

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

N.J.S.A. 17:33B-41, 39:2-3, 39:2-3.3 et seq., 39:2A-13.a(6), 39:2A-33.c, 39:2A-33.e, 39:2A-36.1, 39:3-4e, 39:3-6.12b, 39:3-20, 39:3-43, 39:3-84, 39:5-30, 39:6-25, 39:6-50, 39:6-86.1, 39:6-86.4, 47:1A-1 et seq., 52:14B-3(1) and 54:39A-24; and Pub. L. 102-240 § 4008 and Pub. L. 103-322.

Source and Effective Date

R.2011 d.106, effective March 9, 2011.
See: 42 N.J.R. 2309(a), 43 N.J.R. 882(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Executive and Administrative Service, expires on March 9, 2018. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 18, Executive and Administrative Service, was filed and became effective prior to September 1, 1969.

Chapter 18, Executive and Administrative Service, was repealed and Chapter 18, Executive and Administrative Service, was adopted as new rules by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c).

Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b).

Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e).

Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and Subchapter 4, Motor Fuels Use Tax Act, was adopted as new rules by R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as new rules by R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b).

Subchapter 3, Overwidth Vehicles, was adopted as new rules by R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a).

Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a).

Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b).

Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, and Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1990 d.225, effective March

30, 1990, and Subchapter 3, Overwidth Vehicles, and Subchapter 7, Payment and Collection of Bus Excise Tax, were repealed by R.1990 d.225, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Subchapter 6, Insurance, was repealed and Subchapter 6, Insurance Verification, was adopted as new rules by R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1995 d.218, effective March 28, 1995, and Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed by R.1995 d.218, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Subchapter 2, International Registration Plan, was adopted as new rules by R.1996 d.186, effective April 1, 1996. See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

Subchapter 3, International Fuel Tax Agreement Implementation, was adopted as new rules, and Subchapter 4, Motor Fuels Use Tax Act, was repealed by R.1996 d.311, effective July 1, 1996. See: 28 N.J.R. 2328(a), 28 N.J.R. 3307(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.2000 d.174, effective March 28, 2000. See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Chapter 18, Executive and Administrative Service, was readopted as R.2005 d.359, effective September 23, 2005. See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Chapter 18, Executive and Administrative Service, was readopted as R.2011 d.106, effective March 9, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 10, Advertising on Commission Equipment, Facilities, and Property, was adopted as new rules by R.2015 d.054, effective April 6, 2015. See: 46 N.J.R. 1735(a), 47 N.J.R. 728(b).

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SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES

13:18-1.1 Scope

(a) This Subchapter 1 replaces the following regulations previously adopted:

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;
3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;
4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

13:18-1.2 Requirement of permit

(a) Except as provided in (c) below, a single-trip permit is required for each one-way trip of an oversize or overweight vehicle that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84.

(b) In the event the vehicle is both oversize and overweight, a single-trip permit will be issued for each one-way trip.

(c) An annual ocean borne containerized cargo multiple-trip permit may be issued for a tractor semitrailer combination engaged in the transportation of sealed containers

of the type commonly used for the conveyance of freight transportation in international ocean going commerce as follows:

1. Sealed containers transported under an annual ocean borne containerized cargo multiple-trip permit shall bear the seal of the United States Custom Service, the seal of another governmental agency or the seal of a shipper;

2. The combined gross vehicle weight of any tractor semitrailer combination, including load or content conveying sealed containers, shall not exceed 90,000 pounds. The tractor semitrailer combination per-axle combined weight shall not exceed 38,000 pounds for any one tandem axle

ii. The Commission recommends the use of the provider's services to the exclusion of other similarly available services; or

iii. The provider is the exclusive provider of such services.

13. The provider shall retain all transactional records and documents relating to this subchapter for three years from the time an activity takes place and shall make those records available for inspection and audit by authorized representatives, agents, or contractors of the State. All documentation, reports, and files shall be kept at the provider's office.

14. The Commission, its authorized representatives, and its agents shall have the right to conduct audits and re-audits of the provider at any time throughout the provision of services under this subchapter and up to three years after the termination of services as an approved provider under this subchapter. The provider shall provide the Commission with access to its books and records pertaining to transactions performed under this subchapter, for the purposes of audits and re-audits.

15. The provider may issue a corrected control-numbered trip permit, and shall provide the Commission with a corrected copy on the same day.

16. The Commission may, in its sole discretion, deny, terminate, or cancel participation by any provider in the services anticipated in this subchapter if any one or more of the following conditions exists with respect to any such provider:

- i. Failure to follow required or approved payment procedures;
- ii. Failure to comply with any local, State, or Federal law or regulation;
- iii. Misuse of any Commission-controlled inventory item assigned for distribution by a provider;
- iv. Failure to provide requested information or records for the purpose of an audit; and
- v. Any other unacceptable condition or practice identified by the Commission.

New Rule, R.2014 d.183, effective December 1, 2014.
See: 46 N.J.R. 1326(a), 46 N.J.R. 2371(a).

13:18-3.21 Provider requirements

(a) A provider shall, notwithstanding any other requirements of this subchapter:

1. Be responsible for the professional quality, accuracy, security, and timely completion of trip permits issued pursuant to this subchapter;

2. Obtain all required source documents prior to issuance of trip permits, including the location to which the permittee desires the permit to be transmitted;

3. Provide daily reports to the Commission of trip permits sold;

4. Not be reimbursed in any manner by the Commission for voided trip permits, which are the responsibility and cost of the provider;

5. Not resell trip permits whether or not the vehicle is registered in another state that has reciprocity with the State of New Jersey; and

6. Not sell, consign, or otherwise transfer any trip permit in its possession to another service organization or to any member of the transportation industry, other than its customer that is otherwise known as a trip permit permittee.

New Rule, R.2014 d.183, effective December 1, 2014.
See: 46 N.J.R. 1326(a), 46 N.J.R. 2371(a).

SUBCHAPTERS 4 THROUGH 5. (RESERVED)

SUBCHAPTER 6. INSURANCE VERIFICATION

13:18-6.1 Definitions

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

“Act” means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

“Cancellation for nonpayment of premium” means the termination of a policy during the policy term due to the failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

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

“Commercial lines insurer” means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a commercial lines rating system filed and approved in accordance with N.J.S.A. 17:29A-1 et seq.

“Effective date of policy cancellation” means the date designated by the insurer's notice of cancellation pursuant to

N.J.A.C. 11:3-7.6 or the date cancellation takes effect pursuant to N.J.S.A. 17:16D-13.

“FAIR Act” means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

“Insurer” means an entity authorized or admitted to transact the business of personal private passenger automobile insurance in New Jersey.

“Motor Vehicle Commission” or “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).

“Newly issued policy” means any contract or endorsement of personal private passenger automobile insurance that provides liability coverage for an automobile not previously covered by a contract of liability insurance issued by the insurer, or that was previously covered by a policy issued by the insurer which was cancelled for nonpayment of premium.

“Nonfleet” describes an automobile insurance policy issued by a commercial lines insurer that provides coverage to less than five vehicles, or less than such other number of vehicles as is provided by the insurer’s filed rating system.

“Person” means any natural person or persons, corporation, association, partnership or company authorized by the laws of this State to transact the business of insurance in this State.

“Personal lines insurer” means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a personal lines rating system filed and approved in accordance with N.J.S.A. 17:29A-1 et seq.

“Private passenger automobile insurance” means direct insurance on private passenger automobiles as defined in N.J.S.A. 39:6A-2, but excluding excess liability insurance.

Amended by R.1994 d.252, effective May 16, 1994.
See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In “Commercial lines insurer”, inserted “and approved” following “filed”; and in “Director” and “Division”, substituted references to the Department of Transportation for references to the Department of Law and Public Safety.

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

Added definitions “Chief Administrator” and “Motor Vehicle Commission”; deleted definitions “Director” and “Division”.

13:18-6.2 Reports of personal private passenger automobile insurance policy information to the Chief Administrator of the Motor Vehicle Commission

(a) Personal lines insurers shall provide the Chief Administrator, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial lines

insurers shall provide the Chief Administrator, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of nonfleet private passenger automobile insurance policies on and after July 1, 1994. Commercial lines insurers shall only provide information concerning policies covering nonfleet private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Chief Administrator.

(b) Personal lines insurers shall report by magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Chief Administrator on a monthly basis beginning September 15, 1991, the following information concerning policies cancelled for nonpayment of premium and newly issued policies. Commercial lines insurers shall report by magnetic computer tape or cartridge to the Chief Administrator on a monthly basis beginning September 7, 1994, the following information concerning nonfleet policies cancelled for nonpayment of premium and newly issued nonfleet policies. These reports shall be provided to the Chief Administrator in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices A and B, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Address of insured including street, city, state and zip code;
6. Transaction type (either cancellation or new policy);
7. Policy effective date;
8. Effective date of policy cancellation;
9. The date on which the tape or cartridge or personal computer diskette containing the information was prepared; and
10. Policy number.

(c) Insurers shall report the cancellation of private passenger automobile liability coverage for nonpayment of premium after the effective date of the cancellation of a policy.

(d) Insurers shall make reasonable provision to exclude from reports those policies cancelled for nonpayment of premium when the insurer knows that the reason for

nonpayment of premium is the death of the insured, the permanent relocation of the insured outside of the State of New Jersey, the total loss of the motor vehicle, the unrecovered theft of the motor vehicle, or the repossession of the motor vehicle by a lienholder.

(e) Insurers shall also report by magnetic computer tape or cartridge (or, for insurers that write less than 750 private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Chief Administrator every six months, or at such other interval as may be specified by the Chief Administrator, the following information concerning all of their current personal private passenger automobile insurance policies. These reports shall be provided to the Chief Administrator in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices C and D, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Policy effective date; and
6. The date on which the tape or cartridge or personal computer diskette containing the information was prepared.

(f) Insurers shall report to the Chief Administrator the termination of policies of motor vehicle liability insurance for reasons other than nonpayment of premium, including any cancellation or nonrenewal, as may be required by the Chief Administrator.

(g) In order to ensure that reports submitted are compatible with the Motor Vehicle Commission's information system, insurers shall transmit reports of information required by the Chief Administrator pursuant to this section in accordance with all of the Motor Vehicle Commission's technical specifications including, but not limited to, data set name, internal and external labeling, data block size, codes, tape format and layout, and other physical characteristics of tapes or cartridges or personal computer diskettes.

Amended by R.1994 d.252, effective May 16, 1994.

See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

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

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

Deleted a former (g); and recodified former (h) as (g).

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 "Reports of personal private passenger automobile insurance policy information to the Director of the Division of Motor Vehicles"; substituted "Chief Administrator" for "Director" throughout (a), (b) and (e)-(g); also in (g), substituted "Motor Vehicle Commission's" for "Division's".

13:18-6.3 Registration expiration

For purposes of section 50c(1) of the FAIR Act (N.J.S.A. 17:33B-41c(1)) and this subchapter, a vehicle registration certificate shall be deemed to be "expired" only if such certificate has not been renewed and either the expired registration certificate (including any duplicate registration