

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-4e, 39:3-43, 39:3-84, 39:4-54, 39:5-30, 39:6-25, 39:6-86, 47:1A-1 et seq., 17:33B-41, 52:14B-3(1), 54:39A-8 and 54:39A-24.

Source and Effective Date

R.1995 d.218, effective March 28, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Executive and Administrative Service, expires on March 20, 2000.

Chapter Historical Note

Chapter 18, Executive and Administrative Service, was adopted, pursuant to N.J.S.A. 39:3-84, prior to September 1, 1969. Chapter 18 was repealed and replaced by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). Chapter 18 was readopted with amendments pursuant to Executive Order No. 66(1978) as R.1990 d.225, effective March 30, 1990. See: Source and Effective Date. See subchapters and section levels for further rulemaking activity.

Chapter 18, Executive and Administrative Service, was filed and became effective with Subchapters 1 through 5 prior to September 1, 1969. Subchapters 1, 2 and 3 were repealed and a new Subchapter 1, Permits for Overdimensional or Overweight Vehicles, was adopted as R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). A new Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b). A new Subchapter 3, Overwidth Vehicles, was adopted as R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a). Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and a new Subchapter 4, Motor Fuels Use Tax Act, was adopted as R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b). Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b). Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e). Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a). Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a). Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b). Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2 and Subchapter 10 were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c). Pursuant to Executive Order No. 66 (1978), Chapter 18 was readopted as R.1990 d.225, effective March 30, 1990. As a part of R.1990 d.225, Subchapters 3 and 7 were repealed, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b). Subchapter 6 was repealed and a new Subchapter 6, Insurance Verification, was adopted as R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66 (1978), Chapter 18 was readopted as R.1995 d.218. See: Source and Effective Date. As a part of R.1995 d.218, Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b). See, also, section annotations.

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SUBCHAPTER 1. PERMITS FOR
OVERDIMENSIONAL OR OVERWEIGHT
VEHICLES

13:18-1.1 Scope

(a) This Subchapter 1 replaces the following regulations previously adopted:

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;
3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;
4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

13:18-1.2 Requirement of permit

(a) A permit is required for each one-way trip of an oversize or overweight vehicle.

(b) In the event the vehicle is both oversize and overweight, two permits are required for each one-way trip.

13:18-1.3 Period of permit validity

(a) A permit shall be valid for a period of three days.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, a one-day extension may be granted provided that the request is made to the Division before the permit expires.

13:18-1.4 Reservation of Division's rights

The Division reserves the right to designate the routes of travel, speed limits, exact day and time of operation, or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

13:18-1.5 Fees

(a) The base fee for a permit shall be \$10.00.

(b) There shall be an additional fee of \$1.00 for each foot or fraction thereof, that the dimensions of the vehicle, including load, exceeds 14 feet in width and/or 70 feet in length.

(c) There shall be an additional fee of \$5.00 for each 2,000 pounds or fraction thereof, that the weight of the vehicle, including load, exceeds either the axle or gross weight limits—whichever is greater—set forth in Title 39 of the Revised Statutes.

(d) No fee shall be imposed for a permit issued to a vehicle owned or operated by the United States, the State, any government or local government subdivision, agency or instrumentality thereof.

As amended, R.1973 d.261, effective September 14, 1973.

See: 5 N.J.R. 289(a), 5 N.J.R. 357(a).

Amended by R.1995 d.139, effective March 6, 1995.

See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.6 Liability for damage; application requirements; insurance

(a) Any person driving any vehicle, object or contrivance subject to and in excess of statutory weight limitations and permit requirements upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which the highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

1. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

2. The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the authorized size and weight limitations or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided in this subsection if damage is caused to highways or structures posted for weight limits less than those set forth by statute.

3. Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage.

(b) An application for a permit or book of permits shall not be accepted unless the applicant has filed in the Division of Motor Vehicles a certificate of insurance in the following minimum limits:

1. \$100,000 for bodily injury or death to any one person in any one occurrence;
2. \$300,000 for bodily injury or death to two or more persons in any one occurrence;
3. \$100,000 for damage to or destruction of property in any one occurrence.

(c) Said certificate shall contain a provision that there will be ten-day prior notice to the Division in the event of cancellation or termination of the insurance.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.7 Exceptions; insurance certificate requirement

The filing of an insurance certificate shall not be required in the case of an oversize permit issued for the operation of a private utility trailer, house-type trailer, or semitrailer. In such cases the provisions of the Compulsory Motor Vehicle Insurance Law (N.J.S.A. 39:6B-1 et seq.) and the Security-Responsibility Law (N.J.S.A. 39:6-23 et seq.) will apply.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-1.8 Permits generally

(a) No permit shall be valid:

1. For the operation of a vehicle or combination of vehicles transporting a load which can be dismantled, reduced in quantity or feasibly loaded in such a manner so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not exceeded, except for sealed containers of the type commonly used for the conveyance of freight transport in international ocean-going commerce, bearing the seal of the United States Customs Service, where the per-axle weight limitation does not exceed 38,000 pounds for one tandem axle unit only in a tractor/semi-trailer combination;
2. On any toll road;
3. Unless there is compliance with all applicable requirements of this subchapter and pertinent statutory provisions.

As amended, R.1976 d.297, effective September 22, 1976.

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.9 Overweight permits

(a) An overweight permit shall not be valid:

1. For the operation of a vehicle registered or required to be registered in New Jersey unless the vehicle is registered in this State at the maximum registration weight permitted under N.J.S.A. 39:3-20.
2. When the gross weight of the vehicle or combination of vehicles, including load, exceeds 800 pounds per inch in width of tires on all wheels, or when the load is distributed so as to impose a weight of more than 800 pounds per inch in width of tire on any one wheel.

(b) Overweight vehicles for which permits have been issued and which are incapable of being operated safely at a maximum speed of 40 miles per hour shall be prohibited from operating on the highways during hours when lighted lamps are required, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.10 Invalidity of oversize permits

(a) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles on any highway where clear space available for use by passing traffic is less than ten feet, including roadway and improved shoulder.

(b) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles after 12:00 noon on Saturdays, or at any time on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day. If the holiday falls on a Sunday, the operation shall not be permitted on the next Monday. If the holiday falls on a Saturday, the operation shall not be permitted on the preceding Friday.

(c) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles during any period when lighted lamps are required, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

Amended by R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1990 d.225, effective May 7, 1990.
See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Allows oversize vehicles to operate on Saturdays until 12:00 noon.

13:18-1.11 Escort vehicle requirements

(a) One escort vehicle shall be required when the width, including load, exceeds 14 feet and/or when the length exceeds 100 feet.

(b) Two escort vehicles shall be required when the width, including load, exceeds 16 feet and/or when the length exceeds 120 feet.

(c) When the height, including load, exceeds 14 feet the provisions of N.J.S.A. 39:4-28 will apply.

(d) When one escort vehicle is required, it shall precede the escorted vehicles on highways having less than four traffic lanes and shall follow the escorted vehicles on highways having four or more traffic lanes.

(e) When two escort vehicles are required, one shall precede the escorted vehicles and one shall follow the escorted vehicles.

(f) The preceding escort vehicle shall maintain a distance of from 200 feet minimum to 500 feet maximum from the lead vehicle of the escorted combination of vehicles.

(g) The following escort vehicle shall maintain a distance of from 100 feet minimum to 250 feet maximum from the rearmost vehicle of the escorted combination of vehicles.

13:18-1.12 Warning signs

(a) The minimum size of a warning sign shall be six feet wide by one foot high.

(b) The term "WIDE LOAD" or "OVERSIZE LOAD" shall be displayed on the sign in black letters of 10 inches minimum height on a yellow background.

(c) When two escort vehicles are required, a warning sign shall be displayed on the front of the preceding escort vehicle and on the rear of the following escort vehicle.

(d) When only one escort vehicle is required, a warning sign shall be displayed on the rear of the rearmost vehicle in the escorted combination and on the front of the escort vehicle if it is preceding, or on the front of the lead vehicle of the escorted combination and on the rear of the escort vehicle if it is following.

(e) When no escort vehicles are required, warning signs shall be displayed on the front and rear of the oversize vehicle combination.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.13 Warning flags

(a) A warning flag shall be red in color and its minimum size shall be 18 inches square.

(b) Warning flags shall be displayed on the two front corners of the preceding escort vehicle.

(c) Warning flags shall be displayed on the two rear corners of the following escort vehicle.

(d) Warning flags shall be placed at the four corners of an oversize vehicle.

(e) When a vehicle, whether oversize or not, is transporting a load which projects beyond the sides of the vehicle the warning flags shall be placed at the four corners of the load rather than the vehicle.

(f) If the load projects only beyond the rear of the transporting vehicle, two flags shall be placed on the two rear corners of the load.

(g) If the projecting load is round or some other shape without distinguishable corners, a warning flag shall be placed at the outermost extremity of the load on each side and/or to the rear of the vehicle.

13:18-1.14 Headlamps and taillamps

Low beam headlamps and red taillamps shall be illuminated on all escort vehicles, the towing vehicle and the towed vehicle.

13:18-1.15 Oversize private utility or house-type trailer or semitrailer

(a) A permit shall not be valid for the operation of any private utility or house-type trailer or semitrailer, on its own wheels, with a width of more than 14 feet.

(b) Any such vehicle whose width exceeds 14 feet may be transported on a commercial type low-bed trailer, semitrailer or properly registered dolly wheels.

(c) The towing vehicle shall be a truck, truck tractor or road tractor equipped with dual wheels on the drive axle and a heavy-duty towing hitch.

(d) If the trailer or semitrailer is not more than 10 feet wide, the towing vehicle shall have a capacity of $\frac{3}{4}$ ton or more, and if the trailer or semitrailer is more than 10 feet wide, the towing vehicle capacity shall be $1\frac{1}{2}$ tons or more.

(e) A private utility or house-type trailer or semitrailer in excess of 12 feet in width, or its towing vehicle, shall be equipped with and have in operation two sway control devices between the towing vehicle and the towed vehicle.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.16 Book permits

(a) Any person, firm or corporation may prepurchase permits in multiples of ten. Such permits are hereinafter referred to as "book" permits.

(b) The base fees for book permits are payable at time of purchase. Additional fees due upon use of a permit may be charged against escrow funds deposited with the Division by the permittee or may be remitted to the Division together with a carbon copy of the permit provided for in subsection (c) of this Section.

(c) Two copies of the blank book permit will be provided to the purchaser. The permit shall be prepared for use by typewriter only and with an exact carbon copy. The permit shall be void if there are any omissions, additions, corrections, alterations or erasures. The carbon copy shall be mailed to the Division on the day the permit is typed. The postmark on the transmitting envelope shall be considered conclusive evidence of the mailing date.

(d) Book permits are not transferable and may be used only by the original purchaser.

(e) Every book permit shall be usable only in the 12-month period from July 1 to June 30 during which it was purchased. The base fee for any book permit not used on or before June 30 shall be forfeited.

(f) Book permits shall be valid only when the dimensions of the vehicle combination, including load, do not exceed 14 feet in width and/or 120 feet in length provided that additional fees due for lengths in excess of 70 feet are paid in accordance with the provisions of subsection (b) of this Section.

(g) Book permits shall not be valid for operation of overweight vehicles.

(h) A book permit shall be valid for one day only. No extension will be granted if the permit is not used on the day designated on the permit.

(i) The privilege to prepurchase book permits may be withdrawn from any person, firm or corporation who or which fails to comply with the conditions for their use prescribed in this Subchapter.

As amended, R.1972 d.210, effective October 26, 1972.
See: 4 N.J.R. 223(a), 4 N.J.R. 277(b).

SUBCHAPTERS 2 THROUGH 3. (RESERVED)

SUBCHAPTER 4. MOTOR FUELS USE TAX ACT**13:18-4.1 Scope**

(a) This regulation replaces the following regulations and all amendments and supplements thereto:

1. Registrations, identifying markers and reports (N.J.A.C. 13:18-1.1 et seq., filed July 26, 1963);
2. Amendment (N.J.A.C. 13:18-4.14, filed September 23, 1965);
3. Amendments (N.J.A.C. 13:18-4.3, 13:18-4.6, 13:18-4.7, 13:18-4.8, 13:18-4.10, 13:18-4.11, 13:18-4.17; filed May 14, 1968);
4. Supplement (N.J.A.C. 13:18-4.19, filed May 14, 1968).

13:18-4.2 Definitions

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

"Decal" means an identification marker provided for under N.J.S.A. 54:39A-10.

"Identification card" means an identification card provided for under N.J.S.A. 54:39A-10.

"Leased vehicle" means a vehicle operated, but not owned, by a user who has the right to exclusive use, possession and control of the vehicle for a period of 30 days or more by virtue of a lease, contract or other arrangement.

"Leasing company" means a person engaged in the business of leasing vehicles.

"Mileage recording instrument" means an odometer, hubometer or tachograph.

"Motor carrier" means a person who transports persons or property by vehicle as a business in itself or in the furtherance of a commercial enterprise.

"Motor vehicle" means any omnibus that has seats for more than 10 passengers in addition to the driver, or road tractor, or any truck tractor, or any truck having a gross or registered weight, whichever is greater, in excess of 18,000 pounds alone or in combination with a motor-drawn vehicle.

"Operations" means, in addition to the meaning prescribed in N.J.S.A. 54:39A-2, the operations of only those vehicles for which the registered user has purchased decals during the applicable tax year but including substitute and temporary additional vehicles; and in the case of a rental company means the operations of all vehicles not rented to a registered user and excludes the operations of other vehicles only for such periods of time when they are used by

a registered user as substitute or temporary additional vehicles.

“Owner/operator” means a person who owns and drives or leases and drives a vehicle leased to a motor carrier.

“Person” means and includes natural persons and partnerships, firms, companies, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officers appointed pursuant to law or by any court, State or Federal.

“Principal place of business” means the place where the user transacts his principal business, makes up and approves his payroll, maintains a central file of corporate records and maintains his principal executive offices. In the event that not all of the above functions are performed in one place, then that place in which the majority of such functions are performed shall be deemed to be the principal place of business. In any event, the term “Principal place of business” shall mean that place at which the user does, in fact, principally transact and control his business affairs.

“Rental company” means a person engaged in the business of renting vehicles to the general public, including motor carriers, on an hourly, daily, trip or other short-term basis of less than 30 days.

“Rental vehicle” means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip, or other short-term basis of less than 30 days.

“Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus; well boring apparatus; construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors and road tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, self-propelled cranes and earth moving equipment; towed tar pots, cement or mortar mixers; and utility trailers; vehicles designed, and used exclusively, for removing disabled vehicles from the highways.

“Substitute vehicle” means a vehicle owned by a leasing or rental company and used by a registered user as a temporary replacement for a particular leased or rented vehicle.

“Temporary additional vehicle” means a vehicle leased or rented to a registered user as a temporary addition to his normal fleet.

“Trip basis” means rental of a vehicle from a user for a period of less than 30 days. The vehicle operated on a trip lease basis is deemed to be a rental vehicle and the user is deemed to be a rental company.

“User” means every person, firm or corporation who or which operates or causes to be operated any motor vehicle on any highway in this State. The term shall include a rental company in the case of a rental vehicle.

Amended by R.1991 d.103, effective March 4, 1991.

See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Deletes or modifies the definitions of various terms that are inconsistent with the definitions set forth at N.J.S.A. 54:39A-2.

13:18-4.3 User registration

(a) Every user shall register as such, before operating vehicles in this State, on a form furnished by the Division providing the following information:

1. Full name of the user and the address and telephone number of his principal place of business;
2. Addresses of all places of business maintained in New Jersey;
3. Location of bulk fuel storage facilities maintained in New Jersey;
4. Name and addresses of owner, partners or corporate officers (President, Secretary, Treasurer);
5. Social security number or employer identification number;
6. Interstate Commerce Commission motor carrier identification number, if any;
7. Type of operation—Leasing company; rental company; motor carrier for hire, private, exempt, contract, owner/operator, other;
8. Whether the vehicles to be operated are leased from or to other persons;
9. Names and addresses of lessors and lessees of vehicles;

(b) The registration shall be certified by the owner, a partner or a corporate officer.

(c) In the event the name, address of the user, or other information shown in the original registration changes subsequent to its filing, the user shall file corrected information within seven days thereafter.

Amended by R.1991 d.103, effective March 4, 1991.

See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Requires that a user provide the telephone number of its principal place of business on the registration form filed with the Division and deletes that provision which requires the submission of information as to whether the lessor or lessee provides the fuel and pays the motor fuels use tax for leased vehicles.

13:18-4.4 Identification cards and markers

(a) Coincident with the filing of the registration form specified in these rules, and not later than one month prior to the beginning of each tax year thereafter, each user shall file an application, on a form provided by the Division, for an identification card and as many markers (decals) as he may require. The statutory fee of \$5.00 per decal shall be remitted with the application.

(b) The application shall provide the following information:

1. The name of the user and address of his principal place of business;
2. Quantity of decals ordered and total amount of fees due;
3. States which issued base motor vehicle registration plates for all vehicles, showing quantity registered in each state or province;
4. Type of fuel used—gasoline, diesel, liquified petroleum gas;
5. Where fuel will be purchased during applicable tax year—New Jersey only, other states only, or both in New Jersey and other states.

(c) If the application is acceptable the Division may issue one motor fuels user identification card to the user and as many vehicle decals for which the fees have been paid:

1. The original identification card shall be kept in the user's principal place of business. A copy of the card shall be carried in each vehicle when it is in New Jersey.
2. A decal shall be securely affixed to the outside of each vehicle in the upper half of the door on the driver's side.

(d) Any decal issued prior to the beginning of the applicable tax year may be displayed on the vehicle on or after March 1.

(e) When a vehicle has been sold, traded or otherwise passes from the control of the user, the decal shall be removed from the vehicle and surrendered to the Division within 48 hours. If the user discontinues business in this State the user shall surrender the identification card as well. The user to whom the identification card and decal were issued shall be liable for taxes applicable to the operations of the vehicles in this State up to the date on which the card and/or decal was surrendered. In the event the vehicle is that of an owner/operator who fails to surrender the decal to the user before leaving his service, the user's liability will terminate upon the date he notifies the Division by mail providing the serial number of the decal and the name and address of the person having possession of same. The provisions of this subsection shall not apply when the vehicle has been stolen or hijacked and a report of such theft or

hijack has been made to the appropriate law enforcement agency.

(f) The Division will replace, upon payment by the user of the \$5.00 fee, any decal which was lost, stolen or is illegible.

(g) Issuance of an identification card and decals will be denied and any identification card and decals issued will be recalled if the user has failed to pay any moneys or file any report due under the Act or under any other law administered by the Division.

(h) A written notice of such denial or recall shall be mailed to the user's principal place of business by ordinary mail.

(i) The user shall be afforded a conference by the Division before the denial or recall is effective provided he has made a request by mail within 30 days of issuance of the notice.

(j) The sole issue to be resolved at such conference is whether or not the user in fact did fail to pay moneys due as determined by the Division or file said report. The burden of proof shall be borne by the user.

(k) The conference in such cases shall be conducted by the Manager, Motor Carriers Unit in the Division of Motor Vehicles or such of his or her subordinates as he or she may designate.

(l) Notice of the determination made at such conference shall be given to the user at the close of the conference. If the determination is adverse to the user the denial or recall shall be effective on the fifth day following the date of the conference.

(m) Identification cards and decals recalled or denied shall not again be issued until the moneys due have been paid and/or the tax report filed.

(n) A user who disagrees with the Division's determination to deny or recall an identification card or decal may, within 90 days after the date of the written determination, appeal to the Tax Court of New Jersey by filing a complaint with the Tax Court pursuant to the New Jersey Court Rules.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Provides for the payment of statutory fees for markers and implements P.L. 1989 c.116; substitutes discretionary for mandatory language; extends the time for requesting a conference and new subsection (n) sets forth user's remedy if an adverse determination is made at Division conference.

13:18-4.5 Permits

(a) Upon request by the user and payment of the \$5.00 fee, the Division may issue over the counter, by mail or collect telecommunication, an emergency permit authorizing the operation in this State of a vehicle pending the issuance

of an identification card and/or decal. The decal will be issued at no additional charge.

(b) A user whose vehicles in the aggregate make not more than six round trips into or through this State in any 12-month period may be issued, upon his request, an occasional operator permit for each such trip. The permit may be issued over the counter, by mail or collect telecommunication, upon payment of the \$2.50 fee. The permit shall be valid for 96 hours.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

To implement P.L. 1989 c.116 the trip permit fee is set at \$2.50; substitutes discretionary language for mandatory and deletes (c) pertaining to prepurchase.

13:18-4.6 Tax reports; evidence of timely filing

(a) The post-marked or postal meter marked date on the transmittal envelope shall be conclusive evidence of the filing date if filing is made by mail. In the event both marks appear on the envelope, the post-marked date shall be the filing date.

(b) In the event the filing is made by personal delivery, the Division's date received stamp shall be conclusive evidence of the filing date.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).
Changed "Bureau" to "Division".

Case Notes

Retail dealer required to keep daily record of amount of fuel sold each day and to preserve such records for one year. *Duncan Truck Stop, Inc. v. Director, Div. of Taxation*, 4 N.J.Tax 367 (Tax Ct.1982).

13:18-4.7 Tax reports; content

(a) Every user shall report with complete accuracy for the period covered by said report:

1. The total miles traveled in his operations within and without New Jersey;
2. The total fuel used in his operations within and without New Jersey;
3. The average number of miles traveled per gallon of fuel used in his operations within and without New Jersey;
4. The total miles traveled in his operations within New Jersey;
5. The number of gallons of fuel used in his operations within New Jersey determined by dividing the number of miles traveled in this State by the average miles per gallon of fuel used in his operations within and without this State;

6. The total number of gallons of fuel purchased in New Jersey on which the New Jersey motor fuels tax was paid showing separately the number of gallons withdrawn from bulk storage in this State and the number of gallons purchased at service stations;

7. The tax due on fuel used in New Jersey;
8. The tax paid on fuel purchased in New Jersey;
9. New Jersey fuel tax paid in excess of fuel use tax due;
10. New Jersey fuel tax credit claimed from prior quarter;
11. Net fuel use tax due;
12. Late filing penalty and interest due.

(b) The Division may, upon demand, require the user to submit evidence with his report to support his claim for payment of fuel tax to this State.

(c) The user shall declare on the report the address where the records required by the Act and these rules are maintained and available for examination.

13:18-4.8 Tax reports; annual in lieu of quarterly

(a) Any user who purchases in this State, and pays the motor fuels tax thereon, all fuel used in his operations within and without this State except for occasional emergency purchases, may file an annual report in lieu of quarterly reports, provided;

1. Not more than three per cent of the total fuel used was purchased outside this State.
2. He has certified in his application for decals for the applicable tax year that he will purchase said fuel only in this State.

(b) Such annual reports shall be applicable to the user's operations for the 12-month period ending March 31 and shall be filed on or before the last day of April.

13:18-4.9 Motor fuels tax; credit and refund

(a) Any user who uses fuel that was purchased in this State outside of this State may apply the fuel tax paid on said fuel as a credit against fuel use tax liability in the next succeeding quarter provided he has records proving the fuel was not used in New Jersey and that he paid the applicable fuel tax thereon.

(b) Any user who purchases motor fuel in bulk quantities in this State and uses a portion thereof outside of this State may be refunded the motor fuels tax which he paid on fuel not used in this State provided:

1. Said fuel was stored for future use at a facility in New Jersey.

2. The records of his operations within and without this State are made available in New Jersey.

3. The quantity of fuel withdrawn from such storage facility in the applicable quarter equals or exceeds the amount of fuel used outside of New Jersey.

4. The claim exceeds the tax on 2,000 gallons of fuel or one per cent of the total fuel purchased in this State, whichever is larger.

(c) An applicant for a refund shall file his claim on a form provided by the Division within one year following the end of the reporting quarter in which the fuel was pumped into the service tanks of the vehicles.

(d) No claim for refund will be honored until an auditor of this Division has examined the claimant's records and finds that the claim is allowable in whole or in part, unless the claimant has filed a surety bond—issued by a company authorized to do business within this State—in the full amount of all unaudited claims.

(e) A refund claim shall be rejected if the claimant has not complied with all provisions of the Act and these rules.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

At (c) provision that an application for refund must be filed within one year following the end of the reporting quarter in which fuel was pumped into the service tanks of vehicles.

Case Notes

Tax refund under Motor Fuels Use Tax Act denied as claim was filed with the Tax Court out-of-time. *Riteway Rentals, Inc. v. Director, Div. of Motor Vehicles*, 2 N.J.Tax 117 (Tax Ct.1981).

13:18-4.10 Records required

(a) Every user shall maintain a summary sheet for each tax quarter on which is shown:

1. Each vehicle subject to the Act identified by its fleet number, serial number or license plate number, vehicle type—tractor, truck or bus—and type of fuel used;

2. Readings for each vehicle at beginning and end of quarter taken from mileage recording instrument;

3. Total mileage traveled by each vehicle in all States, including New Jersey;

4. Total mileage traveled by all vehicles in all States, including New Jersey;

5. Number of gallons of fuel delivered into the service tanks of each vehicle in all States from bulk storage or purchased on the road;

6. Total gallons of fuel delivered into the service tanks of all vehicles in all States;

7. Number of gallons of fuel delivered into service tanks of each vehicle in New Jersey from bulk storage or purchased on the road;

8. Total gallons of fuel delivered into service tanks of all vehicles in New Jersey from bulk storage or purchased on the road.

(b) Every user shall maintain the following source records segregated by quarter and filed chronologically:

1. Trip record for each trip by each vehicle showing beginning and ending readings from mileage recording instrument; total miles traveled; miles traveled in New Jersey; points of origin; destination and turn around; points of entry and exit from New Jersey;

2. Driver's logs required to be kept by any governmental agency;

3. Copies of mileage and fuel use reports made to any State or Federal government agency;

4. Shipping manifests, freight bills, or bills of lading;

5. Payroll records where driver's wages are affected by miles traveled;

6. Records of payments based on mileage made to leasing companies;

7. Fuel purchase receipts;

8. Bulk fuel storage record for each storage facility within and without New Jersey showing inventory at beginning of quarter, purchases made during quarter, withdrawals by individual vehicle and inventory at the end of the quarter.

(c) In the event it becomes necessary to repair or replace the mileage recording instrument of any vehicle because of malfunction, the mileage traveled by said vehicle within and without New Jersey during the period when the instrument is inoperative is deemed to be the average daily mileage traveled by that vehicle during that period of the same quarter when the instrument was operative. If the instrument is not repaired or replaced within ten days it is deemed that the vehicle consumed 40 gallons of fuel in New Jersey each day of the entire period when the instrument was inoperative.

(d) The records required by the Act and these rules shall be retained for a period of three years following the end of the applicable quarter and shall be available for examination by an employee of the Division at any time during normal business hours. The records may be destroyed after such examination provided the user has not appealed from any determination of the Division based on said records.

Case Notes

Persons owning or operating trucks or truck tractors required to keep all records. *Duncan Truck Stop, Inc. v. Director, Div. of Taxation*, 4 N.J.Tax 367 (Tax Ct.1982).

13:18-4.11 Field audits; assessments and refund claims

(a) An audit by an employee of the Division will be made of any user's records by the sampling method or in total as may be deemed necessary for the Division to verify the accuracy of tax reports or refund claims.

(b) A notice by ordinary mail of not less than ten days will be made to the user of the Division's intention to make such audit. No such notice will be given if the Division has reason to believe the user intends to discontinue operating in this State or to do any other act which may hinder the Division's efforts to collect moneys due.

(c) Upon the auditor's appearance at the location where the required records are kept the user shall produce said records upon demand. If said records are not produced within one hour the auditor will depart. In such case the Division will make an assessment or reject the refund claim in the manner prescribed by the Act.

(d) If the records are produced as required but are found not in conformance with the applicable provisions of the Act or these rules, an assessment or rejection of refund claim will be made in the manner prescribed by the Act.

(e) Upon completion of his examination the auditor shall, if the user so desires, discuss his findings with said user and shall offer him the opportunity to present additional data which may affect the audit findings.

(f) The auditor will submit a report to the Division showing his findings and making a recommendation as to the disposition of the matter.

(g) The Division will review the auditor's report and make such determination as the facts may warrant. Notice of such determination shall be sent to the user by ordinary mail.

13:18-4.12 Desk audits; assessments

(a) When in the opinion of the Division it is impractical to make an audit of the user's records at his premises, a desk audit will be made in the following manner:

1. The user will be given 15-days notice by ordinary mail to submit by mail or personal delivery the summary sheets required to be kept by these rules, a statement of operations showing number of trips and routes traveled in New Jersey and all original receipts for purchase of fuel in New Jersey made during the applicable period.

2. The Division will review the data submitted by the user and make such determination as it may warrant. Notice of such determination shall be sent to the user by ordinary mail.

3. Upon receipt of payment of any assessment made, the Division will return the fuel purchase receipts to the user.

13:18-4.13 Demand for payment

When the Division has determined that moneys are due the State from any user, it will issue a demand for payment within 15 days following the date of notice.

13:18-4.14 Interest, assessments and refund recovery

(a) Interest, compounded annually at the end of each year, at the rate of three percentage points above the prime rate per month or fraction thereof shall accrue on all moneys due, whether from assessment or refund recovery, from the date on which the taxes were originally due, or when the refund was paid to the user, to the date said moneys due are paid.

(b) In the case of payments made by mail the postmarked date on the transmittal envelope shall be considered the date paid.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Provided for the payment of 1½ percent interest per month on unpaid taxes. This amendment implements P.L. 1985, c. 7, § 5 (N.J.S.A. 54:39A-14) which increased the interest rate owing on unpaid taxes from one percent to 1½ percent.

Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-4.15 (Reserved)

R.1973 d.291, effective October 11, 1973.

See: 5 N.J.R. 317(a), 5 N.J.R. 390(c).

Repealed by R.1991 d.103, effective March 4, 1991.

See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

13:18-4.16 Notice of address change

Users must notify the Division of any change in name and/or address within seven days following the date of such change.

Amended by R.1991 d.103, effective March 4, 1991.

See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Changed term "motor carriers" to "users".

13:18-4.17 Preservation of records

(a) The records required to be kept by every user under the provisions of the Act or of this subchapter shall be preserved for a period of three years or until audited and written permission has been given for their sooner destruction by an authorized representative of the Director.

(b) Said records shall be made available for examination by the Director's representative upon 30-day written notice, at the time said representative appears at the place where the user has informed the Division that such records are kept.

(c) If said records are not immediately available the Division will make an assessment of the user's tax liability from whatever information is obtainable, or in the case of a refund claim the claim shall be disallowed.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).
Changed term "motor carriers" to "users".

13:18-4.18 (Reserved)

Repealed by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

13:18-4.19 Refunds application

(a) Application for refunds provided for by authority of N.J.S.A. 54:39A-8 shall be made on forms supplied by the Division of Motor Vehicles.

(b) Claims for refund shall be denied if the information requested on the application form is inaccurate or incomplete.

(c) The application for refund shall be considered as received within the statutory filing period if the envelope in which the application is transmitted is postmarked before the end of that period.

Amended by R.1991 d.103, effective March 4, 1991.
See: 22 N.J.R. 3104(b), 23 N.J.R. 702(b).

Deletes obsolete subsections pertaining to credit and refund procedures for foreign taxes (see P.L. 1973, c.117 and P.L. 1985, c.7, § 2).

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. INSURANCE VERIFICATION

13:18-6.1 Definitions

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

"Act" means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

"Cancellation for nonpayment of premium" means the termination of a policy during the policy term due to the failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

"Commercial lines insurer" means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a commercial lines rating system filed in accordance with N.J.S.A. 17:29A-1 et seq.

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety.

"Effective date of policy cancellation" means the date designated by the insurer's notice of cancellation pursuant to N.J.A.C. 11:3-7.6 or the date cancellation takes effect pursuant to N.J.S.A. 17:16D-13.

"FAIR Act" means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

"Insurer" means an entity authorized or admitted to transact the business of personal private passenger automobile insurance in New Jersey.

"Newly issued policy" means any contract or endorsement of personal private passenger automobile insurance that provides liability coverage for an automobile not previously covered by a contract of liability insurance issued by the insurer, or that was previously covered by a policy issued by the insurer which was cancelled for nonpayment of premium.

"Nonfleet" describes an automobile insurance policy issued by a commercial lines insurer that provides coverage to less than five vehicles, or less than such other number of vehicles as is provided by the insurer's filed rating system.

"Person" means any natural person or persons, corporation, association, partnership or company authorized by the laws of this State to transact the business of insurance in this State.

"Personal lines insurer" means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a personal lines rating system filed and approved in accordance with N.J.S.A. 17:29A-1 et seq.

"Private passenger automobile insurance" means direct insurance on private passenger automobiles as defined in N.J.S.A. 39:6A-2, but excluding excess liability insurance.

Amended by R.1994 d.252, effective May 16, 1994.
See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

13:18-6.2 Reports of personal private passenger automobile insurance policy information to the Director of the Division of Motor Vehicles

(a) Personal lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of nonfleet private passenger automobile

insurance policies on and after July 1, 1994. Commercial lines insurers shall only provide information concerning policies covering nonfleet private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Director.

(b) Personal lines insurers shall report by magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director on a monthly basis beginning September 15, 1991, the following information concerning policies cancelled for nonpayment of premium and newly issued policies. Commercial lines insurers shall report by magnetic computer tape or cartridge to the Director on a monthly basis beginning September 7, 1994, the following information concerning nonfleet policies cancelled for nonpayment of premium and newly issued nonfleet policies. These reports shall be provided to the Director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices A and B, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Address of insured including street, city, state and zip code;
6. Transaction type (either cancellation or new policy);
7. Policy effective date;
8. Effective date of policy cancellation;
9. The date on which the tape or cartridge or personal computer diskette containing the information was prepared; and
10. Policy number.

(c) Insurers shall report the cancellation of private passenger automobile liability coverage for nonpayment of premium after the effective date of the cancellation of a policy.

(d) Insurers shall make reasonable provision to exclude from reports those policies cancelled for nonpayment of premium when the insurer knows that the reason for nonpayment of premium is the death of the insured, the permanent relocation of the insured outside of the State of New Jersey, the total loss of the motor vehicle, the unrecovered theft of the motor vehicle, or the repossession of the motor vehicle by a lienholder.

(e) Insurers shall also report by magnetic computer tape or cartridge (or, for insurers that write less than 750 private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director every six months, or at such other interval as may be specified by the Director, the following information concerning all of their current personal private passenger automobile insurance policies. These reports shall be provided to the Director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices C and D which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Policy effective date; and
6. The date on which the tape or cartridge or personal computer diskette containing the information was prepared.

(f) Insurers shall report to the Director the termination of policies of motor vehicle liability insurance for reasons other than nonpayment of premium, including any cancellation or nonrenewal, as may be required by the Director.

(g) In addition to the other information that must be submitted under these rules, insurers shall provide the Director, or his or her designee, a report of information concerning policies cancelled for nonpayment of premium for a month designated by the Director and a report of information concerning new policies issued for two consecutive months designated by the Director. The reports required to be submitted pursuant to this subsection shall be provided not later than August 15, 1991, and shall be utilized by the Division to test and evaluate the insurance verification program prior to its implementation.

(h) In order to ensure that reports submitted are compatible with the Division's information system, insurers shall transmit reports of information required by the Director pursuant to this section in accordance with all of the Division's technical specifications including, but not limited to, data set name, internal and external labeling, data block size, codes, tape format and layout, and other physical characteristics of tapes or cartridges or personal computer diskettes.

Amended by R.1994 d.252, effective May 16, 1994.
See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

13:18-6.3 Registration expiration

For purposes of section 50(c)(1) of the FAIR Act and this subchapter, a vehicle registration certificate shall be deemed to be "expired" only if such certificate has not been renewed and either the expired registration certificate and registration plates for said vehicle have been surrendered to the Division of Motor Vehicles or ownership of said vehicle has been transferred to a third party.

13:18-6.4 Suspension of vehicle registration; exceptions; surrender of registration certificate and plates; expiration of registration; removal of vehicle from United States and Canada; short-term lapse in coverage not exceeding 15 days

(a) Except as otherwise provided in this section, the Division shall suspend the registration of a vehicle pursuant to section 50(c) of the FAIR Act if the owner has not filed with the Division and the Division has not received proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 or the owner has not presented proof of allowable circumstances as specified in N.J.A.C. 13:18-6.6.

(b) Proof of motor vehicle liability insurance or allowable circumstances shall be filed with and received by the Division within 30 days of the Division's notice to the owner issued in accordance with section 50(b) of the FAIR Act.

(c) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the owner has surrendered or caused to be surrendered to the Director, or his or her designee, the registration certificate (including any duplicate registration certificate and family registration certificate), and registration plates issued thereto prior to the time the cancellation of insurance became effective.

(d) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the registration of the vehicle has expired and has not been renewed prior to the time the cancellation of insurance became effective and the owner of the vehicle has surrendered or caused to be surrendered to the Director, or his or her designee, the expired registration certificate and registration plates for the vehicle prior to the time the cancellation of insurance became effective.

(e) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic prior to the time the cancellation of insurance became effective. The owner of the vehicle must satisfy the following requirements:

1. File or cause to be filed with the Director, or his or her designee, a formal statement informing the Director that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;

2. File or cause to be filed with the Director, or his or her designee, proof in a form specified in N.J.A.C. 13:18-6.7 that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;

3. Agree to immediately notify the Director upon the return of the vehicle to the United States in North America or the Dominion of Canada; and

4. Agree to file or cause to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 when the vehicle is returned to the United States in North America or the Dominion of Canada.

(f) The Director may withhold the suspension of a vehicle registration pursuant to section 50(c) of the FAIR Act if the period of time during which the vehicle was both registered and uninsured does not exceed 15 days. For purposes of this subsection, the 15 day period shall commence on the date that the cancellation of insurance becomes effective. The owner of a vehicle must file or cause to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 which was effective within 15 days from the date of cancellation of motor vehicle liability insurance coverage.

13:18-6.5 Proof of insurance; submission of fictitious proof

(a) For purposes of section 50 of the FAIR Act, proof of motor vehicle liability insurance coverage shall consist of the original or copy of the following:

1. A valid permanent insurance identification card issued in accordance with N.J.A.C. 11:3-6.2;

2. A valid temporary insurance identification card issued in accordance with N.J.A.C. 11:3-6.3;

3. The declaration page of an insurance policy;

4. An insurance policy binder;

5. A notice of policy reinstatement issued by the insurer which notified the Division of cancellation of motor vehicle liability insurance coverage pursuant to section 50(b) of the FAIR Act;

6. A certificate of self-insurance issued by the Department of Insurance pursuant to N.J.S.A. 39:6-52; or

7. Any other proof deemed acceptable by the Director, including post-audit verification by confirmation from the new policy data received from the insurance company.

(b) An owner may present proof of motor vehicle liability insurance coverage to the Division by mail or in-person.

(c) Any person who submits or causes to be submitted to the Division any falsely made, forged, altered or counterfeit proof of motor vehicle liability insurance coverage pursu-

ant to this subchapter may be subject, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19, to a suspension of his or her driving privileges for a period not to exceed two years.

13:18-6.6 Existence of "allowable circumstances"; avoidance of suspension; proof

(a) For purposes of section 50 of the FAIR Act, the Director deems the existence of the following circumstances sufficient good cause to avoid the suspension of a vehicle registration after notice of cancellation of motor vehicle liability insurance has been received by the Division:

1. The owner has transferred ownership of the vehicle to a third party as evidenced by the owner's surrender to the Division of the registration certificate and registration plates for the vehicle pursuant to N.J.A.C. 13:21-5.10 or the Division's issuance of a transfer registration to another vehicle for the unexpired portion of the registration period of the original vehicle pursuant to N.J.S.A. 39:3-30;

2. The vehicle is inoperable or not in use. The owner must submit to the Division a notarized statement setting forth a description of the vehicle, including the vehicle identification number and registration plate number issued therefore, and the condition of the vehicle which makes it inoperable and/or setting forth the reason why the vehicle is not being used by the owner. The owner must also surrender to the Division the registration certificate and registration plates for the vehicle;

3. The owner has established domicile in a State other than New Jersey as evidenced by the issuance of a certificate of ownership or registration certificate and registration plates for the vehicle by the State of domicile and the surrender of the New Jersey registration certificate and registration plates for the vehicle to the Division;

4. The owner has qualified as a self-insurer as evidenced by a certificate of self-insurance issued by the Department of Insurance pursuant to N.J.S.A. 39:6-52; or

5. The owner has removed or will remove the vehicle from the United States in North America and the Dominion of Canada for the purpose of international traffic as evidenced by his or her submission of the statement specified in N.J.A.C. 13:18-6.7.

13:18-6.7 Removal of vehicle from United States and Canada; proof thereof

(a) For purposes of section 50(c)(2) of the FAIR Act, the statement to be filed with the Director by a vehicle owner prior to the date of cancellation of motor vehicle insurance coverage for a vehicle which has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic shall include the following proof that said vehicle has been or will be so removed:

1. A shipping document issued to the vehicle owner by the United States Customs Service prior to the date of motor vehicle insurance coverage cancellation for the vehicle which indicates that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada;

2. A bill of lading and receipt issued to the vehicle owner by the common carrier transporting the vehicle which confirms that said vehicle has been or will be removed from the United States in North America and the Dominion of Canada; or

3. Any other similar proof deemed acceptable by the Director.

13:18-6.8 Rescission of suspension; requirements; limitation; calculation of time

(a) The Director, in his or her discretion, may rescind an order of suspension of a vehicle registration and an order of suspension of a driver's license pursuant to subsections (d) and (g) of section 50 of the FAIR Act if the owner of the vehicle satisfies the following requirements:

1. Pays or causes to be paid to the Commissioner of Insurance, or the Director as his or her designee, a civil penalty in the amount of \$4.00 for each day up to 90 days for which motor vehicle liability insurance was not in effect after cancellation for nonpayment of premium; and either

i. Surrenders or causes to be surrendered to the Director, or his or her designee, the registration certificate (including any duplicate registration certificate and family registration certificate) and registration plates for the vehicle not more than 90 days from the date of cancellation of motor vehicle liability insurance coverage; or

ii. Files or causes to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 which was effective not more than 90 days from the date of cancellation of motor vehicle liability insurance coverage and which remains in effect.

(b) The Director may rescind a suspension of a vehicle registration or a driver's license pursuant to subsections (d) and (g) of section 50 of the FAIR Act only once during any 36 month period.

(c) For purposes of calculating the 36 month period with regard to rescission of a vehicle registration suspension or driver's license suspension pursuant to subsections (d) and (g) of section 50 of the FAIR Act, said 36 month period shall be calculated by referring to the respective dates of vehicle registration suspensions imposed upon a registrant pursuant to section 50 of the FAIR Act.

(d) For purposes of the submission of proof of motor vehicle liability insurance coverage to the Director by a registrant seeking rescission of a vehicle registration or driver's license suspension pursuant to subsections (d) and (g) of section 50 of the FAIR Act, such proof must be submitted to the Director no later than 180 days after the effective date of a vehicle registration suspension imposed upon the registrant pursuant to the FAIR Act unless the registrant is unable to submit such proof within said period of time due to an act of God or because of the registrant's absence from the State.

13:18-6.9 Return of surrendered registration plates to registrant

(a) In those instances in which a registrant has surrendered registration plates to the Division pursuant to N.J.S.A. 17:33B-41 and thereafter acquires motor vehicle liability insurance and furnishes proof of same to the Director as required by N.J.S.A. 17:33B-41 and this subchapter, the Division shall return to the registrant a valid set of replacement registration plates upon payment to the Division of the fee for the set of replacement plates as set forth in N.J.A.C. 13:20-34.5(b).

(b) If a registrant seeking the return of surrendered registration plates in accordance with (a) above desires plates which contain the same combination of letters and numbers as had been contained on the surrendered plates, he or she shall first be issued a set of replacement plates at the fee as set forth in N.J.A.C. 13:20-34.5(b). Upon receipt of the replacement registration plates, the registrant may apply to the Division for plates which contain the same combination of letters and numbers as had been contained on the surrendered plates. Plates which contain the specific combination of letters and numbers requested, unless already issued to another registrant or unless such issuance is prohibited by N.J.S.A. 39:3-33.5, shall be issued to the registrant upon payment to the Division of the fee for the set of such plates as set forth in N.J.A.C. 13:20-34.5(a)3.

Amended by R.1992 d.263, effective June 15, 1992.
See: 24 N.J.R. 1467(a), 24 N.J.R. 2283(a).
Revised text.

Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-6.10 Confidentiality of information

All information contained in the reports submitted by insurers pursuant to the requirements of this subchapter shall be confidential and such reports shall not be subject to public inspection or copying pursuant to the "Right to Know Law," N.J.S.A. 47:1A-1 et seq.

13:18-6.11 Operative date

Subsections (a) through (g) of section 50 of the FAIR Act shall become operative as of the effective date of the adoption of this subchapter by the Division (that is, June 3, 1991), in accordance with P.L. 1990, c.8, § 103.

APPENDIX A

Insurance Verification Program

INSURANCE FILING RECORD—ONE
(N.J.A.C. 13:18-6.2(b))

Item No.	Field Position	Field Size	Elem. Char.	Just	Req. Opt.	Field Name
1.	1-19	19	A/N	LJ	R	Vehicle-Identification-Number
2.	20-34	15	A/N	NA	R	Driver-License-Number
3.	35-39	5	A/N	LJ	R	Make
4.	40-43	4	N	NA	R	Year
5.	44-48	5	A/N	LJ	O	Model
6.	49-52	4	N	NA	R	Insurance-Company-Code
7.	53-82	30	A/N	LJ	R	Policy-Owner-Street-Address
8.	83-102	20	A	LJ	R	Policy-Owner-City
9.	103-104	2	A	NA	R	Policy-Owner-State
10.	105-113	9	N	NA	R	Policy-Owner-Zip-Code
11.	114	1	A	NA	R	Transaction-Type
12.	115-122	8	N	NA	R	Policy-Effective-Date
13.	123-130	8	N	NA	R	Policy-Cancel-Date
14.	131-138	8	N	NA	R	Date-Stamp
15.	139-168	30	A/N	LJ	O	Policy-Number
16.	169-200	32	A	NA	O	Filler

Legend:

Elem. Char.	Just	Req. Opt.
A/N = alphanumeric	LJ = left justified	R = required
A = alpha	RJ = right justified	O = optional
N = numeric	NA = not applicable	

APPENDIX B

INSURANCE FILING RECORD—ONE
(N.J.A.C. 13:18-6.2(b))

FIELD DESCRIPTION

No.	Field Name	Description
1.	Vehicle-Identification-Number	If vehicle year 1981 or newer, must have 17 positions.
2.	Driver-License-Number	Owner of vehicle (preferred) or primary driver's driver license number. No spaces.
3.	Make	National Crime Information Center (NCIC) or Insurance Services Office (ISO) vehicle make code.
4.	Year	Four digit vehicle model year.
5.	Model	National Crime Information Center (NCIC) vehicle model code. Space fill if not available.
6.	Insurance-Company-Code	MVR code assigned by New Jersey Motor Vehicle Services for driver abstracts.
7.	Policy-Owner-Street-Address	Street address of policy holder.
8.	Policy-Owner-City	City of policy holder.
9.	Policy-Owner-State	State of policy holder.
10.	Policy-Owner-Zip-Code	Zip code of policy holder. Five digits required, nine digits if available. Space fill last four digits if nine digits are not available.
11.	Transaction-Type	C = Cancellation N = New Policy
12.	Policy-Effective-Date	Required if Transaction-Type = N, otherwise leave blank. Format is MMDDYYYY.
13.	Policy-Cancel-Date	Required if Transaction-Type = C, otherwise leave blank. Format is MMDDYYYY.
14.	Date-Stamp	Format is MMDDYYYY.
15.	Policy-Number	Policy number. Space fill if not supplied.
16.	Filler	Spaces.

APPENDIX C

Insurance Verification Program

INSURANCE FILING RECORD—TWO (N.J.A.C. 13:18-6.2(e))

Item No.	Field Position	Field Size	Elem. Char.	Just	Req. Opt.	Field Name
1.	1-19	19	A/N	LJ	R	Vehicle-Identification-Number
2.	20-34	15	A/N	NA	R	Driver-License-Number
3.	35-39	5	A/N	LJ	R	Make
4.	40-43	4	N	NA	R	Year
5.	44-48	5	A/N	LJ	O	Model
6.	49-52	4	N	NA	R	Insurance-Company-Code
7.	53-60	8	N	NA	R	Policy-Effective-Date
8.	61-68	8	N	NA	R	Date-Stamp
9.	69-80	12	A	NA	O	Filler

Legend:

Elem. Char.	Just	Req. Opt.
A/N = alphanumeric	LJ = left justified	R = required
A = alpha	RJ = right justified	O = optional
N = numeric	NA = not applicable	

APPENDIX D

INSURANCE FILING RECORD—TWO
(N.J.A.C. 13:18-6.2(e))

FIELD DESCRIPTION

No.	Field Name	Description
1.	Vehicle-Identification-Number	If vehicle year 1981 or newer, must have 17 positions.
2.	Driver-License-Number	Owner of vehicle (preferred) or primary driver's driver license number. No spaces.
3.	Make	National Crime Information Center (NCIC) or Insurance Services Office (ISO) vehicle make code.
4.	Year	Four digit vehicle model year.
5.	Model	National Crime Information Center (NCIC) vehicle model code. Space fill if not available.
6.	Insurance-Company-Code	MVR code assigned by New Jersey Motor Vehicle Services for driver abstracts.
7.	Policy-Effective-Date	Format is MMDDYYYY.
8.	Date-Stamp	Format is MMDDYYYY.
9.	Filler	Spaces.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

13:18-9.1 Security deposits for uninsured motorists

(a) A deposit from an uninsured motor vehicle owner or operator to secure the payment of a reimbursement or a judgement which may be rendered against him for damages arising out of a motor vehicle accident in which such an individual has been involved shall be required in those situations where:

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

R.1976 d.75, effective March 8, 1976.
See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE DIVISION OF MOTOR VEHICLES

13:18-11.1 Division of Motor Vehicles organizational structure

(a) The Division of Motor Vehicles consists of a Director of Motor Vehicles and such offices and other organizational units as allowed by law and as necessary to carry out the Division's statutory mandates.

(b) The Director has a deputy. The following subunits exist under the deputy:

1. Internal Audit Office;
2. Regulatory Affairs Office; and
3. Special Projects Office.

(c) The Division has a Chief of Staff who has the powers and responsibilities set forth in N.J.S.A. 39:2-4 and 39:2-5. The following subunits exist under the Chief of Staff:

1. Office of Special Assistance and Customer Complaints;
2. Planning Office;
3. Legal/Legislative Office;
4. Public Affairs Office; and
5. Human Resource and Organizational Development Office.

(d) The Division has three Administrators, as follows:

1. Customer Services;
2. Information and Systems Management; and
3. Administrative Services.

(e) The following subunits exist under the Administrator for Customer Services:

1. Northern Regional Services Offices;
2. Central Regional Services Offices;
3. Southern Regional Services Offices; and
4. Operations and Support Services Bureau.

(f) The following subunits exist under the Administrator for Information and Systems Management:

1. Information Update and Retrieval Bureau; and
2. Systems Management Bureau.

(g) The following subunits exist under the Administrator for Administrative Services:

1. Central Services Bureau;
2. Facilities Management Bureau;

3. Financial Management Bureau; and
4. Personnel Administration Bureau.

R.1989 d.365, effective June 14, 1989.
See: 21 N.J.R. 2048(a).

13:18-11.2 Public information requests and submissions

(a) A member of the public may obtain information or make a submission or a request by writing to the Office of the Director, Division of Motor Vehicles, 225 E. State Street, 9th Floor, Trenton, New Jersey 08666.

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

R.1989 d.365, effective June 14, 1989.
See: 21 N.J.R. 2048(a).
Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

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

(a) Except as otherwise provided in N.J.S.A. 47:1A-1 et seq. or by any other statute, resolution of either or both houses of the Legislature, executive order of the Governor, rule of court, any Federal Law, regulation or order, or by any regulation promulgated under the authority of any statute or executive order of the Governor, all records which are required by law to be made, maintained, or kept on file by the Division of Motor Vehicles shall be considered public records. Public records shall be available for examination by the citizens of New Jersey during the regular business hours of the Division at the Trenton Regional Service Center, 120 South Stockton Street, Trenton, New Jersey or other office of the Division as determined by the Custodian of Records. Citizens of New Jersey shall have the right to copy public records by hand under reasonable supervision during regular business hours. Citizens shall have the right to purchase copies of public records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

(b) The right of examination of public records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the records being sought for examination pertain to any investigation in progress, if the inspection, copying, or publication of the records is not in the best interest of the public.

New Rule, R.1991 d.575, effective November 18, 1991.
See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

13:18-11.4 Fees; information search; exemption

(a) A citizen requesting to purchase a public record shall pay the fee established by the Division as set forth in this section.

(b) The fees are as follows:

1. A Driver History Abstract:

i. Uncertified, \$10.00.

ii. Certified, \$10.00.

2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:

i. Uncertified, \$4.00.

ii. Certified, \$5.00.

3. Violation Record:

i. Uncertified, \$4.00.

ii. Certified, \$5.00.

4. Mail Lists:

i. Uncertified, \$4.00.

ii. Certified, \$5.00.

5. Registration or Driver License Application:

i. Uncertified, \$8.00.

ii. Certified, \$10.00.

6. Boat Registration Application:

i. Uncertified, \$8.00.

ii. Certified, \$10.00.

7. Final Decision of Director:

i. Uncertified, \$4.00.

ii. Certified, \$5.00.

8. File Search of Division Records:

i. Uncertified, \$8.00.

ii. Certified, \$10.00.

9. Telephonic Search of Division Records: \$6.00.

(c) Payment shall be made by check or money order payable to the New Jersey Division of Motor Vehicles.

(d) Government agencies are exempt from the fees set forth in this section.

(e) Notwithstanding the fees set forth in this section, the Director shall collect a fee of \$2.00 per driver history abstract from high volume tape to tape users.

New Rule, R.1991 d.575, effective November 18, 1991.
See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).
Amended by R.1995 d.365, effective July 3, 1995.
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

13:18-11.5 Procedure for record examination or request to purchase public records

A private citizen may request a copy of a public record, or make inquiry concerning the examination of a public record, by contacting:

Official Custodian of Records

New Jersey Division of Motor Vehicles

120 South Stockton Street
Trenton, New Jersey 08666

Telephone: (609) 292-4572

Attn: Manager, Bureau of Information Update and
Retrieval

New Rule, R.1991 d.575, effective November 18, 1991.
See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a):