

CHAPTER 21
LICENSING SERVICE

Authority

N.J.S.A. 17:33B-45, 39:2-3, 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10.1, 39:3-10.17a, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-10a, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-29.9, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, and 56:10-25; and 42 U.S.C. §405(c)(2)(C).

Source and Effective Date

R.2006 d.250, effective June 8, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Chapter Expiration Date

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

Chapter Historical Note

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

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

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was adopted as new rules by R.1972 d.232, effective January 1, 1973. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a).

Subchapter 16, Counterpart Fees, was adopted as new rules by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a).

Subchapter 17, Special Road Crossing Permits, was adopted as new rules by R.1973 d.103, effective April 12, 1973. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

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

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1980 d.474, effective October 30, 1980. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b).

Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981. See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

Subchapter 5, Registrations, was readopted as R.1984 d.408, effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Subchapter 8, Driver Licenses, was readopted as R.1984 d.411, effective August 28, 1984. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was readopted as R.1984 d.443, effective September 14, 1984. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a).

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

Subchapter 4, Titles, was adopted as new rules by R.1985 d.200, effective April 15, 1985. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Bus Drivers, expired on March 18, 1985.

Subchapter 14, Bus Drivers, was adopted as new rules by R.1985 d.205, effective May 6, 1985. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b).

Subchapter 2, Statutory Language Interpretation, was readopted as R.1985 d.576, effective November 18, 1985. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Pursuant to Executive Order No. 66(1978), Subchapter 20, Motor Home Title Certificates, expired on October 20, 1985.

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

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

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

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

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

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

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

Subchapter 23, Commercial Driver Licensing, was adopted as new rules by R.1992 d.138, effective March 16, 1992. See: 24 N.J.R. 219(b), 24 N.J.R. 960(a).

Subchapter 24, Defensive Driving Courses, was adopted as new rules by R.1994 d.347, effective July 5, 1994. See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a).

Subchapter 16, Identification Cards for Nondrivers, was adopted as new rules by R.1994 d.496, effective September 19, 1994. See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

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

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

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

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

Chapter 21, Licensing Service, was readopted as R.2006 d.250, effective June 8, 2006. See: 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 Motor Vehicle Commission, or for any reason being recorded on the records of the Commission, shall do so in his or her legal name.

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

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

13:21-1.2 Proof of legal name

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

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

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

13:21-1.3 Mandatory disclosure of social security number

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

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

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

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

In (a), substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

13:21-1.4 Restricted use of social security numbers

(a) The Motor Vehicle Commission 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 Motor Vehicle Commission or its designee shall utilize social security numbers for the purpose of establishing the identification of individuals who are indebted to the Commission 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 Motor Vehicle Commission 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.

(d) The social security number shall be provided to and used in communications with the Commercial Driver License Information System, the National Driver Register and the driver licensing authorities of other states and jurisdictions, including the District of Columbia, Canadian provinces and the Republic of Mexico. It shall be used in reporting motor vehicle and other violations, driver license suspensions, revocations, disqualifications or out-of-service orders. The social security number may be displayed on the commercial driver license and examination permits and shall be used in carrying out the purposes and provisions of the Federal Commercial Motor Vehicle Safety Act of 1986 and the regulations adopted thereunder and the “New Jersey Commercial Driver License Act” (P.L. 1990, c.103) and the regulations adopted thereunder.

(e) Neither the Motor Vehicle Commission nor its designee shall utilize social security numbers for any purpose other than those specified in this section.

(f) The Motor Vehicle Commission shall inform an individual required to disclose a social security number that disclosure is mandatory under N.J.A.C. 13:21-1.3 and shall inform the individual of the uses that will be made of that number under this section.

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 requirements to applicants for 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).
Amended by R.1998 d.422, effective August 17, 1998.
See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (a), inserted “, and the ‘New Jersey Automobile Insurance Reform Act of 1982’ (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, “ preceding “utilize social security”; rewrote (b); and in (e), inserted “Neither the” and “nor its designee”, and deleted “not” following “shall”.

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

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

Substituted “Motor Vehicle Commission” for “Division of Motor Vehicles” throughout; and in (b), substituted “Commission” for “Division”.

13:21-1.5 Public record exception; disclosure prohibited

(a) Social security numbers recorded on applications for driver licenses (including commercial driver licenses), motor vehicle registrations, and other documents set forth in N.J.A.C. 13:21-1.3, are not public records and are not accessible for public examination pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(b) Social security numbers shall not be disclosed by the Motor Vehicle Commission or its designee in any manner or any circumstance other than those specified in N.J.A.C. 13:21-1.4. Social security numbers shall not be disclosed on driver licenses, driver license abstracts or motor vehicle registration abstracts prepared by the Commission, except as provided in N.J.A.C. 13:21-1.4(d).

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 requirements to applicants for 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).

Amended by R.1998 d.422, effective August 17, 1998.

See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (b), inserted “or its designee” following “Motor Vehicles” in the first sentence.

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

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

In (a), substituted “Open Public Records Act,” for “Right to Know Law” and deleted parenthesis around and period following “N.J.S.A. 47:1A-1 et seq.”; in (b), substituted “Motor Vehicle Commission” for “Division of Motor Vehicles” and “Commission” for “Division”.

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

13:21-2.1 Basis for interpretation

Pursuant to the authority granted to administrative agencies to interpret statutory language, the phrase “while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles” in N.J.S.A. 39:3-13 is interpreted by the Motor Vehicle Commission as provided in N.J.A.C. 13:21-2.2 and 13:21-2.3.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Substantially amended.

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

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

Rewrote the section.

13:21-2.2 “Accompanied” in motor vehicles defined

A person learning to drive a motor vehicle in preparation for the driving (road) test shall be accompanied by a New

Jersey licensed driver who is at least 21 years of age and has been licensed to drive such designated class of motor vehicles for not less than three years. The term “accompanied” shall mean that the licensed driver shall sit in the front seat of the vehicle next to the person learning to drive and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

Amended by R.1985 d.576, effective November 18, 1985.
See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed motor vehicle driver” and substituted “driver licensed by ... of motor vehicles.”

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

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

Rewrote the section.

13:21-2.3 “Accompanied” in motorcycles defined

A person learning to drive a motorcycle in preparation for the driving (road) test shall be accompanied by a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive motorcycles for not less than three years and who is qualified to handle the type of motorcycle being used by the person learning to drive. The term “accompanied” shall mean that the licensed driver shall assume a position where he or she can visually supervise the person learning to drive and render immediate assistance to that person if the need should arise.

R.1980 d.495, effective November 6, 1980.

See: 11 N.J.R. 87(c), 12 N.J.R. 727(b).

“Accompanied” redefined to include the language “assume a position where he can visually supervise and” to delete language immediately preceding.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed Motor Vehicle driver” and substituted “driver licensed by ... operate motorcycles and”.

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

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

Rewrote the section.

13:21-2.4 (Reserved)

R.1972 d.253, effective December 12, 1972.

See: 4 N.J.R. 275(a), 5 N.J.R. 18(b).

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

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

Section was “Nonconventional type motor vehicles”.

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. TITLES

13:21-4.1 Certificate of origin; year model designation

(a) For purposes of N.J.S.A. 39:10-8, a certificate of origin for a new motor vehicle delivered in New Jersey shall be a document which conforms with the design and specifications

of the model form for “Manufacturers’ Certificate of Origin” developed by the American Association of Motor Vehicle Administrators.

(b) When a manufacturer or importer, or any person or organization delivers a new motor vehicle into this State, he shall designate on the manufacturer’s certificate of origin, or the importer’s certificate of origin the year model of the vehicle, in addition to the vehicle’s description and identification required by N.J.S.A. 39:10-8.

(c) Neither the manufacturer, importer, dealer, or any other person or organization may alter, remove, or in any manner change such year model designation; nor shall a manufacturer, importer, dealer, person or organization recall a manufacturer’s certificate of origin or importer’s certificate of origin for the purpose of reissuing such document or replacing such document and designating a year model other than the year model that is designated in the original certificate of origin.

As amended, R.1980 d.112, effective March 18, 1980.

See: 11 N.J.R. 628(a), 12 N.J.R. 209(c).

13:21-4.2 Certificate of ownership fees

(a) The fee collected by the Commission for issuing a certificate of ownership in the case of a sale not subject to a security interest pursuant to N.J.S.A. 39:10-11A shall be \$60.00.

(b) The fee collected by the Commission for issuing a certificate of ownership and a copy thereof in the case of a sale subject to a security interest pursuant to N.J.S.A. 39:10-11B shall be \$60.00.

(c) The fee collected by the Commission for a certificate of ownership, upon the filing with the Commission of a certificate of ownership together with a financing statement, pursuant to N.J.S.A. 39:10-11C shall be \$60.00.

(d) The fee collected by the Commission for a notice of satisfaction of a lien or encumbrance of record or abstract, or termination of a security interest pursuant to N.J.S.A. 39:10-11F shall be \$25.00.

(e) The penalty collected by the Commission from a purchaser who fails to comply with the provisions of N.J.S.A. 39:10-11 shall be \$25.00.

(f) The fee collected by the Commission for issuing a duplicate certificate of ownership pursuant to N.J.S.A. 39:10-12 shall be \$60.00.

(g) The fees collected by the Commission for providing copies of documents pursuant to N.J.S.A. 39:10-14 shall be as follows:

1. Lien search, \$15.00.
2. Chain of title, \$15.00.

(h) The fee collected by the Commission for issuing a corrected certificate of ownership pursuant to N.J.S.A. 39:10-16 shall be \$60.00.

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

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

Section was "Modification of year model designation".

New Rule, R.2009 d.219, effective July 6, 2009.

See: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).

Section was "(Reserved)".

13:21-4.3 (Reserved)

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

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

Section was "Modification certificate form".

13:21-4.4 Certificate of ownership application for homemade vehicles

(a) The owner of any motor vehicle constructed, assembled or modified by a person other than a manufacturer as defined in N.J.S.A. 39:1-1 shall submit an application for a certificate of ownership on forms supplied by the Motor Vehicle Commission.

(b) The forms referenced in (a) above shall include a certification by the owner:

1. That the vehicle is roadworthy;
2. That all items of equipment requiring approval by statute or Motor Vehicle Commission rule have been so approved; and
3. That construction meets industry standards and the New Jersey inspection requirements.

(c) The owner shall submit a description of the vehicle; construction details and specifications; and photographic illustrations of each side of the vehicle along with a photograph of the dashboard of the vehicle.

(d) The owner shall indicate a location where the completed vehicle may be examined by representatives of the Motor Vehicle Commission.

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

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

Section heading was "Certificate application for homemade vehicles". In (a) and (d), substituted "Motor Vehicle Commission" for "Division of Motor Vehicles"; rewrote introductory paragraph of (b); in (b)1, substituted "That" for "A certification of the owner that"; in (b)2, substituted "Motor Vehicle Commission rule" for "regulation of the Director of Motor Vehicles", and added "and" at the end.

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.

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".

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

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

In (b), deleted "in the spaces now provided for 'HPS. A.E.'" at the end.

13:21-5.2 Certificate of Origin

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.

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".

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

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

Deleted designation (a); and deleted (b) and (c).

13:21-5.3 (Reserved)

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

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

Section was "Published listing of models".

13:21-5.4 Registration fee

Where any motor vehicle, having been previously registered in New Jersey, 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 shall control and be the basis for the registration fee to be paid.

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

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

Rewrote the section.

13:21-5.5 Motorcycle registration fee

The applicant for registration for a motorcycle shall pay to the Commission for each registration a fee of \$43.50.

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

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

Section was "Certification of weight class".

New Rule, R.2009 d.219, effective July 6, 2009.

See: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).

Section was "(Reserved)".

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.

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.

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. 39:10-2, to whom title is transferred in his or her capacity as a licensed New Jersey motor vehicle dealer, shall obtain the written disclosure required by (a) above and shall maintain a copy thereof for a period of five years or a lesser period if so determined by the Chief Administrator of the Motor Vehicle Commission.

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

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 or she shall remove the registration plates from the motor vehicle and surrender them to the

Motor Vehicle Commission 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 or she shall remove the registration plates from the motor vehicle and surrender them to the Motor Vehicle Commission 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 his or her 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".
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Inserted gender neutral language and substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; and in the last sentence of (b), substituted "his or her" for "this".

13:21-5.11 Registration refusal

The Chief Administrator of the Motor Vehicle Commission 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).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

13:21-5.12 Registration plate decals

Upon issuance of each initial commercial motor vehicle registration and initial motorcycle registration and each commercial motor vehicle registration renewal and motorcycle registration renewal by the Motor Vehicle Commission, a distinctive registration plate decal(s) shall also be issued by the Commission for affixation to the front and rear license plates of such commercial motor vehicles, or to the rear license plate of such motorcycles, to indicate the month and year of expiration of the commercial motor vehicle registration or motorcycle registration. This section shall not apply to passenger automobiles registered in accordance with N.J.S.A. 39:3-4 or to noncommercial trucks registered in accordance with N.J.S.A. 39:3-8.1. 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).

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

**13:21-5.13 Nonresident temporary registrations issued
by motor vehicle agencies**

(a) A motor vehicle agency may, in accordance with this section, issue a nonresident temporary registration for a new or used vehicle to a nonresident person or entity who has purchased or leased said vehicle from a person or entity in this State while enroute to another state or Federal district provided that said vehicle will not be permanently registered in New Jersey. A nonresident temporary registration may be issued for passenger vehicles, noncommercial trucks, unladen non-apportioned commercial vehicles, motorcycles, and motorized bicycles. The nonresident temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents a properly assigned manufacturers' statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle.

(c) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof that he or she is a nonresident. Such proof of nonresidency shall include, but not be limited to, a valid out-of-State driver license which lists an out-of-State address for the applicant.

(d) An applicant for a nonresident temporary registration pursuant to this section shall indicate on the application therefor the name of the insurance company which is providing liability insurance coverage for the vehicle and the insurance policy number or binder number.

(e) 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), a nonresident temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the

permanent registration for the vehicle has been received by the registrant from his or her state or Federal district of residence, whichever occurs first. The nonresident temporary registration shall be destroyed by the registrant at the time of expiration.

(g) The expiration date of a nonresident temporary registration shall not be extended, nor shall another nonresident temporary registration be issued to the same registrant for the same vehicle.

(h) A nonresident temporary registration is not transferable from one vehicle to another.

(i) A fee of \$5.00 shall be charged for the issuance of a nonresident temporary registration to a nonresident person or entity making application therefor in accordance with this section.

(j) A nonresident temporary registration issued by a motor vehicle agency pursuant to this section is a three-part document consisting of an original and two copies thereof. Prior to the issuance of a nonresident temporary registration pursuant to this section, the motor vehicle agency shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle agency shall enter the following information in the appropriate locations on the right side of the nonresident temporary registration:

1. The name of the registrant;
2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);
3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;
4. The date of issue of the nonresident temporary registration;
5. The date of expiration of the nonresident temporary registration; and
6. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number.

(l) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle agency in the appropriate location on the lower left side of the document. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle agency in smaller numerals on the right side of the document in accordance with (k)5 above.

(m) The registrant shall sign his or her name in the appropriate location on the nonresident temporary registration after all other required information has been typed or printed on the document by the motor vehicle agency.

(n) The "original" of the nonresident temporary registration issued by a motor vehicle agency pursuant to this section shall be affixed by the registrant to the driver's side of the rear window inside the passenger compartment of the vehicle. The nonresident temporary registration shall be affixed in such a manner so as to be clearly visible from the rear of the vehicle. For motorcycles, motorized bicycles and vehicles without rear window glass, the nonresident temporary registration shall be in the possession of the driver of such vehicle when it is being operated and shall be exhibited upon the request of any law enforcement official or authorized representative of the Motor Vehicle Commission.

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

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

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

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

Substituted "Motor Vehicle Commission" for "Division" in (n).

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.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Examination permit" means a permit issued by the Chief Administrator of the Motor Vehicle Commission to a person over 17 years of age, in accordance with 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).

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

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

Inserted definitions "Chief Administrator" and "Commission"; in definition "Examination permit", substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles" and deleted "the provisions of" preceding the N.J.S.A. reference.

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 Commission unless the applicant therefor submits proof of identity, date of birth and address, and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(a), (b) and (c).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).
Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).
See: 35 N.J.R. 2946(a).
Substituted "Commission" for "Division", inserted "and address," following "date of birth" and amended N.J.A.C. reference.
Adopted concurrent amendment, R.2003 d.365, effective August 15, 2003.
See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).
Provisions of R.2003 d.280 adopted without change.

13:21-6.3 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.

13:21-6.4 Expiration of examination permits

Examination permits shall expire two years from the date of issuance.

New Rule, R.2001 d.143, effective May 7, 2001.
See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

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.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Special learner's permit" means a permit issued to a person at least 16 years of age but under 17 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 11:01 P.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 and is at least 21 years of age.

"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).
Amended by R.2001 d.143, effective May 7, 2001.
See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).
In "Special learner's permit", substituted "at least 16 years of age but under 17 years of age," for "over 16 years of age", substituted "11:01 P.M." for "12:01 A.M.", and added "and is at least 21 years of age" at the end.
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Added definitions "Chief Administrator" and "Commission".

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 Commission unless the applicant therefor submits proof of identity, date of birth and address, and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(a), (b) and (c).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).
Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).
See: 35 N.J.R. 2946(a).
Substituted "Commission" for "Division", inserted "and address," following "date of birth" and amended N.J.A.C. reference.
Adopted concurrent amendment, R.2003 d.365, effective August 15, 2003.
See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).
Provisions of R.2003 d.280 adopted without change.

13:21-7.3 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the special learner's permit prior to the 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 Commission, and submits an approval certificate indicating that he or she has passed. An oral law-knowledge test may be administered by the Commission to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf and Hard of Hearing, Interpreter Referral Service shall accompany the student to 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 Commission;

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).

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

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

In (a), inserted "the" before "17th" and deleted a semicolon after "applicant"; in (a)2 and (a)3, substituted "Commission" for "Division of Motor Vehicles"; and in (a)2, inserted gender neutral reference, deleted "a representative of" following "administered by", inserted "and Hard of Hearing", substituted "shall" for "must", and "to" for "for".

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 and is at least 21 years of age 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 Commission, and submits an approval certificate indicating that he or she 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 Commission if the eye reading has not been recorded by the school nurse; and

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.

(c) A special learner's permit is not valid during the hours between 11:01 P.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 16 1/2 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).

Amended by R.2001 d.143, effective May 7, 2001.

See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

In (a), added "and is at least 21 years of age" at the end of the introductory paragraph and neutralized gender reference in 1; in (b), deleted reference to driving test appointment; and in (c), substituted "11:01 P.M." for "12:01 A.M.".

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

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

In (a)1 and (a)2, substituted "Commission" for "Division of Motor Vehicles"; in (a)1, substituted "approval" for "approved".

13:21-7.6 Expiration of special learner's permits

Special learner's permits shall expire two years from the date of issuance.

New Rule, R.2001 d.143, effective May 7, 2001.
See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(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 driver license as provided in N.J.S.A. 39:3-10 or who has complied with the provisions of N.J.S.A. 39:3-11.1, 39:3-13, or 39:3-13.1 et seq.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"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 Commission.

"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).

Amended by R.2001 d.19, effective January 16, 2001.

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

In "Applicant", substituted "complied" for "compiled" preceding "with the provisions"; added "Director" and "Division".

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

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

Added definitions "Chief Administrator" and "Commission"; deleted definitions "Director" and "Division"; and in definition "Examinations", substituted "Commission" for "Division of Motor Vehicles".

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

(a) Each applicant for a license, permit or non-driver identification card shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents which are listed in (b) below as follows:

1. Each applicant must produce documents which total at least six points.
2. Each applicant must present at least one primary document.
3. Each applicant must present at least one secondary document.
4. An applicant shall not submit more than two documents with a point value of one.
5. If discrepancies exist within or between documents submitted by an applicant, the Commission may require that the applicant submit additional documentation.
6. The Commission is required by law (N.J.S.A. 39:3-10) to refuse to grant any permit or license if the Commission has reasonable cause to believe that a document is altered, false or otherwise invalid.
7. An applicant who is not a United States citizen must submit proof of continued legal presence in the United States.
8. Commission authorized personnel may review, approve or accept other documentation that proves the applicant's identity and date of birth, and that the applicant's presence in the United States is authorized under Federal law.
9. The Commission reserves the right to make changes to the list of acceptable documents found in (b) below. Such changes will be posted on the Motor Vehicle Commission's website, www.njmvc.gov, and will be available at all motor vehicle agencies.

(b) The following are acceptable documents:

1. Primary documents:
 - i. A United States citizen must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
United States or United States Territory birth certificate	4
United States Department of State birth certificate (Form FS-545 or DS-1350)	4
United States Department of State Consular Report of Birth Abroad (Form FS-240)	4
United States adoption papers	4
United States passport (current or expired less than three years)	4
New Jersey digitized driver license (current or expired less than three years)	4
Valid New Jersey non-driver digitized identification card	4
Valid United States military photo identification card	4
Certificate of Naturalization (Form N-550, N-570 or N-578)	4
Certificate of Citizenship (Form N-560, N-561 or N-645)	4
Special learner’s permit with digitized image	4
Examination permit with digitized image	4
Provisional license with digitized image	4

ii. A person who is not a United States citizen must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
Current Alien Registration Card (Form I-551) with expiration date and with Immigration and Naturalization Service (INS) or Bureau of Citizenship and Immigration Services (BCIS) verification	4
Foreign passports with INS or BCIS verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport	4
Refugee Travel Document (Form I-571)	4
United States Re-entry Permit (Form I-327)	4
Valid I-94 stamped “Refugee,” “Parolee,” “Asylee” or “Notice of Action” (Form I-797 approved petition) by INS or BCIS	4
Valid I-94 with attached photo stamped “Processed for I-551 ... ” by INS or BCIS	4
Current photo employment authorization card (Form I-688B or I-766) (must be presented with a valid social security card)	3
Current Alien Registration Card (Form I-551) without expiration date and with INS or BCIS verification	2
Photo Temporary Resident Card (Form I-688)	2

2. Secondary documents:

i. United States citizens and persons who are not United States citizens must submit at least one document from the list below.

<u>Document</u>	<u>Value</u>
Valid New Jersey digitized driver license (a secondary document for non-United States citizens only)	4
Special learner’s permit with digitized image (a secondary document for non-United States citizens only)	4
Examination permit with digitized image (a secondary document for non-United States citizens only)	4
Provisional license with digitized image (a secondary document for non-United States citizens only)	4
Legal name change court order signed by a judge or court clerk	3

<u>Document</u>	<u>Value</u>
Civil marriage certificate or divorce decree	3
Current United States military dependent card	3
United States military photo retiree card	3
New Jersey firearm purchaser card	3
Valid United States government employee driver license	2
Valid United States government employee photo identification card	2
United States military discharge papers (DD214)	2
Federal Aviation Administration pilot license	2
United States school photo identification card with transcript or school records	2
United States college photo identification card with transcript	2
Current New Jersey non-digitized photo driver license	1
Current photo driver license of any other state of the United States including the District of Columbia	1
State professional license	1
New Jersey public assistance card with photo	1
Social Security card with Social Security Administration (SSA) verification	1
High school diploma or GED (general equivalency diploma)	1
Bank statement/record (cannot be submitted in conjunction with ATM card)	1
ATM (automated teller machine) card with preprinted name and applicant’s signature (cannot be submitted in conjunction with bank statement)	1
Current health insurance card or current prescription card	1
Current employee identification card accompanied by a printed pay stub	1
Property tax statement, bill or receipt issued by a New Jersey municipality	1
High school certificate (written test waiver)	1
Veteran’s Administration universal access photo identification card	1

(c) Each applicant must present for inspection an acceptable proof of address document which may be, but is not limited to, the following:

1. A utility or credit card bill displaying applicant’s name at current address, issued within last 90 days;
2. A property tax bill, statement or receipt within last year;
3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;
4. A high school or college report card or transcript within past two years (must contain address);
5. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;
6. First class mail from any government agency within six months;
7. A checking or savings account statement (bank or credit union) within 60 days; or

8. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.

(d) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission 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.

(e) 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 Chief Administrator 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.

(f) 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 (e) 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 Chief Administrator 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.

(g) The Commission 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 (e) 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 Commission 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).

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).

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

Rewrote the section.

Adopted concurrent amendment, R.2003 d.365, effective September 15, 2003.

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

In (a), amended the website in 9; in (b), inserted a reference to Form FS-240 in the list in li and inserted a reference to current employee identification cards accompanied by a printed pay stub in the list in 2i.

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

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

In (d) and (g), substituted "Commission" for "Division"; and in (e) and (f), substituted "Chief Administrator" for "Director".

Petition for Rulemaking.

See: 41 N.J.R. 2809(a), 3330(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 or her 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 a motor vehicle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a 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).

Amended by R.2001 d.19, effective January 16, 2001.

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

In (b), deleted "New Jersey".

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

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

In (a)1, inserted gender neutral reference; and in (a)2, inserted "a" following "operating".

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 or her driving privilege revoked or suspended in New Jersey may be required to present written evidence supplied by the Commission that his or her 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).

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

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

In (a), inserted gender neutral references, inserted "or suspended" and substituted "Commission" for "Division of Motor Vehicles".

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 shall 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 Chief Administrator.

(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 shall consist of 50 questions; provided, however, that the written test concerning the operation of a motorcycle shall consist of 30 questions. The test shall 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 50 questions and shall be approved by the State Department of Education and the Commission.

(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 shall not 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).

Amended by R.2001 d.19, effective January 16, 2001.

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

In (g), substituted "shall not" for "cannot" preceding "be retested".

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

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

In (b), substituted "shall" for "will" and "Chief Administrator" for "Director"; in (d), substituted "shall" for "will" two times and "50" for "at least 20", inserted "; provided, however, that the written test concerning the operation of a motorcycle shall consist of 30 questions"; in (e), deleted "at least" preceding "50" and substituted "Commission" for "Division of Motor Vehicles".

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

(a) Oral tests shall 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 they are unable to complete the written test.

(b) The English language oral test administered by the Commission or as part of a high school driver education program shall 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 Traffic 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 English language 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 shall be administered in foreign languages determined by the Chief Administrator 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 shall 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.

(f) An applicant who fails the foreign language oral test for a driver license shall not 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).
Amended by R.2001 d.19, effective January 16, 2001.
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (c), inserted "English language" preceding "oral test"; recodified (e)4 as (f) and inserted "foreign language" preceding "oral test".
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "shall" for "will" and inserted "they"; in (b), substituted "Commission" for "Division"; in (d), substituted "shall" for "will" and "Chief Administrator" for "Director".

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 shall not 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 and Hard of Hearing, Interpreter Referral Service.

(f) The Commission shall pay the interpreter fees for hearing-impaired applicants. An approved interpreter shall be paid at the interpreter's customary rate, not to exceed \$55.00 per hour, plus \$0.31 per mile for travel over 25 miles round trip. The supervisor shall ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters shall 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.
Amended by R.2001 d.19, effective January 16, 2001.
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).
In (d), substituted "shall not" for "cannot" preceding "be retested".
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
In (e), substituted "and Hard of Hearing," for "or the"; in (f), substituted "Commission shall" for "Division will", "shall" for "will" throughout, "\$55.00" for "\$35.00", "\$0.31" for "\$0.25", and deleted the second sentence.

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

(a) All applicants shall be required to meet the minimum vision standards established by the Commission.

(b) Color perception tests shall consist of the applicant's 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).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), "substituted "shall" for "will", "established" for "as set", and "Commission" for "Division of Motor Vehicles"; in (b), substituted "shall" for "will", "applicant's" for "applicants's" and "official traffic control devices" for "Official Traffic Control Devices".

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 Chief Administrator 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).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
 In (e), substituted "Chief Administrator" for "Director".

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 (road) test

(a) 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.

(b) If a driver does not obtain a driver license within one year from the date the driver passes the road test, the results of the road test shall become invalid and the driver must retake the road test.

R.1970 d.6, effective January 9, 1970.
 See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
 Amended by R.2001 d.143, effective May 7, 2001.
 See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).
 Designated existing paragraph as (a) and added (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 shall 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, shall be referred to the Unit Supervisor-in-charge of the Driver Testing Center, who may recommend to the Chief Administrator 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).

Amended by R.2001 d.19, effective January 16, 2001.

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

In (a), substituted "shall" for "may" preceding "not be retested".

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

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

In (b), substituted "shall" for "will" and "Chief Administrator" for "Director".

13:21-8.17 Waiver of driving test

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

1. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Chief Administrator;

2. Holds a license issued by the United States Armed Forces for the type or general class of vehicles he desires to drive;

3. Has returned from foreign service and holds a license issued by the United States Military Government. Application in such cases must be made within 60 days of reentry to this county;

4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary;

5. Produces evidence of having held a valid New Jersey driver's license for the type of general class of vehicle he desires to drive within three years of the date of application for a New Jersey driver license.

R.1970 d.4, eff. January 9, 1970.

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

As amended, R.1981 d.65, effective February 26, 1981.

See: 12 N.J.R. 666(f), 13 N.J.R. 237(c), (a)5 added.

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

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

In (a), added "Unit Supervisor-in-charge of the Driver Qualification Center".

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

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

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

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

In (a)1, substituted "Chief Administrator" for "Director".

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

Any holder of an examination permit or a provisional driver license under the age of 21 who needs to drive between the hours of 12:01 A.M. and 5:00 A.M. for employment or religious purposes shall have in his or her possession, a certi-

fication from his or her employer or religious official on the official letterhead of the business, organization or religious institution which indicates the need to drive during those hours. The certification shall include the name, title, address, and phone number of the certifying official. Each certification shall be typed or written in permanent, non-erasable ink. The signature of the certifying official must be in permanent, non-erasable ink.

New Rule, R.2001 d.143, effective May 7, 2001.

See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

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

13:21-8.21 Eyes and weight numerical code chart

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

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

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

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

LICENSE CLASS

A—Commercial (Combination Commercial Motor Vehicle)

B—Commercial (Heavy Straight Commercial Motor Vehicle)

C—Commercial (Small Commercial Motor Vehicle)

D—Automobile

E—Motorcycle

F—Motorized Bicycle

G—Agricultural

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

ENDORSEMENT

F—Motorized Bicycle

H—Hazardous Material

M—Motorcycle

N—Tank Vehicle

P—Passenger Vehicle

S—School Bus

T—Double/Triple Trailer

X—Hazardous Material and Tank Vehicle

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

RESTRICTION

- 1—Corrective Lenses
- 2—Prosthetic Device
- 3—Mechanical Device
- 4—Hearing Impaired
- 5—Attached Restrictions
- L—Excludes Vehicles with Air Brakes
- M—Excludes Class A Passenger Vehicles
- N—Excludes Class A and B Passenger Vehicles
- O—Valid in Tow Trucks Only
- P—Non CDL Passenger Only (School Buses with a Capacity of 15 or less)
- Q—Excludes Passenger Vehicles with a Capacity of 16 or more
- R—Bus Mechanics (No Passengers)
- S—Excludes School Age Passengers

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

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

Deleted old and added new class vehicle and restriction list.

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

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

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

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

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

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

13:21-8.23 (Reserved)

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

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

Section was "Surrender of license".

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

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

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

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

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

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

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

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS

13:21-9.1 Expired license or registration

Under the authority of N.J.S.A. 39:3-4 and 39:3-10, whenever a driver or owner of a vehicle applies for renewal of his

driver license or registration subsequent to the date of the expiration of his prior driver license or registration, but not more than six months subsequent thereto, the said driver or vehicle owner shall be issued a driver license or registration, as the case may be, effective on the first day of the month immediately following the date of expiration of his prior driver license or registration and shall pay the appropriate fee therefor.

13:21-9.2 Proof of allegations

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

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

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

Rewrote the section.

13:21-9.3 Restoration fees

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

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

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

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

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

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

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

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

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

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

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

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

(b) In the case of suspensions of driving privileges in this State for a fixed period, the person so suspended shall, as a condition precedent to restoration, make application to the Chief Administrator in such form as the Chief Administrator may determine, and pay the license restoration fee specified in N.J.S.A. 39:3-10a. The Chief Administrator may, upon notice and an opportunity to be heard, deny any application for restoration on any reasonable grounds, including, but not limited to, grounds relating to physical fitness or driving record of the applicant or failure of the applicant to provide proof of satisfaction of other statutory requirements.

(c) For purposes of this section the term "suspension of driving privilege" includes every suspension, revocation, prohibition or refusal of any privilege to operate a motor vehicle in this State.

(d) Nothing in this section shall be construed as requiring the Chief Administrator to restore driving privileges prior to the expiration of a fixed period of suspension or to restore driving privileges otherwise suspended or to restore driving privileges contrary to any provision of law.

New Rule, R.1987 d.343, effective August 17, 1987.
See: 19 N.J.R. 621(b), 19 N.J.R. 1562(b).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator" for "Director" throughout; in (a), substituted "and" for "or" following "amended"; in (b), substituted "determine," for "prescribe", "the license" for "any", "specified in N.J.S.A. 39:3-10a" for "required by law or regulation", "notice and an" for "due notice and", and substituted "to be heard" for "for a hearing".

Case Notes

Operation of motor vehicle after period of suspension, but prior to restoration of license, did not constitute operation of motor vehicle while driver's license was suspended. *State v. Somma*, 215 N.J.Super. 142, 521 A.2d 386 (Law Div.1986).

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through 9.16, the following words and terms shall have the following meanings:

"Applicant" means an individual who chooses to renew a vehicle registration by telephone or through the Internet.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Individual" means a natural person.

"IVR" means an interactive voice response system.

"Personal information" means information that identifies an individual, including an individual's photograph; social security number; driver identification number; name; address other than the five-digit zip code; telephone number; and medical or disability information, but does not include infor-

mation on vehicular accidents, driving violations, and driver's status.

"Transaction" means an authorized and completed electronic or digital exchange conducted between an individual and the Commission, either through a touch-tone telephone connected to an IVR or by use of a point-and-click menu through a web browser over the Internet, for purposes of renewing the registration of a vehicle.

"Vehicle" means private passenger automobiles, motorcycles, private utility trailers, house type semi trailers, house type trailers and non-commercial vessels.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Added definitions "Chief Administrator" and "Commission", deleted definitions "Director" and "Division", and in definition "Transaction", substituted "Commission" for "Division".

13:21-9.6 Application for renewal of vehicle registration in electronic or digital form

An application for renewal of a vehicle registration may be submitted to, and processed by, the Commission in electronic or digital form using a touch-tone telephone connecting to an IVR system, or through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for in N.J.A.C. 13:21-9.5 through 9.16.

New Rule, R.2000 d.22, effective January 3, 2000.
See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Commission" for "Division".

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

(a) An applicant shall supply all information requested by the Commission 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 Commission shall include adequate provision for verification, certification, witnessing or other formal requirements that must be met with respect to documents or other information permitted by the Chief Administrator to be submitted in electronic or digital form. The system utilized by the Commission shall also include safeguards deemed necessary by the Chief Administrator 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).

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

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

Substituted "Commission" for "Division" and "Chief Administrator" for "Director" throughout; and in (b), substituted "that" for "which" following "requirements".

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 Commission. An applicant whose current mailing address is not identical to the address printed on the registration renewal form received in the mail from the Commission 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).

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

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

Substituted "Commission" for "Division" throughout.

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 Commission 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 Chief Administrator, 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 Chief Administrator 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 Commission 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 Chief Administrator, 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 Chief Administrator 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).

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

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

Substituted "Commission" for "Division" and "Chief Administrator" for "Director" throughout.

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

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

Section was "Electronic records, applicable rules, minimum standards". Substituted "Commission" for "Division" throughout.

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

13:21-10.1 Terminal certificate

A motor vehicle junk title certificate issued by the Motor Vehicle Commission 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).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Motor Vehicle Commission" for "Division".

SUBCHAPTER 11. (RESERVED)

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.

13:21-12.2 Limitation on operation between farms

Such farm vehicles, machinery or implements may be operated or drawn upon the public highways from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the farm vehicle, machinery or implement.

13:21-12.3 Hours of travel; visibility requirements

(a) Such vehicles as described in Section 12.1 (Vehicles exempted from statutory provisions) of this Chapter shall not be operated on a public highway at any time between sunset and sunrise.

(b) Movements shall not be made during those times when forward visibility is limited to 500 feet, or when hazardous road conditions, such as snow or ice, exist.

13:21-12.4 Distance of travel

The vehicle or vehicles shall not be used to traverse a distance exceeding 15 miles of highway in traveling from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles.

13:21-12.5 Speed limitations

(a) Movements of vehicles of the types specified in this Subchapter shall be restricted to a maximum speed not in excess of 25 miles per hour.

(b) Whenever more than one implement of farm machinery or vehicle is being towed by a farm tractor, the speed shall be restricted to a maximum of 15 miles per hour.

13:21-12.6 Vehicle dimensions

(a) Vehicles as described in this Subchapter may not be operated on a highway when the vehicle, including load, exceeds a maximum width of eight feet and/or maximum overall length exceeds 50 feet unless such operation is in

compliance with the following safety regulations concerning vehicles in excess of these regulatory dimensions:

1. Any farm vehicle, implement or machinery, including load, which exceeds eight feet in width and/or 50 feet in length shall display four red flags, one each on the outside extremities of the vehicle, both front and rear:

i. Such flags shall measure not less than 18 inches square.

ii. The top edge of the flags shall not be less than 48 inches from the surface of the roadway.

2. Any farm vehicle, implement or machinery and/or load which exceeds 12 feet in width and/or 60 feet in length will, in addition to the red flags provided for in subsection (a) of this Section, require one escorting vehicle when operating on a highway; and such operation may not be made on Sundays or holidays.

3. Farm vehicles, implements or machinery towed by a farm tractor shall be connected to the motor propelled vehicle or to the vehicle to which it is immediately attached, by at least one chain in addition to the hitch bar, of sufficient strength to hold the motor drawn vehicle on a hill if the hitching bar becomes disconnected.

13:21-12.7 Priority of travel

Operators of the type vehicles described in this Subchapter shall grant priority of the road to other vehicular travel at all times.

13:21-12.8 Movement on certain highways

Such vehicles may not travel any highway which is a part of the National System of Interstate and Defense Highways, or on any highway which has been designated a freeway or parkway.

13:21-12.9 Tires; wheel coverings

Vehicles not equipped with rubber tires shall be required to have attached to the wheels in such a manner to present a smooth surface to the highway, coverings of wood or other substances.

13:21-12.10 (Reserved)

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

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

Section was "Authority of Director".

SUBCHAPTER 13. MIGRANT FARM WORKERS

13:21-13.1 Definitions

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

"Bus" means any motor vehicle designed, constructed and used for the transportation of passengers, except passenger automobiles and station wagons.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Crew leader" means any person who recruits, transports, supplies, or hires farm workers.

"Day haul basis" means a daily basis without provision for living quarters at a migrant labor camp.

"Driver" means the rider or driver of a horse or the driver or operator of a motor vehicle unless otherwise specified.

"Farm labor contractor" means any person who for any money or other valuable consideration paid or promised to be paid, recruits, transports, supplies or hires farm workers to work for or under the direction, supervision or control of a third person.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Migrant farm worker" means any nonresident individual who engages in seasonal employment as a farm or agricultural food processing worker during the normal period of seasonal employment.

"Migratory farm worker vehicle" means any vehicle constructed, equipped or used to transport migratory farm workers to or from their employment except as a passenger automobile or station wagon.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Added definitions "Chief Administrator" and "Commission"; deleted definition "Director"; in definition "Highway", substituted "travel" for "traffic"; and in definition "Truck tractor", deleted comma after "designed".

13:21-13.2 Basic driver qualifications

(a) No person shall drive any motor vehicle, truck, truck-trailer or farm tractor or bus on or across any public highway unless he is the holder of a valid driver license from this State or any other state, territory, Federal District or Province of Canada wherein he is a legal resident and entitled to operate a motor vehicle under provisions outlined in N.J.S.A. 39:3-15 provided, that the driver of any bus or migratory farm worker vehicle engaged in the transportation of migrant farm workers shall be a minimum of 21 years of age and is licensed as a chauffeur in his state or country of residence, or if the state or country does not require the licensing of chauffeurs, such driver may operate such bus or migratory farm worker vehicle provided he is at least 21 years of age and is licensed as an operator in his home state or country of such operator.

(b) While driving any such farm vehicles, trucks, truck tractors or migratory farm worker vehicles, all drivers of such vehicles are subject to the provisions of N.J.S.A. 39 Motor Vehicles and Traffic Regulations of the State of New Jersey.

(c) No person driving a motor vehicle under provisions set forth in N.J.S.A. 39:3-15 may engage in intrastate commercial operation of such vehicles without first securing a driver license as provided in N.J.S.A. 39:3-10.

13:21-13.3 Vehicles permitted for transportation

(a) Migratory farm workers may be transported on:

1. A bus;
2. A truck with no trailer attached;
3. A semitrailer attached to a truck tractor.

(b) Closed vans without windows or means of ventilation shall not be used.

13:21-13.4 Vehicle entrance and exit

(a) The entrance to and exit from the passenger space shall be provided at the rear or on the right side and shall provide sufficient height and width to permit easy access in or out.

(b) Vehicles designed and constructed as a bus shall have an additional emergency exit readily operative from both the inside and outside of the bus.

13:21-13.5 Lighting equipment

(a) Every vehicle used in the transportation of migratory farm workers shall be equipped with at least two head lamps

in good operating condition in conformance with N.J.S.A. 39:3-57 and 39:3-58.

(b) Every vehicle used in the transportation of migratory farm workers shall have at the rear such lamps, stop lights and reflectors as are required in conformance with N.J.S.A. 39:3-61. All such lamps, stop lights and reflectors shall be kept clean and in good operating condition.

13:21-13.6 Brakes

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with brakes adequate to stop and hold such vehicle, including two separate means of applying the brakes. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and hold such vehicle. All such brakes shall be capable of stopping such vehicles as prescribed in N.J.S.A. 39:3-68.

13:21-13.7 Audible signal

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a horn in good working condition capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

13:21-13.8 Exhaust system

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a muffler in good working order to prevent the escape of fumes and smoke from any outlet except the exhaust pipe and to prevent excessive or unusual noise.

13:21-13.9 Mirrors

Every motor vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall be equipped with an exterior mirror mounted on each side of the vehicle and so located and angled as to give the driver adequate rear view vision, and no person shall drive any such vehicle not so equipped.

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

Rewrote the section.

13:21-13.10 Windshield wipers; windshield; side and rear glass

(a) Windshields must be unobstructed and equipped with cleaners. Every motor vehicle having a windshield shall be equipped with at least one device in good working order for cleaning rain, snow or other moisture from the windshield so as to provide clear vision for the driver, and all such devices shall be so constructed and installed as to be operated or controlled by the driver.

(b) No person shall drive any motor vehicle with any sign, poster, sticker or other nontransparent material upon the front windshield, wings, deflectors, side shields, corner lights adjoining windshield, or front side windows of such vehicle other than a certificate or other article required to be so displayed by statute or Commission rule. No person shall drive any vehicle so constructed, equipped or loaded as to unduly interfere with the driver's vision to the front and to the sides. All glazing materials used in any motor vehicle used in the transportation of migrant farm workers shall be glass so treated or combined with other materials as to reduce the likelihood of injury to persons due to shattering when the glass is cracked or broken.

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

Section heading was "Windshield wipers; windshield; side and rear glass". Rewrote (b).

13:21-13.11 Tires

(a) Any motor vehicle used in the transportation of migratory farm workers shall be equipped with tires of adequate capacity to support the gross weight of vehicle and load.

(b) No such motor vehicle shall be operated on tires which have been worn so smooth as to expose the tire fabric or which shall have any other defect likely to cause failure of the tire.

13:21-13.12 Speedometer

Every motor vehicle used in the transportation of migrant workers shall be equipped with a speedometer indicating vehicle speed in miles per hour that shall be operative with reasonable accuracy.

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

Substituted "motor vehicle" for "bus, truck or truck trailer" and substituted "that" for "which" following "hour".

13:21-13.13 Fire extinguisher

Every bus or truck-tractor used in the transportation of migrant workers shall be equipped with at least one fire extinguisher securely mounted in a position easily accessible to the driver. This extinguisher must be in good working order at all times.

13:21-13.14 Road warning devices

Every bus, truck and truck-tractor used in the transportation of migrant workers must carry at least three red burning fuses and at least three flares (oil burning pot torches), red electric lanterns or red emergency reflectors.

13:21-13.15 Markings

(a) Every bus used in the transportation of migrant farm workers shall have removed from it all legends, lettering and identification lights which would indicate it as a school bus.

(b) Every vehicle used in the transportation of migrant farm workers shall, in addition to the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has his or her principal place of business as required by N.J.S.A. 39:4-46, carry the wording "Farm Labor Transport" legibly painted on both sides and on the rear in letters at least six inches in height.

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

13:21-13.16 Penalties

The Chief Administrator may suspend or revoke the registration of any vehicle operated in the transportation of migrant farm workers in violation of this subchapter or in violation of N.J.S.A. 39:3-4, 39:3-15, or 39:3-17.

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

13:21-13.17 Insurance

(a) No person may use any motor vehicle, bus, truck or semitrailer for the purpose of transporting migrant workers to or from the place of employment, either from a migrant labor camp or on a "day haul" basis, unless the vehicle so used has been insured as follows:

1. Each person or contractor shall furnish liability insurance for bodily injury or death in the following minimum amounts:
 - i. Vehicles transporting one to 12 persons—\$25,000 for one person, \$150,000 for one accident;
 - ii. Buses transporting 13 to 20 persons—\$25,000 for one person, \$200,000 for one accident;
 - iii. Buses transporting 21 to 30 persons—\$25,000 for one person, \$250,000 for one accident;
 - iv. Buses transporting 31 or more persons—\$25,000 for one person, \$300,000 for one accident.
2. Such insurance shall be through a company authorized to insure in New Jersey.
3. Satisfactory evidence of such insurance to be carried in the vehicle whenever it is operated for transportation of migrant laborers.

13:21-13.18 Statutory compliance

In addition to the regulations in this subchapter, all drivers of motor vehicles transporting migratory farm workers and all vehicles used in the transportation of such workers are responsible for compliance with the provisions of N.J.S.A. 39, Motor Vehicles and Traffic Regulations.

SUBCHAPTER 14. BUS DRIVERS

13:21-14.1 (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 "Purpose".

13:21-14.2 Definitions

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

"Bus" means:

1. Any motor vehicle used for the intrastate transportation of passengers for hire, having a carrying capacity of more than six passengers;
2. Any motor vehicle used for the intrastate transportation of passengers not for hire, having a carrying capacity of more than 16 passengers; and
3. Any "school bus" as defined in N.J.S.A. 39:1-1. The terms "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

R.1970 d.7, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-14.3 Special bus license requirement

Every driver of a bus, as defined in section 1 (Definitions), of this subchapter, shall be specially licensed as a bus driver in accordance with the provisions of N.J.S.A. 39:3-10.1.

13:21-14.4 (Reserved)**13:21-14.5 Bus driver licensing regulations**

(a) Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 21 years of age, having a minimum of three years driving experience previously, be of good character and physically fit and possess a valid New Jersey driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey and adequate visual capabilities.

(c) The Chief Administrator of the Motor Vehicle Commission may not issue a bus driver license, or may revoke or suspend the bus driver license of any person when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by

alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or

2. Twelve or more current points under the point system; or

3. A record of at least three motor vehicle accidents within one year preceding the date of application; or

4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions; or

5. Committed a misstatement of fact or withheld material information on applications; or

6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a licensed physician); or

7. Failed to notify the Motor Vehicle Commission and his or her employer immediately of any medical condition that may affect his or her ability to operate a motor vehicle safely; or

8. Failed to pass the prescribed driving test; or

9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices; or

10. Failed to submit renewal application within one year of the expiration of his last valid bus driver license; or

11. Failed to meet the medical and physical qualifications set forth in the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, 49 CFR §391.41, as amended and supplemented; or

12. A criminal record that is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:

i. He or she has been convicted of, or forfeited bond or collateral upon, any of the following:

(1) An offense involving the manufacture, transportation, possession, sale or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Substance Act";

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault and arson;

(4) Any crime or other offense indicative of bad moral character;

(5) He or she fails to notify the Motor Vehicle Commission that he or she has been arrested for, charged with, indicted for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event.

13. In the absence of a conviction, the Chief Administrator of the Motor Vehicle Commission shall refuse to issue or shall revoke or suspend the bus driver license of any person arrested for, charged with, or indicted for any crime or other offense if the Chief Administrator determines that such person is of bad character or is morally unfit to retain the privilege of holding a bus driver license, or is a potential danger to his or her passengers or to other motorists or to himself or herself.

(d) If sufficient and reasonable grounds are established at a hearing, the Chief Administrator of the Motor Vehicle Commission may, not inconsistent with N.J.S.A. 39:3-10, waive any portion or portions of this subchapter. Applicants seeking such waivers must, prior to a hearing, submit to the Chief Administrator a request for such waiver and the basis of such request.

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) increased the minimum age from 18 to 21.
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote (c) and (d).

Case Notes

Minimal risk of cardiac collapse, syncope, or near-syncope from atrial fibrillation did not automatically disqualify bus driver from maintaining his passenger-carrying endorsement to license. *Mernick v. Division of Motor Vehicles*, 328 N.J.Super. 512, 746 A.2d 493 (N.J.Super.A.D. 2000).

Rule providing that Director shall not issue, or shall suspend, bus driver license if applicant or holder has disqualifying criminal record upheld as reasonable and not violative of procedural due process rights; conviction of assault on youngster sufficiently disqualifying. *Sanders v. Div. of Motor Vehicles*, 131 N.J.Super. 95, 328 A.2d 637 (App.Div.1974).

Denial of commercial driver license due to licensee's failure to demonstrate physical qualification sustained. *Johnson v. Division of Motor Vehicles*, 97 N.J.A.R.2d (MVH) 1.

Passenger endorsement would be removed from bus driver's commercial license where driver suffered from chronic atrial fibrillation. *Division of Motor Vehicles v. Geibel*, 96 N.J.A.R.2d (MVH) 22.

Application for commercial driver's license passenger endorsement would be denied based upon applicant's coronary insufficiency. *Division of Motor Vehicles v. Johnson*, 96 N.J.A.R.2d (MVH) 15.

Application for bus driver's license would not be denied on basis of applicant's 30-year old assault conviction where applicant was able to demonstrate his rehabilitation. *Division of Motor Vehicles v. Outlaw*, 96 N.J.A.R.2d (MVH) 10.

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of

commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Coronary artery disease was noncritical and did not require revocation of bus endorsement on licensee's commercial driver's license. *Division of Motor Vehicles v. Abagnale*, 95 N.J.A.R.2d (MVH) 75.

Convictions on charge of possessing marijuana were not a basis for indefinite suspension when licensee was not otherwise a threat to public safety. *Division of Motor Vehicles v. Ellerbe*, 95 N.J.A.R.2d (MVH) 65.

Drug conviction arising from isolated incident that did not otherwise reflect on reliability as bus driver did not require license suspension. *Division of Motor Vehicles v. Ceceala*, 95 N.J.A.R.2d (MVH) 53.

Acquittal on charge of second degree sexual assault, in face of applicant's good character and excellent employment record, was not sufficient to deny passenger endorsement on commercial driver's license. *Department of Motor Vehicles v. Rivas*, 95 N.J.A.R.2d (MVH) 50.

Admission of occasional drug use, and consequent possession, warranted suspension of licensee's bus/commercial driving privilege. *Division of Motor Vehicles v. Borowicz*, 95 N.J.A.R.2d (MVH) 49.

Incident which led to licensee's conviction was isolated and, in view of licensee's successful rehabilitation thereafter, was not a basis for suspending licensee's bus driving privileges. *Division of Motor Vehicles v. Richardson*, 95 N.J.A.R.2d (MVH) 40.

Bus driving endorsement on commercial driver's license was properly refused on basis of conviction on counts charging conspiracy and theft and failure to reveal same on application for endorsement. *Division of Motor Vehicles v. Ortiz*, 95 N.J.A.R.2d (MVH) 39.

Driver with coronary insufficiency or ischemia could not obtain passenger endorsement on commercial driver's license. *Division of Motor Vehicles v. Lovallo*, 95 N.J.A.R.2d (MVH) 35.

Driver's conviction for assault and battery warranted his disqualification from obtaining school bus endorsement, but his subsequent rehabilitation also warranted retention of his commercial driver's license without endorsement. *Division of Motor Vehicles v. Argese*, 95 N.J.A.R.2d (MVH) 28.

Applicant with irregular heart rate was precluded from obtaining passenger endorsement on commercial driver's license by reason of coronary insufficiency. In *Matter of Oleksza*, 95 N.J.A.R.2d (MVH) 5.

Conviction on plea of guilty to murder of sixteen-year-old disqualified applicant from obtaining special license to bus juvenile offenders. *Russell v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 1.

Driver's bus/commercial driving privileges were suspended indefinitely. *Division of Motor Vehicles v. Reginald Mann*, 94 N.J.A.R.2d (MVH) 71.

Licensee who had been convicted for sexually assaulting minors was allowed to retain his bus driving privilege subject to restriction. *Division of Motor Vehicles v. Mead*, 94 N.J.A.R.2d (MVH) 65.

Licensee was permitted to maintain commercial driver license. *Division of Motor Vehicles v. Heffernan*, 94 N.J.A.R.2d (MVH) 59.

Licensee was permitted to maintain bus driver license despite driving while intoxicated conviction. *Division of Motor Vehicles v. Pincus*, 94 N.J.A.R.2d (MVH) 58.

Licensee's bus driving privileges were suspended for careless driving. *Division of Motor Vehicles v. Cromer*, 94 N.J.A.R.2d (MVH) 56.

Licensee's bus driving privileges were suspended. *Division of Motor Vehicles v. Napolitano*, 94 N.J.A.R.2d (MVH) 54.

Licensee was permitted to maintain bus/commercial driver license driving privileges; rehabilitation. In the Matter of the Bus Driver's License of Edward Lanza, 94 N.J.A.R.2d (MVH) 53.

Proposed suspension of driver's bus driving privileges due to a disqualifying cardiovascular disease was dismissed. Langlois v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 36.

Proposed suspension of bus driver's license arising out of a manslaughter conviction was dismissed. Division of Motor Vehicles v. Pearce, 94 N.J.A.R.2d (MVH) 34.

Driver's license was suspended for driving a bus without checking for emergency reflectors and for failing to attempt to place reflectors on the road. Division of Motor Vehicles v. Tulli, 94 N.J.A.R.2d (MVH) 13.

Suspension of passenger endorsement to bus driver's license was proper. Rech v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 9.

Denial of bus driver's license was proper. Division of Motor Vehicles v. Reale, 94 N.J.A.R.2d (MVH) 5.

Bus driver's license; failure to meet the medical and physical qualifications. Oleksza v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 1.

Driver with disqualifying criminal record could have "no passenger" mechanic's endorsement. Division of Motor Vehicles v. DiBiase, 93 N.J.A.R.2d (MVH) 13.

Driver with asymptomatic cardiovascular condition was subject to more frequent testing. Leek v. Division of Motor Vehicles, 93 N.J.A.R.2d (MVH) 9.

Bus driver not guilty of careless driving or failing to yield to pedestrian. Division of Motor Vehicles v. Hurdle, 93 N.J.A.R.2d (MVH) 1.

Amputation of left leg warranted indefinite suspension. Division of Motor Vehicles v. Ingenito, 92 N.J.A.R.2d (MVH) 31.

Bus driver was rehabilitated following conviction for criminal negligent homicide. Division of Motor Vehicles v. Montenero, 92 N.J.A.R.2d (MVH) 28.

No present cardiovascular disease warranted suspension. Michalski v. Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 24.

No disqualifying cardiovascular disease found. McLaughlin v. Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 22.

Cardiovascular disease warranted suspension of bus driving privilege. McCauley v. New Jersey Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 13.

Bus driver disclosed arrest record. Division of Motor Vehicles v. Jones, 92 N.J.A.R.2d (MVH) 5.

13:21-14.6 (Reserved)

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

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

Section was "Release of privileged application information".

13:21-14.7 (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 "Drivers of empty buses".

13:21-14.8 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.1 Definitions

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

"Applicant" means any person applying for an initial license to engage in the business of buying, selling or dealing in motor vehicles or for a renewal of an existing license and shall include all partners, officers, directors and persons having a controlling interest in a sole proprietorship, limited liability company, corporation or other business entity.

"Authorized signatory" means a dealer and any employee, officer, director, partner or other holder of an ownership interest in the licensed business, which person is authorized to execute documents on behalf of the dealer, but shall not include any attorney in fact who is not an employee, officer, director, partner or holder of an ownership interest.

"Business of buying, selling or dealing in motor vehicles" means engaging in the business of buying or selling motor vehicles on one's own account or on behalf of another or participating in any transaction, including brokerage, which transaction involves the transfer of title or of legal or beneficial ownership of a motor vehicle.

"Chief Administrator" means the Chief Administrator of the Commission, as defined in this section.

"Commission" means the New Jersey Motor Vehicle Commission.

"Controlling interest" means possessing the authority to bind the applicant or licensee and shall be presumed to be held by corporate officers and directors, partners and all individuals with ownership interests of greater than 10 percent.

"Leasing dealer" means an entity licensed solely to sell motor vehicles formerly leased for 120 days or more to their lessees, to members of the lessees' families or to a licensed dealer at the termination of the respective leases.

"Licensee" or "dealer" means any person or entity that is licensed to buy, sell or deal in motor vehicles pursuant to N.J.S.A. 39:10-19 et. seq., other than leasing dealer.

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

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

Former N.J.A.C. 13:21-15.1, General provisions, recodified as N.J.A.C. 13:21-15.2.

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

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

In definition "Applicant", inserted "for" preceding "a renewal", and deleted commas following "directors" and "corporation"; in definition "Business of buying, selling or dealing in motor vehicles", substituted "which transaction involves" for "involving"; and added definition "Chief Administrator".

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

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

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

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

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

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

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

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

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

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

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

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

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

13:21-16.3 Nondriver identification card class codes

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

IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

New Rule, R.1996 d.27, effective January 16, 1996.

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

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

13:21-17.1 Application; fees

(a) An application for a special road crossing permit or permits shall be made, and a permit for each vehicle shall be issued, in the name of the property owner. The permit must be in the possession of the vehicle operator whenever crossing a public roadway between sections of private property.

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

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

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

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

Rewrote (c).

13:21-17.2 Restrictions

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

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

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

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

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

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

Added (b).

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

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

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

13:21-17.3 Warning signs

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

(b) The signs shall be diamond shaped with black letters and border and a yellow background at least 30 inches by 30

inches. The letters shall be not less than five inches high with not less than ½ inch stroke.

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

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

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

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

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

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

13:21-17.4 Width of crossing zone

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

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

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

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

13:21-17.5 Speed

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

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

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

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

(e) If the total length of a combination of vehicles exceeds half of the width of the traveled portion of the roadway being crossed, the crossing must be controlled by a person, other than the vehicle operator, who is authorized to direct and control traffic.

13:21-17.6 Applicability of laws

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

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

13:21-17.7 Penalties

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

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

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

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

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

13:21-18.1 Proof of ownership

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

1. An invoice, if the snowmobile was purchased from a dealer in snowmobiles, from the dealer showing the date of purchase, make, model year and serial number;

2. If purchased from an individual, or a dealer invoice is unobtainable, a notarized statement by the applicant showing from whom the snowmobile was purchased, the date of purchase, make, model year and serial number.

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

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

13:21-18.2 Sales tax

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

purchase price shall be paid by the applicant when making application for registration.

13:21-18.3 Proof of insurance

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

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

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

Rewrote the section.

13:21-18.4 Registration certificate

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

13:21-18.5 Registration number

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

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

1. Height: 2 $\frac{3}{4}$ inches;
2. Width: 1 $\frac{3}{4}$ inches;
3. Stroke: $\frac{1}{4}$ inch;
4. Spacing: $\frac{1}{2}$ inch.

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

1. Height: 1 inch;
2. Width: $\frac{1}{2}$ inch;
3. Stroke: $\frac{1}{8}$ inch;
4. Spacing: $\frac{1}{2}$ inch.

13:21-18.6 Transfer of ownership

(a) When ownership of a registered snowmobile is transferred to a new owner, the seller shall deliver the current registration certificate for the snowmobile to the purchaser.

(b) The new owner shall apply for a registration certificate in his or her own name by presenting to the Motor Vehicle

Commission the registration certificate furnished by the seller in accordance with (a) above together with the proofs of ownership required by this subchapter and payment of the proper fee.

(c) When ownership of a registered snowmobile is transferred to a dealer in snowmobiles, the dealer shall retain the former owner's registration certificate until the vehicle is resold. Upon resale the dealer shall deliver said certificate to the purchaser together with the required invoice. The purchaser shall, when applying for a registration in his or her name, present both the invoice and the former owner's registration certificate to the Motor Vehicle Commission.

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

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

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

13:21-18.7 Renewal of registration certificate

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

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

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

Rewrote the section.

SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

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

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

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

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

1. If advance written notice of intent was not served on the protesting franchisee(s), the protest letter shall be filed within 30 days of the date the franchisee(s) first learned of

the motor vehicle franchisor's intention to grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, or within 10 days of the occurrence of that action, whichever is earlier.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All papers required to be filed with the Chairman pursuant to this subchapter shall be filed with the Chief Administrator

of the Motor Vehicle Commission and the papers and envelopes shall be marked "Attention: Motor Vehicle Franchise Committee."

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

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

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

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

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

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

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

13:21-19.9 Hearing costs; deposit; sanctions

(a) Administrative hearing costs shall be equally apportioned among all parties to the hearing, including intervenors. Each party shall deposit with the Committee \$1,500 to cover the costs of the hearing. The party making the deposit shall give notice thereof to all other parties. The deposit shall be paid to the Chairman at the time of the filing with the Committee of a protest letter or a responsive pleading or, in the case of an intervenor, with the filing of a motion for leave to intervene pursuant to N.J.A.C. 1:1-16. The deposit shall be made by certified check or money order payable to the Motor Vehicle Franchise Committee.

(b) That portion of the money on deposit that exceeds the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 shall be returned to the parties. The parties shall pay to the Committee their portion of the balance of the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 when said hearing costs exceed the amount on deposit with the Chairman. If the Office of Administrative Law determines during the course of the hearing that the costs of the hearing will exceed the amount on deposit with the Committee, the parties shall be required, on notice, to deposit with the Committee additional monies to cover the costs of completing the hearing.

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

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

i. Held a valid CDL with a passenger vehicle endorsement to operate a school bus representative of the group he or she will be driving;

ii. Has not had his or her driver's license or CDL suspended, revoked or cancelled or been disqualified from operating a CMV;

iii. Has not been convicted of any of the disqualifying offenses in 49 CFR § 383.51(b) while operating a CMV or of any offense in a noncommercial motor vehicle that would be disqualifying under 49 CFR § 383.51(b) if committed in a CMV;

iv. Has not had more than one conviction of any of the serious traffic violations defined in 49 CFR § 383.5 or N.J.A.C. 13:21-23.1, while operating any type motor vehicle;

v. Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;

vi. Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and

vii. Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.

(c) The provisions of (b) above shall not apply after September 30, 2005.

New Rule, R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.15. Minimum passing scores; test longevity; waiting period between tests, recodified to N.J.A.C. 13:21-23.16.

13:21-23.16 Minimum passing scores; test longevity; waiting period between tests

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test. The results of a knowledge test shall remain valid for a period of one year from the date that the applicant achieved a passing score.

(b) To achieve a passing score on the skills test, the driver applicant must demonstrate that he or she can successfully perform all of the skills listed in N.J.A.C. 13:21-23.10.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he or she shall automatically fail the test.

(d) The scoring of the basic knowledge and skills test shall be adjusted as follows to allow for the air brake restriction (see N.J.A.C. 13:21-23.7):

1. If the applicant scores less than 80 percent on the air brake component of the basic knowledge test as described in N.J.A.C. 13:21-23.9(a)(7), the driver will have failed the air brake component and, if the driver is issued a CDL, an air brake restriction shall be indicated on the license; and

2. If the applicant performs the skills test in a vehicle not equipped with air brakes, the driver will have omitted the air brake component as described in N.J.A.C. 13:21-23.10(c) and, if the driver is issued a CDL, the air brake restriction shall be indicated on the license.

Recodified from N.J.A.C. 13:21-23.15 by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.16, Third party testing; proof of testing, recodified to N.J.A.C. 13:21-23.17.

13:21-23.17 Third party testing; proof of testing

(a) The Chief Administrator may authorize a person (including an employer, or a department, agency or instrumentality of a local government) to administer the skills test as specified in N.J.A.C. 13:21-23.10 if the following conditions are met:

1. The tests given by the third party are the same as those which would otherwise be given by the Commission; and

2. The third party has an agreement with the Commission containing, at a minimum, provisions that:

i. Allow the Federal Highway Administration, or its representative, and the Commission to conduct random examinations, inspections and audits without prior notice;

ii. Require the Commission to conduct on-site inspections at least annually;

iii. Require that all third party examiners meet the same qualification and training standards as Commission examiners, to the extent necessary to conduct skills tests in compliance with N.J.A.C. 13:21-23.10;

iv. Require that, at least on an annual basis, Commission employees take the tests actually administered by the third party as if the Commission employees were test applicants, or that the Commission test a sample of drivers who were examined by the third party to compare pass/fail results; and

v. Reserve unto the Commission the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with the Commission or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

(b) A driver applicant who takes and passes driving tests administered by an authorized third party shall provide

evidence to the Commission that he or she has successfully passed the driving tests administered by the third party.

(c) An authorized third party may charge a driver applicant a fee for the administration of the skills test, except that said fee shall not exceed an amount equal to the cost to the State for administering such testing.

Recodified from N.J.A.C. 13:21-23.16 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director" following "The" in the introductory paragraph, substituted "Commission" for "Division throughout. Former N.J.A.C. 13:21-23.17, Commercial driver's license document; general, recodified to N.J.A.C. 13:21-23.18.

13:21-23.18 Commercial driver's license document; general

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain the information specified in N.J.A.C. 13:21-23.19.

Recodified from N.J.A.C. 13:21-23.17 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended N.J.A.C. reference. Former N.J.A.C. 13:21-23.18, Information on the document and application, recodified to N.J.A.C. 13:21-23.19.

13:21-23.19 Information on the document and application

(a) All CDLs shall contain the following information:

1. The prominent statement that the license is a "Commercial Driver's License" or "CDL";
2. The full name, signature, and mailing address of the person to whom such license is issued;
3. Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;
4. A color photograph of the driver;
5. The driver's license number;
6. The name of New Jersey as the State which issued the license;
7. The date of issuance and the date of expiration of the license;
8. The group or groups of CMV(s) that the driver is authorized to operate, indicated as follows:
 - i. A for Combination Vehicle;
 - ii. B for Heavy Straight Vehicle; and
 - iii. C for Small Vehicle;
9. The endorsement(s) for which the driver has qualified, if any, indicated as follows:
 - i. T for double/triple trailers;
 - ii. P for passenger;

iii. N for tank vehicle;

iv. H for hazardous materials;

v. X for a combination of the tank vehicle and hazardous materials endorsements;

vi. S for school bus; and

vii. At the discretion of the Chief Administrator, 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 Commission 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 Commission 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 Commission 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 Commission must provide the Social Security Number or identification number assigned by the Commission to the CDLIS.

Recodified from N.J.A.C. 13:21-23.18 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a)9, substituted "X" for "NH" in v, added vi, recodified former vi as vii and substituted "Chief Administrator" for "Director"; substituted "Commission" for "Division" throughout. Former N.J.A.C. 13:21-23.19, Tamperproofing requirements, recodified to N.J.A.C. 13:21-23.20.

13:21-23.20 Tamperproofing requirements

The Commission shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Commission shall use the same tamperproof method used for noncommercial drivers' licenses.

Amended by 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. 13:21-23.19 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Commission" for "Division". Former N.J.A.C. 13:21-23.20, Duplicate CDL, recodified to N.J.A.C. 13:21-23.21.

13:21-23.21 Duplicate CDL

The Chief Administrator, 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 Chief Administrator 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 Chief Administrator in accordance with N.J.S.A. 39:3-10.30.

Recodified from N.J.A.C. 13:21-23.20 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.21, Change of legal name or address, application for corrected CDL, recodified to N.J.A.C. 13:21-23.22.

13:21-23.22 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 Chief Administrator, 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 Chief Administrator may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Chief Administrator may require.

Recodified from N.J.A.C. 13:21-23.21 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 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, recodified to N.J.A.C. 13:21-23.23.

13:21-23.23 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years

(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 Chief Administrator to have his or her CMV driving privilege restored.

(b) The Chief Administrator 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 Chief Administrator 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 Chief Administrator 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 the 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 Chief Administrator.

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".

Amended by 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. 13:21-23.22 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief administrator" for "Director" throughout. Former N.J.A.C. 13:21-23.23, Ineligibility for reduction of lifetime revocation, recodified to N.J.A.C. 13:21-23.24.

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

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

In (a), capitalized "License" preceding "Act".

13:21-23.24 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. 13:21-23.23.

Recodified from N.J.A.C. 13:21-23.23 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended N.J.A.C. reference. Former N.J.A.C. 13:21-23.24, Driver rehabilitation program, recodified to N.J.A.C. 13:21-23.25.

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

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

Removed capitalization of "section" preceding "12(e)".

13:21-23.25 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 Chief Administrator 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 that the Chief Administrator 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.

Recodified from N.J.A.C. 13:21-23.24 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director" in 1. Former N.J.A.C. 13:21-23.25, Application to another jurisdiction for restoration; notice to Director, recodified to N.J.A.C. 13:21-23.26.

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

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

In (a)2, removed capitalization of "section" preceding "5", substituted "that" for "which" following "jurisdiction" and substituted "Chief Administrator" for "Director".

13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator

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 Chief Administrator, 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 Chief Administrator.

Recodified from N.J.A.C. 13:21-23.25 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.26, Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22, recodified to N.J.A.C. 13:21-23.27.

13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23

(a) The Chief Administrator 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. 13:21-23.23 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.