

CHAPTER 21

LICENSING SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-4, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10a, 39:3-10.1, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, 17:33B-45, 56:10-25 and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.1996 d.27, effective December 13, 1995.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

See subchapter and section annotations for specific rulemaking.

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

1972 Revisions: Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was adopted as new rules by R.1972 d.232, effective January 1, 1973. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a). Subchapter 16, Counterpart Fees, was adopted as new rules by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a).

1973 Revisions: Amendments to Subchapter 5, Registrations, became effective January 2, 1973 as R.1973 d.2. See: 4 N.J.R. 307(b), 5 N.J.R. 53(d). Subchapter 17, Special Road Crossing Permits, was adopted as new rules by R.1973 d.103, effective April 12, 1973. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

1975 Revisions: Subchapter 18, Snowmobile Registration, was adopted as new rules by R.1975 d.289, effective October 1, 1975. See: 7 N.J.R. 340(b), 7 N.J.R. 508(b).

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

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

1980 Revisions: Subchapter 4, Titles, was amended by R.1980 d.112, effective March 18, 1980. See: 11 N.J.R. 628(a), 12 N.J.R. 209(c). Subchapter 14, Bus Drivers, was amended by R.1980 d.114, effective March 18, 1980. See: 11 N.J.R. 450(b), 12 N.J.R. 209(e). Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1980 d.474, effective October 30, 1980. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b). Subchapter 8 was amended by R.1980 d.493, effective November 6, 1980. See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

1981 Revisions: Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981. See: 12 N.J.R. 607(b), 13 N.J.R. 149(c). Subchapter 8 was amended by R.1981 d.65, effective February 26, 1981. See: 12 N.J.R. 666(f), 13 N.J.R. 237(c).

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

was amended by R.1982 d.370, effective October 18, 1982. See: 14 N.J.R. 632(a), 14 N.J.R. 1163(a).

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

1984 Revisions: Subchapter 7 was amended by R.1984 d.11, effective February 6, 1984. See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d). Subchapter 8 was amended by R.1984 d.19, effective February 6, 1984. See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a). Subchapter 5, Registrations, was readopted as R.1984 d.408, effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b). Subchapter 8, Driver Licenses, was readopted as R.1984 d.411, effective August 28, 1984, with amendments effective September 17, 1984. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c). Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was readopted as R.1984 d.443, effective September 14, 1984. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a).

1985 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985, and new rules on the same subject were adopted as R.1985 d.200, effective April 15, 1985. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a). Pursuant to Executive Order No. 66(1978), Subchapter 14, Bus Drivers, expired on March 18, 1985, and new rules on the same subject were adopted as R.1985 d.205, effective May 6, 1985. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b). Subchapter 2, Statutory Language Interpretation, was readopted as R.1985 d.576, effective November 18, 1985. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b). Pursuant to Executive Order No. 66(1978), Subchapter 20, Motor Home Title Certificates, expired on October 20, 1985, and new rules on the same subject were adopted as R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

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

1988 Revisions: Subchapter 21, Auto Body Repair Facilities, was adopted as new rules by R.1988 d.474, effective October 3, 1988. See: 19 N.J.R. 1624(c), 20 N.J.R. 2460(a).

1989 Revisions: Subchapter 22, Salvage Certificates of Title, was adopted as new rules by R.1989 d.157, effective March 20, 1989. See: 20 N.J.R. 2675(a), 21 N.J.R. 768(b).

1990 Revisions: Subchapter 16, Counterpart Fees, was repealed by R.1990 d.435, effective September 4, 1990. See: 22 N.J.R. 1325(a), 22 N.J.R. 2747(a).

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

1992 Revisions: Subchapter 23, Commercial Driver Licensing, was adopted as new rules by R.1992 d.138, effective March 16, 1992. See: 24 N.J.R. 219(b), 24 N.J.R. 960(a). N.J.A.C. 13:21-23.22 through 13:21-23.27 became operative April 1, 1992.

1994 Revisions: Subchapter 24, Defensive Driving Courses, was adopted as new rules by R.1994 d.347, effective July 5, 1994. See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a). Subchapter 16, Identification Cards for Nondrivers, was adopted as new rules by R.1994 d.496, effective September 19, 1994. See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

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

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SUBCHAPTER 1. GENERAL PROVISIONS

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

Any person securing a driver license, registering a vehicle, titling a vehicle or filing any document with the Division, or for any reason being recorded on the records of the Division, shall do so in his legal name.

13:21-1.2 Proof of legal name

Any person using a name for the purposes outlined in Section 1.1 (Use of legal name on all documents) of this Chapter shall furnish proof that the name given is the legal name, when this proof is requested by any agent, officer or employee of the Division.

13:21-1.3 Mandatory disclosure of social security number

(a) An applicant for any special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall disclose his or her social security number(s) upon the application form furnished by the Director.

(b) A special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall not be issued unless the applicant therefor discloses his or her social security number(s) upon the application form.

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

New Rule, R.1985 d.307, effective June 17, 1985.

See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).

Amended by R.1990 d.514, effective October 15, 1990.

See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirement to applicants of commercial licenses.

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

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

13:21-1.4 Restricted use of social security numbers

(a) The Division of Motor Vehicles or its designee shall, in the administration of the driver license and motor vehicle registration laws of this State, including the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) and the regulations adopted thereunder, and the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, utilize social security numbers for the purpose of establishing the identification of individuals affected by such laws.

(b) The Division of Motor Vehicles or its designee shall utilize social security numbers for the purpose of establishing the identification of individuals who are indebted to the Division for unpaid motor vehicle fees, or who are indebted to the State for unpaid Merit Rating Plan insurance surcharges assessed pursuant to the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, and for the purpose of satisfying such indebtedness in accordance with N.J.S.A. 54A:9-8.1 et seq. or the civil judgment provisions of N.J.S.A. 17:29A-35.

(c) The Division of Motor Vehicles shall utilize social security numbers as an identifier in the administration and enforcement of the "Driver License Compact" (N.J.S.A. 39:5D-1 et seq.) and the licensing provisions of Title 39 of the Revised Statutes for the purpose of determining through the National Driver Register whether a driver license applicant has had his or her driver license suspended in any other state.

13:21-4.5 through 13:21-4.6 (Reserved)**SUBCHAPTER 5. REGISTRATIONS****13:21-5.1 Weight class**

(a) In determining the weight class of all 1958 or later models of passenger automobiles which are being initially registered or titled in New Jersey, the manufacturer's shipping weight on the Certificate of Origin shall govern.

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

As amended, R.1984 d.408, effective September 17, 1984.

See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Deleted "New Jersey".

13:21-5.2 Certificate of Origin

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

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

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

As amended, R.1984 d.408, effective September 17, 1984.

See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Deleted "New Jersey".

13:21-5.3 Published listing of models

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

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

13:21-5.4 Registration fee

(a) Where any motor vehicle, having been previously registered in New Jersey subsequent to March 1, 1956, is re-

registered or title is transferred as the result of sale or otherwise, the weight classification on the prior registration or Certificate of Ownership, or if not available the published listing of such vehicles, shall control and be the basis for the registration fee to be paid.

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

13:21-5.5 Certification of weight class

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

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

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

13:21-5.6 Registering flood-damaged vehicles

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

Authority

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

13:21-5.7 Notification of flood damage

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

Authority

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

13:21-5.8 Mileage reading on certificate of ownership

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

mileage recording instrument (odometer) and shall certify the truth thereof.

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

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

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

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

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

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

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

13:21-5.10 Surrender of registration plates

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

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

R.1979 d.315, effective August 15, 1979.
See: 11 N.J.R. 350(a), 11 N.J.R. 466(b).
As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Deleted "intend to"; "he shall . . . N.J.S.A. 39:3-30".

13:21-5.11 Registration refusal

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

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

13:21-5.12 Registration plate decals

Upon issuance of each initial motor vehicle registration and each motor vehicle registration renewal by the Division of Motor Vehicles, a distinctive registration plate decal(s) shall also be issued by the Division for affixation to the front and rear license plates of such motor vehicles to indicate the month and year of expiration of the motor vehicle registration. This section shall not apply to motor vehicles registered at no fee in accordance with N.J.S.A. 39:3-27.

New Rule, R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.1 Definitions

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

"Examination permit" means a permit issued by the Director of the Division of Motor Vehicles to a person over 17 years of age, in accordance with the provisions of N.J.S.A. 39:3-13, for the purpose of fitting himself or herself for the issuance of a New Jersey basic driver's license or motorcycle license.

"United States" means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

R.1970 d.8, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
Amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no examination permit shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.3 Prerequisites for validation of examination permits

(a) No examination permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:

1. Successful completion of a law-knowledge test; and
2. Minimum standard in visual acuity is attained.

R.1970 d.8, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Recodified from 13:21-6.2 and amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Prior text at 13:21-6.3, Provisional requirements, repealed.

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

13:21-7.1 Definitions

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

“Special learner’s permit” means a permit issued to a person over 16 years of age, in accordance with the provisions of N.J.S.A. 39:3-13.1, allowing such person, for the purpose of fitting himself or herself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a licensed driving school, and which, in accordance with the provisions of N.J.S.A. 39:3-13.2a may, upon successful completion of a behind-the-wheel driving course, be retained by the holder to operate a motor vehicle of the class for which a basic driver’s license is required except during the hours between 12:01 A.M. and 5:00 A.M. while in the company and under the control of a licensed motor vehicle driver of this State who has at least three years experience as a licensed motor vehicle driver.

“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.

As amended, R.1984 d.11, effective February 6, 1984.
See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

“Student” changed to “Special” permit. Also added course of behind-the-wheel instruction conducted by licensed driving school.
Amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.2 Requirements for issuance of special learner’s permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no special learner’s permit shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth and proof that the applicant’s presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.3 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the special learner’s permit prior to 17th birthday of the applicant; provided that:

1. The student will be at least 17 years of age on the date of the appointment;

2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf, Interpreter Referral Service must accompany the student for the oral test.

3. The special learner’s permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles;

4. The special learner’s permit, when presented for the driving test, bears the signatures of the school principal or driving school owner, school nurse and student. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.

5. The student will have completed an approved “behind-the-wheel” training course on the date of the appointment.

R.1970 d.9, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1981 d.66, effective February 26, 1984.

See: 12 N.J.R. 490(a), 13 N.J.R. 237(d).

(a)2-4 substantially amended.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a)2, added requirements for student having hearing impairment.
In (a)4, added last sentence.

Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

(a)5 added.

Recodified from 13:21-7.2 and amended by R.1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.4 Method of securing appointment

A student may present his or her special learner’s permit at any Driver Testing Center for the purpose of securing an appointment for the driving test; provided, however, that the applicant has completed six hours of “behind-the-wheel” automobile driver training.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

Deleted old and added new requirement that applicant must complete six behind-the-wheel hours of training. Also deleted old (b).
Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Substituted “Testing” for “Qualification”; “or has reached the age of 16½” has been deleted.

Recodified from 13:21-7.3 and amended by R.1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.5 Validation of special learner’s permits

(a) A special learner’s permit is valid for practice driving a motor vehicle of the class for which a basic driver’s license is required while the holder of the special learner’s permit is

in the company and under the control of a licensed driver of this State who has had at least three years experience as a licensed motor vehicle driver when:

1. A student has completed "behind-the-wheel" driver training and has successfully completed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approved certificate indicating that he has passed.

2. The Snellen eye reading has been recorded on the special learner's permit by the school nurse. The eye reading may be recorded by a representative of the Division of Motor Vehicles if the eye reading has not been recorded by the school nurse.

3. The signature of the school principal or driving school owner, school nurse and student must be on the special learner's permit. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.

(b) If a student has not completed six hours of "behind-the-wheel" driving training, he or she must purchase an examination permit before the driving test appointment.

(c) A special learner's permit is not valid during the hours between 12:01 A.M. and 5:00 A.M.

As amended, R.1984 d.11, effective February 6, 1984.
See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a), added motor vehicle may be used for practice driving between sunrise and sunset while accompanied by a driver licensed for three years. In (a)2, added DMV representative may record eye reading if school nurse has not. In (a)3, added last sentence. Also added new 4. Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Deleted text in (a)1 "or is at least 16½ years old".
Recodified from 13:21-7.4 and amended by R.1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.1 Definitions

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

"Applicant" means every person who has made application for a license as provided in N.J.S.A. 39:3-10 or who has compiled with the provisions of N.J.S.A. 39:3-11.1, 39:3-13 or 39:3-13.1 et seq.

"Driving test" means that portion of the driver license examination wherein the applicant for a New Jersey basic driver's license or motorcycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he or she has applied for would be valid.

"Examinations" means a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles administered by the Division of Motor Vehicles.

"Permit" means a special learner's permit, examination permit or any written instrument issued under the provisions of N.J.S.A. 39:3-13 or 39:3-13.1 et seq.

"United States" means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

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

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

Amended definition of "driving test" and "examinations".

As amended, R.1984 d.411, effective September 17, 1984.

See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Changed text is definition "Examinations".

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law

(a) All applicants must have reached the age of 17 years, except applicants making application under the provisions of N.J.S.A. 39:3-11.1 or 39:3-13.1.

(b) As a condition for obtaining a license, all applicants shall be required to furnish to the Division proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified copy of any of the following documents:

1. A United States birth certificate showing the name and date of birth of the applicant and bearing the registrar's signature and seal of office;
2. A United States government identification card issued to persons serving in the United States military;
3. United States military discharge papers;
4. A current alien registration card issued by the United States Department of Immigration and Naturalization;
5. A passport issued by the United States or passport issued by a foreign country accompanied by a current form I-94 or equivalent document;
6. United States citizenship papers;
7. A Certificate of Naturalization issued by the United States Department of Immigration and Naturalization;
8. A current employment authorization card issued by the United States Department of Immigration and Naturalization when accompanied by a Social Security card;

9. United States adoption papers; or

10. Any other documents issued by the United States which establish the applicant's proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law.

(c) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Division pursuant to this section unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.

(d) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver's license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Director may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(e) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (d) above but for the fact that he or she is not the holder of a driver's license from the country in which he or she resides shall be eligible to make application for a New Jersey driver's license or permit. The Director shall suspend or revoke any driver's license or permit issued pursuant to this subsection upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(f) The Division shall not issue a driver's license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (d) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver's license to the Division upon issuance of a New Jersey driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1979 d.382, effective September 26, 1979.

See: 11 N.J.R. 385(a), 11 N.J.R. 580(d).

As amended, R.1980 d.493, effective November 6, 1980.

See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

(b)1 "civil" deleted (b)2 "civil" and "cannot be obtained" deleted, "is unavailable" added; (b)2i was "Hospital birth certificates", (b)2ii deleted, (b)2iii through ix renumbered as ii through vii; (b)2iv "the United States or passport issued by" added, "may be used by an alien provided that an I-94" deleted.

Amended by R.1986 d.68, effective March 17, 1986.

See: 18 N.J.R. 49(a), 18 N.J.R. 567(a).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-8.3 Permits

(a) The following applicants must produce a valid permit when appearing for examination:

1. Initial applicants;
2. Applicants appearing for re-testing;
3. Applicants holding an out-of-State driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.4 Physical and mental qualifications

(a) A person may be prohibited from obtaining or holding a New Jersey driver's license or permit if he or she:

1. Has any physical disability, which cannot be compensated for by use of a prosthetic device(s) or special vehicle equipment, which would render him incapable of operating a motor vehicle in a safe manner as determined by an actual driving demonstration.
2. Through any mental or physical defect is incapable of operating motor vehicle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a New Jersey licensed physician, may be required.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Case Notes

Indefinite suspension of driver's license due to mental incapacity was dismissed after motorist admitted that he had not experienced earlier reported hallucinations. *Kelly v. New Jersey Division of Motor Vehicles*, 96 N.J.A.R.2d (MVH) 8.

13:21-8.5 Driving privilege status

(a) Any person who has had his driving privilege revoked in New Jersey may be required to present written evidence supplied by the Director of Motor Vehicles that his privilege has been restored.

(b) Any person who has had his driving privilege revoked or suspended in another state within the three years prior to making application for the New Jersey driver's license may be required to present written evidence supplied by the licensing authority of that state that his privilege has been restored. A current driver's license issued by such state may be considered sufficient evidence of restoration.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

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 (c).

13:21-8.6 Law-knowledge tests; written; English language; foreign language

(a) Written tests will be administered in English to driver license applicants having an adequate ability to read and understand the English language.

(b) Written tests will be administered in foreign languages to applicants having a limited ability to read and understand the English language. The foreign languages in which the written test will be given shall be determined by the Director.

(c) Written tests will consist of a series of questionnaires concerning the safe operation of an automobile or motorcycle and the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the driver manual and supplements thereto.

(d) The written test will consist of at least 20 questions. The test will include a demonstration of an ability to read and understand road signs in common use.

(e) The written test administered in public, private or parochial schools shall consist of at least 50 questions and shall be approved by the State Department of Education and the Division of Motor Vehicles.

(f) A passing score of at least 80 percent must be attained by the applicant. If the test consists of two parts (laws and signs), a passing score of 80 percent must be attained in each part. Each question will be of equal value when scoring the test.

(g) An applicant who fails the written test for a driver license cannot be retested for a period of at least one week from the date of failure.

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 text.

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

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

13:21-8.7 Law-knowledge tests; oral; English language; foreign language

(a) Oral tests will be administered to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that are unable to complete the written test.

(b) The English language oral test administered by the Division of Motor Vehicles or as part of a high school driver education program will consist of two parts as follows:

1. Slides, transparencies or other facsimiles which can be used to show the image of official traffic control devices. The number of slides, transparencies and/or other facsimiles will be 20. Applicants will be required to read and explain the meaning of each slide, transparency or other facsimile. The percentage value of each slide, transparency or other facsimile will be five percent. A passing score of 80 percent must be attained by the applicant.

2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, and the New Jersey Motor Vehicle Laws and Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions will be 20. A passing score of 80 percent must be attained by the applicant.

(c) An applicant who fails the oral test for a driver license shall not be retested for a period of at least two weeks from the date of failure.

(d) Oral tests will be administered in foreign languages determined by the Director to driver license applicants who are unable to read and understand the English language or a foreign language so that they are unable to complete the written test.

(e) Foreign language oral tests will consist of the following:

1. A series of at least 20 recorded questions concerning the safe operation of an automobile or motorcycle and the New Jersey Motor Vehicle Laws and Traffic Regulations.

2. A demonstration of the ability to understand traffic control signs in common use.

3. A passing score of 80 percent must be attained in each part of the oral test.

4. An applicant who fails the oral test for a driver license cannot be retested for a period of at least two weeks from the date of failure.

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

See: 15 N.J.R. 143(b), 16 N.J.R. 51(d).

Deleted old and added new text.

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

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

13:21-8.8 Special examination; hearing-impaired

(a) A special test will be administered to driver license applicants who are hearing-impaired and unable to read and understand the English or foreign language written test.

(b) The special test for hearing-impaired applicants will be administered by use of video or other devices in order to determine whether the applicant has an adequate knowledge concerning traffic control signs in common use, the safe operation of a motor vehicle or motorcycle and the Motor Vehicle Laws and Traffic Regulations.

(c) A passing score of 80 percent must be attained in each part of the special examination.

(d) An applicant who fails the special examination for a driver license cannot be retested for a period of at least two weeks from the date of failure.

(e) An interpreter may be permitted to accompany the applicant if the interpreter has been approved by the New Jersey Division of the Deaf or the Interpreter Referral Service.

(f) The Division will pay the interpreter fees for hearing impaired applicants. An approved interpreter will be paid at the interpreter's customary rate, not to exceed \$35.00 per hour, plus \$0.25 per mile for travel over 25 miles round trip. Upon request for compensation the supervisor will require the interpreter to sign form "AR 50/54". The supervisor will ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters will be paid a minimum of two hours.

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 text.

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

In (f) altered the rate of pay and travel compensation, and increased the minimum period of payment from one to two hours.

13:21-8.9 Visual acuity and color perception check generally

(a) All applicants will be required to meet the minimum vision standards as set by the Division of Motor Vehicles.

(b) Color perception tests will consist of the applicants' ability to distinguish between red, amber and green as used on Official Traffic Control Devices.

R.1970 d.6, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.10 Visual acuity test standards

(a) Vision will be considered as passing when a minimum of 20/50 is attained in each eye, with or without corrective lenses. This rating will be determined as measured by the Snellen Chart.

(b) When the vision in either eye is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a registered physician, ophthalmologist or optometrist must be presented.

(c) When the vision in either eye is less than 20/50 and corrective lenses will improve the vision, then corrective lenses will be required to be worn while driving; except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant's visual well being, a statement to this effect, signed by a registered physician, ophthalmologist or optometrist, must be presented.

(d) When there is no vision in one eye, the good eye must meet the minimum standard of 20/50 with or without corrective lenses.

(e) In the event any special device or equipment is used or needed to meet the minimum requirements of this section, the matter may be referred to the Director or his or her designee for final determination.

As amended, R.1983 d.609, effective January 3, 1984.
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).
Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

13:21-8.11 Color perception check standards

(a) The color perception check will measure the applicant's ability to distinguish red, amber, and green as used on official traffic control devices.

(b) An applicant may not be denied a driver's license solely upon the basis of a color deficiency.

R.1970 d.5, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.12 Necessity of driving test

Every applicant for a New Jersey driver's license must satisfactorily complete a practical demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he desires a license to drive.

R.1970 d.6, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.13 Driving test maneuvers

(a) The driving test may include but is not limited to the following maneuvers:

1. Starting;
2. Stopping;
3. Steering;
4. Turning;
5. Backing;
6. Turning around;
7. Parallel parking;
8. Signaling.

R.1970 d.4, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.14 Vehicle used in driving demonstration

(a) The vehicle used for the driving demonstration shall be provided by the applicant, who must have a current validated permit in his or her possession.

(b) The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment. A vehicle registered in a state other than New Jersey may be used for the driving test if it is properly

registered in the home state of the registered owner and is properly equipped in accordance with the laws of this State.

(c) The vehicle must be equipped with a fixed seat (with back) so situated that the licensing examiner may be able to operate the controls in case of an emergency.

(d) The driving test cannot be administered in a vehicle in which there is a center console type construction, or other obstruction which will prevent the licensing examiner from having access to the foot brake, unless the parking brake is mounted to the right of the driver in a position accessible to the examiner.

(e) The vehicle may be required to be equipped with snow tires or tire chains when, in the opinion of the Unit Supervisor-in-charge, such equipment is necessary to insure maximum safety.

(f) In the case of a motorcycle or "commercial motor vehicle" as that term is defined in N.J.S.A. 39:3-10.11 and N.J.A.C. 13:21-23.1, the provisions of (a), (b) and (c) above may not be applicable.

As amended, R.1983 d.609, effective January 3, 1984.
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

In (f), added "articulated vehicle or bus test".
Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

13:21-8.15 Accompanying driver

(a) The applicant must be accompanied to the testing area by a New Jersey licensed driver who will be required to exhibit his credentials, and whose license does not restrict him from operating the vehicle used on the test.

(b) This Section does not prohibit a person holding a valid out-of-State license from driving the vehicle to the road test starting point; provided, however, such license does not restrict him from operating the vehicle used on the test.

(c) No unauthorized person may accompany the applicant and the licensing examiner in the vehicle during the test.

As amended, R.1983 d.609, effective January 3, 1984.
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

13:21-8.16 Failure of driving test

(a) An applicant who fails the driving test may not be retested until a period of at least two weeks has elapsed.

(b) An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any

material improvement in his or her performance, will be referred to the Unit Supervisor-in-charge of the Driver Testing Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months. The applicant shall retain the examination permit for the purpose of practice driving.

As amended, R.1983 d.609, effective January 3, 1984.
See: 15 N.J.R. 1437(d), 16 N.J.R. 51(d).

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

13:21-8.17 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 Director;

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).

13:21-8.18 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:

13:21-9.7 Content of application; signature; false entry

(a) An applicant shall supply all information requested by the Division during the electronic renewal process. As authorized by N.J.S.A. 39:2-3.8, the signature of an applicant shall be deemed affixed to all information submitted electronically.

(b) The system utilized by the Division shall include adequate provision for verification, certification, witnessing or other formal requirements which must be met with respect to documents or other information permitted by the Director to be submitted in electronic or digital form. The system utilized by the Division shall also include safeguards deemed necessary by the Director to protect the privacy and prevent the improper access to and disclosure of any personal information that may be transmitted in an electronic or digital form or processed electronically.

(c) An applicant is subject to punishment for knowingly making a false entry in the record, or otherwise supplying false or misleading information.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.8 Identification of insurance carrier and policy number

An applicant shall verify or provide the name of the applicant's current vehicle insurance carrier and the full policy number of the vehicle insurance policy as part of the registration renewal process.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.9 Verification of current mailing address

(a) An applicant who chooses to renew a vehicle registration by telephone shall electronically verify the current mailing address as printed on the registration renewal form received in the mail from the Division. An applicant whose current mailing address is not identical to the address printed on the registration renewal form received in the mail from the Division shall not be able to renew his or her vehicle registration by telephone.

(b) An applicant who chooses to renew a vehicle registration through the Internet shall verify or provide the applicant's address as part of the registration renewal process.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.10 Submission of social security number

An applicant shall enter the applicant's full social security number as part of the registration renewal process. Disclosure of the applicant's social security number is mandatory under N.J.A.C. 13:21-1.3, and may be used only for the purposes contained in N.J.A.C. 13:21-1.4.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.11 Inability or refusal to provide all information requested

An applicant who cannot or will not fully provide required information or an applicant who will not acknowledge or certify, when required, the accuracy of information provided, shall not be able to renew his or her vehicle registration by telephone or through the Internet.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.12 Automatic extension of prior registration for timely renewal by mail, telephone or through the Internet

(a) An applicant who has accurately and timely completed a registration renewal process by telephone or through the Internet, but who does not receive a renewed registration document from the Division before the date on which the applicant's prior registration document expires, shall be automatically granted an extension of the prior registration document by the Director, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The automatic extension of the prior registration document shall terminate upon receipt by the applicant of the renewed registration document or the passage of three weeks from the original expiration date, whichever is earlier, unless the Director expressly determines otherwise.

(b) An individual who has accurately and timely completed a registration renewal process by mail, but who does not receive a renewed registration document from the Division before the date on which the individual's prior registration document expires, shall be automatically granted an extension of the prior registration document by the Director, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The automatic extension of the prior registration document shall terminate upon receipt by the individual of the renewed registration document or the passage of three weeks from the original expiration date, whichever is earlier, unless the Director expressly determines otherwise.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.13 Protection of personal information

All personal information provided by the applicant shall be protected from improper disclosure to the full extent required by Federal and State law.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.14 Applicant survey

The Division may, either directly or through a consultant or a contractor, survey applicants to ascertain from them their opinions, observations, or recommendations regarding

the process of renewing registrations by telephone or through the Internet. Although these surveys will be conducted in conjunction with actual transactions, an applicant need not participate in the survey in order to conduct the transaction. Participation in such a survey will be solely at the option of an applicant, and survey results shall contain no personal information, unless expressly authorized by the applicant.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.15 Non-waiver of privacy protections

The protections from unauthorized access to or disclosure of personal information specified in N.J.A.C. 13:21-9.5 through 9.16 are not intended to be construed so as to waive, qualify, limit or otherwise restrict any other protections arising out of any law, rule or regulation that are available to any individual renewing a vehicle registration.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

13:21-9.16 Electronic records, applicable rules, minimum standards

All records generated by transactions shall be stored and maintained as required by the rules of the New Jersey Department of State, N.J.A.C. 15:3-6, and as may be amended. Additionally, the system utilized by the Division shall meet the standards required by N.J.A.C. 15:3-4, and be certified as required by N.J.A.C. 15:3-5. The Division may, subject to the approval of the Division of Archives and Records Management, New Jersey Department of State, for good cause shown, determine to promulgate, implement or employ more restrictive standards, procedures or rules for all or a portion of the records arising out of the transactions.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

13:21-10.1 Terminal certificate

A motor vehicle junk title certificate issued by the Division to a public agency in accordance with N.J.S.A. 39:10A-3 is a terminal certificate, and the vehicle described thereon may not be subsequently titled and registered in this State.

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

Authority

N.J.S.A. 39:10A-6.

SUBCHAPTER 11. CENTRAL TITLE AND REGISTRATION SERVICE

13:21-11.1 Service established

(a) The implementation of mail-order issuance of licenses and registrations by the Division of Motor Vehicles in 1956 resulted in the closing of over half of the Motor Vehicle Agencies within the State. This caused a hardship to citizens and automobile dealers in many areas who found it necessary to travel unreasonable distances to effect transfers of titles and registrations. The Central Title and Registration Service was created in 1957 to alleviate this condition.

(b) This service was inaugurated on an experimental basis. Through experience gained by several years of functioning, it has developed into an efficient operation which fills a void in the mail-order licensing program and merits a permanent status in division operations.

(c) The rules and regulations covering the operations of the Central Title and Registration Service are incorporated in a printed manual entitled "Dealer Instructions and Procedure for Mail-Order Title and Registration Service", the provisions of which are set forth in this Subchapter.

13:21-11.2 Purpose of service

(a) Since March 1, 1957, the Division of Motor Vehicles has provided a mail-order certificate of ownership and registration service to car dealers on a restricted geographic basis. The recent reduction in the number of Motor Vehicle Agencies has, in some instances, increased the distances a dealer or his customer must travel to effect a transfer of title and obtain a registration. Therefore, the Director has ordered the expansion of the mail-order service to aid those dealers and their customers who have been placed at a disadvantage because of the Agency reduction.

(b) Briefly, this service permits a dealer to issue a temporary transfer registration which allows his customer to operate the passenger vehicle purchased using the license plates in his possession. This temporary transfer registration is good for a period not exceeding 20 days; or until the purchaser receives, by mail, the certificate of ownership and permanent registration, whichever occurs first. In those cases where license plates will not be transferred to the newly purchased passenger vehicle, the dealer will issue temporary plates in addition to an initial temporary registration good for a period not exceeding 20 days; or until the purchaser receives, by mail, the certificate of ownership, permanent registration certificate and permanent plates, whichever occurs first. The processing of the necessary documents to be issued under this program will be performed by the Title and Registration Unit of the Certificate of Ownership Bureau, Division of Motor Vehicles, 137 East State Street, Trenton, New Jersey 08608.

Case Notes

Regulation supports holding that buyer need not have auto title in hand to consummate sale; entrustment provision of the Uniform Commercial Code prevails over the Motor Vehicle Act's certificate of ownership provisions. *Shannon v. Snedeker*, 192 N.J.Super. 366, 470 A.2d 25 (Ch.Div.1983).

13:21-11.3 Advantages of mail-order system

(a) The advantages of the mail-order system to the dealer and his customer are:

1. It decreases the possibility of issuing fraudulent titles or titles for stolen vehicles;
2. It enables the customer to drive his car immediately after purchase;
3. It eliminates the necessity of the dealer or his customer going to a Motor Vehicle Agency to transfer title and registration of a vehicle; and
4. It improves dealer-customer relationships because the dealer handles all details with respect to titles and registrations for his customer.

13:21-11.4 Compliance

Detailed rules and procedures for the operation of this mail-order service are contained in this Subchapter. Strict adherence to the procedure should eliminate mistakes and consequent delays in the issuance of permanent registrations, plates and certificates of ownership.

13:21-11.5 Misuse of system

While one of the purposes of this system is to provide a convenience for dealers, it should be understood that misuse of the temporary registrations and plates, or frequent inaccurate reporting by the dealer will result in the Director rescinding the dealer's privilege to operate under this program.

13:21-11.6 Temporary initial registrations and plates

(a) Temporary initial registrations and plates will be supplied in multiples of ten sets to a dealer only upon receipt of a signed application (Form RB-300).

(b) There is a fee of \$1.00 for each set of temporary plates, to be paid by the dealer at the time application is made for the temporary initial registrations and plates.

13:21-11.7 Temporary transfer registrations

(a) Temporary transfer registrations will be supplied in multiples of ten sets to a dealer only upon receipt of a signed application (Form RB-301). There is no fee required for this type of transaction.

(b) The number of registrations requested on the initial applications should be based on the dealer's sales for three months during a like period in the past year. Additional registrations and plates may be obtained upon receipt of another signed application.

13:21-11.8 Mailing address for applications

Applications should be mailed to the Title and Registration Unit, Certificate of Ownership Bureau, Division of Motor Vehicles, 137 East State Street, Trenton, New Jersey 08608.

13:21-11.9 Responsibility for issuance; records

(a) Licensed dealers who apply for temporary registrations with or without plates from the Division are responsible for the issuance of these registrations and plates.

(b) In addition, they must maintain records of issued and unissued registrations and plates.

13:21-11.10 Collection of fees

(a) Licensed dealers are also responsible for collecting the proper fees and reporting fees collected to the Division of Motor Vehicles.

(b) Any shortages in the fees collected are the responsibility of the dealer who must collect the difference from his customer or pay the difference himself.

(c) No transactions where the fee reported is insufficient will be processed until the difference is received from the dealer. (See N.J.A.C. 13:21-11.22, Preparation of adjustment voucher.)

13:21-11.11 Errors in transactions

(a) Any transactions with errors such as missing signatures or incomplete information will not be processed until the necessary corrections are made.

(b) All errors will be listed on an Error Letter (Form RB-307), two copies of which will be sent to the dealer with the document to be corrected attached.

(c) When the necessary corrections are made, return the documents with one copy of the error letter to the Title and Registration Unit.

(d) All voided temporary registrations and voided temporary plates must be returned immediately to the Title and Registration Unit.

13:21-11.12 Issuance of temporary initial registration

(a) Temporary initial registrations and plates may only be issued to purchasers of passenger vehicles when there are no plates available to be transferred to the newly purchased vehicle.

(b) Temporary initial registrations and plates may not be issued when:

1. The dealer has not made a bona fide sale of a vehicle;
2. Application for the certificate of ownership and/or registration and plates are to be made at a Motor Vehicle Agency;
3. The dealer does not have a valid title in his possession;
4. The purchaser does not intend to secure permanent New Jersey registration;
5. Purchaser has a set of New Jersey plates that may be transferred to the newly-purchased vehicle.

(c) Temporary plates may not be loaned to a customer or any other dealer, nor may they be used on any vehicle owned by the dealer.

13:21-11.13 Expiration date of temporary initial and transfer registration

(a) All temporary initial and transfer registrations issued to residents of this State shall expire at the end of 20 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration. The validity of temporary registrations issued to residents of this State pursuant to this subsection prior to January 3, 1989 (the effective date of the amendment of this subsection) shall not be affected or impaired by that amendment.

(b) All temporary initial registrations issued to non-residents shall expire at the end of 20 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration.

(c) Under no circumstances may a dealer extend the expiration date or issue a new temporary initial registration and plates for the same vehicle.

(d) Notwithstanding any other provision of N.J.A.C. 13:21-11.1 et seq. to the contrary, temporary initial and transfer registrations may be issued to residents of this State for passenger and commercial vehicles, laden or unladen, upon payment of the registration fee provided by statute and, if the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), upon submission of proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

Amended by R.1985 d.520, effective October 21, 1985.

See: 17 N.J.R. 1863(a), 17 N.J.R. 2562(a).

(b) recodified to (c) and new (b) added.

Amended by R.1989 d.22, effective January 3, 1989.

See: 20 N.J.R. 176(a), 21 N.J.R. 26(b).

Added text to (a) "The validity of . . ." and added (d).

13:21-11.14 Instructions for preparation

(a) Type or print clearly on the temporary initial registration, in quadruplicate, all the information required. Each copy must be signed by the dealer and the purchaser.

(b) The date on the registration must agree with the date of assignment of the vehicle.

(c) The number on the temporary plate must agree with the number on the prenumbered registration.

(d) Dealer must enter the following information in the proper spaces on the plate in permanent type ink:

1. Date of issue;
2. Date of expiration;
3. Make of vehicle;
4. Manufacturer's serial number.

(e) Purchaser must fill out reverse side and sign an application for passenger registration (Form RB-122).

(f) The proper registration fee must be entered on the temporary registration. The unsatisfied claim and judgment fee must be included if the vehicle is not covered by liability insurance at the time of issuing the temporary registration. The fee for the certificate of ownership must be entered under the registration fee. Total of the two fees must be entered on the next line. Do not include \$1.00 fee for temporary plates. As to schedule of fees, see Sections 11.19 through 11.21 of this Chapter. See also, Section 11.32 (Fee Chart) of this Chapter. (See N.J.A.C. 13:21-11.19 through 13:21-11.21, Schedule of fees. See also, N.J.A.C. 13:21-11.32, Fee Chart.)

(g) The original copy and triplicate copy of the temporary initial registration, the registration application, and the certificate of ownership or statement of origin must be sent to the Title and Registration Unit. Accompanying these documents must be a summary of dealer transactions reporting the fees collected. Do not fold, bend or staple the registration application.

(h) The duplicate copy of the temporary initial registration shall be given to the purchaser to operate the vehicle until the permanent registration and plates are received from the Division.

(i) The quadruplicate copy of the temporary registration must be filed by plate number. This copy must be filed for three years and must be available for examination by the Director of Motor Vehicles, his inspectors or other law enforcement officers.

(j) Temporary plates must be destroyed when:

1. The permanent registration and plates are received;
2. The 20-day period has expired.

13:21-11.15 Issuance of temporary transfer registration

(a) Temporary transfer registrations may only be issued when the purchaser has a set of New Jersey passenger license plates that may be transferred to the newly-purchased passenger vehicle and a currently valid registration certificate. If the registration has expired, it is impossible to transfer the registration. Issue a temporary transfer registration, collect the same fee as for an initial registration, and the Division will issue the permanent registration in accordance with present regulations. If the registration expires during the month the transaction transpires, issue a temporary transfer registration, collect the same fee as for an initial registration, and the Division will issue the permanent registration in accordance with present regulations.

(b) If the purchaser of a vehicle has lost his unexpired registration certificate, he must apply to the Division of Motor Vehicles for a Duplicate Registration Certificate. Do not issue a temporary transfer certificate until the purchaser has received his duplicate from the Division.

(c) Temporary transfer registrations may not be issued when:

1. The dealer has not made a bona fide sale of a vehicle;
2. Application for the certificate of ownership and/or transfer are to be made at a Motor Vehicle Agency;
3. The dealer does not have a valid title in his possession;
4. The purchaser does not have a current validated registration in his possession.

13:21-11.16 Expiration date of temporary transfer registration

(a) All temporary registrations shall expire at the end of 20 days or as soon as the permanent transfer registration is received from the Division, whichever occurs first.

(b) Under no circumstances may a dealer extend the expiration date or issue a new temporary transfer registration for the same vehicle.

13:21-11.17 Instructions for preparation

(a) Type or print clearly on the temporary transfer registration, in triplicate, all the information required. Each copy must be signed by the dealer and the purchaser.

(b) The date on the registration must agree with the date of assignment of the vehicle.

(c) Purchaser must fill out the reverse side and sign an application for passenger registration (Form RB-122).

(d) The proper registration fee must be noted on the temporary transfer registration. The fee for the certificate of ownership must be entered under the registration fee. The total of the two fees must be entered on the next line. As to schedule of fees, see Sections 11.19 through 11.21 of this Chapter. See also, Section 11.32 (Fee Chart) of this Chapter. (See N.J.A.C. 13:21-11.19 through 13:21-11.21, Schedule of fees. See also, N.J.A.C. 13:21-11.32, Fee chart.)

(e) The original copy of the temporary registration, the current valid registration certificate, (Attachment for Garden State plates, if necessary, should be attached to the registration), and the certificate of ownership or statement of origin and the registration application must be sent to the Title and Registration Unit with the Summary of Dealer Transactions (Form RB-304) reporting the fees. Do not fold, bend or staple the registration application.

(f) The duplicate copy of the temporary transfer registrations shall be given to the purchaser to operate the vehicle until the permanent registration certificate is received from the Division.

(g) The triplicate copy of the temporary transfer registration must be filed by accounting number. This copy must be held for three years and be available for examination by the Director of Motor Vehicles, his inspectors or other law enforcement officers.

13:21-11.18 Certificate of ownership information

(a) Carefully examine certificate of ownership and assignments thereof before mailing.

(b) Fill in the name and address of the buyer, also the name of the lien holder, if any. If no lien exists, so note by writing the word "none" in the lien space.

(c) Do not fill in name of lien holder until you are certain that the buyer's credit has been approved.

(d) Fill in actual date of assignment of the certificate of ownership. The Division of Motor Vehicles cannot accept an undated assignment.

(e) Powers of attorney, surrogates certificates or other papers necessary for the proper transfer of ownership of a motor vehicle must accompany the certificate of ownership.

(f) Any alteration or correction will void the certificate of ownership, necessitating the issuance of a replacement. (Fee—\$2.00)

(g) The signatures of the seller and buyer must be genuine and the same as those appearing on the Temporary Initial Registration Certificate or the Temporary Transfer Registration Certificate, as the case may be.

(h) The dealer or his employee may not sign a customer's name on certificate of ownership forms.

(i) Send correct fees to avoid confusion and delay; refer to the Fee Schedule on the reverse side of the certificate of ownership.

(j) If a certificate of ownership is not properly assigned and executed, it will be returned to you causing delay and inconvenience to your customer.

(k) Applications for title through foreign paper or document must be accompanied by Form CO-7 (Application for Certificate of Ownership).

(l) Certificates of ownership transferring title to a dealer must be completed and signed by the seller. The date of assignment must be within the legal limits for transferring title or a penalty will be assessed.

13:21-11.19 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Registration fee".

13:21-11.20 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Unsatisfied claim and judgement fee".

13:21-11.21 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Adjustment fees; certificate of ownership fees".

13:21-11.22 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Preparation of Adjustment Voucher".

13:21-11.23 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Instructions for Completing Summary of Dealer Transactions (Form RB-304)".

13:21-11.24 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Enumeration of form".

13:21-11.25 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Application for Temporary Initial Registrations and Plates (RB-300)".

13:21-11.26 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Temporary Initial Registration (RB-302)".

13:21-11.27 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Application for Temporary Transfer Registrations (RB-301)".

13:21-11.28 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Temporary Transfer Registration (RB-303)".

13:21-11.29 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Summary of Dealer Transactions (RB-304)".

13:21-11.30 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Dealer Adjustment Voucher (RB-305)".

13:21-11.31 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Error letter (RB-307)".

13:21-11.32 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Section was "Fee Chart (RB-309)".

SUBCHAPTER 12. FARM VEHICLES

13:21-12.1 Vehicles exempted from statutory provisions

Within the restrictions listed in this Subchapter, vehicles registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, farm machinery and implements being operated singly or while drawing other farm implements or machinery), and N.J.S.A. 39:3-25 (farmer trucks, while drawing a farm implement or machine) may be operated on highways of this State singly or while drawing one piece of farm machinery or implement except that a farm tractor may draw two pieces of farm machinery or implements, one of which may carry a load, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.

(d) Examinations may be conducted of all applicants to determine knowledge of appropriate motor vehicle laws of the State of New Jersey before granting a dealer license.

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

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

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

13:21-15.2 Proper person

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

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts;

2. Be of sufficient good character, in the Director's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Director in making this determination, he may consider an applicant's financial responsibility as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license;

3. Not have been convicted of a crime arising out of fraud or misrepresentation in the sale or financing of a motor vehicle;

4. Submit, within ten days after preliminary approval of his application, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance shall be in an amount sufficient in the judgment of the Director of the Division of Motor Vehicles to protect the public from injury or loss due to the operation of said vehicles.

Case Notes

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

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

13:21-15.3 Established place of business

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

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

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

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

As amended, R.1979 d.371, effective September 20, 1979.

See: 11 N.J.R. 350(b), 11 N.J.R. 580(a).

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

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

Case Notes

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

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

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

1. Applicant or licensee is not a proper person as defined above;

2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule;

3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued or which was suspended for cause and the terms of such suspension have not been satisfied;

4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant be a corporation, previously held a license issued under the authority of this Division, which was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied;

5. Any willful failure to comply with any provision of this rule;

6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule.

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

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

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

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

Case Notes

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

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

13:21-15.5 Hearing

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

Case Notes

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

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

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

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

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

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

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

13:21-15.7 Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance

(a) Prior to entering into any agreement for the retail sale of a used passenger motor vehicle, a motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 shall give written notice to the purchaser of a used passenger motor vehicle to be registered in this State of the dealer's responsibilities under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(b) In the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(c) Notwithstanding (b) above, the motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles than that set forth in (b) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(d) A motor vehicle dealer who violates this section may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

New Rule, R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

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

“State of residence” means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

“United States” means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

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

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no nondriver identification card shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth and proof that the applicant’s presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

13:21-16.3 Nondriver identification card class codes

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

IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

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

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

13:21-17.1 Application; fees

(a) An application for a special road crossing permit or permits shall be made, and a permit for each vehicle shall

be issued, in the name of the property owner. The permit must be in the possession of the vehicle operator whenever crossing a public roadway between sections of private property.

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

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

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

13:21-17.2 Restrictions

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

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

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

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

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

13:21-17.3 Warning signs

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

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

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

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 Director; papers and envelopes specifically marked

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

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
2. An order striking the party's responsive pleading and affirming the adverse party's protest.

New Rule, R.1993 d.103, effective March 1, 1993.
See: 24 N.J.R. 3015(c), 25 N.J.R. 998(a).

SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES

13:21-20.1 Definitions

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

"Complete vehicle" means a multi-stage motor home that does not require any additional manufacturing operations for it to perform its intended functions, except addition of readily attachable components or completion of minor finishing operations.

"Final-stage or multi-stage manufacturer" means a person who performs manufacturing operations on an incomplete motor vehicle in making it a completed motor home.

"First-stage manufacturer" means a person who manufactures an incomplete motor vehicle that can be made into a completed motor home.

"Incomplete motor vehicle" means an assemblage of power train, steering system, and braking system to the extent that those systems are to be a part of the completed vehicle and that requires additional manufacturing operations except addition of readily attachable components or completion of minor finishing operations, to make it a completed motor home.

"Minor finishing operations" include painting, upholstering, or other cosmetic modifications.

"Motor home" means a vehicular unit, built into as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van, that is designed to provide temporary living quarters. The vehicle must contain perma-

nently installed, independent life support systems meeting the American National Standards Institute standard A 119.2, and provide at least four of the following facilities: cooking, refrigeration, or ice box; self-contained toilet; heating or air conditioning; a portable water supply system including a faucet and sink; separate 110-125 volt electrical power supply or a liquid petroleum gas supply.

1. "Type A motor home" means a chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters.
2. "Type B motor home" means a van-type vehicle, bus, truck, or other motor vehicle that has been altered to provide temporary living quarters.
3. "Type C motor home" means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters.

"Multi-stage vehicle" means a motor vehicle that requires manufacturing operations performed by separate manufacturers to provide a completed motor home.

"Readily attachable components" include any mirror, light, or tire and rim assembly.

13:21-20.2 Assignment and affixation of vehicle identification number

(a) First-stage manufacturers of motor homes shall assign and affix a vehicle identification number to each new vehicle that conforms to the American Association of Motor Vehicle Administrators' Vehicle Equipment Safety committee's standards.

(b) First-stage manufacturers of motor homes shall affix the vehicle identification number on the incomplete chassis or van.

(c) Multi-stage manufacturers of type "A" motor homes shall affix the vehicle identification number assigned by the first-stage manufacturers in a conspicuous place on the completed vehicle.

(d) The vehicle identification number assigned by the first-stage manufacturer shall be used on applications for certificates of ownership and registration.

(e) First-stage and multi-stage manufacturers shall assign and affix a vehicle identification number in accordance with the format, content and general physical requirements for vehicle identification numbers prescribed by the National Highway Traffic Safety Administration at 49 CFR § 565.1 et seq. and 49 CFR § 571.115.

Amended by R.1985 d.644, effective December 16, 1985.

See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

(e) added.

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

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

13:21-20.3 Certificate of origin

(a) First-stage manufacturers and multi-state manufacturers of motor homes shall execute and deliver a certificate of origin for each new motor vehicle in accordance with N.J.S.A. 39:10-8.

(b) First-stage manufacturers and multi-stage manufacturers of motor homes shall comply with the provisions of N.J.A.C. 13:21-4.1 when executing and delivering certificates of origin.

13:21-20.4 Transfer of ownership of new motor homes

(a) Whenever ownership of a new motor home is transferred the owner thereof shall assign the multi-stage manufacturer's certificate of origin and deliver it together with the first-stage manufacturer's certificate of origin to the new owner.

(b) When applying for a certificate of ownership for a new motor home, the new owner shall submit to the Division of Motor Vehicles the first-stage manufacturer's certificate of origin and the multi-stage manufacturer's certificate of origin with proper assignment.

(c) The certificate of ownership issued to the owner of a new motor home shall reflect the vehicle identification number assigned by the first-stage manufacturer and the name of the multi-stage manufacturer.

13:21-20.5 Certificate of ownership for used motor vehicles converted into motor homes

(a) Certificates of ownership may be issued to owners of used motor vehicles that have been converted into motor homes upon submission of the following:

1. Application with proper fee;
2. Certificate of ownership for the used motor vehicle;
3. Photographs of exterior and interior of used motor vehicle clearly depicting the permanently installed life support systems;
4. Certified weight slip for the converted motor vehicle, and
5. Pencil tracing of the vehicle identification number for the used motor vehicle.

SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES

13:21-21.1 Purpose

(a) The Auto Body Repair Facility Act, N.J.S.A. 39:13-1 et seq., as amended by L. 1985, c.148, provides for the licensure and regulation of auto body repair facilities by the Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensure of auto body repair facilities; and
2. Establish standards and procedures necessary to protect the public from dishonest, deceptive and fraudulent practices in the repair of automobiles damaged by collision and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

13:21-21.2 Scope

(a) This subchapter shall apply to every person engaged in the business of an auto body repair facility.

(b) No person shall, on or after the operative date of this subchapter, engage in the business of an auto body repair facility unless licensed by the Director in accordance with the provisions of this subchapter.

13:21-21.3 Definitions

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

“Advertising” means any printed or published materials, including but not limited to direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the auto body repair facility. The term “advertising” shall not include printed or published materials appearing in the white pages of any telephone directory.

“Applicant” means any person applying under the provisions of this subchapter for an initial license to engage in the business of an auto body repair facility or to renew an existing license. In the case of a partnership or corporation applying for a license, the term “applicant” shall respectively include all partners and/or officers and directors.

“Auto body repair facility” means any person who for compensation engages in the business of repairing, removing or installing integral component parts of an engine, power train, chassis or body of an automobile damaged as a result of a collision. For the purpose of this subchapter, the following are not deemed to be an auto body repair facility and are not required to be licensed:

1. Any employee of an auto body repair facility who engages in the business of repairing automobiles solely by reason of his employment;
2. Any person who is solely engaged in the business of repairing automobiles owned or leased by a single commercial or industrial establishment;
3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper

blades, light bulbs, communication equipment, or such other minor repair and servicing functions; or

4. Any person who solely examines automobiles to determine the cause or location of malfunctions. No such person shall prepare an estimate and/or repair any automobile damaged as a result of a collision.

“Collision” means any damage caused to a motor vehicle as a direct result of a motor vehicle accident, or any damage caused by missiles, falling objects, fire, theft, larceny, wind-storm, hail, earthquake, explosion, riot or civil commotion, malicious mischief, vandalism, water, flood, lightning, external discharge or leakage of water, smoke or colliding with a bird, animal or stationary object.

“Controlling interest” means possession of the power to direct or cause the direction of the management and policies of an auto body repair facility, whether through the ownership of voting securities or otherwise. The Director will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any auto body repair facility. This presumption may be rebutted by showing that control does not in fact exist. The director may determine control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

“Customer” means the owner of record with the Division of the automobile or any family member, employee or any other person whose use of the automobile is authorized by such owner of record.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation.

“Division” means the Division of Motor Vehicles in the Department of Transportation.

“Engaged in the business” means:

1. Any person who for compensation repairs, removes or installs integral component parts on more than four automobiles damaged as a result of a collision during any calendar year;
2. Any person who for compensation subcontracts, or has any type of business arrangement, with an auto body repair facility or other person to repair more than four automobiles damaged as a result of a collision during any calendar year;
3. Any person who for compensation prepares estimates to be used by an auto body repair facility or other person to repair more than four automobiles damaged as a result of a collision during any calendar year; or
4. Any person who for compensation negotiates, in any manner, claims with any insurer or customer to repair

more than four automobiles damaged as a result of collision during any calendar year.

“Estimate” means any written determination prepared by an auto body repair facility of the approximate cost of the parts and labor needed to perform the requested repair services.

“Integral component part” means those major motor vehicle component parts as defined in N.J.S.A. 39:10B-1(b) and also includes the hood and trunk.

“Person” means any natural person, business, company, firm, partnership, association, corporation or any other entity.

“Place of business” means the address or location where the services of the auto body repair facility are offered or ordinarily performed.

“Suspension, revocation or refusal to grant or renew” means administrative action by the Director, in accordance with the provisions of this subchapter, to refuse to grant or renew an auto body repair facility to an applicant or to suspend or revoke an existing license.

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

13:21-21.4 Initial application for a license

(a) Any person seeking to engage in the business of an auto body repair facility shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him or her to engage in such business. An application for an auto body repair facility license may be obtained from the Auto Body Repair Facility Licensing Unit of the Division. The address of the Auto Body Repair Facility Licensing Unit is:

Division of Motor Vehicles
Business License Compliance
Auto Body Repair Facility Licensing Unit
225 East State Street
CN 172
Trenton, New Jersey 08666-0172

(b) Each applicant for an auto body repair facility license shall file with the Director, in such form and detail as may be required by the Director, an application setting forth the following:

1. The name, place of business and telephone number of the auto body repair facility;
2. The name, business and residence address(es) and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or

iii. Each officer, director and possessor of a controlling interest, in the case of a corporation.

3. The business in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;

4. Whether the applicant has ever been convicted of a crime, disorderly persons or petty disorderly persons offense;

5. Whether the applicant has ever been denied, or had suspended or revoked, a license to engage in any business, profession or occupation licensed under the laws of any state; and

6. Whether the applicant has any interest in any other auto body repair facility.

(c) Each initial application for an auto body repair facility license shall be accompanied by proof of the following:

1. Certificate of occupancy or the municipality's equivalent thereof issued by the municipality for the place of business set forth in (b)2 above, provided that such certificate of occupancy or equivalent has been issued. In the event that no certificate of occupancy or equivalent has been issued for such place of business, then the initial application for a license must be signed by the municipal clerk, zoning officer or other appropriate municipal official indicating that the Zoning Board or other appropriate municipal board or council has approved the location, establishment and maintenance of an auto body repair facility at the place of business set forth in (b)2 above.

2. New Jersey Sales Tax Identification Number.
3. New Jersey Unemployment Registration Number.
4. Federal Employer Identification Number.

(d) Each initial application for an auto body repair facility license shall be accompanied by a color photograph and a complete set of fingerprints for each natural person required to be listed on the application by this section.

1. The applicable nonrefundable fee payable to the Division of State Police—S.B.I. shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier check, certified check or money order as required by N.J.A.C. 13:59-1.5.

2. Fingerprints required by this section shall be submitted on the standard fingerprint cards as required by N.J.A.C. 13:59-1.4 and taken by a member of the State Police or municipal law enforcement agency.

(e) Each initial application for an auto body repair facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:21-21.6.

(f) If there are multiple locations for an auto body repair facility, then a separate application, accompanying documents, and application fee as specified in N.J.A.C. 13:21-21.6 shall be submitted for each such place of business.

(g) Upon preliminary approval of each initial license application, a license shall be issued to the auto body repair facility. Each initial license issued to an auto body repair facility on or after October 1, 1984 shall continue in force and effect until September 30 of every other year, unless such license is suspended or revoked by the Director. If there are multiple places of business for an auto body repair facility, then a separate license shall be issued for each such place of business.

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

13:21-21.5 Applicant qualifications

(a) Each applicant shall in the discretion of the Director, be a proper person to hold an auto body repair facility license.

1. In assessing whether an applicant is a proper person, the director may consider the character, responsibility and criminal record of the individual applicant, if the applicant is a natural person; of the individual partners if the applicant is a partnership; or of the officers, directors and/or persons possessing a controlling interest, if the applicant is a corporation; or anyone else employed by, or otherwise associated in business with, the applicant.

(b) Each applicant must have legal capacity to contract, to be sued and to be liable for all debts.

(c) No applicant shall be entitled to licensure who is under 18 years of age.

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

13:21-21.6 Application and license fees

(a) Every application for an auto body repair facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division.

(b) Every application for an auto body repair facility license shall be accompanied by a license fee of \$350.00 payable to the Division. Such license fee shall only be returned to the applicant in the event that the Director refuses to grant or renew an auto body repair facility license to the applicant. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the auto body repair facility license is suspended or revoked pursuant to N.J.S.A. 39:13-1 et seq. or this subchapter.

13:21-21.7 License renewals

(a) Every licensee, no later than 30 days before the expiration of the current auto body repair facility license, shall submit to the Director an application to renew its auto body repair facility license provided that such licensee is not prohibited from applying for an auto body repair facility license as specified in N.J.A.C. 13:21-21.21. An application to renew an auto body repair facility license may be obtained from the Auto Body Repair Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a).

(b) Each application to renew an auto body repair facility license shall be accompanied by the applicable fees specified in N.J.A.C. 13:21-21.6.

(c) Upon approval of each renewal application, a license shall be issued to the auto body repair facility. Every license issued to an auto body repair facility pursuant to this paragraph on or after October 1, 1984 shall continue in force and effect until September 30 of every other year, unless such license is suspended or revoked by the Director.

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

13:21-21.8 Surrender of license

(a) Every auto body repair facility license document, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal to renew or other termination of an auto body repair facility license, the license shall no longer be in force and effect and the license document shall, within one business day, be surrendered to the Auto Body Repair Facility Licensing Unit of the Division. The licensee or other person having possession or custody of the license document shall surrender such license document, either by personal delivery or by certified mail, to the Auto Body Repair Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a). Failure to surrender such license document within one business day shall result in administrative action pursuant to this subchapter.

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

13:21-21.9 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the auto body repair facility shall be responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of the Auto Body Repair Facilities Act and this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or Director, or any person

or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of the Auto Body Repair Facilities Act and this subchapter.

13:21-21.10 Estimates and repairs

(a) Every licensed auto body repair facility shall provide a written estimate to any customer seeking their services, provided that the auto body repair facility is willing and able to perform the requested repair services.

(b) Each written estimate shall bear the name of the auto body repair facility and its license number.

(c) Each written estimate shall be signed by the person preparing such estimate.

(d) Each written estimate shall contain the following information:

1. The customer's name;
2. The date of the estimate;
3. A list of parts necessary for each repair, together with the costs for those parts, indicating any parts which are not new parts;
4. The labor charge for each repair, together with the total labor charge; or the total number of hours estimated to perform all the requested repairs, together with the hourly labor rate charged by the auto body repair facility;
5. A description of the vehicle;
6. An approximate or estimated date of delivery, if any such date is given;
7. The terms and limit of any guarantee for the repair work performed; and
8. The odometer reading at the time of the requested repair.

(e) Each written estimate shall include a statement or statements informing the customer of his right to receive replaced parts, and stating that the customer's signature or initials on the following line shall mean that the customer waives his right to receive such replaced parts and that no signature on this line shall mean that the customer exercises his right to receive these replaced parts. A signature line shall be provided immediately below this statement.

1. The customer's signature or initials on this line shall mean that the customer waives his right to receive such replaced parts. No signature or initials on this line shall be deemed to mean that the customer exercises the right to receive such replaced parts.

2. The auto body repair facility may charge a reasonable storage and removal fee to any customer who requests the replaced parts and subsequently fails to take these replaced parts, after paying for the repair work or picks up his repaired automobile, whichever occurs first.

3. If a storage and removal fee is charged by the auto body repair facility, then such fee must be disclosed, in writing, to the customer at the time the customer exercises his right to receive the replaced parts.

4. The auto body repair facility shall not be liable to the customer in those cases where the customer fails to take the replaced parts after paying for the repair work or picks up his repaired automobile.

(f) Each written estimate shall include a statement informing the customer or insurer of their right to inspect the repaired automobile before paying for the repair work.

(g) Any estimate and/or repair work prepared or performed by a subcontractor shall be deemed to be work performed under the direction of the licensee. The licensee shall be accountable to the Director for all such work subcontracted to others.

(h) An auto body repair facility may charge a reasonable fee for making a written estimate. If a fee is charged for making a written estimate, then the auto body repair facility must disclose, in writing, the amount of the fee to the customer before the written estimate is prepared.

(i) An auto body repair facility may charge a hazardous waste disposal fee. If such a fee is charged, then the auto body repair facility must disclose such fee on the estimate.

Case Notes

Automobile repair shop committed "unlawful practice" under Consumer Fraud Act by providing only superficial details on credit card slips and invoice after work was completed. *Jiries v. BP Oil*, 294 N.J.Super. 225, 682 A.2d 1241 (L.1996).

13:21-21.11 Authorization for repairs

(a) No auto body repair facility shall commence any repair work, including the ordering of parts, on a customer's automobile unless the facility has obtained:

1. Specific written authorization from the customer to proceed with the requested repair services; or

2. If the customer's automobile is presented to the auto body repair facility during other than normal business hours or by one other than the customer, oral authorization from the customer to proceed with the requested repair services. In the case of an oral authorization, the estimate shall contain a notation of the date, time, telephone number, if any, and name of the customer granting such authorization. A copy of the estimate which contains these notations shall be given to the customer.

(b) No auto body repair facility shall commence any additional repair work, including the ordering of additional parts, on a customer's automobile which exceeds any estimate given, including the price, list of parts and labor charge, unless the facility obtains the authorization of the customer to proceed with the additional repair services.

(c) In the case of an oral authorization, the original estimate or any additional estimate prepared shall contain a notation of the date, time, telephone number, if any, and name of the customer granting such authorization. A copy of the estimate which contains these notations shall be given to the customer.

(d) Customers or insurers may test drive the repaired automobile before paying for the repair work, provided that the repairs made by the auto body repair facility are directly related to the operation of the automobile and further provided that such repaired automobile may be safely operated on the highways of this State.

Case Notes

Automobile repair shop committed "unlawful practice" under Consumer Fraud Act by providing only superficial details on credit card slips and invoice after work was completed. *Jiries v. BP Oil*, 294 N.J.Super. 225, 682 A.2d 1241 (L.1996).

13:21-21.12 Notice and recordkeeping requirements

(a) Each licensee shall display an outdoor sign which shall read: "Registered: State of New Jersey—Licensed Auto Body Repair Facility" and display the license number of the auto body repair facility. The sign must contain letters at least two inches high with a stroke of approximately one-half inch and visible from the road and located in a conspicuous location for the general public to see. In the event zoning ordinances prohibit the posting of this sign or such posting is otherwise impractical, the licensee shall place such sign on the exterior of the auto body repair facility.

(b) Every license document issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location at the auto body repair facility which is accessible to the public.

(c) Every licensed auto body repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of the Auto Body Repair Facility Act and the fact that customers or insurers have a right to inspect the repaired automobile before paying for the repair work. The Notice shall be prescribed and furnished by the Division.

(d) Every licensed auto body repair facility shall maintain copies of all estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility on repair work performed by that facility or by subcontractors.

1. Such copies shall be kept for two years and shall be available for inspection by the Director, or any person designated by him, during normal business hours.

2. Failure to permit such inspection shall subject the licensee to administrative action pursuant to this subchapter.

(e) Every auto body repair facility shall, upon request of the Director or any person designated by him, provide the Director or his designee with a list of its employees in such form and detail as may be required by the Director or his designee. Failure to provide such list when requested shall subject the licensee to administrative action pursuant to this subchapter.

(f) The licensee shall notify the Director, in writing, within 10 days of any change in address of the auto body repair facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:21-21.4.

(g) The licensee shall notify the Director, in writing, within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:21-21.4 is no longer associated with the auto body repair facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Auto Body Repair Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:21-21.4, and shall meet the requirements of N.J.A.C. 13:21-21.6(a) and N.J.A.C. 13:21-21.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director, including but not limited to subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified mail, or ordinary mail, to the business address of the auto body repair facility or to counsel's address on record with the Division.

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

13:21-21.13 Advertising

(a) Any advertising used by the auto body repair facility in any printed or published material shall contain and prominently display the license number of the facility.

(b) Any advertising used by the auto body repair facility in any radio broadcast shall disclose that the facility is licensed by the State of New Jersey.

(c) Any advertising used by the auto body repair facility in any television broadcast shall disclose and prominently display the license number of the facility at the end of such broadcast.

13:21-21.14 Storage rates

Every auto body repair facility which charges a fee to store a motor vehicle on its premise shall disclose in writing, as soon as practicable, the amount of such storage charge to the customer on a per diem basis.

13:21-21.15 Additional violations

(a) In addition to any violation of N.J.S.A. 39:13-1 et seq., the Director may impose a civil penalty, refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any auto body repair facility if he determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;

2. Is not the owner of, or possessor of a controlling interest in, the auto body repair facility;

3. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-7.1 et seq.;

4. Has a criminal record which is disqualifying. A disqualifying criminal record shall include, but is not limited to, bond forfeitures, pleas of nolo contendere or convictions of crimes, disorderly persons or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any other offenses as defined by the laws of New Jersey, such as:

i. Any crime or offense involving the manufacture, transportation, possession, sale or use of a controlled dangerous substance as defined in the "New Jersey Controlled Substance Act", N.J.S.A. 24:21-1 et seq.;

ii. Any crime or offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault, battery or arson;

iii. Any crime or offense involving the taking or misappropriation of property of another person, such as theft, burglary, fraud, larceny or embezzlement;

iv. Any crime or offense indicative of bad moral character or not being a proper person for the purposes of being licensed in accordance with this subchapter; or

v. Any crime or offense which, in the discretion of the director, would relate adversely to the operation of the business of an auto body repair facility.

5. Demonstrates a pattern of conduct whereby repairs made by the auto body repair facility were not made in a workmanship like manner;

6. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

7. Has failed to comply with any of the provisions of this subchapter; or

8. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:21-21.4(c)1;

9. Fails to pay any fee required by law or regulation; or

10. For other good cause.

Amended by R.1991 d.21, effective January 22, 1991.

See: 22 N.J.R. 3311(a), 23 N.J.R. 207(c).

Specified as a ground for license suspension or revocation an auto body repair facility's failure to pay any fee required by law or regulation.

13:21-21.16 Additional penalties

(a) Where, pursuant to N.J.S.A. 39:13-1 et seq., or any regulation adopted thereunder, the Director has the authority to suspend, revoke or refuse to grant or renew the license of an auto body repair facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning and/or a civil penalty of not more than \$2,000 for the first offense and not more than \$5,000 for each subsequent offense.

(b) A civil penalty in the amount of \$5,000 per day shall be imposed on any person or auto body repair facility who continues to operate as an auto body repair facility after its license has been suspended or revoked or whose application for an auto body repair facility license has been refused by the Director pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder.

13:21-21.17 Investigations

(a) The Director shall, on his own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of N.J.S.A. 39:13-1 et seq., or of any regulation adopted thereunder, by an auto body repair facility.

(b) The Director, or any person designated by him, shall have the power to conduct investigations, administer oaths, interrogate licensees, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:21-21.12(j), subpoenas shall be served in the same manner, and the witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In case of a failure of any person to comply with any subpoena issued under these rules or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application of the Director, may issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

Case Notes

Operator of auto-body repair facility has reduced expectation of privacy. State v. Bromell, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).

Regulatory searches of auto-body repair facilities may be conducted on basis of tips and information. State v. Bromell, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).



Warrantless search of auto-body repair facility is justified by need to further regulatory scheme. *State v. Bromell*, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).

13:21-21.18 Written notice of a suspension, or revocation or refusal to grant or renew a license

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to grant or renew an auto body repair facility license to the applicant and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the auto body repair facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:21-21.19, the auto body repair facility license shall be suspended or revoked as of 12:01 A.M. on the 61st day from the date such notice was sent in accordance with this section.

13:21-21.19 Request for a hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:21-21.18(a) that the Director refuses to grant or renew an auto body repair facility to him, then the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 60 days. The 60 day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:21-21.18(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:21-21.18(b) of a proposed suspension or revocation of his auto body repair facility license, then the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 60 days. The 60 day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:21-21.18(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Auto Body Repair Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a). The hearing request shall contain the following information:

1. The name, place of business and telephone number of the auto body repair facility;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show

cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b) or (c) above, then the suspension, revocation or refusal to grant or renew the auto body repair facility license shall be effective 12:01 A.M. on the 61st day from the date such notice was mailed in accordance with 13:21-21.18. The auto body repair facility shall cease all engagements and activities of the business of an auto body repair facility effective 12:01 A.M. on the 61st day from the date such notice was mailed in accordance with N.J.A.C. 13:21-21.18.

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

13:21-21.20 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew an auto body repair facility license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

13:21-21.21 Limitations on issuance of a license after a suspension, revocation or refusal to grant or renew

(a) No person whose application for an auto body repair facility license is refused shall be entitled to apply for a license under this subchapter for a period of at least one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

13:21-21.22 License restoration

(a) A fee of \$50.00 shall be payable to the Division for the restoration of an auto body repair facility license which is suspended or revoked pursuant to N.J.S.A. 39:13-1 et seq. or this subchapter. Such license restoration fee shall be paid to the Division before the license may be restored.

(b) Every suspension or revocation of any auto body repair facility license, pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of an auto body repair facility license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may prescribe, and pay the license restoration fee specified in (a) above. The Director may, upon due notice

and opportunity for a hearing, deny any application for restoration of an auto body repair facility license for good cause.

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

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

Increased the fee from \$30 to \$50.

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

13:21-22.1 Purposes

(a) The Salvage Certificate of Title Act, N.J.S.A. 39:10-31 et seq., provides for the issuance of salvage certificates of title and regulates the transfer of ownership of salvage motor vehicles. The purposes of this subchapter are to:

1. Establish standards and procedures necessary to protect the public from fraud by preventing negotiable certificates of ownership for salvage motor vehicles from being used to title or register stolen or other motor vehicles;
2. Establish standards and procedures necessary to protect the public from fraud by providing for the seizure of salvage motor vehicles which are determined, after inspection pursuant to this subchapter, to be stolen or reconstructed, rebuilt or repaired using parts from stolen motor vehicles.
3. Establish standards and procedures necessary to notify the public that a salvage motor vehicle has been subsequently reconstructed, rebuilt or repaired;
4. Establish standards and procedures for the issuance of salvage certificates of title;
5. Establish a system which regulates the transfer of ownership of salvage motor vehicles only as salvage motor vehicles until a negotiable certificate of ownership is obtained;
6. Establish standards and procedures for the inspection of salvage motor vehicles;
7. Establish standards and procedures for the issuance of negotiable certificates of ownership after the salvage motor vehicle has been inspected in accordance with the requirements of this subchapter; and
8. Establish standards for the issuance of salvage and/or negotiable certificate of title which do not cause unreasonable burden to persons or entities licensed by the Director as auto body repair facilities, auto salvage yards, junk yards and/or motor vehicle dealers.

13:21-22.2 Prohibition on transfer

(a) This subchapter shall apply to every motor vehicle which is reported stolen or is damaged to such an extent that it is economically impractical to repair.

(b) No person shall, on or after the effective date of this subchapter, transfer the ownership of a salvage motor vehicle except as a salvage motor vehicle until the owner obtains a certificate of ownership in accordance with this subchapter.

13:21-22.3 Definitions

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

“Bona fide repair estimate” means any written determination of the approximate cost of parts and labor required to repair the damaged motor vehicle that is prepared by an auto body repair facility licensed pursuant to N.J.S.A. 39:13-1 et seq. or by an adjuster of an insurance company licensed to do business in New Jersey. Licensed auto body repair facilities shall prepare the estimate in accordance with N.J.A.C. 13:21-21.10. In the event that more than one such repair estimate is prepared for the damaged motor vehicle, then the highest repair estimate shall be used to determine if the damaged motor vehicle is economically impractical to repair. This term does not include any repair estimate prepared by the motor vehicle owner.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation.

“Division” means the Division of Motor Vehicles in the Department of Transportation.

“Economically impractical to repair” means that the motor vehicle is damaged to such an extent that:

1. For those motor vehicles manufactured eight or less model years from the current model year, the cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or
2. For those other motor vehicles where the fair market value of such damaged motor vehicle immediately before it was damaged equals or exceeds the fair market value of a motor vehicle of the same make and model manufactured five years from the current model year, or similar make and model if the same make and model is no longer manufactured, if the motor vehicle has sustained damage to the extent that either:
 - i. The cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or

ii. The insurer settles a total loss claim with the motor vehicle owner as a result of the damage to the motor vehicle.

“Fair market value” means the retail value of the motor vehicle as determined by the average of the official valuation manuals approved by the Commissioner of the Department of Insurance in accordance with auto physical damage claims, N.J.A.C. 11:3-10. In the event that the retail value of the motor vehicle is not listed in the official valuation manuals, then the retail value of the motor vehicle may be determined by any other valuation method approved by the Commissioner of the Department of Insurance, in accordance with auto physical damage claims.

“Owner” means the owner of record with the Division on the date that the motor vehicle was stolen or sustained sufficient damage to render it economically impractical to repair.

“Person” means any natural person, business, firm, partnership, association, corporation, or any other entity.

“Salvage certificate of title” means the document issued by the Director pursuant to N.J.S.A. 39:10-31 et seq., or a similar document issued by another state, which serves as proof of ownership of a salvage motor vehicle.

“Salvage motor vehicle” means any motor vehicle which has been reported stolen or is damaged to such an extent that it is economically impractical to repair.

“State inspection” means an inspection conducted by persons approved and designated by the Director to inspect salvage motor vehicles.

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

13:21-22.4 Issuance of salvage certificates of title; fee

(a) Whenever a motor vehicle is reported as being stolen or is damaged to such an extent that it is economically impractical to repair such motor vehicle, the owner, insurer or person in possession of the certificate of ownership shall, within 10 working days after the motor vehicle was reported as stolen or damaged, or within 10 working days after settling a total loss insurance claim, surrender the certificate of ownership for such motor vehicle to the Division.

(b) Upon surrender of the certificate of ownership, as required by (a) above, the Director shall issue a salvage certificate of title to the owner of the salvage motor vehicle, after determining that the person applying for a salvage certificate of title is the owner of record; provided, however, that if the salvage motor vehicle is owned subject to a lien, a salvage certificate of title shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record by the Division.

(c) A lienholder of record shall be noted on the salvage certificate of title until the lien is properly satisfied and discharged in accordance with N.J.S.A. 39:10-10.

(d) A fee, set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a salvage certificate of title.

13:21-22.5 Subsequent transfer of salvage motor vehicles

(a) Until such time as the owner obtains a certificate of ownership in accordance with this subchapter, no person shall transfer ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

(b) No salvage motor vehicle shall be sold at auction, or otherwise disposed of, in this State except by proper assignment and delivery of a salvage certificate of title.

(c) The buyer of a salvage motor vehicle shall, within 10 working days after its purchase, apply for a new salvage certificate of title. The Director shall issue a new salvage certificate of title to the buyer upon surrender of the previous salvage certificate of title properly executed and assigned by the seller, together with the required title fee and New Jersey sales tax.

(d) Whenever ownership of a salvage motor vehicle is transferred by a motor vehicle dealer in accordance with N.J.S.A. 39:10-19, the dealer may assign and attach a dealer reassignment certificate to the salvage certificate of title.

13:21-22.6 Salvage motor vehicles precluded from obtaining a registration

(a) A salvage motor vehicle shall not be registered for the purpose of being driven or operated on the public highways of this State, except in accordance with N.J.A.C. 13:21-22.11.

(b) The Director shall deny registration, except a temporary registration issued in accordance with N.J.A.C. 13:21-22.11, to the owner of a salvage motor vehicle until the owner obtains a certificate of ownership in accordance with this subchapter.

13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired

(a) A salvage motor vehicle that has sustained damage to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired must be inspected in accordance with N.J.A.C. 13:21-22.10(a) to determine the accuracy of its vehicle identification number and/or any identification numbers of any major component parts used to reconstruct, rebuild or repair the motor vehicle before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Division before the salvage motor vehicle will be inspected:

1. Salvage certificate of title;
2. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10;
3. Bill of sale as proof of ownership for each major component part used in the reconstruction, rebuilding or repair of the motor vehicle, including the following parts:
 - i. Engine;
 - ii. Transmission or transaxle;
 - iii. Front bumper;
 - iv. Rear bumper;
 - v. Each fender;
 - vi. Hood or engine cover;
 - vii. Each door;
 - viii. Each quarter panel;
 - ix. Decklid, tailgate or hatchback (whichever is present);
 - x. Roof (including T-tops/removable roof if present);
 - xi. Cowl;
 - xii. Frame;
 - xiii. Shock tower or apron; and
 - xiv. Assembled items:
 - (1) Nose (fenders, hood, bumper, radiator support);
 - (2) Front clip (cowl, frame section, shock and apron structure);
 - (3) Rear clip (rear sheet metal, frame section, roof);
 - (4) Short clip (rear clip without roof); and
4. A set of "before" and "after" color photographs of the motor vehicle. Each set of "before" and "after" color photographs shall consist of:
 - i. One photograph showing the entire front and entire left side of the motor vehicle; and
 - ii. One photograph showing the entire rear and entire right side of the motor vehicle.

(c) The bill of sale for each major component part shall include the following information:

1. Name and address of the buyer;
2. Name and address of the seller;
3. Date and the purchase price; and
4. For parts, as follows:

i. For a new part: description of the part and part number; or

ii. For a used part: description of the part, the vehicle identification number (if available), make, model, and year of the motor vehicle from which the part was removed, the date the part was dismantled or removed (if available), and the name and address of the person or business which dismantled or removed the part. If the vehicle identification number is not indicated on the bill of sale, then the owner must obtain a letter from the seller or person who dismantled or removed the part stating why the vehicle identification number was not indicated on the bill of sale.

(d) If the motor vehicle had been reported stolen, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(e) It is the responsibility of the owner to arrange satisfactory transportation of his or her salvage motor vehicle to have it inspected (for example, flatbed truck, towing by means of an approved towing device, temporary registration).

13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers

(a) A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate must, whether or not the vehicle has been damaged, be inspected in accordance with N.J.A.C. 13:21-22.10(b) to determine the accuracy of its vehicle identification number before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Division before the motor vehicle will be inspected:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10.

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

The inspection performed upon a recovered stolen motor vehicle by the recovering law enforcement agency to ascertain ownership of the vehicle shall be deemed sufficient inspection for purposes of the issuance of a certificate of ownership to the owner of such vehicle pursuant to N.J.A.C. 13:21-22.14, provided that the recovered stolen vehicle does not have a missing, altered or damaged vehicle identification number or plate and has not sustained damage to such an extent that it has been rendered economically impractical to repair.

1. A stolen motor vehicle that is subsequently recovered and which has not sustained damage to such an extent that it has been rendered economically impractical to repair, provided that the recovered stolen motor vehicle does not have a missing, altered or damaged vehicle identification number or plate.

2. A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate after determination at a State inspection that such recovered motor vehicle is not a stolen motor vehicle, provided such vehicle has not sustained damage to such an extent that it has been rendered economically impractical to repair.

(b) No certificate of ownership without a salvage designation shall be issued unless the following documents are presented to the Division:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. For vehicles described in (a)2 above, a vehicle identification number verification form or inspection report.

(c) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership without a salvage designation.

13:21-22.15 Issuance of certificates of ownership with a salvage designation

(a) A certificate of ownership with a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership with a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following salvage motor vehicles:

1. A motor vehicle that was previously determined to be economically impractical to repair and that is subsequently reconstructed, rebuilt or repaired.
2. A stolen motor vehicle that is recovered in damaged condition (for example, stripped for major component parts) and that is subsequently reconstructed, rebuilt or repaired where the cost to repair the damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was stolen.

(b) No certificate of ownership with a salvage designation shall be issued unless the following documents are presented to the Division:

1. Salvage certificate of title;
2. Inspection report; and

3. For vehicles described in (a)2 above, a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(c) A unique vehicle identification number shall be assigned by the Division to a motor vehicle which is reconstructed, rebuilt or repaired from more than one salvage motor vehicle.

(d) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership with a salvage designation.

13:21-22.16 Penalties

(a) Any person who transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title shall be subject to the penalties set forth in N.J.S.A. 39:10-24.

(b) In addition to the penalties set forth in (a) above, the Director may suspend or revoke the license of any person who is licensed by the Director as an auto body repair facility, junk yard and/or motor vehicle dealer for a period not to exceed three years if such person transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

13:21-22.17 Written notice

(a) Any person who transfers ownership of a salvage motor vehicle in violation of N.J.S.A. 39:10-31 et seq. and/or this subchapter shall be notified by the Director, in writing by registered mail, of any license suspension or revocation or other action sought to be imposed and the grounds thereof.

(b) Written notice shall be mailed to the person at the address of record with the Division.

13:21-22.18 Request for a hearing

(a) Any person who has been notified in accordance with N.J.A.C. 13:21-22.17 shall be entitled to an administrative hearing, provided that such person has filed with the Director a written request for a hearing within 30 days from the date of such notice. The 30 day period shall commence on the date such notice was mailed to the person by the Division in accordance with N.J.A.C. 13:21-22.17.

(b) Any written request for a hearing shall be sent to the Director. The hearing request shall contain the following information:

1. The name, address and telephone number to the person requesting a hearing;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show

cause, or if the person is without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

13:21-22.19 Hearing procedures

Any hearing pursuant to this subchapter shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

"Basic driver's license" means a license issued by the Division which authorizes a person to operate motor vehicles other than CMVs.

"Cargo tank" means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle. Any packaging fabricated under specifications for cylinders is not a cargo tank.

"Commercial driver license" or "CDL" means a license issued in accordance with the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) to a person authorizing the person to operate a certain class of commercial motor vehicle.

"Commercial Driver License Information System" or "CDLIS" means the information system established pursuant to the Federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway:

1. If the motor vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

2. If the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

3. If the motor vehicle is designed to transport 16 or more passengers including the driver;

4. If the motor vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment; or

5. If the motor vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with subpart f. of 49 CFR § 172, or the vehicle displays a hazardous material placard.

This term shall include those vehicles specifically described and classified in N.J.A.C. 13:21-23.5.

This term shall not include recreation vehicles.

"Controlled substance" means any substance so classified under subsection (6) of section 102 of the "Controlled Substances Act" (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 CFR § 1308, or under P.L. 1970, c.226 (C. 24:21-1 et seq.) as they may be revised from time to time. The term shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 355).

"Conviction" means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person's appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation.

"Disqualification" means either:

1. The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privilege to operate a commercial motor vehicle;

2. A determination by the Federal Highway Administration under the rules of practice for motor carrier safety contained in 49 CFR § 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR § 391; or

3. The loss of qualification which automatically follows conviction of an offense listed in 49 CFR § 383.51.

"Division" means the Division of Motor Vehicles in the Department of Transportation.

"Domicile" 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.

"Driver license" means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

"Endorsement" means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

"Foreign jurisdiction" means any jurisdiction other than a state of the United States or the District of Columbia.

"Gross vehicle weight rating" or "GVWR" means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle, or the registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR," is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

"Hazardous material" means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provision of the "Hazardous Materials Transportation Act," (49 U.S.C. § 1801 et seq.).

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term "motor vehicle" includes motorized bicycles.

"Out of service order" means a temporary prohibition against operating a CMV.

"Portable tank" means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

"Recreation vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

"Representative vehicle" means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

"Serious traffic violation" means conviction for one of the following offenses committed while operating a commercial motor vehicle:

1. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
2. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of N.J.S.A. 39:4-96;
3. Improper or erratic traffic lane changes;
4. Following a vehicle ahead too closely, including violations of N.J.S.A. 39:4-89;
5. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation; or
6. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 CFR § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or equipment defect violations.

"State" means a state of the United States or the District of Columbia.

"State of domicile" means the state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever he is absent.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks

as defined in this section. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

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

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person operates or expects to operate;

2. Pass a driving or skills test in accordance with the standards contained in N.J.A.C. 13:21-23.8 through 23.15 taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate or provide evidence that he or she has successfully passed a driving test administered by an authorized third party;

3. If a person operates or expects to operate in interstate commerce, meet the driver qualification requirements set forth in 49 CFR 391;

4. Make application for an initial CDL, CDL examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL, to the Division in the form specified in (g) below. An applicant must provide complete and accurate information and all required certifications on the application;

5. Complete the application form with the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.18;

6. Surrender his or her noncommercial driver's license to the Division; and

7. Pay to the Division the license fee established by N.J.S.A. 39:3-10.30.

(b) In addition to any other requirements provided by law, a person applying for a CDL, a CDL examination permit, a transfer of a CDL from another state, a renewal of a CDL or a person applying to operate a CMV in a different group or endorsement from the group or endorsement in which he or she already holds a CDL, shall provide the following certifications:

1. A certification that he or she meets the qualification requirements contained in 49 CFR § 391; provided, a person who operates or expects to operate entirely in intrastate commerce and is not subject to 49 CFR 391, may instead certify that he or she is not subject to Part 391; and

2. Certify that the motor vehicle in which he or she takes the driving skills test, where such test is required, is representative of the type of motor vehicle he or she operates or expects to operate; and

3. Certify that he or she is not subject to any disqualification, suspension, revocation or cancellation as contained in the “New Jersey Commercial Driver License Act” or 49 CFR 383.51; and

4. Certify that he or she does not have a driver license from more than one state or jurisdiction.

(c) When applying to transfer a CDL from another state of domicile to New Jersey, an applicant shall apply for a CDL from the Division within no more than 30 days after establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Division the certifications contained in (b)1 and (b)3 above;

2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18;

3. If the applicant wishes to retain a hazardous materials endorsement, comply with Division requirements as specified in N.J.A.C. 13:21-23.3(b)4; and

4. Surrender the CDL from the old state of domicile to the Division.

(d) When applying for a renewal of a CDL, all applicants shall:

1. Provide to the Division the certifications contained in (b)1 above;

2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18; and

3. If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in N.J.A.C. 13:21-23.14.

(e) When applying to operate a CMV in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, all applicants shall:

1. Provide to the Division the necessary certifications as specified in (b)1 and (b)2 above;

2. Pass the tests specified in (a)1 and (a)2 above for the new vehicle group and/or different endorsements; and

3. Surrender his or her current CDL to the Division.

2. A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided that he or she possesses the requisite endorsement(s).

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

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

In (a)3 substituted "on or before December 31" for "before December 1".

13:21–23.6 Endorsements; descriptions; testing requirements

(a) In addition to taking and passing the knowledge and skills tests described in N.J.A.C. 13:21–23.8 through 23.14, all persons who operate or expect to operate the type(s) of motor vehicles described in (b) below shall take and pass specialized tests to obtain each endorsement. The Division shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) An operator must obtain endorsements to his or her CDL to operate CMVs which are:

1. Double/triple trailers;
2. Passenger vehicles (for example, omnibuses and school buses);
3. Tank vehicles; or
4. Required to be placarded for hazardous materials.

(c) The following tests are required for the endorsements contained in (b) above:

1. Double/Triple Trailers—a knowledge test;
2. Passenger—a knowledge and a skills test;
3. Tank vehicle—a knowledge test; and
4. Hazardous Materials—a knowledge test.

13:21–23.7 Air brake restrictions

(a) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the Division shall indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with air brakes.

(b) For the purposes of the skills test and the restriction, air brakes shall include any braking system operating fully or partially on the air brake principle.

13:21–23.8 General requirement for knowledge and skills

All drivers of CMVs shall have knowledge and skills necessary to operate a CMV safely as contained in this subchapter.

13:21–23.9 Required knowledge

(a) All CMV operators must have knowledge of the following general areas as developed by the Division and approved by the United States Department of Transportation as meeting its minimum standards:

1. Driver-related elements of the regulations contained in 49 CFR Parts 391, 392, 393, 395, 396, and 397, such as: motor vehicle inspection, repair, and maintenance requirements; procedures for safe vehicle operations; the effects of fatigue, poor vision, hearing, and general health upon safe CMV operation; the types of

motor vehicles and cargoes subject to the requirements; and the effects of alcohol and drug use upon safe CMV operations;

2. Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. CMV drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, for example, skids and loss of brakes;

3. The purpose and function of the controls and instruments commonly found on CMVs;

4. The proper procedures for performing various basic maneuvers;

5. The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions;

6. The procedures and rules for various backing maneuvers;

7. The importance of proper visual search, and proper visual search methods;

8. The principles and procedures for proper communications and the hazards of failure to signal properly;

9. The importance of understanding the effects of speed;

10. The procedures and techniques for controlling the space around the vehicle;

11. Preparations and procedures for night driving;

12. The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions;

13. The basic information on hazard perception and clues for recognition of hazards;

14. The basic information concerning when and how to make emergency maneuvers;

15. The information on the causes and major types of skids, as well as the procedures for recovering from skids;

16. The principles and procedures for the proper handling of cargo;

17. The objectives and proper procedures for performing vehicle safety inspections, as follows:

i. The importance of periodic inspection and repair to vehicle safety;

ii. The effect of undiscovered malfunctions upon safety;

iii. What safety-related parts to look for when inspecting vehicles;

- iv. Pre-trip/enroute/post-trip inspection procedures; and
- v. Reporting findings;

18. What constitutes hazardous material requiring an endorsement to transport; classes of hazardous materials; labeling/placarding requirements; and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes;

19. Operators of vehicles equipped with air brakes shall also have knowledge of:

- i. Air brake system nomenclature;
- ii. The dangers of contaminated air supply;
- iii. Implications of severed or disconnected air lines between the power unit and the trailer(s);
- iv. Implications of low air pressure readings;
- v. Procedures to conduct safe and accurate pre-trip inspections; and
- vi. Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail; and

20. Operators for the combination vehicle group shall also have knowledge of:

- i. Coupling and uncoupling—The procedures for proper coupling and uncoupling a tractor to semi-trailer; and
- ii. Vehicle inspection—The objectives and proper procedures that are unique for performing safety inspections on combination vehicles.

13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation

(a) All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Except as provided in N.J.A.C. 13:21-23.7, applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

- 1. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

- i. Locate and verbally identify air brake operating controls and monitoring devices;

- ii. Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

- iii. Inspect the low pressure warning device(s) to ensure that they will activate in emergency situations;

- iv. Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

- v. Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

- vi. Operationally check the brake system for proper performance.

2. Applicants shall successfully complete the skills test contained in this subsection in a representative vehicle equipped with air brakes.

(d) Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

13:21-23.11 Requirements for double/triple trailers endorsement

(a) In order to obtain a double/triple trailers endorsement, each applicant must have knowledge covering:

- 1. Procedures for assembly and hookup of the units;
- 2. Proper placement of heaviest trailer;
- 3. Handling and stability characteristics including off-tracking, response to steering, sensory feedback, braking, oscillatory sway, rollover in steady turns, yaw stability in steady turns; and
- 4. Potential problems in traffic operations, including problems the motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicles on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

13:21-23.12 Requirements for passenger endorsement

(a) An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements:

- 1. All applicants for the passenger endorsement must have knowledge covering at least the following topics:
 - i. Proper procedures for loading/unloading passengers;
 - ii. Proper use of emergency exits, including push-out windows;

- i. T for double/triple trailers;
- ii. P for passenger;
- iii. N for tank vehicle;
- iv. H for hazardous materials;
- v. NH for a combination of the tank vehicle and hazardous materials endorsements; and
- vi. At the discretion of the Director, additional codes for additional classes of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document; and

10. The restriction(s) and/or exception(s) applicable to the driver, if any, indicated as follows:

- i. L except vehicles with air brakes;
- ii. M except Class A Passenger Vehicles;
- iii. N except Class A & B Passenger Vehicles;
- iv. O except Tractor-Trailer (Tow Trucks);
- v. P Passenger endorsement restricted to school bus capacity 15 or less;
- vi. Q except Passenger Vehicles Capacity 16 or more;
- vii. R No Passengers (Bus Mechanics); and
- viii. S except School Age Passengers.

(b) If the Division has issued the applicant an air brake restriction as specified in N.J.A.C. 13:21-23.7, that restriction must be indicated on the license.

(c) If the Division has issued the applicant a Small Vehicle (Group C) CDL which is restricted to the operation of vehicles, including school buses, which are designed to transport not more than 15 passengers including the driver, that restriction must be indicated on the license.

(d) A driver applicant must provide his or her Social Security Number on the application of a CDL. If the applicant has been exempted from applying for a Social Security Number because of his or her religious beliefs, the applicant must submit a letter from the Social Security Administration or the Internal Revenue Service confirming the grant of the exemption. The Division will assign an identification number for the applicant if the applicant has been granted an exemption from applying for a Social Security Number.

(e) The Division must provide the Social Security Number or identification number assigned by the Division to the CDLIS.

13:21-23.19 Tamper proofing requirements

The Division shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Division

shall use the same tamperproof method used for noncommercial drivers' license.

13:21-23.20 Duplicate CDL

The Director, upon presentation of a statement, stating that the original CDL has been destroyed, lost or stolen, may, if he or she is satisfied that the facts as set forth in the statement are true, issue a duplicate CDL, if needed, to the original holder thereof, upon the payment to the Director of the fee set forth in N.J.S.A. 39:3-31 for the duplicate CDL so issued and a fee for the color photograph established by the Director in accordance with N.J.S.A. 39:3-10.30.

13:21-23.21 Change of legal name or address; application for corrected CDL

When a person holding a CDL issued by this State changes his or her legal name, mailing address or residence, he or she shall notify the Director, in writing, of such change within two weeks after the change of legal name is made and within one week after the change of mailing address or residence is made. The Director may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Director may require.

13:21-23.22 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

(a) A person whose CMV driving privilege has been revoked for life under section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction, may apply to the Director to have his or her CMV driving privilege restored.

(b) The Director may, in his or her discretion, restore the CMV driving privileges of such applicant provided the applicant satisfies all of the following requirements:

1. The applicant has served a minimum suspension period of 10 years under the suspension imposed pursuant to section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction;
2. The applicant has enrolled in, paid for, attended and successfully completed a rehabilitation program (that is, driver improvement program and/or alcohol education or rehabilitation program) approved by the Director and has provided sufficient proof of program completion;
3. The applicant is domiciled in this State and has produced sufficient proof of domicile;
4. The applicant has paid the restoration fee provided in N.J.S.A. 39:3-10a, if required;

5. The applicant has paid the Alcohol Education Rehabilitation, and Enforcement Fund fee provided in N.J.S.A. 39:4-50(b), if required;

6. The applicant has satisfied all of the requirements for obtaining a CDL and applicable endorsements in this State. No waiver of the skills test shall be permitted for applicants under this section;

7. The applicant has not previously had his or her CMV driving privileges restored pursuant to this section or the law of another state or jurisdiction similar to this section;

8. The applicant's driving privileges are not suspended or revoked in this State or any other state or jurisdiction and he or she has satisfied all outstanding suspensions in this State or any other state or jurisdiction;

9. If the lifetime revocation was imposed by a licensing authority or court of any other state or jurisdiction, the applicant shall provide proof from that state or jurisdiction authorizing a restoration;

10. The applicant's driving record in this and any other state or jurisdiction, including his or her driving record during the period when his or her CMV driving privilege was suspended, clearly demonstrates that it is consistent with public safety that the applicant be again permitted to operate CMVs. The Director may consider all relevant evidence including the frequency, nature and number of violations, accidents, suspensions and revocations, any special circumstances connected with any violation or suspension, including whether applicant has been involved in any accident resulting in death or bodily injury to any person. The burden shall be on the applicant to demonstrate requisite qualification. The applicant's failure to produce requisite evidence of qualification shall be sufficient grounds to deny the application; and

11. The applicant has submitted an application for such restoration as provided by the Director.

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

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

In (b)9 inserted " , the applicant shall provide proof from that state of jurisdiction".

13:21-23.23 Ineligibility for reduction of lifetime revocation

No person whose CMV driving privilege has been revoked pursuant to Section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other state or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be eligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.22.

13:21-23.24 Driver rehabilitation program

(a) For purposes of this subchapter, a driver rehabilitation program shall consist of:

1. A driver improvement course, or a program in another state or jurisdiction which the Director determines is substantially similar; and

2. If the applicant has ever been convicted of a violation of Section 5 or 16 of the New Jersey Commercial Driver License Act or N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.2 or similar laws of this or any other state or jurisdiction, he or she must show that he or she has satisfied the educational and rehabilitation requirements set forth in N.J.S.A. 39:4-50 or the similar program requirements of another state or jurisdiction which the Director or the Division of Alcoholism, as the case may be, has determined satisfy those requirements.

(b) The fee for the Driver Improvement Course shall be the fee set forth in N.J.A.C. 13:20-17.3.

13:21-23.25 Application to another jurisdiction for restoration; notice to Director

A person whose CMV driving privileges have been revoked for life pursuant to Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act shall notify the Director, in writing, within 10 days of any application to the licensing authority of another state or jurisdiction for restoration of those privileges. The notice shall provide the information specified at N.J.A.C. 13:21-23.2(g)1 through (g)5, the New Jersey drivers license number issued to such person, and any other information required by the Director.

13:21-23.26 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22

(a) The Director may issue a letter of temporary authority to a person who has applied for restoration of his or her CMV driving privilege under N.J.A.C. 13:21-23.22 for the purpose of allowing said person to fit himself or herself to become a CMV operator. A person making application for a letter of temporary authority under this section shall comply with the application procedures set forth in N.J.A.C. 13:21-23.2.

(b) If, upon expiration of the letter of temporary authority, a CDL has not been issued as provided in N.J.A.C. 13:21-23.22, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

13:21-23.27 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

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state.