

CHAPTER 21
LICENSING SERVICE

Authority

N.J.S.A. 2A:17-56.51, 2A:17-56.59, 2A:17-56.60, 17:33B-45, 39:2-3, 39:2-3.3 et seq., 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10.1, 39:3-10.17a, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-10a, 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, 39:3-29.9, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:4-56.5, 39:5-30, 39:5-32, 39:10-1 et seq., 39:10-2, 39:10-4, 39:10-6, 39:10-9, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:10A-15, 39:13-7, and 56:10-25; and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.2014 d.007, effective December 4, 2013.
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Chapter Expiration Date

Chapter 21, Licensing Service, expires on December 4, 2020.

Chapter Historical Note

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

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

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).

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).

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).

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Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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 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. 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).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985.

Subchapter 4, Titles, was adopted as new rules by 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.

Subchapter 14, Bus Drivers, was adopted as new rules by 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.

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Special Learner's Permits, expired on February 18, 1986.

Subchapter 7, Learner's Permits, was adopted as new rules by R.1986, d.81, effective April 7, 1986. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

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).

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).

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).

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

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).

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).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted as R.1996 d.27, effective December 13, 1995. See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted effective December 12, 2000, and Subchapter 11, Central Title and Registration Service, was repealed effective January 16, 2001 by R.2001 d.19. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Subchapter 11, Central Title and Registration Service, was repealed by R.2001 d.19, effective January 16, 2001. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Administrative correction. See: 33 N.J.R. 568(a).

Chapter 21, Licensing Service, was readopted as R.2006 d.250, effective June 8, 2006. See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Subchapter 14, Bus Drivers, was renamed Passenger Endorsements by R.2012 d.072, effective April 2, 2012. See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 21, Licensing Service, was scheduled to expire on June 8, 2013. See: 43 N.J.R. 1203(a).

Chapter 21, Licensing Service, was readopted as R.2014 d.007, effective December 4, 2013. See: Source and Effective Date. See, also, section annotations.

Subchapter 3, Electronic Liens and Titles, was adopted as new rules by R.2014 d.136, effective September 2, 2014. See: 46 N.J.R. 1904(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:21-1.1 Use of legal name on all documents
- 13:21-1.2 Proof of legal name
- 13:21-1.3 Mandatory disclosure of Social Security number
- 13:21-1.4 Restricted use of Social Security numbers
- 13:21-1.5 Public record exception; disclosure prohibited

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

- 13:21-2.1 Basis for interpretation
- 13:21-2.2 "Accompanied" in motor vehicles defined
- 13:21-2.3 "Accompanied" in motorcycles defined
- 13:21-2.4 (Reserved)

SUBCHAPTER 3. ELECTRONIC LIENS AND TITLES

- 13:21-3.1 Purpose
- 13:21-3.2 Scope
- 13:21-3.3 Definitions
- 13:21-3.4 Use contrary to subchapter unlawful
- 13:21-3.5 Approval and participation of service providers
- 13:21-3.6 Form of the Electronic Lien and Titling Program
- 13:21-3.7 Notation of security interest at time of sale
- 13:21-3.8 Notice of satisfaction of contract or termination of security interest; delivery of paper certificate of ownership
- 13:21-3.9 Electronic title; perfection of a security interest

SUBCHAPTER 4. TITLES

- 13:21-4.1 Certificate of origin; year model designation
- 13:21-4.2 Certificate of ownership fees
- 13:21-4.3 (Reserved)
- 13:21-4.4 Certificate of ownership application for homemade vehicles
- 13:21-4.5 through 13:21-4.6 (Reserved)

SUBCHAPTER 5. REGISTRATIONS

- 13:21-5.1 Weight class
- 13:21-5.2 Certificate of Origin
- 13:21-5.3 (Reserved)
- 13:21-5.4 Registration fee
- 13:21-5.5 Motorcycle registration fee
- 13:21-5.6 Registering flood-damaged vehicles
- 13:21-5.7 Notification of flood damage
- 13:21-5.8 Mileage reading on certificate of ownership
- 13:21-5.9 Transferring of ownership on certain motor vehicles
- 13:21-5.10 Surrender of registration plates
- 13:21-5.11 Registration refusal
- 13:21-5.12 (Reserved)
- 13:21-5.13 Nonresident temporary registrations issued by motor vehicle agencies
- 13:21-5.14 Single axle tow dolly

SUBCHAPTER 6. EXAMINATION PERMITS

- 13:21-6.1 Definitions
- 13:21-6.2 Requirements for issuance of examination permits
- 13:21-6.3 Prerequisites for validation of examination permits
- 13:21-6.4 Expiration of examination permits

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

- 13:21-7.1 Definitions
- 13:21-7.2 Requirements for issuance of special learner's permits
- 13:21-7.3 Road test appointment requirements
- 13:21-7.4 Methods of securing appointment for road test
- 13:21-7.5 Validation of special learner's permits
- 13:21-7.6 Expiration of special learner's permits

SUBCHAPTER 8. DRIVER LICENSES

- 13:21-8.1 Definitions
- 13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address
- 13:21-8.3 Permits
- 13:21-8.4 Physical and mental qualifications
- 13:21-8.5 Driving privilege status
- 13:21-8.6 Law-knowledge tests; written; English language; foreign language
- 13:21-8.7 Law-knowledge tests; oral; English language; foreign language
- 13:21-8.8 Special examination; hearing-impaired
- 13:21-8.9 Visual acuity and color perception check generally
- 13:21-8.10 Visual acuity test standards
- 13:21-8.11 Color perception check standards
- 13:21-8.12 Necessity of road test
- 13:21-8.13 Road test maneuvers
- 13:21-8.14 Vehicle used for road test
- 13:21-8.15 Accompanying driver
- 13:21-8.16 Failure of driving test
- 13:21-8.17 Waiver of driving test
- 13:21-8.18 Employment and religious waivers of time restrictions for permit and probationary drivers under 21
- 13:21-8.19 through 13:21-8.20 (Reserved)
- 13:21-8.21 Eyes and weight numerical code chart
- 13:21-8.22 License class, endorsement and restriction codes
- 13:21-8.23 (Reserved)
- 13:21-8.24 Suspension of license; failure to notify of change of address

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS

- 13:21-9.1 Expired license or registration
- 13:21-9.2 Proof of allegations
- 13:21-9.3 Restoration fees
- 13:21-9.4 Suspension continues until restoration; application for restoration
- 13:21-9.5 Definitions
- 13:21-9.6 Application for renewal of vehicle registration in electronic or digital form
- 13:21-9.7 Content of application; signature; false entry
- 13:21-9.8 Identification of insurance carrier and policy number
- 13:21-9.9 Verification of current mailing address
- 13:21-9.10 Submission of social security number
- 13:21-9.11 Inability or refusal to provide all information requested
- 13:21-9.12 Automatic extension of prior registration for timely renewal by mail, telephone or through the Internet
- 13:21-9.13 Protection of personal information
- 13:21-9.14 Applicant survey
- 13:21-9.15 Non-waiver of privacy protections
- 13:21-9.16 Electronic records; applicable rules; minimum standards

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

- 13:21-10.1 Final certificate

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. FARM VEHICLES

- 13:21-12.1 Vehicles exempted from statutory provisions
- 13:21-12.2 Limitation on operation between farms
- 13:21-12.3 Hours of travel; visibility requirements
- 13:21-12.4 Distance of travel
- 13:21-12.5 Speed limitations
- 13:21-12.6 Vehicle dimensions
- 13:21-12.7 Priority of travel
- 13:21-12.8 Movement on certain highways
- 13:21-12.9 Tires; wheel coverings
- 13:21-12.10 (Reserved)

LICENSING SERVICE

SUBCHAPTER 13. MIGRANT FARM WORKERS

- 13:21-13.1 Definitions
- 13:21-13.2 Basic driver qualifications
- 13:21-13.3 Vehicles permitted for transportation
- 13:21-13.4 Vehicle entrance and exit
- 13:21-13.5 Lighting equipment
- 13:21-13.6 Brakes
- 13:21-13.7 Audible signal
- 13:21-13.8 Exhaust system
- 13:21-13.9 Mirrors
- 13:21-13.10 Windshield wipers; windshield; side and rear glass
- 13:21-13.11 Tires
- 13:21-13.12 Speedometer
- 13:21-13.13 Fire extinguisher
- 13:21-13.14 Road warning devices
- 13:21-13.15 Markings
- 13:21-13.16 Penalties
- 13:21-13.17 Insurance
- 13:21-13.18 Statutory compliance

SUBCHAPTER 14. PASSENGER ENDORSEMENTS

- 13:21-14.1 (Reserved)
- 13:21-14.2 Definitions
- 13:21-14.3 Passenger endorsement requirement
- 13:21-14.4 (Reserved)
- 13:21-14.5 Passenger endorsement regulations
- 13:21-14.6 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

- 13:21-15.1 Definitions
- 13:21-15.2 Application
- 13:21-15.3 Proper person
- 13:21-15.4 Established place of business
- 13:21-15.5 Grounds for rejection, suspension, or revocation of a dealer license or issuance of a cease and desist order
- 13:21-15.6 Transfer of ownership without title; presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license
- 13:21-15.7 Responsibilities of licensee
- 13:21-15.8 Informing purchaser of dealer's responsibilities; suspension, revocation or refusal to renew license due to noncompliance
- 13:21-15.9 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey
- 13:21-15.10 Nonresident temporary registrations issued by licensed motor vehicle dealers
- 13:21-15.11 Dealer plates
- 13:21-15.12 New motor vehicle dealer inspection stickers
- 13:21-15.13 Investigations
- 13:21-15.14 Hearings
- 13:21-15.15 Emergency disciplinary action

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

- 13:21-16.1 Definitions
- 13:21-16.2 Requirements for issuance of nondriver identification cards
- 13:21-16.3 Nondriver identification card class codes

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

- 13:21-17.1 Application; fees
- 13:21-17.2 Restrictions
- 13:21-17.3 Warning signs
- 13:21-17.4 Width of crossing zone
- 13:21-17.5 Speed
- 13:21-17.6 Applicability of laws
- 13:21-17.7 Penalties

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

- 13:21-18.1 Proof of ownership
- 13:21-18.2 Sales tax
- 13:21-18.3 Proof of insurance
- 13:21-18.4 Registration certificate
- 13:21-18.5 Registration number
- 13:21-18.6 Transfer of ownership
- 13:21-18.7 Renewal of registration certificate

SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

- 13:21-19.1 Notice of intent; copies served on Chairman
- 13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing
- 13:21-19.3 Protest; copy filed with a franchisor and relocating franchisee
- 13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings
- 13:21-19.5 Relocating franchisee; party to Committee's proceedings
- 13:21-19.6 Papers filed with Chief Administrator; papers and envelopes specifically marked
- 13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law
- 13:21-19.8 Denial, suspension or revocation of dealers license
- 13:21-19.9 Hearing costs; deposit; sanctions

SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES

- 13:21-20.1 Definitions
- 13:21-20.2 Assignment and affixation of vehicle identification number
- 13:21-20.3 Certificate of origin
- 13:21-20.4 Transfer of ownership of new motor homes
- 13:21-20.5 Certificate of ownership for used motor vehicles converted into motor homes

SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES

- 13:21-21.1 Purpose
- 13:21-21.2 Scope; license classes
- 13:21-21.3 Definitions
- 13:21-21.4 Initial application for a license
- 13:21-21.5 Applicant qualifications
- 13:21-21.6 Application and license fees
- 13:21-21.7 License renewals
- 13:21-21.8 Surrender of license
- 13:21-21.9 Responsibility of licensees
- 13:21-21.10 Estimates and repairs
- 13:21-21.11 Authorization for repairs
- 13:21-21.12 Notice and recordkeeping requirements
- 13:21-21.13 Advertising
- 13:21-21.14 Storage rates
- 13:21-21.15 Additional violations
- 13:21-21.16 Additional penalties
- 13:21-21.17 Investigations
- 13:21-21.18 Written notice of suspension or revocation or refusal to grant or renew license
- 13:21-21.19 Request for hearing
- 13:21-21.20 Hearing procedures
- 13:21-21.21 Limitations on issuance of a license after a suspension, revocation or refusal to grant or renew
- 13:21-21.22 License restoration

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

- 13:21-22.1 Purpose
- 13:21-22.2 Prohibition on transfer
- 13:21-22.3 Definitions
- 13:21-22.4 Issuance of salvage certificates of title; fee
- 13:21-22.5 Subsequent transfer of salvage motor vehicles
- 13:21-22.6 Salvage motor vehicles precluded from obtaining a registration

- 13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired
- 13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers
- 13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair
- 13:21-22.10 Inspection; appointment; inspection fee; rescheduling
- 13:21-22.11 Temporary registration for salvage motor vehicles
- 13:21-22.12 Grounds for failing State inspection
- 13:21-22.13 Seizure of a salvage motor vehicle
- 13:21-22.14 Issuance of certificates of ownership without a salvage designation
- 13:21-22.15 Issuance of certificates of ownership with a salvage designation
- 13:21-22.16 Penalties
- 13:21-22.17 Written notice
- 13:21-22.18 Request for hearing
- 13:21-22.19 Hearing procedures

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

- 13:21-23.1 Definitions
- 13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined
- 13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; penalties for conviction of fraud; penalties for receipt of credible information of fraud; reciprocity
- 13:21-23.4 (Reserved)
- 13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes
- 13:21-23.6 Endorsements; descriptions; testing requirements
- 13:21-23.7 Air brake restrictions
- 13:21-23.8 General requirement for knowledge and skills
- 13:21-23.9 Required knowledge
- 13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation; out-of-State testing; time requirement between knowledge test and skills test
- 13:21-23.11 Requirements for double/triple trailers endorsement
- 13:21-23.12 Requirements for passenger endorsement
- 13:21-23.13 Requirements for tank vehicle endorsement
- 13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test
- 13:21-23.15 Requirements for a school bus endorsement
- 13:21-23.16 Minimum passing scores; test longevity; waiting period between tests
- 13:21-23.17 Third-party testing; proof of testing
- 13:21-23.18 Commercial driver's license document; general
- 13:21-23.19 Information on the document and application
- 13:21-23.20 Tamperproof requirement
- 13:21-23.21 Duplicate CDL
- 13:21-23.22 Change of legal name or address; application for corrected CDL
- 13:21-23.23 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years
- 13:21-23.24 Ineligibility for reduction of lifetime revocation
- 13:21-23.25 Driver rehabilitation program
- 13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator
- 13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23
- 13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act; requirement for current medical examiner's certification

- 13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

- 13:21-24.1 Definitions
- 13:21-24.2 Point reduction; computation; course completion
- 13:21-24.3 Sponsoring agency qualifications
- 13:21-24.4 Instructor qualification; training
- 13:21-24.5 Course curriculum; length; content; scope; class size
- 13:21-24.6 Classroom facilities
- 13:21-24.7 Student records
- 13:21-24.8 Certification of course completion
- 13:21-24.9 Suspension or revocation of sponsoring agency's approved status
- 13:21-24.10 Voluntary nature of course; fees
- 13:21-24.11 Affiliates

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 Motor Vehicle Commission, or for any reason being recorded on the records of the Commission, shall do so in his or her legal name.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Motor Vehicle Commission" for first occurrence of "Division" and "Commission" for the second occurrence; and inserted gender neutral reference.

13:21-1.2 Proof of legal name

Any person using a name for the purposes set forth in N.J.A.C. 13:21-1.1 shall furnish proof that the name given is the legal name when such proof is requested by any agent, officer or employee of the Motor Vehicle Commission.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "set forth" for "outlined" and "N.J.A.C. 13:21-1.1" for "Section 1.1 (Use of legal name on all documents) of this Chapter"; deleted comma following "legal name"; and substituted "such" for "this" and "Motor Vehicle Commission" for "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 upon the application form furnished by the Chief Administrator of the Motor Vehicle Commission.

(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 upon the application form.

(c) This section shall not apply to persons who are exempt from applying for a Social Security number.

13:21-8.17 Waiver of driving test

(a) The driving test may be waived by the Unit Supervisor-in-charge of the Driver Testing Center if the applicant:

1. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Chief Administrator;
2. Holds a license issued by the United States Armed Forces for the type or general class of vehicles he desires to drive;
3. Has returned from foreign service and holds a license issued by the United States Military Government. Application in such cases must be made within 60 days of reentry to this county;
4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary;
5. Produces evidence of having held a valid New Jersey driver's license for the type of general class of vehicle he desires to drive within three years of the date of application for a New Jersey driver license.

R.1970 d.4, eff. January 9, 1970.
 See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
 As amended, R.1981 d.65, effective February 26, 1981.
 See: 12 N.J.R. 666(f), 13 N.J.R. 237(c), (a)5 added.
 As amended, R.1983 d.609, effective January 3, 1984.
 See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).
 In (a), added "Unit Supervisor-in-charge of the Driver Qualification Center".
 Amended by R.1996 d.27, effective January 16, 1996.
 See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
 In (a)1, substituted "Chief Administrator" for "Director".

13:21-8.18 Employment and religious waivers of time restrictions for permit and probationary drivers under 21

Any holder of an examination permit or a probationary driver license under the age of 21 who needs to drive between the hours of 11:01 P.M. and 5:00 A.M. for employment or religious purposes shall have in his or her possession, a certification from his or her employer or religious official on the official letterhead of the business, organization or religious institution which indicates the need to drive during those hours. The certification shall include the name, title, address and phone number of the certifying official. Each certification shall be typed or written in permanent, non-erasable ink. The signature of the certifying official must be in permanent, non-erasable ink.

New Rule, R.2001 d.143, effective May 7, 2001.
 See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).
 Amended by R.2012 d.072, effective April 2, 2012.
 See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).
 Section was "Employment and religious waivers of time restrictions for permit and provisional drivers under 2". Substituted "probationary"

for "provisional" and "11:01 P.M." for "12:01 A.M.", and deleted a comma following "address".

13:21-8.19 through 13:21-8.20 (Reserved)

13:21-8.21 Eyes and weight numerical code chart

The following numerical codes will designate the indicated color of eyes and the licensee's weight:

EYE COLOR	WEIGHT
1—Black	0—Under 121 pounds
2—Brown	1—121 to 140 pounds
3—Gray	2—141 to 160 pounds
4—Blue	3—161 to 180 pounds
5—Hazel	4—181 to 200 pounds
6—Green	5—201 to 220 pounds
7—Special code	6—Over 220 pounds
8—Special code	
9—Special code	

13:21-8.22 License class, endorsement and restriction codes

(a) The following alphabetic codes on driver licenses designate the indicated class of license:

- LICENSE CLASS
- A—Commercial (Combination Commercial Motor Vehicle)
 - B—Commercial (Heavy Straight Commercial Motor Vehicle)
 - C—Commercial (Small Commercial Motor Vehicle)
 - D—Automobile
 - E—Motorcycle
 - F—Motorized Bicycle
 - G—Agricultural

(b) The following alphabetic codes on driver licenses designate the indicated endorsement(s) for which the licensee has qualified:

- ENDORSEMENT
- F—Motorized Bicycle
 - H—Hazardous Material
 - M—Motorcycle
 - N—Tank Vehicle
 - P—Passenger Vehicle
 - S—School Bus
 - T—Double/Triple Trailer
 - X—Hazardous Material and Tank Vehicle

(c) The following numeric and alphabetic codes on driver licenses designate the indicated restriction(s) applicable to the licensee:

- RESTRICTION
- 1—Corrective Lenses
 - 2—Prosthetic Device
 - 3—Mechanical Device
 - 4—Hearing Impaired

- 5—Attached Restrictions
- L—Excludes Vehicles with Air Brakes
- M—Excludes Class A Passenger Vehicles
- N—Excludes Class A and B Passenger Vehicles
- O—Valid in Tow Trucks Only
- P—Non CDL Passenger Only (School Buses with a Capacity of 15 or less)
- Q—Excludes Passenger Vehicles with a Capacity of 16 or more
- R—Bus Mechanics (No Passengers)

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Deleted old and added new class vehicle and restriction list.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Rewrote the section, formerly "Weight class and restrictions".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), inserted "S—School Bus" and "X—Hazardous Material and Tank Vehicle".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (c), deleted "S—Excludes School Age Passengers".

13:21-8.23 (Reserved)

Repealed by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section was "Surrender of license".

13:21-8.24 Suspension of license; failure to notify of change of address

The Chief Administrator may suspend the driver's license of any driver who fails to notify the Commission of a change of address pursuant to N.J.S.A. 39:3-36 until the Commission is notified in writing by the driver of his or her correct address.

R.1984 d.19, effective February 6, 1984.

See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator" for "director", "Commission" for "Division of Motor Vehicles", "Commission" for "division" and inserted gender neutral reference.

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS

13:21-9.1 Expired license or registration

Under the authority of N.J.S.A. 39:3-4 and 39:3-10, whenever a driver or owner of a vehicle applies for renewal of his driver license or registration subsequent to the date of the expiration of his prior driver license or registration, but not more than six months subsequent thereto, the said driver or vehicle owner shall be issued a driver license or registration, as the case may be, effective on the first day of the month immediately following the date of expiration of his prior

driver license or registration and shall pay the appropriate fee therefor.

13:21-9.2 Proof of allegations

In the event a driver or vehicle owner alleges that he or she has not driven or that his or her vehicle has not been operated during the period between the expiration of his or her prior driver license or registration certificate and the time of his or her application for renewal of same, the driver or vehicle owner shall be required to submit proof of his or her allegations in the form of an affidavit and such other proof as the Chief Administrator may require, if any. If the Chief Administrator is satisfied of the truth of the allegations, he or she may permit the issuance of a new driver license or a new registration commencing at the time of application for same.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote the section.

13:21-9.3 Restoration fees

(a) The fee specified in N.J.S.A. 39:3-10a shall be payable to the Chief Administrator for the restoration of any license that has been suspended or revoked by reason of the licensee's violation of any law or regulation.

(b) The fee specified in N.J.S.A. 39:3-10a shall be payable to the Chief Administrator for the restoration of vehicle registrations that have been suspended or revoked by reason of the registrant's violation of any law.

R.1982 d.484, effective January 17, 1983.

See: 14 N.J.R. 1146(a), 15 N.J.R. 94(a).

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

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

Designated existing text as (a) and therein increased the fee from \$30 to \$50 and substituted "law" for "of the provisions of Title 39"; and added (b).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a) and (b), substituted "The" for "A", "specified in N.J.S.A. 39:3-10a" for "of \$50.00", "Chief Administrator" for "Director", and "that" for "which".

13:21-9.4 Suspension continues until restoration; application for restoration

(a) Every suspension of driving privileges in this State pursuant to Title 39 of the Revised Statutes, as amended and supplemented, or any other law of this State providing for the suspension of driving privileges in this State, shall continue and remain in force and effect until those driving privileges are granted or restored by the Chief Administrator.

(b) In the case of suspensions of driving privileges in this State for a fixed period, the person so suspended shall, as a condition precedent to restoration, make application to the Chief Administrator in such form as the Chief Administrator may determine, and pay the license restoration fee specified in N.J.S.A. 39:3-10a. The Chief Administrator may, upon notice and an opportunity to be heard, deny any application

“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).

“Nondriver identification card” means an identification card issued by the Chief Administrator of the Motor Vehicle Commission 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 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.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Inserted definitions “Chief Administrator” and “Commission”; and rewrote definition “Nondriver identification card”.

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 Commission unless the applicant therefor submits, upon request, 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(a), (b) and (c).

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).
See: 35 N.J.R. 2946(a).

Substituted “Commission” for “Division”, inserted “, upon request,” preceding “proof of identity”, and amended N.J.A.C. reference.
Adopted concurrent amendment, R.2003 d.365, effective August 15, 2003.

See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).

Provisions of R.2003 d.280 adopted without change.

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 reflectors, 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).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a)1, deleted comma after “two four-inch” and substituted “reflectors” for “reflects”.

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".

(d) The signs shall be posted not less than 250 feet nor more than 750 feet from the crossing in both directions dependent upon the speed limit in the area. All warning signs having significance during the hours of darkness shall have a fully reflectorized background or be illuminated.

(e) The signs shall be erected and maintained by the permit holder, at his or her expense, and with the approval of the local governing body.

(f) If conditions exist that make it impractical to comply with the sign posting requirements, application for waiver shall be made to the Chief Administrator of the Motor Vehicle Commission.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (e), inserted gender neutral reference; in (f), substituted "that make" for "making" and "Chief Administrator of the Motor Vehicle Commission" for "Director".

13:21-17.4 Width of crossing zone

(a) The width of the crossing zone shall not exceed 150 feet.

(b) The crossing area should not be within 250 feet of the crest of a hill or of a curve in a 25 mile-per-hour or lower speed zone, nor within 500 feet if the speed limit is 25 miles-per-hour or greater.

(c) If conditions exist that make it impractical to comply with the above requirements, application for waiver shall be made to the Chief Administrator of the Motor Vehicle Commission.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Rewrote (c).

13:21-17.5 Speed

(a) Vehicles must be capable of crossing the highway at a reasonable speed so as not to interfere unduly with traffic.

(b) Movement shall be limited to travel between two pieces of private property, owned by the same person, company, corporation or the like.

(c) The vehicle when crossing a public highway must be in a safe operating condition and be equipped with at least one brake adequate to stop and hold the vehicle.

(d) The operator of the vehicle shall stop the vehicle prior to entering upon or crossing the roadway, yield to any traffic already on the roadway and proceed only when the move can be made with safety.

(e) If the total length of a combination of vehicles exceeds half of the width of the traveled portion of the roadway being

crossed, the crossing must be controlled by a person, other than the vehicle operator, who is authorized to direct and control traffic.

13:21-17.6 Applicability of laws

The operators of vehicles issued highway crossing permits pursuant to this subchapter shall comply with all provisions of chapter 4 of Title 39 of the Revised Statutes, except those provisions which by their very nature can have no application.

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

13:21-17.7 Penalties

A violation of any provision of this subchapter may be cause for the Chief Administrator of the Motor Vehicle Commission to revoke any permit issued pursuant to this subchapter upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

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

Rewrote the section.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

13:21-18.1 Proof of ownership

(a) Every owner of a snowmobile who applies for a registration certificate shall present to the Motor Vehicle Commission proof of ownership in the following form:

1. An invoice, if the snowmobile was purchased from a dealer in snowmobiles, from the dealer showing the date of purchase, make, model year and serial number and a manufacturer's statement of origin or a manufacturer's certificate of origin;

2. If purchased from an individual, or a dealer invoice is unobtainable, the seller's registration certificate, if applicable, and the manufacturer's statement of origin (MSO) or the manufacturer's certificate of origin (MCO). If the MSO/MCO is unavailable, a notarized statement by the applicant showing from whom the snowmobile was purchased, the date of purchase, make, model year and serial number. If the snowmobile has never been registered, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), deleted "an agent of" following "present to", and substituted "Motor Vehicle Commission" for "Director".

Amended by R.2012 d.072, effective April 2, 2012.
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).
Rewrote (a)1 and (a)2.

13:21-18.2 Sales tax

Every applicant for the initial registration in his name of a snowmobile who purchased the vehicle from other than a sales tax registered vendor after December 14, 1973, shall declare the full purchase price. The sales tax due on said purchase price shall be paid by the applicant when making application for registration.

13:21-18.3 Proof of insurance

Every applicant for snowmobile registration shall present to the Motor Vehicle Commission at the time of application a valid insurance identification card or insurance policy or, if the applicant is the State or a municipality for which the Chief Administrator of the Motor Vehicle Commission has waived the requirement of insurance by a private insurance carrier pursuant to N.J.S.A. 39:3C-20, a certificate of self-insurance.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Rewrote the section.

13:21-18.4 Registration certificate

Upon payment of the proper fee, a registration certificate shall be issued to the applicant on which is shown his name and address, vehicle description, registration number and registration expiration date.

13:21-18.5 Registration number

(a) The registration number shall consist of five numerals followed by the letter "S" and shall be the permanent registration number of the snowmobile notwithstanding the circumstance of subsequent changes of ownership.

(b) The owner shall place the registration number on both sides of the cowling of the vehicle using weather resistant paint, metal or plastic material in contrasting color. Any material used must be securely attached to the vehicle. The minimum dimensions of the individual digits and letter in said registration number shall be as follows:

1. Height: 2 ¼ inches;
2. Width: 1 ¾ inches;
3. Stroke: ¼ inch;
4. Spacing: ½ inch.

(c) The owner shall also place the letters NJ 1/2 inch above the center of the registration number on both sides of the cowling using the same materials and the following minimum dimensions for each letter:

1. Height: 1 inch;
2. Width: ½ inch;
3. Stroke: ⅛ inch;
4. Spacing: ½ inch.

13:21-18.6 Transfer of ownership

(a) When ownership of a registered snowmobile is transferred to a new owner, the seller shall deliver the current registration certificate for the snowmobile to the purchaser together with the manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) or notarized bill of sale as described in N.J.A.C. 13:21-18.1. When ownership of a snowmobile that has never been registered is transferred to a new owner, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.

(b) The new owner shall apply for a registration certificate in his or her own name by presenting to the Motor Vehicle Commission the registration certificate furnished by the seller in accordance with (a) above together with the proofs of ownership required by this subchapter and payment of the proper fee.

(c) When ownership of a registered snowmobile is transferred to a dealer in snowmobiles, the dealer shall retain the former owner's registration certificate and the MSO or MCO or notarized bill of sale until the vehicle is resold. Upon resale, the dealer shall deliver the former owner's registration certificate, the MSO or MCO or notarized bill of sale to the purchaser together with the required invoice. The purchaser shall, when applying for a registration in his or her name, present both the invoice and the former owner's registration certificate and the MSO or MCO or notarized bill of sale to the Motor Vehicle Commission. If a snowmobile has never been registered, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote (a) and (b); in (c), inserted gender neutral reference, deleted "executed" preceding the first occurrence of "registration" and substituted "Motor Vehicle Commission" for "Director's agent".

Amended by R.2012 d.072, effective April 2, 2012.
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote (a) and (c).

13:21-18.7 Renewal of registration certificate

A renewal application shall be mailed to the registrant prior to the expiration of his or her registration certificate. The applicant shall submit said application duly executed to the Motor Vehicle Commission together with payment of the required registration fee. If the renewal application is not received by the registrant or is lost or destroyed, another application form may be obtained from the Motor Vehicle Commission.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote the section.

SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

13:21-19.1 Notice of intent; copies served on Chairman

A motor vehicle franchisor shall serve on the Chairman of the Motor Vehicle Franchise Committee an original and three copies of the notice of intent simultaneously served on existing franchisees pursuant to N.J.S.A. 56:10-19. Service shall be made in person, by certified mail return receipt requested or by regular mail.

13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing

(a) When a motor vehicle franchisor has failed to provide advance written notice to a motor vehicle franchisee entitled to receive advance written notice pursuant to N.J.S.A. 56:10-19 or did not provide a motor vehicle franchisee with any appeal procedure to which the parties consented, a protesting motor vehicle franchisee may file a protest letter with the Chairman of the Motor Vehicle Franchise Committee.

1. If advance written notice of intent was not served on the protesting franchisee(s), the protest letter shall be filed within 30 days of the date the franchisee(s) first learned of the motor vehicle franchisor's intention to grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, or within 10 days of the occurrence of that action, whichever is earlier.

2. If advance written notice of intent was not received by the protesting franchisee(s), the franchisee(s) shall include with its protest letter a sworn affidavit detailing when and how the franchisee(s) became aware of the franchisor's intent to perform an action regulated by the Act. An original and three copies of the protest letter and affidavit shall be filed with the Chairman.

3. If a motor vehicle franchisor does not provide the protesting franchisee(s) with any appeal procedure to which the parties consented, the protest letter shall be filed within 30 days of the date the protesting franchisee(s) first learned that the appeal procedure would not be provided.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "has" for "had"; in (a)1, deleted "of" following "date".

13:21-19.3 Protest; copy filed with a franchisor and relocating franchisee

A copy of the protest filed by a protesting franchisee(s) pursuant to N.J.S.A. 56:10-19, along with a copy of any other documents filed with the Chairman, shall simultaneously be served upon the franchisor and the franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business.

13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings

(a) A franchisor and a franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall file an original and three copies of responsive pleadings with the Chairman within 20 days of receipt of the protest letter.

1. A copy of the responsive pleadings shall simultaneously be served on the protesting franchisee or franchisees.

2. The responsive pleadings shall include the name, address and telephone number of the franchisor's and franchisee's New Jersey counsel.

13:21-19.5 Relocating franchisee; party to Committee's proceedings

A franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall be a party to any proceeding conducted by the Committee.

13:21-19.6 Papers filed with Chief Administrator; papers and envelopes specifically marked

All papers required to be filed with the Chairman pursuant to this subchapter shall be filed with the Chief Administrator of the Motor Vehicle Commission and the papers and envelopes shall be marked "Attention: Motor Vehicle Franchise Committee."

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section was "Papers filed with Director; papers and envelopes specifically marked". Substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law

Originals and three copies of all papers, briefs, documents and exhibits shall be filed with the Office of Administrative Law in all contested matters which have been transmitted to that office for hearing pursuant to N.J.S.A. 56:10-19.

13:21-19.8 Denial, suspension or revocation of dealers license

A motor vehicle dealer license may be denied, suspended, or revoked pursuant to N.J.A.C. 13:21-15 because of failure to comply with a final determination of the Motor Vehicle Franchise Committee concerning the granting, relocating, reopening or reactivating of a franchise or business.

13:21-19.9 Hearing costs; deposit; sanctions

(a) Administrative hearing costs shall be equally apportioned among all parties to the hearing, including intervenors. Each party shall deposit with the Committee \$1,500 to cover the costs of the hearing. The party making the deposit shall give notice thereof to all other parties. The deposit shall be

paid to the Chairman at the time of the filing with the Committee of a protest letter or a responsive pleading or, in the case of an intervenor, with the filing of a motion for leave to intervene pursuant to N.J.A.C. 1:1-16. The deposit shall be made by certified check or money order payable to the Motor Vehicle Franchise Committee.

(b) That portion of the money on deposit that exceeds the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 shall be returned to the parties. The parties shall pay to the Committee their portion of the balance of the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 when said hearing costs exceed the amount on deposit

with the Chairman. If the Office of Administrative Law determines during the course of the hearing that the costs of the hearing will exceed the amount on deposit with the Committee, the parties shall be required, on notice, to deposit with the Committee additional monies to cover the costs of completing the hearing.

(c) If a party fails to deposit monies as required in (a) or (b) above, the Committee may decline to transmit the case and make such orders in regards to the failure as are just, including the following:

1. An order dismissing the party's protest; or