

(h) Every established place of business shall be equipped with office furniture and equipment, including, but not limited to, a desk, chairs, file storage, a fixed safe, electric lighting, communications lines and equipment and climate control, sufficient to conduct business at that location.

(i) Every established place of business shall contain a secured area accessible only to the dealer and authorized signatories for the storage of controlled Commission documents.

(j) In the event that the site of the proposed place of business is not owned by the dealer, it must be subject to a lease in favor of the dealer for a minimum term expiring no earlier than April 1 of the year for which licensure is sought.

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

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

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

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

Recodified from N.J.A.C. 13:21-15.3 and amended by R.2006 d.98, effective March 6, 2006.

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

Rewrote the section; former N.J.A.C. 13:21-15.4, Grounds for rejection or suspension or revocation of a dealer license, recodified as N.J.A.C. 13:21-15.5.

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

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

In (b), inserted a comma following "building", inserted "sign" preceding "is", and substituted "Commission" for "Division of Motor Vehicles".

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Rewrote (a) and (g).

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In the introductory paragraph of (a), substituted ", as set forth at (a)1 and 2 below," for "with a minimum office space of 72 square feet within a permanent, enclosed building and where there are included or immediately contiguous, clearly identified, fixed facilities to display at least two automobiles and"; added new (a)1 and (a)2; recodified former (a)1 and (a)2 as (a)3 and (a)4; in (b), deleted "which" preceding "has"; and in (g), inserted "the", and deleted "personnel" following "Commission".

Case Notes

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

13:21-15.5 Grounds for rejection, suspension, or revocation of a dealer license or issuance of a cease and desist order

(a) The Chief Administrator may deny an application for a license, revoke or suspend a license after it has been granted, or issue a cease and desist order to a licensee or to an unlicensed person or entity engaged in activities for which a license is required pursuant to N.J.S.A. 39:10-19 et seq. for any of the following reasons:

1. The applicant or licensee is not a proper person as defined in N.J.A.C. 13:21-15.3;

2. The applicant has made a willful misrepresentation or omission in an application for a dealer license or renewal thereof under the provisions of this subchapter;

3. The applicant was a previous holder of a license that was suspended or revoked for cause by the Chief Administrator and the terms of such suspension have not been satisfied and/or the license has not been reissued;

4. One or more of the partners, officers, directors, other controlling persons, or employees of the applicant previously held a license issued under the authority of the Commission, which license was revoked for cause and never reissued or was suspended for cause and terms of suspension have not been satisfied, or have willfully violated a cease and desist order issued by the Chief Administrator;

5. The licensee has willfully failed to comply with the requirements of N.J.S.A. 39:10-19 through 25 and the rules promulgated thereunder;

6. The applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this subchapter;

7. The applicant or licensee knew or should have known that any employee, partner, officer, director, owner of a controlling interest, or agent of the applicant or licensee is an individual who has been convicted of a crime arising out of fraud or misrepresentation or previously held a license issued by the Chief Administrator or the Commission, which license was suspended or revoked for cause and not reissued;

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

9. It is found by an administrative determination of the Commission that the subject applicant or licensee has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the possession of the applicant or licensee shall be prima facie proof that such alteration was performed by the applicant or licensee or with his or her consent;

10. It is found by an administrative determination of the Commission that the subject applicant or licensee has engaged in the unlawful act of altering a vehicle identification number (VIN). Evidence that such alteration was made while the vehicle was in the possession of the applicant or licensee shall be prima facie proof that such alteration was performed by the applicant or licensee or with the applicant's or licensee's consent;

11. A person engages in activities regulated hereunder for which he or she does not hold the required license;

12. The licensee has failed to maintain any of the qualifications for a license set forth in this subchapter or otherwise set forth by law, including, but not limited to, failure to maintain an established place of business as set forth in N.J.A.C. 13:21-15.4.

13. The licensee employs call forwarding, telephone answering services and/or mail forwarding services during scheduled business hours or otherwise sells, buys or deals in motor vehicles from a remote or otherwise unlicensed location;

14. The licensee engaged in selling, displaying for sale or lease, or dealing in motor vehicles at a location other than that at which the licensed business is permanently established. The assertion by the licensee as a defense in any action that he or she has conducted sales activity at other than the premises where the business is permanently established shall constitute conclusive proof of that fact;

15. The licensee has conducted negotiations or sales activity in other than a licensed location over the internet or otherwise;

16. The licensee has failed to satisfy a valid, collectible judgment within 90 days of its entry against him or her;

17. The licensee has issued a check that was subsequently dishonored for insufficient funds or other reason caused by or within the control of the licensee; or

18. The licensee has violated any of the rules set forth in this subchapter.

(b) Upon suspension, revocation, or denial of renewal of a license, or upon voluntary relinquishment of the license or dissolution of the dealership, the licensee shall forthwith return all Commission property, including, but not limited to, the dealer license, dealer plates, dealer reassignments, and temporary registrations, and shall account for all those not returned without refund for unused stock; failure to do so may result in suspension or revocation of the privilege to reapply for any business license within the jurisdiction of the Commission.

As amended, R.1976 d.4, effective January 8, 1976.

See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

Recodified from N.J.A.C. 13:21-15.4 and amended by R.2006 d.98, effective March 6, 2006.

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

Section heading was "Grounds for rejection or suspension or revocation of a dealer license"; rewrote the section; former N.J.A.C. 13:21-15.5, Hearing, repealed.

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

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

Section was "Grounds for rejection, suspension, or revocation of a dealer license or issuance of cease and desist order". In the introductory paragraph of (a), inserted "to" preceding "an unlicensed"; in (a)5, substituted "25" for "39:21-25", and a semicolon for the period at the end; in (a)6, substituted a semicolon for the period at the end; and in (a)12, updated the N.J.A.C. reference.

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

Section was "Grounds for rejection, suspension or revocation of a dealer license or issuance of a cease and desist order." In the introductory paragraph of (a), inserted a comma following "granted"; in

(a)1 through (a)3 and in (a)6, substituted "The applicant" for "Applicant"; in (a)2 and (a)6, substituted "subchapter" for "rule"; in (a)3, deleted "Director or the" preceding "Chief"; in (a)4, deleted "Division or the" preceding "Commission"; in (a)7, (a)9, and (a)10, substituted "applicant or licensee" for "licensee or applicant" throughout; in (a)7, inserted a comma following "interest", and substituted "Chief Administrator" for "Director"; in (a)8, substituted "licensee" for "dealer" and "through" for "thru"; in (a)10, substituted "applicant's or licensee's" for "licensee's or applicant's"; in (a)12, deleted "herein" preceding "set", and inserted "in this subchapter"; in (a)14, inserted "or she"; in (a)16, inserted "or her"; and in (b), inserted a comma following "revocation" and following "reassignments", and deleted "Motor Vehicle" preceding "Commission".

Case Notes

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

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

13:21-15.6 Transfer of ownership without title; presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

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

(b) Except as provided in (c) below no motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19, nor any person on his or her behalf, shall buy, sell, or deal in any motor vehicle unaccompanied by, or in the absence of, a valid title at the time of the transaction, except as provided pursuant to N.J.S.A. 39:10-6, 39:10-9, 39:10A-15, and 39:4-56.5.

(c) No leasing dealer shall retain title papers of a vehicle sold at the termination of a lease for a period of more than 48 hours.

(d) The license of a motor vehicle dealer who violates (a) or (b) above may be suspended for the periods set forth in (e) below, pursuant to the provisions set forth in N.J.S.A. 39:10-20.

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

(f) The Chief Administrator may revoke or refuse to renew a dealer license where the applicant has had two or more violations of (a) and/or (b) above, which violations resulted in a suspension pursuant to (d) above.

New Rule, R.1985 d.699, effective January 21, 1986.

See: 17 N.J.R. 169(a), 18 N.J.R. 203(b).

Amended by R.2006 d.98, effective March 6, 2006.

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

Section heading was "Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license"; rewrote the section.

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

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

In (a), inserted a comma following "N.J.S.A. 39:10-19", substituted "Commission" for "Division" and "that" for "which", and deleted the comma following "correction".

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

In (b), inserted a comma following "39:10-19", following "behalf", following "sell", and following "39:10A-15", and inserted "39:10-6, 39:10-9".

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (a), inserted "or her", and inserted a comma following "behalf", following "province", and following "correction"; and in (f), inserted a comma following "above".

13:21-15.7 Responsibilities of licensee

(a) All documents, including, but not limited to, title papers, reassignments, temporary registrations, and applications for registration and applications for licensure, shall be executed in the name of the dealer only by the dealer or leasing dealer or an authorized signatory.

(b) The dealer shall be responsible for the disposition of all reassignments in his or her possession.

1. All dealer reassignments shall be filled out completely, including the name and license number of the dealer, with carbon copies made contemporaneously and not separately and retained for three years.

2. All dealer reassignments shall be accounted for upon request of the Commission.

3. All lost or stolen reassignments shall be promptly reported to the Commission and to the local police; failure to do shall be conclusive evidence of improper disposition thereof.

(c) The dealer, all partners, officers, directors and/or holders of controlling interests shall be individually responsible for the conduct of all business at the dealership and for compliance with all the requirements of the statutes and rules governing the business of buying, selling or dealing in motor vehicles.

(d) In the event that any information required to be submitted to the Commission in an application should change, the applicant or licensee shall notify the Commission of the change within 10 days thereof.

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. 13:21-15.7, Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance, recodified as N.J.A.C. 13:21-15.8.

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In the introductory paragraph of (b), inserted "or her"; and in (b)2, inserted "the" and deleted "personnel" following "Commission".

13:21-15.8 Informing purchaser of dealer's responsibilities; suspension, revocation or refusal to renew license due to noncompliance

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

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

(c) Notwithstanding (b) above, in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, and such used passenger motor vehicle will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and/or has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal that indicates the motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30.

(d) The motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 in accordance with (b) or (c) above, whichever is applicable, within a shorter period of time from the date of issuance of

the temporary authorization certificate for the motor vehicle by the Commission than that set forth in (b) and (c) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30.

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

New Rule, R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Recodified from N.J.A.C. 13:21-15.7 by 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. 13:21-15.8, Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey, recodified as N.J.A.C. 13:21-15.9.

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

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

Section was "Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance". In (b) and (c), substituted "Commission" for "Division of Motor Vehicles"; and in (d), substituted "Commission" for "Director of the Division of Motor Vehicles".

Amended by R.2009 d.312, effective October 19, 2009 (operative January 1, 2010).

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted "an official inspection facility as defined in N.J.A.C. 13:20-43.1 or" following "inspection at", and "inclusive" from the end; added new (c); recodified former (c) and (d) as (d) and (e); and in (d), substituted "The" for "Notwithstanding (b) above, the", inserted "in accordance with (b) or (c) above, whichever is applicable," and "and (c)", and deleted "inclusive" at the end.

13:21-15.9 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey

(a) A motor vehicle dealer, licensed pursuant to N.J.S.A. 39:10-19, and authorized to issue temporary registrations by the Commission, may, in accordance with this section, issue a temporary registration for a new or used vehicle to a person or entity that has purchased or leased said vehicle from such dealer provided that said vehicle is to be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a temporary registration. Temporary registrations may be issued for passenger vehicles, noncommercial trucks, laden or unladen non-apportioned commercial vehicles, motorcycles and motorized bicycles, and may be issued for either initial or transfer registrations. If the registrant is not transferring a registration as permitted by N.J.S.A. 39:3-30, the temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A temporary registration shall not be issued pursuant to this section if the motor vehicle dealer does not have in his or her possession a valid manufacturer's statement of origin or title for the vehicle and, if applicable, a valid dealer reassignment certificate for the vehicle, except as provided pursuant to N.J.S.A. 39:10-6, 39:10-9, 39:10A-15, and 39:4-56.5.

(c) A temporary registration shall not be issued pursuant to this section unless the applicant therefor intends to secure permanent New Jersey registration for the vehicle.

(d) A temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof of current liability insurance coverage available to the vehicle as required by N.J.S.A. 39:6B-1 and/or 39:6A-3. Such proof of current liability insurance coverage shall include, but not be limited to, a valid New Jersey insurance identification card for the vehicle, the declarations page of the insurance policy for the vehicle, or an insurance policy binder for the vehicle, a copy of which card, declaration, or binder shall be retained for three years. No dealer shall sell, provide, transfer, or otherwise arrange for insurance coverage required pursuant to this section unless the dealer is an insurance producer properly licensed by the New Jersey Department of Banking and Insurance.

(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 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; a copy of the proof shall be retained.

(f) A temporary registration issued pursuant to this section shall expire at the end of 30 days or as soon as the permanent registration for the vehicle (and, if applicable, license plates) have been received by the registrant, whichever occurs first. The temporary registration shall be destroyed by the registrant at the time of expiration.

(g) A motor vehicle dealer shall not in any way alter a previously issued temporary registration. A second temporary registration, valid for a 30-day period beyond the original temporary registration, may be issued only when permanent registration of a vehicle is delayed because the:

1. Original title is lost; or
2. Lien holder has delayed in providing the original title.

(h) A temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A temporary registration shall not be lent by a motor vehicle dealer to a customer, another motor vehicle dealer, or any other person or entity. A temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer, or for vehicles covered solely by the dealer's insurance policy.

(i) A licensed motor vehicle dealer, which has been authorized to issue temporary registrations by the Commission, may purchase temporary registration paper stock from an approved vendor that is listed on the Motor Vehicle Commission's website, www.state.nj.us/mvc.

(j) A temporary registration shall only be issued through the motor vehicle dealer's own account with the Motor Vehicle Commission's eTemp Registration Program, at a cost of \$3.00 per temporary registration, and shall be printed on a laser jet printer.

(k) The motor vehicle dealer or authorized signatory shall ensure that all required information is properly entered and print the temporary registration. The information shall include:

1. The name of the registrant;
2. The address of the registrant;
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 temporary registration;
5. The date of expiration of the temporary registration;
6. The license plate number, if applicable;
7. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number;
8. The motor vehicle dealer's name and dealer identification number; and
9. The temporary registration number.

(l) The dealer or authorized signatory shall securely attach the temporary registration plate issued by the motor vehicle dealer pursuant to this section to the rear license plate holder of the vehicle. No portion of the temporary registration plate shall be obstructed. For a motorcycle, a motorized bicycle, or in the event that the registrant is transferring handicap plates or the temporary registration plate cannot otherwise be securely attached to the vehicle, the temporary registration plate 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 Commission.

(m) The "temporary vehicle registration" portion of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be given to the registrant. This portion 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 Commission.

(n) Any voided temporary registrations shall be kept in the possession of such dealer for three years from the issue date or void date, and shall be made available by the licensed dealer for examination by authorized representatives of the Commission at any time during regular business hours. A licensed dealer shall permit authorized Commission representatives on the premises of the licensee during regular business hours for the purpose of conducting such an

examination of temporary registration records. In the event that a dealership maintains branches or a licensee operates multiple licensed dealerships under common ownership or control (a dealership group), and the remaining requirements of this subsection are met at each dealership branch site or each individual dealership site within a dealership group, records that are not immediately necessary for the conduct of current business at a dealership branch site or an individual dealership site within a dealership group may be maintained at the main or principal location of the dealership or dealership group or at a centralized recordkeeping facility.

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

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

(q) A licensed motor vehicle dealer that has been authorized to issue temporary registrations by the Commission shall print the temporary registrations using a method and type of paper stock as set forth in (i) and (j) above.

(r) When a duplicate temporary registration is issued due to a theft of the original temporary registration, a police report shall be obtained and maintained with the file for a period of three years from the date the duplicate temporary registration is issued.

(s) When a duplicate temporary registration is issued due to a malfunction in the printing process, evidence of the malfunction shall be documented and retained in the sales file for a period of three years from the date the duplicate temporary registration is issued.

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

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

Recodified from N.J.A.C. 13:21-15.8 and amended by R.2006 d.98, effective March 6, 2006.

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

Rewrote (d), (h), (j), (n), (o) and (r) and added new (t); throughout replaced "Division" with "Commission" and "dealer's" with "dealer or"; former N.J.A.C. 13:21-15.9, Nonresident temporary registrations issued by licensed motor vehicle dealers, recodified as N.J.A.C. 13:21-15.10. Amended by R.2007 d.228, effective August 6, 2007.

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

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

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Rewrote the section.

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (b), substituted "his or her" for "its" and "manufacturer's" for "manufacturers' "; in (h), deleted "to" following "customer," and substituted the first occurrence of ", or" for "nor to"; and in (o), deleted a comma following the second occurrence of "upon", and deleted "of the Commission" following "Administrator".

13:21-15.10 Nonresident temporary registrations issued by licensed motor vehicle dealers

(a) A motor vehicle dealer, licensed pursuant to N.J.S.A. 39:10-19, and authorized to issue temporary registrations by the Commission, may, in accordance with this section, issue a nonresident temporary registration for a new or used vehicle to a nonresident person or entity that has purchased or leased said vehicle from such dealer while enroute to another state or Federal district, provided that said vehicle will not be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a nonresident temporary registration. Nonresident temporary registrations 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 if the motor vehicle dealer does not have in his or her possession a valid manufacturer's statement of origin or title for the vehicle and, if applicable, a valid dealer reassignment certificate for the vehicle, except as provided pursuant to N.J.S.A. 39:10-9.

(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; a copy of the proof shall be retained for three years.

(d) An applicant for a nonresident temporary registration pursuant to this section shall present proof to the motor vehicle dealer or authorized signatory of his or her out-of-State residence and of the name of the insurance company that is providing liability insurance coverage for the vehicle and the insurance policy number or binder number; such proofs shall be retained for three years.

(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; a copy of the proof shall be retained.

(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) A motor vehicle dealer shall not extend the expiration date of a nonresident temporary registration, nor issue another

nonresident temporary registration to the same registrant for the same vehicle. A motor vehicle dealer shall not in any way alter a previously issued nonresident temporary registration.

(h) A nonresident temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A nonresident temporary registration shall not be lent by a motor vehicle dealer to a customer, another motor vehicle dealer, or any other person or entity. A nonresident temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer or for vehicles covered solely by the dealer's insurance policy.

(i) A licensed motor vehicle dealer, which has been authorized to issue nonresident temporary registrations by the Commission, may purchase temporary registration paper stock from an approved vendor that is listed on the Motor Vehicle Commission's website, www.state.nj.us/mvc. A licensed motor vehicle dealer, which has been authorized to issue nonresident temporary registrations through the Commission's eTemp Tag Program may issue them at a cost of \$5.00 per nonresident temporary registration.

(j) A nonresident temporary registration shall only be issued through the dealer's own account and shall be printed on a laser jet printer.

(k) The motor vehicle dealer or authorized signatory shall ensure that all information is properly entered and print the nonresident temporary registration. The information shall include:

1. The name of the registrant;
2. The address of the registrant;
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;
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;
7. The motor vehicle dealer's name and dealer identification number; and
8. The temporary registration number.

(l) The nonresident temporary registration plate issued by a motor vehicle dealer pursuant to this section shall be securely attached by the dealer or authorized signatory to the rear license plate holder of the vehicle. No portion of the nonresident temporary registration shall be obstructed. For a motorcycle, a motorized bicycle or in the event that the registrant is transferring handicap plates or the nonresident

temporary registration cannot otherwise be securely attached to the vehicle, 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 Commission.

(m) Any voided nonresident temporary registrations shall be kept in the possession of the dealer for three years from the issue date or void date, and shall be made available by the licensed dealer for examination by authorized representatives of the Commission at any time during regular business hours. A licensed dealer shall permit authorized Commission representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of nonresident temporary registration records. In the event that a dealership maintains branches or a licensee operates multiple licensed dealerships under common ownership or control (a dealership group), and the remaining requirements of this subsection are met at each dealership branch site or each individual dealership site within a dealership group, records that are not immediately necessary for the conduct of current business at a dealership branch site or an individual dealership site within a dealership group may be maintained at the main or principal location of the dealership or dealership group or at a centralized recordkeeping facility.

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

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

(p) A licensed motor vehicle dealer that has been authorized to issue nonresident temporary registrations by the Commission shall print them using a method and type of paper stock as set forth in (i) and (j) above.

(q) When a duplicate nonresident temporary registration is issued due to a theft of the original nonresident temporary registration, a police report shall be obtained and maintained with the file for a period of three years from the date the duplicate nonresident temporary registration is issued.

(r) When a duplicate nonresident temporary registration is issued due to a malfunction in the printing process, evidence of the malfunction shall be documented and retained in the sales file for a period of three years from the date the duplicate nonresident temporary registration is issued.

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

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

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

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

Rewrote the section.

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

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

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

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Rewrote the section.

Amended by R.2014 d.058, effective April 7, 2014.

See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (b), substituted "his or her" for "its"; in (d), inserted "or her"; in (h), deleted "to" following "customer," substituted the first occurrence of "or" for "nor to" and the second occurrence of "or" for "nor"; and in (n), deleted "of the Commission" following "Administrator".

13:21-15.11 Dealer plates

(a) All dealer plates shall be accounted for in an electronic or written record, for which the following information is listed for each dealer plate:

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

(b) The electronic or written record required pursuant to (a) above shall be maintained for at least three years and updated as dealer plates are assigned.

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

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

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

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

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

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

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).
Amended by R.2014 d.007, effective January 6, 2014.
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

In the introductory paragraph of (a), substituted "an electronic or written record," for "a logbook or ledger"; in (b) and (c), substituted "electronic or written record" for "log or ledger"; in (b), inserted "and updated as dealer plates are assigned"; and in (d), substituted "otherwise" for "other wise".

Amended by R.2014 d.058, effective April 7, 2014.
See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (a)2, substituted "VINs" for "Vehicle identification numbers (VINs)"; in (a)3, inserted the third occurrence of "the"; and in (b), substituted "required pursuant to" for "in".

13:21-15.12 New motor vehicle dealer inspection stickers

(a) All new motor vehicle dealer inspection stickers shall be accounted for in consecutive order in an electronic or written record, for which the following information is listed for each sticker:

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

(b) The electronic or written record required pursuant to (a) above shall be maintained for at least five years.

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

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

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

(f) A motor vehicle dealer must retain a completed pre-delivery inspection checklist on file for each sticker issued for at least five years from the date of the pre-delivery inspection. This checklist shall indicate:

1. The date and place of inspection;
2. The name of the individual who performed the inspection; and

3. A statement that the vehicle was found to be in compliance and that the inspection procedure conformed to the requirements and/or recommendations made by the manufacturer in order to render the vehicle safe for operation.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "five" for "three".
Amended by R.2014 d.007, effective January 6, 2014.
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Section was "New motor vehicle inspection stickers". In the introductory paragraph of (a), inserted "dealer", and substituted "an electronic or written record" for "log or ledger"; in (e), substituted "electronic or written record" for "log or ledger"; and added (f).
Amended by R.2014 d.058, effective April 7, 2014.
See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (a)3, inserted a comma following "make", and inserted the first occurrence of "the"; in (b), substituted "electronic or written record" for "logbook or ledger", and substituted "required pursuant to" for "in".

13:21-15.13 Investigations

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

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

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

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

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

13:21-15.14 Hearings

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

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

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

(d) If the Chief Administrator finds that there exist issues of material fact or potentially mitigating circumstances, the matter will be referred for a hearing. The hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 and N.J.A.C. 1:13.

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

(f) If there are no material facts in dispute or specific mitigating circumstances subject to proof or if the licensee does not respond to the Notice of Proposed Disciplinary Action within 25 days from the date of the notice, the Chief Administrator shall issue a Final Administrative Determination appealable only to the Appellate Division of the Superior Court.

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

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

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).
Amended by R.2014 d.007, effective January 6, 2014.
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

In (f), inserted "within 25 days from the date of the notice", and substituted "shall" for "will".

Amended by R.2014 d.058, effective April 7, 2014.
See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (c) and (g), inserted "applicant or"; in (g), deleted "or applicant" following "licensee", and substituted "Commission's" for "MVC"; and in (h), substituted "in this subchapter" for "herein".

13:21-15.15 Emergency disciplinary action

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

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

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

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

(d) The licensee will be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. 13:21-15.14.

New Rule, R.2006 d.98, effective March 6, 2006.
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).
Amended by R.2014 d.058, effective April 7, 2014.
See: 45 N.J.R. 2178(a), 46 N.J.R. 631(a).

In (a), inserted a comma following "premises", and deleted "that" following "circumstances".

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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