

shall be exhibited upon the request of any law enforcement official or authorized representative of the Commission.

(p) The "Commission copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be forwarded, together with a properly assigned manufacturer's statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle, to the Commission.

(q) The "dealer copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be retained by such dealer for a period of three years from the date of issuance of the nonresident temporary registration. Records pertaining to the issuance of nonresident temporary registrations by a motor vehicle dealer pursuant to this section, as well as records pertaining by a motor vehicle dealer pursuant to this section, as well as records pertaining to unissued or voided nonresident temporary registrations, shall be maintained in a ledger by such dealer for a period of three years. Such records including the "dealer copies" of nonresident temporary registrations issued by such dealer as well as any unissued or voided nonresident temporary registrations, that are in possession of the dealer, shall be made available by the licensed dealer for examination by authorized representatives of the Commission at any time during regular business hours. A licensed dealer shall permit authorized Commission representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of nonresident temporary registration records.

(r) A motor vehicle dealer who violates any provision of this section shall, upon notice and an opportunity to be heard, have the privilege of issuing temporary registrations suspended. In addition, a motor vehicle dealer who commits such a violation may, upon notice and an opportunity to be heard, have the motor vehicle dealer's license suspended or revoked or renewal thereof refused by the Chief Administrator of the Commission pursuant to N.J.S.A. 39:10-20.

(s) All lost or stolen non-resident temporary registrations shall be promptly reported to the local police and the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

New Rule, R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-15.9 and amended by R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

Rewrote the section.

Amended by R.2007 d.228, effective August 6, 2007.

See: 39 N.J.R. 354(a), 39 N.J.R. 3390(a).

Rewrote (a); and in (i), substituted " , which" for "that" and "Commission," for "Division of Motor Vehicles".

13:21-15.11 Dealer plates

(a) All dealer plates shall be accounted for in a logbook or ledger, for which the following information is listed for each dealer plate:

1. The plate number;
2. Vehicle identification numbers (VINs) of all vehicles to which the plate was assigned, along with dates of assignment; and
3. The location at which the vehicle to which the plate is assigned is garaged (if not on dealer's premises).

(b) The log or ledger in (a) above shall be maintained for at least three years.

(c) A motor vehicle dealer who fails upon the demand of the Commission to produce the log or ledger required pursuant to (a) above shall, upon notice and opportunity to be heard, be subject to suspension or revocation of the motor vehicle dealer's license or the suspension or revocation of the privilege of retaining dealer plates heretofore issued or purchasing additional plates.

(d) No dealer plates may be affixed to a vehicle that would otherwise require registration as a commercial vehicle unless the vehicle is held solely for sale and is driven solely for demonstration purposes to prospective purchasers.

(e) No dealer plates may be affixed to a vehicle used for purposes of the dealership other than inventory.

(f) No dealer plate shall be affixed to a vehicle other than one titled in the name of the dealer or for which title documents are accompanied by a bill of sale or documents are held by the dealer to whom the plates were issued.

1. Title documents shall include a manufacturer's certificate of origin or a title of which the dealer is the endorsee.

(g) Lost or stolen dealer plates shall be promptly reported to the local police and the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

New Rule, R.2006 d.98, effective March 6, 2006.

See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.12 New motor vehicle inspection stickers

(a) All new motor vehicle inspection stickers shall be accounted for in consecutive order in a logbook or ledger, for which the following information is listed for each sticker:

1. The plate number, if applicable;
2. The date of issue or date voided, whichever the case may be;
3. The year, make and VIN of vehicle to which the sticker was affixed, if applicable; and
4. The name, address and driver's license number of registrant of the vehicle.

(b) The log or ledger in (a) above shall be maintained for at least three years.

(c) All voided stickers shall be retained by the dealer.

(d) Lost or stolen stickers shall be promptly reported to the local police and to the Commission; failure to do so shall be conclusive evidence of improper disposition thereof.

(e) A motor vehicle dealer who fails upon the demand of the Commission to produce the log or ledger required pursuant to (a) above or voided stickers retained pursuant to (c) above or who fails to report, or falsely reports, the loss or theft of stickers, as required by (d) above, shall, upon notice and opportunity to be heard, be subject to suspension or revocation of the motor vehicle dealer's license.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.13 Investigations

(a) The Chief Administrator may investigate or cause to be investigated, on complaint or on his or her own motion, any allegations of violations of the statutes or rules governing the conduct of motor vehicle dealers.

(b) The Chief Administrator or designee shall have the authority to enter onto the premises of any individual or entity engaged in the business of buying, selling or dealing in motor vehicles for the purpose of surveying the premises, examining the books and records and otherwise ascertaining that the business is in compliance with the applicable law.

(c) The Chief Administrator shall have the authority to issue subpoenas and to administer oaths and to compel the production of documents and/or the appearance of witnesses at hearings in any action concerning the license of a motor vehicle dealer.

(d) If a licensee or applicant fails to cooperate in an investigation or to comply with a subpoena or order to produce documents or appear at a hearing, the Chief Administrator may suspend or revoke or decline to issue or to renew the motor vehicle dealer's license.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.14 Hearings

(a) Except as provided in N.J.A.C. 13:21-15.15, prior to revoking, suspending, declining to renew or denying a motor vehicle dealer's license, or prohibiting any activity for which a license is required, the Chief Administrator will send a Notice of Proposed Disciplinary Action to the licensee's or applicant's business address.

(b) Within 25 days of the date of the Notice, the licensee or applicant may request a hearing concerning the proposed disciplinary action.

(c) The hearing request must be in writing, must list all contested issues of material fact, issues of law, and mitigating circumstances that the licensee intends to demonstrate.

(d) If the Chief Administrator finds that there exist issues of material fact or potentially mitigating circumstances, the matter will be referred for a hearing. The hearing shall be 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 and N.J.A.C. 1:13.

(e) Prior to scheduling a formal hearing, the Chief Administrator may, in his or her sole discretion, elect to conduct a prehearing conference.

(f) If there are no material facts in dispute or specific mitigating circumstances subject to proof or if the licensee does not respond to the Notice of Proposed Disciplinary Action, the Chief Administrator will issue a Final Administrative Determination appealable only to the Appellate Division of the Superior Court.

(g) Except in the case of extraordinary circumstances, it shall not be a defense to disciplinary action based on a failure to respond to a Notice of Proposed Disciplinary Action that the licensee or applicant was not present at the business address listed in the MVC records.

(h) Nothing herein shall prevent the Chief Administrator from seeking to resolve any disciplinary matters through informal means at any stage of disciplinary proceedings described in this section.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).

13:21-15.15 Emergency disciplinary action

(a) In the event of an emergent situation, in which ongoing fraud, lack of insurance, destruction or vacation of premises or other circumstances that would jeopardize the integrity of the Commission's title records and the ability to prevent traffic in stolen or fraudulently titled motor vehicles, the Commission may immediately issue a preliminary suspension of the dealer's license.

(b) Along with the notice of preliminary suspension, the Commission will issue a notice of preliminary hearing to be held by the Commission no later than the 10th day after mailing of the notice.

1. At the preliminary hearing, the Commission will consider whether or not there exists probable cause to find that the alleged conduct that served as a basis for the preliminary suspension occurred and whether or not that conduct constitutes sufficient basis to find an emergent situation justifying the imposition of a preliminary suspension.

(c) Along with the notice of preliminary suspension, the Commission will issue a notice of proposed final suspension, revocation or other agency action.