Revisions: Subchapter 8 was amended by R.1983 d.609, effective January 3, 1984. See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

1984 Revisions: Subchapter 7 was amended by R.1984 d.11, effective February 6, 1984. See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d). Subchapter 8 was amended by R.1984 d.19, effective February 6, 1984. See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a). 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, with amendments effective September 17, 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).

1985 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985, and new rules on the same subject were adopted as 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, and new rules on the same subject were adopted as 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, and new rules on the same subject were adopted as R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

1986 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 7, Special Learner's Permits, expired on February 18, 1986, and new rules on the same subject were adopted as R.1986, d.81, effective April 7, 1986. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

1988 Revisions: 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).

1989 Revisions: 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).

1990 Revisions: 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).

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

1992 Revisions: 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). N.J.A.C. 13:21-23.22 through 13:21-23.27 became operative April 1, 1992.

1994 Revisions: 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).

1996 Revisions: Pursuant to Executive Order No. 66 (1978), Chapter 21 was readopted as R.1996 d.27, effective December 13, 1995, with amendments effective January 16, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

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

Any person securing a driver license, registering a vehicle, titling a vehicle or filing any document with the 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.

13:21-4.5 through 13:21-4.6 (Reserved)

registered or titled in New Jersey, the manufacturer's shipping weight on the Certificate of Origin shall govern.

SUBCHAPTER 5. REGISTRATIONS

13:21-5.1 Weight class

(a) In determining the weight class of all 1958 or later models of passenger automobiles which are being initially

(b) The weight class shall be determined from the manufacturer's shipping weight and the weight class shall be entered on the first and all subsequent certificates of ownership in the spaces now provided for "HPS. A.E."

As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "New Jersey".

13:21-5.2 Certificate of Origin

(a) N.J.S.A. 39:10 requires a Certificate of Origin when any new motor vehicle is delivered in this State by the manufacturer to his agent or dealer, or to a person purchasing direct from the manufacturer.

(b) Where registration or title is sought for a 1958 or later model passenger automobile for which no Certificate of Origin has been issued and which vehicle is not in violation of N.J.S.A. 39:10-8, the owner will be required by the Director or his agent to register the vehicle in accordance with the weight classification described in the published listing of all models issued by this office.

(c) Only in a case where the published listing indicates that there may be a difference in weight in vehicles of the same model, shall the owner be required by the Director or his agent to produce a certification of weight of the vehicle executed by a certified weightmaster.

As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "New Jersey".

13:21-5.3 Published listing of models

(a) In the case of an initial registration or titling, or both, any 1957 or earlier model of passenger vehicle, the published listing of all models issued by this office shall govern and be the basis for the determination of the vehicle's weight class.

(b) This published listing is hereby made a part of this Chapter.

13:21-5.4 Registration fee

(a) Where any motor vehicle, having been previously registered in New Jersey subsequent to March 1, 1956, is re-registered or title is transferred as the result of sale or otherwise, the weight classification on the prior registration or Certificate of Ownership, or if not available the published listing of such vehicles, shall control and be the basis for the registration fee to be paid.

(b) If such weight class has not already been inserted on Certificate of Ownership the agent shall make such insertion and it thereafter shall be made on all subsequent Certificates of Ownership covering said vehicle.

13:21-5.5 Certification of weight class

(a) In any case where there is doubt or dispute regarding the manufacturer's shipping weight of a particular passenger automobile, the application for registration or transfer or title shall be accompanied by a certification of weight executed by a certified weightmaster.

(b) The certification shall then become the basis for the weight class and registration fee for said vehicle and the weight class shall be entered on the Certificate of Ownership from such certification.

(c) The certification shall then be attached to the copy of the Certificate of Ownership which is forwarded by the agent to the Central Office of the Division in Trenton.

13:21-5.6 Registering flood-damaged vehicles

Vehicles that were damaged by flood conditions shall not be registered unless the application for registration is accompanied by the certificate of ownership that has been noted "FLOOD VEHICLE" directly beneath the Certificate of Ownership number.

Authority

N.J.S.A. 39:3-43.

13:21-5.7 Notification of flood damage

A motor vehicle damaged by flood conditions in this or any other state must be so described on the manufacturer's statement of origin, assignment of the certificate of ownership or the application for certificate of ownership with the descriptive phrase "FLOOD VEHICLE" and the resulting Certificate of Ownership and all subsequent Certificates of Ownership shall be so noted.

Authority

N.J.S.A. 39:4-43.

13:21-5.8 Mileage reading on certificate of ownership

(a) Every person, as defined in N.J.S.A. 39:1-1, shall, at the time he transfers ownership of a vehicle, having a mileage recording instrument (odometer), indicate on the certificate of ownership, manufacturer's statement of origin or other prescribed form, the date of transfer and the mileage reading at the time of transfer as indicated by the mileage recording instrument (odometer) and shall certify the truth thereof.

(b) Subsection (a) shall be applicable only where the prescribed form used provides a space for the recordation and certification of the required information.

R.1973 d.1, eff. January 2, 1973.
See: 4 N.J.R. 307(c), 5 N.J.R. 53(c).

13:21-5.9 Transferring of ownership on certain motor vehicles

(a) Every person, as defined in N.J.S.A. 39:1-1, shall, at the time he transfers ownership of a vehicle, having a mileage recording instrument (odometer), disclose in writing, to a buyer, as defined in N.J.S.A. 39:10-2, the cumulative mileage appearing on the mileage recording instrument (odometer).

(b) Every buyer, as defined in N.J.S.A. 329:10-2, to whom title is transferred in his capacity as a licensed New Jersey automobile dealer, shall obtain the written disclosure required by subsection (a) above and shall maintain a copy thereof for a period of five years or a lesser period if so determined by the Director of the Division of Motor Vehicles.

(c) Subsections (a) and (b) shall not be applicable to transfers of ownership in which the prescribed forms used require the recordation and certification of this information.

R.1973 d.2, effective January 2, 1973.
See: 4 N.J.R. 307(b), 5 N.J.R. 53(d).

13:21-5.10 Surrender of registration plates

(a) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 transfers ownership of the motor vehicle and does not register another motor vehicle for the unexpired portion of the registration period as provided in N.J.S.A. 39:3-30, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the transfer of ownership.

(b) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 cancels or terminates liability insurance coverage on the motor vehicle without immediately contracting for replacement liability insurance coverage thereon, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the cancellation or termination of the liability insurance coverage. This subsection shall not apply where an owner of a motor vehicle cancels or terminates liability insurance coverage by reason of this transfer or sale of a motor vehicle.

R.1979 d.315, effective August 15, 1979.
See: 11 N.J.R. 350(a), 11 N.J.R. 466(b).
As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "intend to"; "he shall . . . N.J.S.A. 39:3-30".

13:21-5.11 Registration refusal

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

New Rule R.1986 d.38, effective February 3, 1986.
See: 17 N.J.R. 2737(a), 18 N.J.R. 421(a).

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.

(e) All title papers of a dealer shall be executed in the name of the dealer.

(f) All applicants shall disclose whether they intend to trade or do business under a name other than the name in which the application is filed. Subsequent to licensing, a dealer shall be required to report to the Division of Motor Vehicles any additional business name or changes in existing names under which the dealer intends to do business.

(g) Photographs and/or plans which clearly depict the complete premises from which a dealer intends to do business shall be submitted with the initial application for a dealer license.

13:21-15.2 Proper person

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

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts;
2. Be of sufficient good character, in the Director's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Director in making this determination, he may consider an applicant's financial responsibility as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license;
3. Not have been convicted of a crime arising out of fraud or misrepresentation in the sale or financing of a motor vehicle;
4. Submit, within ten days after preliminary approval of his application, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance shall be in an amount sufficient in the judgment of the Director of the Division of Motor Vehicles to protect the public from injury or loss due to the operation of said vehicles.

Case Notes

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

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

13:21-15.3 Established place of business

(a) All applicants for a dealer license shall submit satisfactory evidence that the applicant has established and maintained a permanent, properly identified location where-in there are facilities to display automobiles and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business, including all documents required by N.J.S.A. 39:10-6.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has

letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

(c) A proposed place of business will not be considered suitable for approval if there are two or more licenses issued for the same premises, except where there is absolutely common identity of ownership or where an affiliated motor vehicle leasing company is also licensed as a motor vehicle dealer and in such cases a record of the transactions of each licensed dealer shall be separately maintained.

(d) Any licensed dealer who changes his or her business location or intends to open a branch operation must notify the Dealer Licensing Unit of the Division of Motor Vehicles prior to doing so.

As amended, R.1979 d.371, effective September 20, 1979.
See: 11 N.J.R. 350(b), 11 N.J.R. 580(a).
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

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

13:21-15.4 Grounds for rejection or suspension or revocation of a dealer license

(a) The Director may deny an application for a license, or revoke or suspend a license after it has been granted for any of the following reasons:

1. Applicant or licensee is not a proper person as defined above;
2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule;
3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued or which was suspended for cause and the terms of such suspension have not been satisfied;
4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant be a corporation, previously held a license issued under the authority of this Division, which was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied;
5. Any willful failure to comply with any provision of this rule;
6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule.

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

8. If it is found by an administrative determination of the Division of Motor Vehicles that the subject dealer has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the dealer's possession shall be prima facie proof that such alteration was performed by the dealer or with his consent;

9. Any failure to maintain the qualifications for a license herein set forth or otherwise set forth by law.

As amended, R.1976 d.4, effective January 8, 1976.
See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

Case Notes

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

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

13:21-15.5 Hearing

Before the Director denies an application for or revokes or suspends a dealer license, he shall provide the applicant or licensee an opportunity for a hearing in accordance with N.J.S.A. 52:14B-1 et seq.

Case Notes

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

13:21-15.6 Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

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

(b) A motor vehicle dealer who violates (a) above may have his motor vehicle dealer's license suspended for the periods as set forth in (c) below, pursuant to the provisions set forth in N.J.S.A. 39:10-20.

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

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

New Rule, R.1985 d.699, effective January 21, 1986.
See: 17 N.J.R. 169(a), 18 N.J.R. 203(b).

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

"Nondriver identification card" means an identification card issued by the Director of the Division of Motor Vehicles to a person whose state of residence is New Jersey and who is 17 years of age or older and who is not the holder of a valid examination or special learner's permit or a valid driver license, in accordance with the provisions of N.J.S.A. 39:3-29.2 et seq.

"State of residence" 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.

"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.

13:21-16.2 Requirements for issuance of nondriver identification cards

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no nondriver identification card 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).

13:21-16.3 Nondriver identification card class codes

The following alphabetic codes on nondriver identification cards designate the indicated class of identification card:

IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

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

SUBCHAPTER 17. SPECIAL ROAD CROSSING
PERMITS

13:21-17.1 Application; fees

(a) An application for a special road crossing permit or permits shall be made, and a permit for each vehicle shall be issued, in the name of the property owner. The permit must be in the possession of the vehicle operator whenever crossing a public roadway between sections of private property.

(b) The permit will be valid for one year from the last day of the month in which it was issued. No temporary or partial year permits will be issued.

(c) Fees shall be charged for the issuance of special road crossing permits and for the annual renewal thereof in accordance with the fee schedule set forth in N.J.S.A. 39:3-26.4.

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

13:21-17.2 Restrictions

(a) Permitted crossings shall be restricted to daylight hours, except when:

1. The crossing areas are adequately lighted or the vehicle(s) crossing the roadway are equipped with at least two white lights to the front, capable of illuminating persons or objects at a distance of 500 feet under normal atmospheric conditions and two four-inch, Class A amber reflects, on each side of the vehicle—one towards the front of the vehicle and the other to the rear; or

2. The crossing area is controlled by a person authorized to direct and control traffic.

(b) A vehicle for which a permit has been issued pursuant to this subchapter shall not otherwise be used along a public highway, nor across a public highway, at a point other than that specified in the permit application.

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

13:21-17.3 Warning signs

(a) Warning signs shall be posted in each direction of travel approaching the crossing.

(b) The signs shall be diamond shaped with black letters and border and a yellow background at least 30 inches by 30 inches. The letters shall be not less than five inches high with not less than ½ inch stroke.

(c) The signs shall contain the following message: "SLOW MOVING VEHICLES AHEAD".