

- 4. Year Office (ISO) vehicle make code.
Four digit vehicle model year.
- 5. Model National Crime Information Center (NCIC) vehicle model code.
Space fill if not available.
- 6. Insurance-Company-Code MVR code assigned by New Jersey Motor Vehicle Commission for driver abstracts.
- 7. Policy-Effective-Date Format is MMDDYYYY.
- 8. Date-Stamp Format is MMDDYYYY.
- 9. Filler Spaces.

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

Substituted "Motor Vehicle Commission" for "Motor Vehicle Services" in the description of No. 6.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

13:18-9.1 Security deposits for uninsured motorists

(a) A deposit from an uninsured motor vehicle owner or operator to secure the payment of any reimbursement of the Unsatisfied Claim and Judgment Fund for the payment of personal injury protection benefits the Fund has made or shall make pursuant to N.J.S.A. 39:6-86.1 or 39:6-86.4, or any judgment or judgments which may be rendered against him or her for damages arising out of a motor vehicle accident in which such an individual has been involved shall be required in those situations where:

1. The uninsured owner or operator has been involved in an accident resulting in injury to a passenger in his or her vehicle and the passenger is not otherwise protected by an automobile insurance policy;
2. The uninsured owner or operator has been involved in an accident resulting in injury to a pedestrian or bicyclist who is not otherwise protected by an automobile insurance policy;
3. The uninsured owner or operator has been involved in an accident resulting in injury to a nonresident motorist who is not protected by uninsured motorist coverage;
4. The uninsured owner or operator has been involved in an accident resulting in damage to property other than a motor vehicle;
5. The uninsured owner or operator has been involved in an accident resulting in the filing of a claim by a qualified individual against the Unsatisfied Claim and Judgment Fund for payment of personal injury protection benefits pursuant to N.J.S.A. 39:6-86.1 or 39:6-86.4; or
6. The Chief Administrator of the Motor Vehicle Commission determines a deposit of security to be

necessary in view of the total insurance protection available to an injured party.

R.1976 d.75, effective March 8, 1976.

See: 8 N.J.R. 82(b), 8 N.J.R. 204(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 (a), rewrote the introductory paragraph, and neutralized a gender reference in 1.

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

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

In (a)6, substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE MOTOR VEHICLE COMMISSION

13:18-11.1 Motor Vehicle Commission organizational structure

(a) The Motor Vehicle Commission consists of the Chair/Chief Administrator and such offices and other organizational units as allowed by law and as necessary to carry out the Commission's statutory mandates.

(b) The Motor Vehicle Commission has a Deputy Chief Administrator.

(c) The Motor Vehicle Commission has a Chief of Staff.

(d) The Motor Vehicle Commission has a Chief Operating Officer.

(e) The Motor Vehicle Commission has 12 directors, as follows:

1. Director of Strategic Planning;
2. Director of Financial Management;
3. Director of Administration;
4. Director of Driver Management and Regulatory Affairs;
5. Director of Security, Investigations and Internal Audit;
6. Director of Legal and Regulatory Affairs;
7. Director of Communications;
8. Director of Intergovernmental Relations;
9. Director of Operations Support;
10. Director of Driver and Vehicle Testing;
11. Director of Agency Operations; and
12. Director of Information Technology.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).
Amended by R.2002 d.270, effective July 23, 2002.
See: 34 N.J.R. 2970(a).

Rewrote the section.

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 "Division of Motor Vehicles organizational structure"; rewrote the section.

13:18-11.2 Public information requests and submissions

(a) Except as may be otherwise provided in N.J.A.C. 13:18-11.5, a member of the public may obtain information or make a submission or a request by writing to the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, PO Box 160, Trenton, New Jersey 08666-0160.

(b) A member of the public seeking general information may telephone the Motor Vehicle Commission by calling 1-609-292-6500.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.1995 d.218, effective May 1, 1995.

See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

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.

13:18-11.3 Government records; examination; purchase of copies; exemption

(a) All government records shall be subject to public access unless exempt from such access by N.J.S.A. 47:1A-1 et seq. as amended and supplemented, any other statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, Rules of Court, any Federal law, Federal regulation or Federal order, or regulation promulgated under the authority of any statute or Executive Order of the Governor. Where it shall appear that a person who has been convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access shall be denied in accordance with N.J.S.A. 47:1A-2.2. Government records shall be readily accessible for inspection, copying, or examination by any person, with certain exceptions found within N.J.S.A. 47:1A-1 for the protection of the public interest, during the regular business hours of the Motor Vehicle Commission at the Trenton Regional Service Center, 120 South Stockton Street, Trenton, New Jersey or other office of the Motor Vehicle Commission as determined by the Custodian of Records. Any person shall have the right to inspect, copy, or examine government records under reasonable supervision during regular business hours. Any person shall have the right to purchase copies of government

records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

(b) The right of inspection, copying, or examination of government records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the record or records being sought for inspection, copying, or examination pertain to any investigation in progress, if the inspection, copying, or examination of such record or records is inimical to the public interest.

(c) The Motor Vehicle Commission's database and the information contained in it do not constitute government records. In no event shall data or information contained in the database be provided to any person or entity which seeks to use such information for the purpose of commercial solicitation for profit or political canvassing or campaigning or any similar purpose or objective.

(d) Motor vehicle records shall be released in accordance with the provisions of the New Jersey Driver Privacy Protection Act (N.J.S.A. 39:2-3.2 through 39:2-3.7, inclusive).

(e) In the interest of public safety and privacy, the government records listed below shall only be made available for inspection, examination, and copying by a person who demonstrates to the satisfaction of the Chief Administrator of the Motor Vehicle Commission that he or she is the person to whom the record pertains or that he or she has a legitimate beneficial interest in the requested record for the protection of his or her property rights or the protection of any interest the person may have in any matter affecting the person to which said record is relevant. Availability may be limited to that part of the record which is particularly relevant to the person, and personal information may be deleted from the copy of such record. Such records include all those government records of the Motor Vehicle Commission relating to:

1. Driver licenses;
2. Vehicle registrations;
3. Vehicle titles; and
4. Driver histories.

(f) Persons requesting the inspection, examination or copying of government records of the Motor Vehicle Commission specified in this subchapter shall be required to present identification, which shall include a photocopy of the requestor's driver license or, if the person is unlicensed, either a photocopy of the requestor's identification card issued by the Motor Vehicle Commission in accordance with the "Identification Cards for Nondrivers' Act" (N.J.S.A. 39:3-29.2 et seq.) or other proof of identity acceptable to the Commission, and to complete a formal request form prepared by the Motor Vehicle Commission, which shall include:

1. The requestor's name and address;

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.

Case Notes

Motor Vehicle Commission must proceed to rule-making in accordance with *Metromedia, Inc. v. Director, Div. of Taxation*, 97 N.J. 313 (1984), to effectuate its interpretation that only motor vehicle dealers, attorneys, and towing companies acting on their own behalf are covered by N.J.S.A. 39:2-3.4(c)(7), which permits limited access to motor vehicle data "for use in providing notices to the owners of towed or impounded vehicles." *DeMarco v. N.J. Motor Vehicle Comm'n*, OAL Dkt. No. MVH 04159-07, 2008 N.J. AGEN LEXIS 305, Initial Decision (April 7, 2008).

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 rule-making 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 rule-making 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) a notice of the rule-making proposal.

(c) When the Motor Vehicle Commission causes a rule-making 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 rule-making 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 rule-making 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).