

CHAPTER 23

DRIVING SCHOOLS

Authority

N.J.S.A. 39:2-3 and 39:12-4.

Source and Effective Date

R.2004 d.444, effective November 5, 2004.
See: 36 N.J.R. 2180(a), 36 N.J.R. 5372(a).

Chapter Expiration Date

Chapter 23, Driving Schools, expires on November 5, 2009.

Chapter Historical Note

Chapter 23, Commercial Drivers' Schools, was adopted as R.1984 d.216, effective June 4, 1984. See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Commercial Drivers' Schools, was readopted as R.1989 d.333, effective May 26, 1989. See: 21 N.J.R. 976(a), 21 N.J.R. 1710(a).

Chapter 23, Commercial Drivers' Schools, was renamed "Driving Schools" by R.1991 d.371, effective July 15, 1991. See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Driving Schools, was readopted as R.1994 d.294, effective May 19, 1994. See: 26 N.J.R. 1299(a), 26 N.J.R. 2588(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Driving Schools, was readopted as R.1999 d.186, effective May 14, 1999. See: 31 N.J.R. 744(a), 31 N.J.R. 1499(b).

Chapter 23, Driving Schools, was readopted as R.2004 d.444, effective November 5, 2004. As part of this readoption, Subchapter 5, Administration of State Approved Written Driver's Examination and State Approved Eye Examination by Driving Schools, was adopted by R.2004 d.444, effective December 6, 2004. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

13:23-1.1 Definitions

SUBCHAPTER 2. DRIVING SCHOOLS

- 13:23-2.1 Licenses
- 13:23-2.2 Applications; contents
- 13:23-2.3 License fee; term
- 13:23-2.4 Display of license
- 13:23-2.5 Change of business ownership or interest
- 13:23-2.6 Lost, mutilated or destroyed licenses
- 13:23-2.7 Surrender of license
- 13:23-2.8 Location of business
- 13:23-2.9 Change of business location or name
- 13:23-2.10 Prohibited business locations
- 13:23-2.11 (Reserved)
- 13:23-2.12 Denial, suspension or revocation of license
- 13:23-2.13 License restoration
- 13:23-2.14 Business hours
- 13:23-2.15 Branch offices
- 13:23-2.16 Branch office relocation or discontinuance
- 13:23-2.17 (Reserved)
- 13:23-2.18 Changes in addresses of officers; notice
- 13:23-2.19 Recordkeeping requirements
- 13:23-2.20 Loss, mutilation or destruction of records
- 13:23-2.21 Retention of records

- 13:23-2.22 Statement of services to be rendered and fees to be charged; service agreements
- 13:23-2.23 Agreements with secondary schools; notice to Chief Administrator
- 13:23-2.24 Student requirements
- 13:23-2.25 through 13:23-2.27 (Reserved)
- 13:23-2.28 Insurance and vehicle equipment requirements
- 13:23-2.29 Sign(s) displayed on vehicles
- 13:23-2.30 Advertising
- 13:23-2.31 (Reserved)
- 13:23-2.32 Practice driving
- 13:23-2.33 Learner permits
- 13:23-2.34 Requirements at driving (road) test
- 13:23-2.35 Employees of driving schools
- 13:23-2.36 Authorized agents; certificates; denial, suspension or revocation of certificate
- 13:23-2.37 Conduct with employees of Commission
- 13:23-2.38 (Reserved)

SUBCHAPTER 3. DRIVING SCHOOL INSTRUCTORS

- 13:23-3.1 Licenses
- 13:23-3.2 Valid use of license
- 13:23-3.3 Standards for instructor's license issuance
- 13:23-3.4 Application for instructor's license
- 13:23-3.5 Instructor's license fee
- 13:23-3.6 Possession of instructor's license
- 13:23-3.7 Lost, mutilated or destroyed licenses
- 13:23-3.8 Surrender of instructor's license
- 13:23-3.9 Special tests
- 13:23-3.10 Interactive wireless communication devices
- 13:23-3.11 Conduct of instructors
- 13:23-3.12 Revocation, suspension or refusal to issue or renew instructor's license
- 13:23-3.13 License restoration

SUBCHAPTER 4. DRIVING SCHOOL CLASSROOMS

- 13:23-4.1 Classroom facilities
- 13:23-4.2 Classroom requirements
- 13:23-4.3 through 13:23-4.4 (Reserved)

SUBCHAPTER 5. ADMINISTRATION OF STATE-APPROVED WRITTEN DRIVERS' EXAMINATIONS AND STATE-APPROVED EYE EXAMINATIONS BY DRIVING SCHOOLS

- 13:23-5.1 Purpose
- 13:23-5.2 Scope
- 13:23-5.3 Definitions
- 13:23-5.4 Commission approval
- 13:23-5.5 Application for license endorsement approval
- 13:23-5.6 License endorsement fees
- 13:23-5.7 License endorsement renewals
- 13:23-5.8 Surrender of license endorsement
- 13:23-5.9 Responsibility of licensees
- 13:23-5.10 Notice and recordkeeping requirements
- 13:23-5.11 Additional violations
- 13:23-5.12 Examination administrators
- 13:23-5.13 Audits
- 13:23-5.14 State-approved written drivers' examination; forms; document security
- 13:23-5.15 State-approved eye examination; equipment
- 13:23-5.16 Examination fees; disclosure to students
- 13:23-5.17 Investigations
- 13:23-5.18 Written notice of suspension or revocation or refusal to grant or renew license endorsement
- 13:23-5.19 Request for hearing
- 13:23-5.20 Hearing procedures
- 13:23-5.21 Limitation on issuance of license endorsement during suspension or revocation
- 13:23-5.22 License endorsement restoration

SUBCHAPTER 1. DEFINITIONS

13:23-1.1 Definitions

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

“Authorized agent” means a person who represents or acts on behalf of a driving school in obtaining permits and transporting students to driver testing centers in school vehicles.

“Branch office” means an approved location where the business of the driving school is conducted, other than the principal place of business.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

“Driving school” means the business of giving instruction, for compensation, in the driving of motor vehicles and motorcycles. The words “instruction in the driving of motor vehicles and motorcycles” shall include classroom or behind-the-wheel instruction when given to a person who does not possess a basic driver or motorcycle license. This definition shall not be taken to include instruction which is given by public, private or parochial secondary schools.

“Driving school instructor” means a person who is licensed by the Chief Administrator to provide instruction in the driving of motor vehicles and motorcycles.

“Fraudulent practices” include, but are not limited to, any conduct or representation tending to give the impression that a license to operate a motor vehicle or motorcycle or any other class of license, registration, or service granted by the Chief Administrator may be obtained by any means other than those prescribed by law; the furnishing or obtaining a license of any class, registration, or service by illegal or improper means; or the requesting, accepting, exacting or collecting of money for furnishing or obtaining a license of any class, registration, or service by illegal or improper means.

“Person” means an individual, corporation or partnership.

“Place of business” means a designated location at which the business of a driving school is being conducted.

“Principal place of business” means the location designated by the applicant, and approved by the Chief Administrator, as the primary facility of the driving school.

“Qualified supervising instructor” means a person who is currently licensed as a driving school instructor and who has been licensed as such by the Commission for at least two years prior to the submission of an initial or renewal application for a driving school license; and who has successfully

provided a minimum of 500 hours of behind-the-wheel instruction; and who has successfully completed a three-credit New Jersey driver education college course offered by a college or university licensed by the New Jersey Commission on Higher Education.

“Telephone answering service” means the location of a telephone used only for the purpose of answering telephone inquiries pertaining to the driving school services. A telephone answering service is not to be considered a branch office, and the location and/or address of a telephone answering service shall not be advertised if it differs from that of a licensed location.

Amended by R.1984 d.216, effective June 4, 1984.
See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a).

Changes throughout definitions.
Amended by R.1991 d.371, effective July 15, 1991.
See: N.J.R. 662(a), 23 N.J.R. 2151(a).

Added definitions for “Authorized agent” and “Driving school instructor”; “drivers’ school” changed to “driving school” throughout; added “instruction when given to a person who does not possess a basic driver or motorcycle license” with stylistic changes in “Driving school” definition.

Amended by R.1996 d.265, effective June 3, 1996.
See: 28 N.J.R. 1479(a), 28 N.J.R. 3004(a).
Amended by R.2004 d.444, effective December 6, 2004.
See: 36 N.J.R. 2180(a), 36 N.J.R. 5372(a).

Deleted “Director” and “Division”; added “Chief Administrator”, “Commission”, and “Qualified supervising instructor”.

SUBCHAPTER 2. DRIVING SCHOOLS

13:23-2.1 Licenses

(a) Every person proposing to engage in the business of conducting a driving school shall be licensed by the Chief Administrator prior to engaging in such business.

(b) A driving school license, either initial or renewal, shall not be issued unless at least one motor vehicle, which is owned or leased by the driving school and registered in the name of the driving school or the lessor, is insured and equipped in accordance with N.J.A.C. 13:23-2.28.

(c) A license, either initial or renewal, shall not be issued until compliance with the conditions in this subchapter has been effected.

(d) In accordance with N.J.S.A. 39:12-2, a driving school license, either initial or renewal, shall not be issued unless an owner of the driving school or an employee thereof is a qualified supervising instructor. In accordance with N.J.S.A. 39:12-2.1, a person shall receive hour-for-hour credit from the Commission for the person’s behind-the-wheel instructional experience in a public or non-public secondary school toward the fulfillment of the behind-the-wheel hourly instructional requirement for classification as a qualified supervising instructor imposed pursuant to N.J.S.A. 39:12-2. In order to maintain licensure during the term of the license, an owner of the driving school or an employee thereof shall be a qualified