

**CHAPTER 21  
LICENSING SERVICE**

**Authority**

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

**Source and Effective Date**

R.2001 d.19, effective December 12, 2000.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 21, Licensing Service, expires on June 10, 2006. See: 38 N.J.R. 445(a).

**Chapter Historical Note**

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

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

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

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

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

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

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

Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted effective December 12, 2000, and Subchapter 11, Central Title and Registration Service, was repealed effective January 16, 2001 by R.2001 d.19. See: Source and Effective Date. See, also, section annotations.

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

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#### SUBCHAPTER 1. GENERAL PROVISIONS

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

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

##### 13:21-1.2 Proof of legal name

Any person using a name for the purposes outlined in Section 1.1 (Use of legal name on all documents) of this

Chapter shall furnish proof that the name given is the legal name, when this proof is requested by any agent, officer or employee of the Division.

##### 13:21-1.3 Mandatory disclosure of social security number

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

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

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

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

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

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

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

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

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

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

##### 13:21-1.4 Restricted use of social security numbers

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

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

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

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

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

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

New Rule, R.1985 d.307, effective June 17, 1985.  
See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).  
Amended by R.1990 d.514, effective October 15, 1990.  
See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirements to applicants for commercial licenses.  
Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.1998 d.422, effective August 17, 1998.  
See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

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

### 13:21-1.5 Public record exception; disclosure prohibited

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

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

New Rule, R.1985 d.307, effective June 17, 1985.  
See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).  
Amended by R.1990 d.514, effective October 15, 1990.  
See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirements to applicants for commercial licenses.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.1998 d.422, effective August 17, 1998.  
See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

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

## SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

### 13:21-2.1 Basis for interpretation

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

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

### 13:21-2.2 "Accompanied" in motor vehicles defined

A person learning to drive a motor vehicle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate such designated class of motor vehicles. The term "accompanied" shall mean that the licensed driver will occupy a seat next to the learner and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

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

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

### 13:21-2.3 "Accompanied" in motorcycles defined

A person learning to operate a motorcycle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate motorcycles and who is qualified to handle the type of vehicle being used by the learner. The term "accompanied" shall mean that the licensed driver shall assume a position where he can visually supervise and render immediate assistance to the learner if the need should arise.

R.1980 d.495, effective November 6, 1980.  
See: 11 N.J.R. 87(c), 12 N.J.R. 727(b).

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

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

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

13:21-2.4 Nonconventional type motor vehicles

All motorcycles, as defined in N.J.S.A. 39:1-1, having 90 cubic centimeters of engine displacement or less shall hereinafter be considered nonconventional motor vehicles within the meaning of N.J.S.A. 39:10-2.

R.1972 d.253, effective December 12, 1972. See: 4 N.J.R. 275(a), 5 N.J.R. 18(b).

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SUBCHAPTER 3. (RESERVED)

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SUBCHAPTER 4. TITLES

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

(a) For purposes of N.J.S.A. 39:10-8, a certificate of origin for a new motor vehicle delivered in New Jersey shall be a document which conforms with the design and specifications of the model form for "Manufacturers' Certificate of Origin" developed by the American Association of Motor Vehicle Administrators.

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

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

As amended, R.1980 d.112, effective March 18, 1980. See: 11 N.J.R. 628(a), 12 N.J.R. 209(c).

13:21-4.2 Modification of year model designation

Notwithstanding the provisions of N.J.A.C. 13:21-4.1 (Certificate of origin; model year designation) model year designations may be modified through the completion of the certification set forth in N.J.A.C. 13:21-4.3 (Modification certificate form).

13:21-4.3 Modification certificate form

NAME OF MANUFACTURER OR IMPORTER  
ADDRESS

Date \_\_\_\_\_

TO THE DIRECTOR  
NEW JERSEY DIVISION OF MOTOR VEHICLES

This is to certify that the vehicle described below

(Make)	(Serial Number)	(Model)
(No. of Cylinders)		(Body Type)

and identified on the attached manufacturer's or importer's statement of origin as being manufactured during

\_\_\_\_\_(Month)(Year) and identified as Model Year \_\_\_\_\_ is appreciably the same as models currently manufactured by this firm and as this vehicle is new and unused, it is being designated as Model Year and the Certificate of Ownership will bear the month and year of manufacture as well as the Model Year designation as modified.

MANUFACTURER'S OR IMPORTER'S NAME

\_\_\_\_\_  
(Authorized Signature)

This certification shall be used ONLY when the vehicle described herein was manufactured during the period of one year prior to October 1 of the preceding year and is sold during the succeeding year ending October 1.

13:21-4.4 Certificate application for homemade vehicles

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

(b) These forms will include but are not limited to:

1. A certification of the owner that the vehicle is roadworthy;
2. That all items of equipment requiring approval by statute or regulation of the Director of Motor Vehicles have been so approved;
3. That construction meets industry standards and the New Jersey inspection requirements.

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

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

## 13:21-4.5 through 13:21-4.6 (Reserved)

## SUBCHAPTER 5. REGISTRATIONS

## 13:21-5.1 Weight class

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

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

As amended, R.1984 d.408, effective September 17, 1984.  
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).  
Deleted "New Jersey".

## 13:21-5.2 Certificate of Origin

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

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

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

As amended, R.1984 d.408, effective September 17, 1984.  
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).  
Deleted "New Jersey".

## 13:21-5.3 Published listing of models

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

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

## 13:21-5.4 Registration fee

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

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

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

## 13:21-5.5 Certification of weight class

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

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

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

## 13:21-5.6 Registering flood-damaged vehicles

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

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

## 13:21-5.7 Notification of flood damage

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

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

## 13:21-5.8 Mileage reading on certificate of ownership

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

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

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

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

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

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

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

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

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

### 13:21-5.10 Surrender of registration plates

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

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

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

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

### 13:21-5.11 Registration refusal

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

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

### 13:21-5.12 Registration plate decals

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

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

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

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

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

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

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

(e) If the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), a nonresident temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the permanent registration for the vehicle has been received by the registrant from his or her state or Federal district of residence, whichever occurs first. The nonresident temporary registration shall be destroyed by the registrant at the time of expiration.

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

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

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

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

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

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

(l) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle agency in the appropriate location on the lower left side of the document. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch

high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle agency in smaller numerals on the right side of the document in accordance with (k)5 above.

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

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

New Rule, R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

## SUBCHAPTER 6. EXAMINATION PERMITS

### 13:21-6.1 Definitions

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

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

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

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

### 13:21-6.2 Requirements for issuance of examination permits

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

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

### 13:21-6.3 Prerequisites for validation of examination permits

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

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

R.1970 d.8, effective January 9, 1970.  
 See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).  
 Recodified from 13:21-6.2 and amended by R. 1994 d.486, effective September 19, 1994.  
 See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).  
 Prior text at 13:21-6.3, Provisional requirements, repealed.

### 13:21-6.4 Expiration of examination permits

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

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

## SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

### 13:21-7.1 Definitions

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

"Special learner's permit" means a permit issued to a person at least 16 years of age but under 17 years of age, in accordance with the provisions of N.J.S.A. 39:3-13.1, allowing such person, for the purpose of fitting himself or herself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a licensed driving school, and which, in accordance with the provisions of N.J.S.A. 39:3-13.2a may, upon successful completion of a behind-the-wheel driving course, be retained by the holder to operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 P.M. and 5:00 A.M. while in the company and under the control of a licensed motor vehicle driver of this State who has at least three years experience as a licensed motor vehicle driver and is at least 21 years of age.

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

As amended, R.1984 d.11, effective February 6, 1984.  
 See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).  
 "Student" changed to "Special" permit. Also added course of behind-the-wheel instruction conducted by licensed driving school.  
 Amended by R.1994 d.486, effective September 19, 1994.  
 See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).  
 Amended by R.2001 d.143, effective May 7, 2001.  
 See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).  
 In "Special learner's permit", substituted "at least 16 years of age but under 17 years of age," for "over 16 years of age", substituted "11:01 P.M." for "12:01 A.M.", and added "and is at least 21 years of age" at the end.

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

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

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

### 13:21-7.3 Driving test appointment requirements

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

1. The student will be at least 17 years of age on the date of the appointment;
2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf, Interpreter Referral Service must accompany the student for the oral test.
3. The special learner's permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles;

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

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

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

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

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

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

(a)2-4 substantially amended.

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

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

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

In (a)4, added last sentence.

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

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

(a)5 added.

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

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

#### 13:21-7.4 Method of securing appointment

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

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

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

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

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

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

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

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

#### 13:21-7.5 Validation of special learner's permits

(a) A special learner's permit is valid for practice driving a motor vehicle of the class for which a basic driver's license is required while the holder of the special learner's permit is in the company and under the control of a licensed driver of this State who has had at least three years experience as a licensed motor vehicle driver and is at least 21 years of age when:

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

2. The Snellen eye reading has been recorded on the special learner's permit by the school nurse. The eye reading may be recorded by a representative of the

Division of Motor Vehicles if the eye reading has not been recorded by the school nurse; and

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

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

(c) A special learner's permit is not valid during the hours between 11:01 P.M. and 5:00 A.M.

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

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

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

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

Deleted text in (a)1 "or is at least 16½ years old".

Recodified from 13:21-7.4 and amended by R.1994 d.486, effective September 19, 1994.

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

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

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

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

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

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

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

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

### SUBCHAPTER 8. DRIVER LICENSES

#### 13:21-8.1 Definitions

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

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

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

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

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

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

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

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

R.1970 d.6, effective January 9, 1970.  
 See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).  
 As amended, R.1983 d.609, effective January 3, 1984.  
 See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).  
 Amended definition of “driving test” and “examinations”.  
 As amended, R.1984 d.411, effective September 17, 1984.  
 See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).  
 Changed text is definition “Examinations”.  
 Amended by R. 1994 d.486, effective September 19, 1994.  
 See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).  
 Amended by R.2001 d.19, effective January 16, 2001.  
 See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
 In “Applicant”, substituted “complied” for “compiled” preceding “with the provisions”; added “Director” and “Division”.

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

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

1. Each applicant must produce documents which total at least six points.
2. Each applicant must present at least one primary document.
3. Each applicant must present at least one secondary document.
4. An applicant shall not submit more than two documents with a point value of one.
5. If discrepancies exist within or between documents submitted by an applicant, the Commission may require that the applicant submit additional documentation.

6. The Commission is required by law (N.J.S.A. 39:3-10) to refuse to grant any permit or license if the Commission has reasonable cause to believe that a document is altered, false or otherwise invalid.

7. An applicant who is not a United States citizen must submit proof of continued legal presence in the United States.

8. Commission authorized personnel may review, approve or accept other documentation that proves the applicant’s identity and date of birth, and that the applicant’s presence in the United States is authorized under Federal law.

9. The Commission reserves the right to make changes to the list of acceptable documents found in (b) below. Such changes will be posted on the Motor Vehicle Commission’s website, [www.njmvc.gov](http://www.njmvc.gov), and will be available at all motor vehicle agencies.

(b) The following are acceptable documents:

1. Primary documents:

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

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

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

<u>Document</u>	<u>Value</u>
Current Alien Registration Card (Form I-551) with expiration date and with Immigration and Naturalization Service (INS) or Bureau of Citizenship and Immigration Services (BCIS) verification	4
Foreign passports with INS or BCIS verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport	4
Refugee Travel Document (Form I-571)	4
United States Re-entry Permit (Form I-327)	4

Valid I-94 stamped "Refugee," "Parolee," "Asylee" or "Notice of Action" (Form I-797 approved petition) by INS or BCIS	4
Valid I-94 with attached photo stamped "Processed for I-551 . . ." by INS or BCIS	4
Current photo employment authorization card (Form I-688B or I-766) (must be presented with a valid social security card)	3
Current Alien Registration Card (Form I-551) without expiration date and with INS or BCIS verification	2
Photo Temporary Resident Card (Form I-688)	2

2. Secondary documents:

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

<u>Document</u>	<u>Value</u>
Valid New Jersey digitized driver license (a secondary document for non-United States citizens only)	4
Special learner's permit with digitized image (a secondary document for non-United States citizens only)	4
Examination permit with digitized image (a secondary document for non-United States citizens only)	4
Provisional license with digitized image (a secondary document for non-United States citizens only)	4
Legal name change court order signed by a judge or court clerk	3
Civil marriage certificate or divorce decree	3
Current United States military dependent card	3
United States military photo retiree card	3
New Jersey firearm purchaser card	3
Valid United States government employee driver license	2
Valid United States government employee photo identification card	2
United States military discharge papers (DD214)	2
Federal Aviation Administration pilot license	2
United States school photo identification card with transcript or school records	2
United States college photo identification card with transcript	2
Current New Jersey non-digitized photo driver license	1
Current photo driver license of any other state of the United States including the District of Columbia	1
State professional license	1
New Jersey public assistance card with photo	1
Social Security card with Social Security Administration (SSA) verification	1
High school diploma or GED (general equivalency diploma)	1
Bank statement/record (cannot be submitted in conjunction with ATM card)	1
ATM (automated teller machine) card with preprinted name and applicant's signature (cannot be submitted in conjunction with bank statement)	1
Current health insurance card or current prescription card	1
Current employee identification card accompanied by a printed pay stub	1
Property tax statement, bill or receipt issued by a New Jersey municipality	1
High school certificate (written test waiver)	1
Veteran's Administration universal access photo identification card	1

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

1. A utility or credit card bill displaying applicant's name at current address, issued within last 90 days;
2. A property tax bill, statement or receipt within last year;
3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;
4. A high school or college report card or transcript within past two years (must contain address);
5. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;
6. First class mail from any government agency within six months;
7. A checking or savings account statement (bank or credit union) within 60 days; or
8. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.

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

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

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

(g) The Division shall not issue a driver's license or permit to a person who is entitled to operate a motor

vehicle in this State pursuant to (e) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver's license to the Division upon issuance of a New Jersey driver's license.

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

In (a), amended the website in 9; in (b), inserted a reference to Form FS-240 in the list in 1i and inserted a reference to current employee identification cards accompanied by a printed pay stub in the list in 2i.

### 13:21-8.3 Permits

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

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

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

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

**13:21-8.4 Physical and mental qualifications**

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

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

2. Through any mental or physical defect is incapable of operating motor vehicle in a safe manner.

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

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

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

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

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

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

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

In (b), deleted "New Jersey".

**Case Notes**

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

**13:21-8.5 Driving privilege status**

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

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

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

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

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

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

Deleted old (c).

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

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

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

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

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

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

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

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

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

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

Deleted old and added new text.

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

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

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

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

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

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

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

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

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

2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, and the New Jersey Motor Vehicle Laws and Traffic Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally.

of the applicants. The number of questions will be 20. A passing score of 80 percent must be attained by the applicant.

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

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

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

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

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

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

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

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

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

Deleted old and added new text.

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

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

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

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

In (c), inserted "English language" preceding "oral test"; recodified (e)4 as (f) and inserted "foreign language" preceding "oral test".

### 13:21-8.8 Special examination; hearing-impaired

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

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

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

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

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

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

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

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

Deleted old and added new text.

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

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

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

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

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

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

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

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

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

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

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

### 13:21-8.10 Visual acuity test standards

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

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

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

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

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

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

#### 13:21-8.11 Color perception check standards

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

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

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

#### 13:21-8.12 Necessity of driving (road) test

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

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

R.1970 d.6, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).  
Amended by R.2001 d.143, effective May 7, 2001.  
See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

Designated existing paragraph as (a) and added (b).

#### 13:21-8.13 Driving test maneuvers

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

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

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

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

#### 13:21-8.14 Vehicle used in driving demonstration

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

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

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

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

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

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

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

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

#### 13:21-8.15 Accompanying driver

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

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

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

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

**13:21-8.16 Failure of driving test**

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

(b) An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any material improvement in his or her performance, will be referred to the Unit Supervisor-in-charge of the Driver Testing Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months. The applicant shall retain the examination permit for the purpose of practice driving.

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

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

In (b), added last sentence.

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

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

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

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

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

**13:21-8.17 Waiver of driving test**

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

1. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Director;
2. Holds a license issued by the United States Armed Forces for the type or general class of vehicles he desires to drive;
3. Has returned from foreign service and holds a license issued by the United States Military Government. Application in such cases must be made within 60 days of reentry to this county;
4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary;

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

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

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

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

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

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

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

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

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

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

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

Any holder of an examination permit or a provisional driver license under the age of 21 who needs to drive between the hours of 12:01 A.M. and 5:00 A.M. for employment or religious purposes shall have in his or her possession, a certification from his or her employer or religious official on the official letterhead of the business, organization or religious institution which indicates the need to drive during those hours. The certification shall include the name, title, address, and phone number of the certifying official. Each certification shall be typed or written in permanent, non-erasable ink. The signature of the certifying official must be in permanent, non-erasable ink.

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

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

**13:21-8.19 through 13:21-8.20 (Reserved)****13:21-8.21 Eyes and weight numerical code chart**

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

- EYE COLOR**  
 1—Black  
 2—Brown  
 3—Gray  
 4—Blue  
 5—Hazel  
 6—Green  
 7—Special code  
 8—Special code  
 9—Special code

- WEIGHT**  
 0—Under 121 pounds  
 1—121 to 140 pounds  
 2—141 to 160 pounds  
 3—161 to 180 pounds  
 4—181 to 200 pounds  
 5—201 to 220 pounds  
 6—Over 220 pounds

- R—Bus Mechanics (No Passengers)  
 S—Excludes School Age Passengers

As amended, R.1983 d.609, effective January 3, 1984.  
 See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).  
 Deleted old and added new class vehicle and restriction list.  
 Amended by R.1996 d.27, effective January 16, 1996.  
 See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
 Rewrote the section, formerly "Weight class and restrictions".

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

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

**LICENSE CLASS**

- A—Commercial (Combination Commercial Motor Vehicle)  
 B—Commercial (Heavy Straight Commercial Motor Vehicle)  
 C—Commercial (Small Commercial Motor Vehicle)  
 D—Automobile  
 E—Motorcycle  
 F—Motorized Bicycle  
 G—Agricultural

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

**ENDORSEMENT**

- F—Motorized Bicycle  
 H—Hazardous Material  
 M—Motorcycle  
 N—Tank Vehicle  
 P—Passenger Vehicle  
 T—Double/Triple Trailer

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

**RESTRICTION**

- 1—Corrective Lenses  
 2—Prosthetic Device  
 3—Mechanical Device  
 4—Hearing Impaired  
 5—Attached Restrictions  
 L—Excludes Vehicles with Air Brakes  
 M—Excludes Class A Passenger Vehicles  
 N—Excludes Class A and B Passenger Vehicles  
 O—Valid in Tow Trucks Only  
 P—Non CDL Passenger Only (School Buses with a Capacity of 15 or less)  
 Q—Excludes Passenger Vehicles with a Capacity of 16 or more

**13:21-8.23 Surrender of license**

Any applicant for a New Jersey driver license whose resident address is within the geographical limits of the State of New Jersey and who is licensed in a foreign state or jurisdiction may be required to surrender the last valid license issued by said foreign state or jurisdiction as a prerequisite to the completion of the examination for a New Jersey driver license.

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

The director may suspend the driver's license of any driver who fails to notify the Division of Motor Vehicles of a change of address pursuant to N.J.S.A. 39:3-36 until the division is notified in writing by the driver of his correct address.

R.1984 d.19, effective February 6, 1984.  
 See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a).

**SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS**

**13:21-9.1 Expired license or registration**

Under the authority of N.J.S.A. 39:3-4 and 39:3-10, whenever a driver or owner of a vehicle applies for renewal of his driver license or registration subsequent to the date of the expiration of his prior driver license or registration, but not more than six months subsequent thereto, the said driver or vehicle owner shall be issued a driver license or registration, as the case may be, effective on the first day of the month immediately following the date of expiration of his prior driver license or registration and shall pay the appropriate fee therefor.

**13:21-9.2 Proof of allegations**

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

permit the issuance of a new driver license or a new registration commencing at the time of application for same.

### 13:21-9.3 Restoration fees

(a) A fee of \$50.00 shall be payable to the Director for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any law or regulation.

(b) A fee of \$50.00 shall be payable to the Director for the restoration of vehicle registrations which have been suspended or revoked by reason of the registrant's violation of any law.

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

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

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

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

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

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

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

(b) In the case of suspensions of driving privileges in this State for a fixed period, the person so suspended shall, as a condition precedent to restoration, make application to the Director in such form as the Director may prescribe and pay any restoration fee required by law or regulation. The Director may, upon due notice and opportunity for a hearing, deny any application for restoration on any reasonable grounds, including but not limited to grounds relating to physical fitness or driving record of the applicant or failure of the applicant to provide proof of satisfaction of other statutory requirements.

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

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

New Rule, R.1987 d.343, effective August 17, 1987.

See: 19 N.J.R. 621(b), 19 N.J.R. 1562(b).

### Case Notes

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

### 13:21-9.5 Definitions

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

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

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

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

"Individual" means a natural person.

"IVR" means an interactive voice response system.

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

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

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

New Rule, R.2000 d.22, effective January 3, 2000.

See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

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

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

New Rule, R.2000 d.22, effective January 3, 2000.

See: 31 N.J.R. 3862(a), 32 N.J.R. 77(a).

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

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

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

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

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

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

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

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

**13:21-9.9 Verification of current mailing address**

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

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

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

**13:21-9.10 Submission of social security number**

An applicant shall enter the applicant's full social security number as part of the registration renewal process. Disclosure of the applicant's social security number is mandatory

under N.J.A.C. 13:21-1.3, and may be used only for the purposes contained in N.J.A.C. 13:21-1.4.

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

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

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

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

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

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

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

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

**13:21-9.13 Protection of personal information**

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

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

**13:21-9.14 Applicant survey**

The Division may, either directly or through a consultant or a contractor, survey applicants to ascertain from them their opinions, observations, or recommendations regarding the process of renewing registrations by telephone or through the Internet. Although these surveys will be conducted in conjunction with actual transactions, an applicant need not participate in the survey in order to conduct the transaction. Participation in such a survey will be solely at the option of an applicant, and survey results shall contain no personal information, unless expressly authorized by the applicant.

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

**13:21-9.15 Non-waiver of privacy protections**

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

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

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

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

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

**SUBCHAPTER 10. JUNK TITLE CERTIFICATES****13:21-10.1 Terminal certificate**

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

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

**Authority**

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

**SUBCHAPTER 11. (RESERVED)****Subchapter Historical Note**

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

**SUBCHAPTER 12. FARM VEHICLES****13:21-12.1 Vehicles exempted from statutory provisions**

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

**13:21-12.2 Limitation on operation between farms**

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

**13:21-12.3 Hours of travel; visibility requirements**

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

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

**13:21-12.4 Distance of travel**

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

**13:21-12.5 Speed limitations**

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

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

**13:21-12.6 Vehicle dimensions**

(a) Vehicles as described in this Subchapter may not be operated on a highway when the vehicle, including load, exceeds a maximum width of eight feet and/or maximum overall length exceeds 50 feet unless such operation is in compliance with the following safety regulations concerning vehicles in excess of these regulatory dimensions:

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

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

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

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

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

**13:21-12.7 Priority of travel**

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

**13:21-12.8 Movement on certain highways**

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

**13:21-12.9 Tires; wheel coverings**

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

**13:21-12.10 Authority of Director**

The Director of the Division of Motor Vehicles reserves the right, under Statutory authority, to impose such other restrictions or regulations as he may deem necessary in order to afford the maximum of safety and the minimum of delay to the majority of the motoring public.

**SUBCHAPTER 13. MIGRANT FARM WORKERS****13:21-13.1 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 13:21-13.2 Basic driver qualifications

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

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

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

### 13:21-13.3 Vehicles permitted for transportation

(a) Migratory farm workers may be transported on:

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

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

### 13:21-13.4 Vehicle entrance and exit

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

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

### 13:21-13.5 Lighting equipment

(a) Every vehicle used in the transportation of migratory farm workers shall be equipped with at least two head lamps in good operating condition in conformance with N.J.S.A. 39:3-57 and 39:3-58.

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

### 13:21-13.6 Brakes

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

**13:21-13.7 Audible signal**

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

**13:21-13.8 Exhaust system**

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

**13:21-13.9 Mirrors**

Every motor vehicle which is so constructed or so loaded as to obstruct a rear view from an interior mirror shall be equipped with a mirror mounted on each side of the vehicle and so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle and no person shall drive any such vehicle not so equipped.

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

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

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

**13:21-13.11 Tires**

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

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

**13:21-13.12 Speedometer**

Every bus, truck or truck trailer used in the transportation of migrant workers shall be equipped with a speedometer indicating vehicle speed in miles per hour which shall be operative with reasonable accuracy.

**13:21-13.13 Fire extinguisher**

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

**13:21-13.14 Road warning devices**

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

**13:21-13.15 Markings**

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

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

**13:21-13.16 Penalties**

The Director or any employee of the Division of Motor Vehicles deputized by the Director, may suspend or revoke the registration of the vehicle of any person, firm or corporation, operated in the transportation of migrant farm workers, in violation of any of the regulations in this Subchapter or in violation of any of the provisions of N.J.S.A. 39:3-4, 39:3-15, or 39:3-17, Motor Vehicles and Traffic Regulations.

**13:21-13.17 Insurance**

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

1. Each person or contractor shall furnish liability insurance for bodily injury or death in the following minimum amounts:

i. Vehicles transporting one to 12 persons—\$25,000 for one person, \$150,000 for one accident;

ii. Buses transporting 13 to 20 persons—\$25,000 for one person, \$200,000 for one accident;

iii. Buses transporting 21 to 30 persons—\$25,000 for one person, \$250,000 for one accident;

iv. Buses transporting 31 or more persons—\$25,000 for one person, \$300,000 for one accident.

2. Such insurance shall be through a company authorized to insure in New Jersey.

3. Satisfactory evidence of such insurance to be carried in the vehicle whenever it is operated for transportation of migrant laborers.

#### 13:21-13.18 Statutory compliance

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

### SUBCHAPTER 14. BUS DRIVERS

#### 13:21-14.1 (Reserved)

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

#### 13:21-14.2 Definitions

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

"Bus" means:

1. Any motor vehicle used for the intrastate transportation of passengers for hire, having a carrying capacity of more than six passengers;

2. Any motor vehicle used for the intrastate transportation of passengers not for hire, having a carrying capacity of more than 16 passengers; and

3. Any "school bus" as defined in N.J.S.A. 39:1-1. The terms "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

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

#### 13:21-14.3 Special bus license requirement

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

#### 13:21-14.4 (Reserved)

#### 13:21-14.5 Bus driver licensing regulations

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

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

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

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or

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

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

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

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

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

7. Failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely; or

8. Failed to pass the prescribed driving test; or

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

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

11. Failed to meet the medical and physical qualifications set forth in the regulations of United States Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or

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

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

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

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

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

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

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

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

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

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

In (a) increased the minimum age from 18 to 21.

#### Case Notes

Minimal risk of cardiac collapse, syncope, or near-syncope from atrial fibrillation did not automatically disqualify bus driver from maintaining his passenger-carrying endorsement to license. *Mernick v. Division of*

*Motor Vehicles*, 328 N.J.Super. 512, 746 A.2d 493 (N.J.Super.A.D. 2000).

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

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

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

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

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

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 13:21-14.6 Release of privileged application information

(a) The information on any application for a bus driver license shall be considered as privileged information and shall not be available for release to any person except under the following conditions.

1. Upon receipt of a request for information, the Division will release the name, address, personal description and driver license numbers of the applicant; the name and address of the physician who conducted the physical examination and the date of the physical examination.

2. Upon receipt of written authorization from the licensee, a copy of the application will be released, either to the licensee or to a person designated by him.

3. Certified copies of applications may be issued, within the restrictions listed in this section, upon payment of the standard fee provided for by Title 39 of the New Jersey Statutes.

### 13:21-14.7 (Reserved)

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

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

Section was "Drivers of empty buses".

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

## SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

### 13:21-15.1 Definitions

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

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

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

"Business of buying, selling or dealing in motor vehicles" means engaging in the business of buying or selling motor

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

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

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

New Rule, R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
Recodified from N.J.A.C. 13:21-15.9 and amended by R.2006 d.98, effective March 6, 2006.  
See: 37 N.J.R. 1002(a), 38 N.J.R. 1324(a).  
Rewrote the section.

### 13:21-15.11 Dealer plates

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

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

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

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

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

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

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

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

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

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

### 13:21-15.12 New motor vehicle inspection stickers

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

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

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

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

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

(e) A motor vehicle dealer who fails upon the demand of the Commission to produce the log or ledger required pursuant to (a) above or voided stickers retained pursuant to (c) above or who fails to report, or falsely reports, the loss or theft of stickers, as required by (d) above, shall, upon notice

and opportunity to be heard, be subject to suspension or revocation of the motor vehicle dealer's license.

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

### 13:21-15.13 Investigations

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

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

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

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

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

### 13:21-15.14 Hearings

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

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

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

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

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

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

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

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

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

### 13:21-15.15 Emergency disciplinary action

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

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

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

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

(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).

## SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

### 13:21-16.1 Definitions

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

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

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

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

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

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated

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

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

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

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

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

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

### 13:21-16.3 Nondriver identification card class codes

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

#### IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

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

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

**SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS****13:21-17.1 Application; fees**

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

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

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

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

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

Rewrote (c).

**13:21-17.2 Restrictions**

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

1. The crossing areas are adequately lighted or the vehicle(s) crossing the roadway are equipped with at least

two white lights to the front, capable of illuminating persons or objects at a distance of 500 feet under normal atmospheric conditions and two four-inch, Class A amber reflects, on each side of the vehicle—one towards the front of the vehicle and the other to the rear; or

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

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

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

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

Added (b).

**13:21-17.3 Warning signs**

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

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

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

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

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

(f) If conditions exist making it impractical to comply with the sign posting requirements, application for waiver shall be made to the Director.

#### 13:21-17.4 Width of crossing zone

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

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

(c) If conditions exist making it impractical to comply with the above crossing-area requirements, application for waiver shall be made to the Director.

#### 13:21-17.5 Speed

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

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

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

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

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

#### 13:21-17.6 Applicability of laws

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

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

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

#### 13:21-17.7 Penalties

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

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

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

Rewrote the section.

### SUBCHAPTER 18. SNOWMOBILE REGISTRATION

#### 13:21-18.1 Proof of ownership

(a) Every owner of a snowmobile who applies for a registration certificate shall present to an agent of the Director proof of ownership in the following form:

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

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

#### 13:21-18.2 Sales tax

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

#### 13:21-18.3 Proof of insurance

Every applicant for snowmobile registration shall present to the Director's agent at the time of application a valid insurance identification card or insurance policy or, in the case of a State or a municipal applicant for which the Director has waived the requirement of insurance by a private insurance carrier pursuant to N.J.S.A. 39:3C-20, a certificate of self-insurance.

#### 13:21-18.4 Registration certificate

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

#### 13:21-18.5 Registration number

(a) The registration number shall consist of five numerals followed by the letter "S" and shall be the permanent

registration number of the snowmobile notwithstanding the circumstance of subsequent changes of ownership.

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

1. Height: 2 3/4 inches;
2. Width: 1 3/4 inches;
3. Stroke: 1/4 inch;
4. Spacing: 1/2 inch.

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

1. Height: 1 inch;
2. Width: 1/2 inch;
3. Stroke: 1/8 inch;
4. Spacing: 1/2 inch.

#### 13:21-18.6 Transfer of ownership

(a) When ownership of a registered snowmobile is transferred to a new owner, the seller shall record the purchaser's name and address and the date of sale on the reverse side of the registration certification and shall sign his name in the space provided thereon. He shall then deliver said certificate to the purchaser.

(b) The new owner shall apply for a registration certificate in his own name by presenting to an agent of the Director the registration certificate on which the transfer of ownership is duly recorded together with the other proofs required by the rules and payment of the proper fee.

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

#### 13:21-18.7 Renewal of registration certificate

A prepared renewal application shall be mailed to the registrant prior to the expiration of his registration certificate. The applicant shall present said application duly executed to a motor vehicle agent together with the required proofs and payment of the proper fee. If the application is not received or is lost or destroyed, an application may be obtained at the agency upon presentation of the expired or expiring certificate.

## SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

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

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

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

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

1. If advance written notice of intent was not served on the protesting franchisee(s), the protest letter shall be filed within 30 days of the date of the franchisee(s) first learned of the motor vehicle franchisor's intention to grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, or within 10 days of the occurrence of that action, whichever is earlier.

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

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

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

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

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

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

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

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

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

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

#### **13:21-19.6 Papers filed with Director; papers and envelopes specifically marked**

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

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

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

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

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

#### **13:21-19.9 Hearing costs; deposit; sanctions**

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

(b) That portion of the money on deposit that exceeds the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 shall be returned to the parties. The parties shall pay to the Committee their portion of the balance of the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 when said hearing costs exceed the

amount on deposit with the Chairman. If the Office of Administrative Law determines during the course of the hearing that the costs of the hearing will exceed the amount on deposit with the Committee, the parties shall be required, on notice, to deposit with the Committee additional monies to cover the costs of completing the hearing.

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

1. An order dismissing the party's protest; or
2. An order striking the party's responsive pleading and affirming the adverse party's protest.

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

### **SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES**

#### **13:21-20.1 Definitions**

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

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

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

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

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

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

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

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

1. "Type A motor home" means a chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters.

2. "Type B motor home" means a van-type vehicle, bus, truck, or other motor vehicle that has been altered to provide temporary living quarters.

3. "Type C motor home" means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters.

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

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

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

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

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

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

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

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

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

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

(e) added.

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

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

#### **13:21-20.3 Certificate of origin**

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

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

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

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

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

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

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

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

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

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### **SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES**

#### **13:21-21.1 Purpose**

(a) N.J.S.A. 39:13-1 et seq. provides for the licensure and regulation of auto body repair facilities by the Chief Administrator of the Motor Vehicle Commission. The purposes of this subchapter are to:

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

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

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

In (a), deleted a reference to the "Auto Body Repair Facility Act".

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), substituted "Chief Administrator of the Motor Vehicle Commission" for "Director of the Division of Motor Vehicles" at the end of the first sentence, and substituted "motor vehicles" for "automobiles" preceding "damaged by collision" in 2.

### 13:21-21.2 Scope; license classes

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

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

(c) Auto body repair facilities shall be licensed in the following classes:

1. A full service license in accordance with the provisions of N.J.S.A. 39:13-2.1a;
2. A limited full service license in accordance with the provisions of N.J.S.A. 39:13-2.1b; and
3. A new automobile dealer sublet license in accordance with the provisions of N.J.S.A. 39:13-2.2.

(d) In addition to the license classes in (c) above, an auto body repair facility that performs auto body repair to vehicles with a gross vehicle weight of 14,000 pounds or more will also qualify for a heavy duty vehicle endorsement.

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (b), substituted "Chief Administrator" for "Director" following "licensed by the"; added (c) and (d).

### 13:21-21.3 Definitions

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

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

clude printed or published materials appearing in the white pages of any telephone directory.

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

"Auto body repair facility" means any person who for compensation or as part of a business or commercial activity engages in the business of repairing, removing, installing or painting integral component parts of a chassis or body of a motor vehicle damaged as a result of a collision. For the purpose of this subchapter, the following are not deemed to be an auto body repair facility and are not required to be licensed:

1. Any employee of an auto body repair facility who engages in the business of repairing motor vehicles solely by reason of his or her employment;
2. Any person who is solely engaged in the business of repairing motor vehicles owned or leased by a single commercial or industrial establishment;
3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades, light bulbs, communication equipment, or such other minor repair and servicing functions;
4. Any person who solely examines motor vehicles to determine the cause or location of malfunctions. No such person shall prepare an estimate and/or repair any motor vehicle damaged as a result of a collision;
5. Any person or business that solely performs four wheel alignment, air conditioning services, window glazing, mechanical repairs and/or structural (frame machine) repairs pursuant to a subcontracting agreement with a properly licensed full or limited service auto body facility. All such subcontracting agreements must be filed with the New Jersey Motor Vehicle Commission; or
6. Any person or business that solely performs restoration services for motor vehicles that have not otherwise been damaged as a result of a collision.

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

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

“Commission” means the New Jersey Motor Vehicle Commission.

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

“Customer” means the owner of record with the Commission or, when titled in another state, with that state’s equivalent agency, of the motor vehicle or any lessee, family member, employee, or any other person whose use of the motor vehicle is authorized by such owner of record.

“Engaged in the business” means:

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

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

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

“Motor vehicle” means a vehicle as defined in N.J.S.A. 39:1-1 and which is required to be registered with the Motor Vehicle Commission.

“OEM” means original equipment manufacturer and shall refer to any part bearing the trademark of the original equipment manufacturer.

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

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

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

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

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

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

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

Amended “Auto body repair facility”, “Controlling interest”, “Suspension, revocation or refusal to grant or renew”.

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Rewrote the section.

#### 13:21-21.4 Initial application for a license

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

Motor Vehicle Commission  
Business License Compliance Bureau  
Auto Body Repair Facility Licensing Section  
225 East State Street  
PO Box 172  
Trenton, New Jersey 08666-0172

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

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

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

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

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

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

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

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

1. In the case of an applicant for a full service license in accordance with N.J.S.A. 39:13-2.1a, proof that the applicant meets the requirements of N.J.S.A. 39:13-2.1a(1) through (12), inclusive;

2. In the case of an applicant for a limited full service license in accordance with N.J.S.A. 39:13-2.1b, proof that the applicant meets the requirements of N.J.S.A. 39:13-2.1b;

3. In the case of an applicant for an automobile dealer sublet license in accordance with N.J.S.A. 39:13-2.2, proof that the applicant meets the requirements of N.J.S.A. 39:13-2.2;

4. In the case of an applicant for any class of auto body repair facility license, the New Jersey Unemployment Registration Number; and

5. In the case of an applicant for any class of auto body repair facility license, the corporation code, if one has been issued by the Commission.

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

1. Fingerprints required by this section shall be collected and submitted through a live-scan process that shall be coordinated under agreement with a private vendor. Applicants shall be required to pay by credit card or money order, the State contracted vendor performing the live-scan fingerprinting.

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

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

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

Amended by R.1996, d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).  
Rewrote the section.

### 13:21-21.5 Applicant qualifications

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

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

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

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

(d) Each applicant shall certify that to the best of the applicant's knowledge that the auto body repair facility for which licensure is sought meets the licensing requirements of N.J.S.A. 39:13-2.1a(1) through (12), N.J.S.A. 39:13-2.1b, or N.J.S.A. 39:13-2.2, whichever is applicable.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), inserted ", business history," preceding "and criminal record" in 1 and substituted references to the Chief Administrator for references to the Director throughout; in (b), inserted "the" preceding "legal capacity"; added (d).

**13:21-21.6 Application and license fees**

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

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

Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (b), substituted "Chief Administrator" for "Director" preceding "refuses to grant" in the second sentence; substituted "Commission" for "Division" throughout.

**13:21-21.7 License renewals**

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

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

(c) Each application to renew an auto body repair facility license shall be accompanied by the information specified in N.J.A.C. 13:21-21.4(c)1, 2, or 3, whichever is applicable, and N.J.A.C. 13:21-21.4(c)4 and 5.

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

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), substituted "Chief Administrator" for "Director" preceding "an application" and substituted "Licensing Section of the Commission" for "Licensing Unit of the Division" preceding "at the address specified"; added a new (c); recodified former (c) as (d) and substituted "Chief Administrator" for "Director" following "revoked by the".

**13:21-21.8 Surrender of license**

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

(b) Upon any suspension, revocation, refusal to renew or other termination of an auto body repair facility license, the license shall no longer be in force and effect and the license shall, within one business day, be surrendered to the Auto Body Repair Facility Licensing Section of the Commission at the address specified in N.J.A.C. 13:21-21.4(a). Failure to surrender such license within one business day shall result in administrative action pursuant to this subchapter.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Deleted a reference to "document" throughout.  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (b), substituted "Section of the Commission" for "Unit of the Division" following "Auto Body Repair Facility Licensing".

**13:21-21.9 Responsibility of licensees**

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the auto body repair facility shall be responsible to the Chief Administrator for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of N.J.S.A. 39:13-1 et seq. and this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Chief Administrator for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of N.J.S.A. 39:13-1 et seq. and this subchapter.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (a) and (b), deleted a reference to "the Auto Body Repair Facilities Act" and inserted the N.J.S.A. reference.  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Substituted "Chief Administrator" for "Director" throughout.

**13:21-21.10 Estimates and repairs**

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

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

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

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

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

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

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

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

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

4. The auto body repair facility shall not be liable to the customer in those instances where the customer fails to take the replaced parts after paying for the repair work or picking up his or her repaired motor vehicle.

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

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

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

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

(j) In the case of a customer requesting repair services for a vintage vehicle, for which a written estimate would be impracticable or impossible, the licensed auto body repair facility shall provide notification and documentation advising the customer that the requested repairs will be furnished on a time and materials basis and shall obtain from the customer a written estimate waiver.

1. The term "vintage vehicle" as used in this subsection shall mean any vehicle which, due to its manufactured age, will require a lengthy process in order to obtain replacement parts because such replacement parts are not readily available in any current auto body reference book or computer reference software.

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

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

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Rewrote the section.

#### Case Notes

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

#### 13:21-21.11 Authorization for repairs

(a) An auto body repair facility shall not commence any repair work, including the ordering of parts, on a customer's motor vehicle unless the facility has obtained:

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

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

(b) An auto body repair facility shall not commence any additional repair work, including the ordering of additional parts, on a customer's motor vehicle that exceeds any estimate given, including the price, list of parts and labor charge, unless the facility obtains the authorization of the customer to proceed with the additional repair services.

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

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

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Rewrote the section.

#### Case Notes

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

#### 13:21-21.12 Notice and recordkeeping requirements

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

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

(c) Every licensed auto body repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of N.J.S.A. 39:13-1 et seq. and the fact that customers or insurers have a right to inspect the repaired motor vehicle before paying for the repair work. The Notice shall be prescribed and furnished by the Commission.

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

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

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

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

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

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

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

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

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

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

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

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Rewrote the section.

**13:21-21.13 Advertising**

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

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

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

**13:21-21.14 Storage rates**

Every auto body repair facility that charges a fee to store a motor vehicle on its premises shall disclose in writing, as soon as practicable, the amount of such storage charge to the customer on a per diem basis. Written notice of such storage charges shall be included in the repair authorization.

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

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

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

Added the second sentence.

**13:21-21.15 Additional violations**

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

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the auto body repair facility;
3. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C;
4. Has a criminal record that is disqualifying. A disqualifying criminal record shall include, but is not limited to, bond forfeitures, pleas of nolo contendere or convictions of crimes, disorderly persons or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any other offenses as defined by the laws of New Jersey, such as:
  - i. Any crime or offense involving the manufacture, transportation, possession, sale or use of a controlled dangerous substance as defined in the "New Jersey Controlled Substance Act", N.J.S.A. 24:21-1 et seq.;

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

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

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

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

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

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

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

8. Fails to maintain an approved place of business in accordance with N.J.S.A. 39:13-2.1a(1); and

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

10. For other good cause.

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

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

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

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

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

In (a), inserted "or she" preceding "determines"; in (a)3, amended the N.J.A.C. reference.

Amended by R.2005 d.129, effective April 18, 2005.

See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), substituted references to the Chief Administrator for references to the Director in the introductory paragraph and 4v, substituted "workmanlike" for "workmanship like" in 5 and substituted the N.J.S.A. reference for the N.J.A.C. reference in 8.

**13:21-21.16 Additional penalties**

(a) Where, pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder, the Chief Administrator has the authority to suspend, revoke or refuse to grant or renew the license of an auto body repair facility, or issue a cease and desist order, the Chief Administrator shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, or cease and desist order, an official warning and/or a civil penalty of not more than \$5,000 for the first offense and not more than \$20,000 for each subsequent offense.

(b) A civil penalty in the amount of \$20,000 per day shall be imposed on any person or auto body repair facility who continues to operate as an auto body repair facility without the appropriate license or in violation of a cease and desist

order, or who continues to operate after its license has been suspended or revoked or after its application for an auto body repair facility license has been refused by the Chief Administrator pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder.

Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).  
Rewrote the section.

### 13:21-21.17 Investigations

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

1. In the case of an investigation of an alleged violation of N.J.S.A. 39:13-2b, the Chief Administrator shall consider, among others, the following factors in determining whether a facility is operating as an auto body repair facility:

- i. The presence at a facility of a collision damaged motor vehicle that is in the process of being repaired;
- ii. The presence at a facility of auto paint or refinishing materials and spray equipment that can apply such materials; and
- iii. The presence of other materials used in the collision repair process.

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

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

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

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), added 1; in (c), deleted "the" preceding "witnesses"; in (d), inserted "or she" preceding "may be lawfully interrogated"; substituted "Chief Administrator" for "Director" throughout.

### Case Notes

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

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

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

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

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

(b) The Chief Administrator shall notify the licensee, in writing by registered mail, of any proposed suspension or revocation of the auto body repair facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Commission. Unless the licensee files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:21-21.19, the auto body repair facility license shall be suspended or revoked as of 12:01 A.M. on the 31st day from the date such notice was sent in accordance with this section.

Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (b), substituted "31st" for "61st" preceding "day from the date"; substituted "Chief Administrator" for "Director", "Commission" for "Division", and "registered" for "certified" throughout.

### 13:21-21.19 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:21-21.18(a) that the Chief Administrator refuses to grant or renew an auto body repair facility license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Chief Administrator has received a written request for a hearing within 30 days. The 30-day period shall commence on the date such notice was mailed to the applicant by the Commission in accordance with N.J.A.C. 13:21-21.18(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:21-21.18(b) of a proposed suspension or revocation of his or her auto body repair facility license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Chief Administrator has received a written request for a hearing within 30 days. The 30-day period shall commence on the date such notice was mailed to the licensee by the Commission in accordance with N.J.A.C. 13:21-21.18(b).

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

1. The name, place of business and telephone number of the auto body repair facility;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Commission in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Commission's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the auto body repair facility license shall be effective 12:01 A.M. on the 31st day from the date such notice was mailed in accordance with N.J.A.C. 13:21-21.18. The auto body repair facility shall cease all activities of the business of an auto body repair facility effective 12:01 A.M. on the 31st day from the date such notice was mailed in accordance with N.J.A.C. 13:21-21.18.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).  
Rewrote the section.

### 13:21-21.20 Hearing procedures

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

Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).  
Amended the N.J.A.C. reference.

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

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

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

### 13:21-21.22 License restoration

(a) A fee of \$100.00 shall be payable to the Commission for the restoration of an auto body repair facility license that is suspended or revoked pursuant to N.J.S.A. 39:13-1 et seq. or this subchapter. Such license restoration fee shall be paid to the Commission before the license may be restored.

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

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

Amended by R.1995 d.365, effective July 3, 1995.  
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Increased the fee from \$30 to \$50.  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
Amended by R.2005 d.129, effective April 18, 2005.  
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), increased the fee from \$50.00 to \$100.00 and substituted "Commission" for "Division" throughout; in (b) and (c), substituted "Chief Administrator" for "Director" throughout.

## SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

### 13:21-22.1 Purposes

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

1. Establish standards and procedures necessary to protect the public from fraud by preventing negotiable certificates of ownership for salvage motor vehicles from being used to title or register stolen or other motor vehicles;
2. Establish standards and procedures necessary to protect the public from fraud by providing for the seizure of salvage motor vehicles which are determined, after inspection pursuant to this subchapter, to be stolen or reconstructed, rebuilt or repaired using parts from stolen motor vehicles.

3. Establish standards and procedures necessary to notify the public that a salvage motor vehicle has been subsequently reconstructed, rebuilt or repaired;

4. Establish standards and procedures for the issuance of salvage certificates of title;

5. Establish a system which regulates the transfer of ownership of salvage motor vehicles only as salvage motor vehicles until a negotiable certificate of ownership is obtained;

6. Establish standards and procedures for the inspection of salvage motor vehicles;

7. Establish standards and procedures for the issuance of negotiable certificates of ownership after the salvage motor vehicle has been inspected in accordance with the requirements of this subchapter; and

8. Establish standards for the issuance of salvage and/or negotiable certificate of title which do not cause unreasonable burden to persons or entities licensed by the Director as auto body repair facilities, auto salvage yards, junk yards and/or motor vehicle dealers.

#### **13:21-22.2 Prohibition on transfer**

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

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

#### **13:21-22.3 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

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

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

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

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

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

#### 13:21-22.5 Subsequent transfer of salvage motor vehicles

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

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

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

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

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

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

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

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

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

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

1. Salvage certificate of title;
2. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10;
3. Bill of sale as proof of ownership for each major component part used in the reconstruction, rebuilding or repair of the motor vehicle, including the following parts:
  - i. Engine;
  - ii. Transmission or transaxle;
  - iii. Front bumper;
  - iv. Rear bumper;
  - v. Each fender;
  - vi. Hood or engine cover;
  - vii. Each door;
  - viii. Each quarter panel;
  - ix. Decklid, tailgate or hatchback (whichever is present);

x. Roof (including T-tops/removable roof if present);

xi. Cowl;

xii. Frame;

xiii. Shock tower or apron; and

xiv. Assembled items:

(1) Nose (fenders, hood, bumper, radiator support);

(2) Front clip (cowl, frame section, shock and apron structure);

(3) Rear clip (rear sheet metal, frame section, roof);

(4) Short clip (rear clip without roof); and

4. A set of "before" and "after" color photographs of the motor vehicle. Each set of "before" and "after" color photographs shall consist of:

- i. One photograph showing the entire front and entire left side of the motor vehicle; and
- ii. One photograph showing the entire rear and entire right side of the motor vehicle.

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

1. Name and address of the buyer;
2. Name and address of the seller;
3. Date and the purchase price; and
4. For parts, as follows:
  - i. For a new part: description of the part and part number; or
  - ii. For a used part: description of the part, the vehicle identification number (if available), make, model, and year of the motor vehicle from which the part was removed, the date the part was dismantled or removed (if available), and the name and address of the person or business which dismantled or removed the part. If the vehicle identification number is not indicated on the bill of sale, then the owner must obtain a letter from the seller or person who dismantled or removed the part stating why the vehicle identification number was not indicated on the bill of sale.

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

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

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

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

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

1. Salvage certificate of title;

2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and

3. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10.

**13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair**

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

**13:21-22.10 Inspection; appointment; inspection fee; rescheduling**

(a) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which has been damaged to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired must undergo an inspection at a State inspection facility.

(b) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which is a recovered stolen vehicle with a missing, altered or damaged vehicle identification number or plate must undergo an inspection at a State inspection facility.

(c) As a prerequisite to the issuance of a certificate of ownership, the owner of a salvage motor vehicle which is a recovered stolen vehicle that does not have a missing, altered or damaged vehicle identification number or plate and which has not been damaged to such an extent that it has been rendered economically impractical to repair shall supply the Division with a copy of the report from the law enforcement agency which recovered the stolen motor vehicle to confirm that the vehicle has been inspected to ascertain ownership, together with the other documents required by N.J.A.C. 13:21-22.14.

(d) Upon receipt of the completed application, together with the required inspection fee, if any, the Division shall mail a notice of appointment to the owner indicating the date, time and place of the inspection.

(e) The following fees, payable to the Division, shall be charged to inspect the following salvage motor vehicles:

1. For a stolen motor vehicle (including a stolen motorcycle) that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate, there is no fee.
2. For a motor vehicle (other than a motorcycle that was previously determined to be economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$200.00.
3. For a motorcycle that was previously determined to be economically impractical to repair, including a stolen motorcycle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$100.00.

(f) An inspection appointment shall be rescheduled at no additional cost provided that the owner notifies the Division at least five days prior to his or her scheduled inspection date that he or she is unable to have his or her salvage motor vehicle inspected on such date. In the event that the owner fails to provide the Division with at least five days notice of his or her inability to have his or her salvage motor vehicle inspected on the scheduled inspection date, then the owner must submit an additional inspection fee equal to the

amount of the original inspection fee to the Division before a new inspection appointment will be issued to the owner to have his or her salvage motor vehicle inspected.

**13:21-22.11 Temporary registration for salvage motor vehicles**

(a) Owners of salvage motor vehicles may apply for a temporary registration in accordance with this section.

(b) After receiving a notice of appointment in accordance with N.J.A.C. 13:21-22.10, the owner may apply for a temporary registration.

(c) A temporary registration for a salvage motor vehicle may be obtained from any motor vehicle agency no sooner than five days before the scheduled appointment date.

(d) The following documents must be presented at a motor vehicle agency before a temporary registration will be issued to the owner:

1. Notice of appointment in accordance with N.J.A.C. 13:21-22.10;
2. Salvage certificate of title; and
3. Proof of current liability insurance coverage.

(e) If the motor vehicle was reported stolen and was subsequently recovered, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(f) No temporary registration shall be issued unless the owner presents proof of current liability insurance coverage as required by N.J.S.A. 39:6B-1 and/or N.J.S.A. 39:6A-3. An insurance identification card or a photocopy of the declaration page of the insurance policy for that vehicle shall constitute proof of current liability insurance coverage.

(g) A temporary registration issued to owners of salvage motor vehicles shall only be valid for a period of five days.

(h) A fee of \$2.00 shall be charged for the issuance of a temporary registration issued to owners in accordance with this section.

**13:21-22.12 Grounds for failing State inspection**

(a) No vehicle identification number verification form or inspection report shall be issued if it is determined upon inspection that:

1. The salvage motor vehicle is a stolen motor vehicle;
2. The salvage motor vehicle contains a stolen major component part; or
3. The salvage motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The vehicle identification number verification forms and inspection reports referred to in (a) above are not public records and are not accessible for public examination pursuant to the "Right to Know Law", N.J.S.A. 47:1A-1 et seq.

**13:21-22.13 Seizure of a salvage motor vehicle**

(a) Members of the State and/or local law enforcement agencies shall seize and confiscate a salvage motor vehicle in the following circumstances:

1. Where the motor vehicle, or a major component part thereof, is determined to be stolen; and/or
2. Where the motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The Director may also designate employees of the Division to seize and confiscate salvage motor vehicles as set forth in (a) above.

(c) The State or local law enforcement agency seizing a salvage motor vehicle shall retain custody of the vehicle, pending prosecution of any person arrested in connection with the seizure. The police shall retain custody of the vehicle until the ownership has been ascertained.

(d) Whenever a salvage vehicle is seized pursuant to this section, the law enforcement agency seizing the vehicle or part shall notify the owner of record for the vehicle, any person holding a security interest of record for the vehicle, any other person claiming an interest in the vehicle, and the person from whom the vehicle or part was seized. This notice shall be in writing and shall be served in person or by certified or registered mail, return receipt requested, to the last known address of the person to whom the notice is given within five days after the seizure. If the notice is unclaimed by the addressee or if the address of the person to whom the notice is to be given is unknown to the agency giving notice and cannot be ascertained from the records on file with the Division, then notice shall be given by publication twice in a newspaper circulating in the county where the vehicle or part was seized, once in each of two consecutive weeks, and by posting in five public places in this State designated by the Director. The notice shall describe the vehicle or part, state that it has been recovered, where it is located, and that it will be turned over to the named owner of record, unless an objection in writing is received by the Division within 10 days of the receipt or (where applicable) publication of the notice. The notice shall also advise that if no objection is timely filed and the vehicle or part remains unclaimed for a period of 90 days, the agency which seized the vehicle or part may sell the vehicle or part forthwith at auction in a public place as an abandoned vehicle. No vehicle or part shall be surrendered to an owner or other party or sold until the appropriate identification number has been affixed by the Division as necessary, nor where the vehicle is required as evidence in connection with a prosecution.

(e) Any objection filed pursuant to (d) above shall identify the person claiming an interest in the salvage vehicle or part, shall set forth in detail the facts upon which the claim is based, and shall provide copies of all documents supporting the claim, including invoices, bills of sale, and title papers.

(f) Upon sale of a salvage vehicle or part pursuant to this section all claims for interest shall be forever barred and the proceeds realized therefrom, after the payment of the expenses of possession and sale, shall become the sole property of the public entity seizing the vehicle and shall be remitted to the treasury of that public entity.

(g) Unless the Director determines to hear a case personally when an objection has been filed with the Division pursuant to this section, hearings on objections shall be conducted, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, by the Office of Administrative Law. At the hearings, the burden shall be on the agency that seized the salvage vehicle or part to prove that the vehicle or part was stolen. Thereafter, the burden shall be on the person objecting to prove that the vehicle or part was not stolen and to prove that he has a rightful interest in the vehicle or part.

(h) Where inspection discloses that only a major component part is stolen, the owner of the salvage vehicle shall be provided the following options:

1. Seizure of the entire vehicle;
2. Seizure of only the major component part(s) that are determined to be stolen, provided the owner of the salvage vehicle has made arrangements, acceptable to the Division, to have that major component part removed from the vehicle. The owner shall bear any cost of removing the part; or
3. Any other equitable method of restoring the salvage vehicle and/or major component parts that are not stolen to the owner agreed upon by the owner and the Division.

(i) A copy of N.J.A.C. 13:21-22 shall be given to every person applying to the Division for an appointment for inspection of a salvage motor vehicle.

(j) When a salvage motor vehicle seized pursuant to (h)1 above is sold pursuant to (d) above, the owner of the salvage motor vehicle shall receive that portion of the purchase price representing the fair market value of the vehicle minus the fair market value of the stolen major component part.

**13:21-22.14 Issuance of certificates of ownership without a salvage designation**

(a) A certificate of ownership without a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership without a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following motor vehicles:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **13:21-22.16 Penalties**

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

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

#### **13:21-22.17 Written notice**

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

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

#### **13:21-22.18 Request for a hearing**

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

(b) Any written request for a hearing shall be sent to the Director. The hearing request shall contain the following information:

1. The name, address and telephone number of the person requesting the hearing;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show

cause, or if the person is without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

### 13:21-22.19 Hearing procedures

Any hearing pursuant to this subchapter shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

## SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

### 13:21-23.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Alien registration number" means the number issued by the United States Department of Homeland Security to an individual when he or she becomes a lawful permanent resident of the United States.

"Basic driver's license" means a license issued by the Commission which authorizes a person to operate motor vehicles other than CMVs.

"Cargo tank" means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle. Any packaging fabricated under specifications for cylinders is not a cargo tank.

"Chief Administrator" means the chief administrator of the New Jersey Motor Vehicle Commission.

"Commercial driver license" or "CDL" means a license issued in accordance with the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) to a person authorizing the person to operate a certain class of commercial motor vehicle.

"Commercial Driver License Information System" or "CDLIS" means the information system established pursuant to the Federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway:

1. If the motor vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;
2. If the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
3. If the motor vehicle is designed to transport 16 or more passengers including the driver;
4. If the motor vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment;
5. If the motor vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with subpart f. of 49 CFR § 172, or the vehicle displays a hazardous material placard; or
6. If the motor vehicle is operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or is privately operated, and is used for the transportation of children to or from school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center, or other similar places of education.

This term shall include those vehicles specifically described and classified in N.J.A.C. 13:21-23.5.

This term shall not include recreation vehicles.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

"Controlled substance" means any substance so classified under subsection (6) of section 102 of the "Controlled Substances Act" (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 CFR § 1308, or under P.L. 1970, c.226 (C. 24:21-1 et seq.) as they may be revised from time to time. The term shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 355).

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person’s appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

“Disqualification” means:

1. The suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privilege to operate a commercial motor vehicle;
2. A determination by the Federal Motor Carrier Safety Administration under the rules of practice for motor carrier safety contained in 49 CFR Part 386 that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR Part 391;
3. The loss of qualification that automatically follows conviction of an offense listed in 49 CFR § 383.51;
4. Failure to meet the citizenship status or possessing a disqualifying criminal or mental health history as set forth in 49 CFR § 1572.5(b)(1)(i)(A), (B), or (C); or
5. A determination by the TSA of a security threat by service of a Final Notification of Threat Assessment pursuant to 49 CFR § 1572.141(e)(2) or a direction by the TSA to revoke a hazardous materials endorsement immediately pursuant to 49 CFR § 1572.5(d)(4).

“Domicile” means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

“Driver license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Endorsement” means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

“Final Notification of Threat Assessment” means a final administrative determination by the TSA that an individual

poses a security threat warranting denial of the authorization for which the individual is applying.

“Foreign jurisdiction” means any jurisdiction other than a state of the United States or the District of Columbia.

“Gross vehicle weight rating” or “GVWR” means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

“Hazardous material” means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provision of the “Hazardous Materials Transportation Act,” (49 U.S.C. § 1801 et seq.).

“Incarceration” means confined or otherwise restricted to a jail-type institution, half-way house, treatment facility, or another institution, on a full or part-time basis pursuant to a sentence imposed as the result of a conviction.

“Lawful permanent resident” means an individual who has been lawfully admitted for permanent residence to the United States, as defined in 8 U.S.C. § 1101.

“Mental institution” means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term “motor vehicle” includes motorized bicycles.

“Nonresident CDL” means a CDL issued by a State under either of the following two conditions:

1. To an individual domiciled in a foreign country meeting the requirements of 49 CFR § 383.23(b)(1); or
2. To an individual domiciled in another State meeting the requirements of 49 CFR § 383.23(b)(2).

“Notification of No Security Threat” means an administrative determination by the TSA that an individual does not pose a security threat warranting denial of the authorization for which the individual is applying.

“Out of service order” means a temporary prohibition against operating a CMV.

“Portable tank” means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

“Representative vehicle” means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

“Serious traffic violation” means conviction for one of the following offenses committed while operating a commercial motor vehicle:

1. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
2. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of N.J.S.A. 39:4-96;
3. Improper or erratic traffic lane changes;
4. Following a vehicle ahead too closely, including violations of N.J.S.A. 39:4-89;
5. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation;
6. Driving a CMV without a CDL in the driver's possession;
7. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or
8. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 CFR § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or equipment defect violations.

“Severe transportation security incident” means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

“State” means a state of the United States or the District of Columbia.

“State of domicile” means the state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever he or she is absent.

“Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined in this section. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“TSA” means the Transportation Security Administration in the United States Department of Homeland Security.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).  
Amended introductory paragraph and “State of domicile”.  
Amended by R.2005 d.48, effective February 7, 2005.  
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).  
Rewrote the section.

### 13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person operates or expects to operate;
2. Pass a driving or skills test in accordance with the standards contained in N.J.A.C. 13:21-23.8 through 23.15 taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate or provide evidence that he or she has successfully passed a driving test administered by an authorized third party;
3. If a person operates or expects to operate in interstate commerce, meet the driver qualification requirements set forth in 49 CFR Part 391;

4. Make application for an initial CDL, CDL examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL, to the Commission in the form specified in (g) below. An applicant must provide complete and accurate information and all certifications on the application;

5. Complete the application form with the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;

6. Surrender his or her noncommercial driver's license to the Commission;

7. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years; and

8. Pay to the Commission the license fee established by N.J.S.A. 39:3-10.30.

(b) In addition to any other requirements provided by law, a person applying for a CDL, a CDL examination permit, a transfer of a CDL from another state, a renewal of a CDL or a person applying to operate a CMV in a different group or endorsement from the group or endorsement in which he or she already holds a CDL, shall provide the following certifications:

1. A certification that he or she meets the qualification requirements contained in 49 CFR Part 391; provided, a person who operates or expects to operate entirely in intrastate commerce and is not subject to 49 CFR Part 391, may instead certify that he or she is not subject to 49 CFR Part 391; and

2. Certify that the motor vehicle in which he or she takes the driving skills test, if such test is required, is representative of the type of motor vehicle he or she operates or expects to operate; and

3. Certify that he or she is not subject to any disqualification, suspension, revocation or cancellation as contained in the "New Jersey Commercial Driver License Act" or 49 CFR § 383.51; and

4. Certify that he or she does not have a driver license from more than one state or jurisdiction.

(c) When applying to transfer a CDL from another state of domicile to New Jersey, an applicant shall apply for a CDL from the Commission within no more than 30 days after establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Commission the certifications contained in (b)1 and (b)3 above;

2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;

3. If the applicant wishes to retain a hazardous materials endorsement, comply with Commission requirements as specified in N.J.A.C. 13:21-23.3(b)4;

4. Surrender the CDL from the old state of domicile to the Commission; and

5. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(d) When applying for a renewal of a CDL, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 above;

2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;

3. If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in N.J.A.C. 13:21-23.14; and

4. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(e) When applying to operate a CMV in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, the applicant shall:

1. Provide to the Commission the necessary certifications as specified in (b)1 and (b)2 above;

2. Pass the tests specified in (a)1 and (a)2 above for the new vehicle group and/or different endorsements; and

3. Surrender his or her current CDL to the Commission.

(f) When applying for a CDL examination permit, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 through (b)4 above;

2. Provide to the Commission the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;

3. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years;

4. Pay to the Commission the examination permit fee established by N.J.S.A. 39:3-10.30; and

5. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person intends to operate.

(g) An application for an initial CDL, commercial driver examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL shall include the following:

1. The full legal name, including any middle name and any applicable suffix, the street address of the current residence, all other residential addresses for the previous seven years, and the mailing address, if different from the street address of the applicant; a post office box shall appear on the application only as a part of a mailing address that is submitted in addition to a street address;

2. A physical description of the person including sex, height, weight, and eye color;

3. Full date of birth;

4. The applicant's Social Security number (An applicant shall be required to exhibit the original Social Security card or other acceptable proof of said number);

5. The applicant's signature and date of signature;

6. Such proof of physical condition, experience, training, prior driving experience and knowledge as the Chief Administrator may require;

7. City, state and country of birth;

8. Citizenship;

9. The date of naturalization, if the applicant is a naturalized citizen;

10. Alien registration number, if the individual is a lawful permanent resident of the United States;

11. Any other information required by the Chief Administrator.

(h) In addition to the requirements of (g) above, an application for an initial, renewal, or transfer of a hazardous materials endorsement shall include the following:

1. A statement that the individual signing the application was not convicted, or found not guilty by reason of insanity, of any of the following disqualifying crimes or their equivalent in this or any other state or in a Federal, military, or civilian court during the seven years before the date of the individual's application:

i. Any crime listed in 18 U.S.C. Chapter 113B—Terrorism;

ii. Murder;

iii. Assault with intent to murder;

iv. Espionage;

v. Sedition;

vi. Kidnapping or hostage taking;

vii. Treason;

viii. Rape or aggravated sexual abuse;

ix. Unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon;

x. Extortion;

xi. Robbery;

xii. Arson;

xiii. Distribution of, intent to distribute, possession, or importation of a controlled substance;

xiv. Dishonesty, fraud, or misrepresentation, including identity fraud;

xv. A crime involving a severe transportation security incident;

xvi. Improper transportation of a hazardous material;

xvii. Bribery;

xviii. Smuggling;

xix. Immigration violations;

xx. Violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §§ 1961 et seq.); or

xxi. Conspiracy or attempt to commit any of the crimes listed in (h)1i through xx above.

2. A statement that the applicant was not released from incarceration in any jurisdiction set forth in (h)1 above for committing any disqualifying crime set forth in (h)1i through xxi above during the five years before the date of the individual's application.

3. A statement that the applicant is not wanted for, charged with, or under indictment for any disqualifying crime set forth in (h)1i through xxi above in any jurisdiction set forth in (h)1 above.

4. A statement that the applicant has not been adjudicated as a mental defective or committed to a mental institution involuntarily.

5. A statement that the applicant is a United States citizen who has not renounced his or her United States citizenship, or is a lawful permanent resident of the United States.

6. A statement that the applicant has or has not served in the military, and if so, the branch in which he or she served, and the date of discharge and the type of discharge;

7. A statement that the applicant has been informed that Federal regulations under 49 CFR 1572.5(b) impose a continuing obligation to disclose to the State within 24 hours if he or she is convicted, or found not guilty by reason of insanity, of any disqualifying crime set forth in (h)1i through xxi above, or adjudicated as a mental defective or committed to a mental institution, while he or she has an hazardous materials endorsement for a CDL.

8. A statement reading:

The information I have provided on this application is true, complete, and correct to the best of my knowledge and belief and is provided in good faith. I understand that a knowing and willful false statement, or an omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code), and may be grounds for denial of a hazardous materials endorsement.

(i) In addition to fulfilling the requirements of this section, an applicant for an initial, renewal, or transfer of a hazardous materials endorsement shall submit his or her fingerprints in accordance with the TSA's requirements through the State fingerprint vendor along with the fee therefor in accordance with the instructions on the Universal Fingerprint Form supplied with the application package.

(j) In the case of a renewal of a hazardous materials endorsement the application process must be completed no later than 90 days prior to the expiration of the current endorsement. If an applicant for a renewal of a hazardous materials endorsement completes the application process no later than 45 days prior to the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall be extended by the Commission for a period of 45 days. If an applicant for a renewal of a hazardous materials endorsement completes the application process within 45 days of the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall not be renewed by the Commission until the Commission receives a Notification of No Security Threat from the TSA.

(k) For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court.

Amended by R.2005 d.48, effective February 7, 2005.  
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).  
Rewrote the section.

**13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity**

(a) Prior to issuing a CDL to a person, the Commission shall:

1. Require the driver applicant to certify, pass tests, and provide information as described in N.J.A.C. 13:21-23.2(a) and (b);
2. Check that the vehicle in which the applicant takes his or her test is representative of the vehicle group the applicant has certified that he or she operates or expects to operate;
3. Initiate and complete a check of the applicant's driving record as specified in Section 6 of the New Jersey Commercial Driver License Act to ensure that the person is not subject to any disqualification, suspensions, revoca-

tions or cancellations as contained in the New Jersey Commercial Driver License Act or 49 CFR § 383.51 and that the person does not have a driver's license from more than one state. The record check shall include, but not be limited to, the following:

i. A check of the applicant's driving record as maintained by his or her current state of licensure, if any;

ii. A check with CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a CMV; and

iii. A check with the National Driver Register (NDR) to determine whether the driver applicant has:

(1) Been disqualified from operating a motor vehicle (other than a CMV);

(2) Had a license (other than a CDL) suspended, revoked, or canceled for cause in the three-year period ending on the date of application; or

(3) Been convicted of any offenses contained in section 205(a)(3) of the National Driver Register Act of 1982 (23 U.S.C. § 401 note);

4. Request for the applicant's complete driving record from all States where the applicant was previously licensed over the last 10 years to drive any type of motor vehicle.

5. If the applicant is applying for a hazardous materials endorsement, ensure that the applicant has:

i. Prior to January 31, 2005, not received a Final Notification of Threat Assessment from the TSA; and

ii. On or after January 31, 2005, received a Notification of No Security Threat from the TSA.

6. Require the driver applicant, if he or she has moved from another state, to surrender his or her driver's license issued by another state.

(b) Prior to issuing a CDL to a person who has a CDL from another state, the Commission shall:

1. Require the driver applicant to make the certifications contained in N.J.A.C. 13:21-23.2(b);

2. Complete a check of the driver applicant's record as contained in (a)3 above;

3. Request and receive updates of information specified in N.J.A.C. 13:21-23.19;

4. If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the two years preceding the transfer, either passed the test for such endorsement specified in N.J.A.C. 13:21-23.14 or successfully completed a hazardous material test or training that is given by a third party and is deemed by the Chief Administrator to substantially cover

the same knowledge base as that described in N.J.A.C. 13:21-23.14; and

- i. Prior to January 31, 2005, not received a Final Notification of Threat Assessment from the TSA; and
- ii. On or after January 31, 2005, received a Notification of No Security Threat from the TSA; and

5. Obtain the CDL issued by the applicant's previous State of domicile.

(c) Prior to renewing any CDL the Commission shall:

1. Require the driver applicant to make the certification contained in N.J.A.C. 13:21-23.2(b);
2. Complete a check of the driver applicant's record as contained in (a)3 above;
3. Request and receive updates of information specified in N.J.A.C. 13:21-23.19; and
4. If such applicant wishes to retain a hazardous materials endorsement, regardless of whether the applicant contemplated or has applied for transfer to another state.

- i. Require the driver to pass the test for such endorsement specified in N.J.A.C. 13:21-23.14;
- ii. Prior to January 31, 2005, ensure that the driver applicant has not received a Final Notification of Threat Assessment from the TSA; and
- iii. On or after January 31, 2005, ensure that the driver applicant has received a Notification of No Security Threat from the TSA.

(d) Prior to issuing an upgrade of a CDL, the Commission shall:

1. Require such driver applicant to obtain an examination permit, provide certifications and pass tests as described in N.J.A.C. 13:21-23.2(e);
2. Complete a check of the driver applicant's record as described in (a)3 above; and
3. If the driver applicant is applying for a hazardous materials endorsement:
  - i. Prior to January 31, 2005, ensure that the driver applicant has not received a Final Notification of Threat Assessment from the TSA; and
  - ii. On or after January 31, 2005, ensure that the driver applicant has received a Notification of No Security Threat from the TSA.

(e) After the Commission has completed the procedures described in (a), (b), (c), or (d) above, it may issue a CDL to the driver applicant. The Commission shall notify the operator of the CDLIS of such issuance, transfer, renewal, or upgrade within the 10-day period beginning on the date of license issuance.

(f) If the Commission determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in N.J.A.C. 13:21-23.19 or any of the certifications required in N.J.A.C. 13:21-23.2(b), the Commission shall, after notice and an opportunity for a hearing pursuant to 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 at a minimum suspend, cancel, or revoke the person's CDL, or his or her pending application, or disqualify the person from operating a CMV for a period of at least 60 consecutive days.

(g) If the Commission is notified by the TSA that an individual has received a Final Notification of Threat Assessment concerning a driver or receives a direction from the TSA to revoke a driver's hazardous materials endorsement immediately, the Commission shall revoke the endorsement without a hearing; the driver's sole recourse will be to the TSA pursuant to 49 CFR § 1572.141.

(h) Any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified from operating a CMV, may operate a CMV in this State on a reciprocal basis in accordance with N.J.S.A. 39:3-17.

Amended by R.2005 d.48, effective February 7, 2005.  
See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).  
Rewrote the section.

#### Case Notes

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Ischemia to a minimal degree did not preclude bus endorsement on licensee's commercial driver's license for coronary insufficiency. *Hahola v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 80.

#### 13:21-23.4 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Section was "Substitute for driving skills tests".

#### 13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes

(a) Each driver applicant must possess and be tested on his or her knowledge and skills, described in N.J.A.C. 13:21-23.8 through 23.15, for the CMV group(s) for which he or she desires a CDL. The CMV groups are as follows:

1. Combination Vehicle (Group A)—Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

In (a)9, substituted "X" for "NH" in v, added vi, recodified former vi as vii and substituted "Chief Administrator" for "Director"; substituted "Commission" for "Division" throughout. Former N.J.A.C. 13:21-23.19, Tamperproofing requirements, recodified to N.J.A.C. 13:21-23.20.

### 13:21-23.20 Tamperproofing requirements

The Commission shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Commission shall use the same tamperproof method used for non-commercial drivers' licenses.

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-23.19 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Commission" for "Division". Former N.J.A.C. 13:21-23.20, Duplicate CDL, recodified to N.J.A.C. 13:21-23.21.

### 13:21-23.21 Duplicate CDL

The Chief Administrator, upon presentation of a statement, stating that the original CDL has been destroyed, lost or stolen, may, if he or she is satisfied that the facts as set forth in the statement are true, issue a duplicate CDL, if needed, to the original holder thereof, upon the payment to the Chief Administrator of the fee set forth in N.J.S.A. 39:3-31 for the duplicate CDL so issued and a fee for the color photograph established by the Chief Administrator in accordance with N.J.S.A. 39:3-10.30.

Recodified from N.J.A.C. 13:21-23.20 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.21, Change of legal name or address, application for corrected CDL, recodified to N.J.A.C. 13:21-23.22.

### 13:21-23.22 Change of legal name or address; application for corrected CDL

When a person holding a CDL issued by this State changes his or her legal name, mailing address or residence, he or she shall notify the Chief Administrator, in writing, of such change within two weeks after the change of legal name is made and within one week after the change of mailing address or residence is made. The Chief Administrator may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Chief Administrator may require.

Recodified from N.J.A.C. 13:21-23.21 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.22, Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years, recodified to N.J.A.C. 13:21-23.23.

### 13:21-23.23 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years

(a) A person whose CMV driving privilege has been revoked for life under section 12(c) or 12(h) of the New

Jersey Commercial Driver license Act, or under a similar provision of the law of any other state or jurisdiction, may apply to the Chief Administrator to have his or her CMV driving privilege restored.

(b) The Chief Administrator may, in his or her discretion, restore the CMV driving privileges of such applicant provided the applicant satisfies all of the following requirements:

1. The applicant has served a minimum suspension period of 10 years under the suspension imposed pursuant to section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction;

2. The applicant has enrolled in, paid for, attended and successfully completed a rehabilitation program (that is, driver improvement program and/or alcohol education or rehabilitation program) approved by the Chief Administrator and has provided sufficient proof of program completion;

3. The applicant is domiciled in this State and has produced sufficient proof of domicile;

4. The applicant has paid the restoration fee provided in N.J.S.A. 39:3-10a, if required;

5. The applicant has paid the Alcohol Education, Rehabilitation and Enforcement Fund fee provided in N.J.S.A. 39:4-50(b), if required;

6. The applicant has satisfied all of the requirements for obtaining a CDL and applicable endorsements in this State. No waiver of the skills test shall be permitted for applicants under this section;

7. The applicant has not previously had his or her CMV driving privileges restored pursuant to this section or the law of another state or jurisdiction similar to this section;

8. The applicant's driving privileges are not suspended or revoked in this State or any other state or jurisdiction and he or she has satisfied all outstanding suspensions in this State or any other state or jurisdiction;

9. If the lifetime revocation was imposed by a licensing authority or court of any other state or jurisdiction, the applicant shall provide proof from that state or jurisdiction authorizing a restoration;

10. The applicant's driving record in this and any other state or jurisdiction, including his or her driving record during the period when his or her CMV driving privilege was suspended, clearly demonstrates that it is consistent with public safety that the applicant be again permitted to operate CMVs. The Chief Administrator may consider all relevant evidence including the frequency, nature and number of violations, accidents, suspensions and revocations, any special circumstances connected with any violation or suspension, including whether the applicant has been involved in any accident resulting in

death or bodily injury to any person. The burden shall be on the applicant to demonstrate requisite qualification. The applicant's failure to produce requisite evidence of qualification shall be sufficient grounds to deny the application; and

11. The applicant has submitted an application for such restoration as provided by the Chief Administrator.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

In (b)9 inserted ", the applicant shall provide proof from that state of jurisdiction".

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Recodified from N.J.A.C. 13:21-23.22 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief administrator" for "Director" throughout. Former N.J.A.C. 13:21-23.23, Ineligibility for reduction of lifetime revocation, recodified to N.J.A.C. 13:21-23.24.

### **13:21-23.24 Ineligibility for reduction of lifetime revocation**

No person whose CMV driving privilege has been revoked pursuant to Section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other state or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacturer, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be eligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

Recodified from N.J.A.C. 13:21-23.23 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Amended N.J.A.C. reference. Former N.J.A.C. 13:21-23.24, Driver rehabilitation program, recodified to N.J.A.C. 13:21-23.25.

### **13:21-23.25 Driver rehabilitation program**

(a) For purposes of this subchapter, a driver rehabilitation program shall consist of:

1. A driver improvement course, or a program in another state or jurisdiction which the Chief Administrator determines is substantially similar; and

2. If the applicant has ever been convicted of a violation of Section 5 or 16 of the New Jersey Commercial Driver License Act or N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.2 or similar laws of this or any other state or jurisdiction, he or she must show that he or she has satisfied the educational and rehabilitation requirements set forth in N.J.S.A. 39:4-50 or the similar program requirements of another state or jurisdiction which the Director or the Division of Alcoholism, as the case may be, has determined satisfy those requirements.

(b) The fee for the Driver Improvement Course shall be the fee set forth in N.J.A.C. 13:20-17.3.

Recodified from N.J.A.C. 13:21-23.24 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director" in 1. Former N.J.A.C. 13:21-23.25, Application to another jurisdiction for restoration; notice to Director, recodified to N.J.A.C. 13:21-23.26.

### **13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator**

A person whose CMV driving privileges have been revoked for life pursuant to Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act shall notify the Chief Administrator, in writing, within 10 days of any application to the licensing authority of another state or jurisdiction for restoration of those privileges. The notice shall provide the information specified at N.J.A.C. 13:21-23.2(g)1 through (g)5, the New Jersey drivers license number issued to such person, and any other information required by the Chief Administrator.

Recodified from N.J.A.C. 13:21-23.25 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted "Chief Administrator" for "Director". Former N.J.A.C. 13:21-23.26, Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22, recodified to N.J.A.C. 13:21-23.27.

### **13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23**

(a) The Chief Administrator may issue a letter of temporary authority to a person who has applied for restoration of his or her CMV driving privilege under N.J.A.C. 13:21-23.23 for the purpose of allowing said person to fit himself or herself to become a CMV operator. A person making application for a letter of temporary authority under this section shall comply with the application procedures set forth in N.J.A.C. 13:21-23.2.

(b) If, upon expiration of the letter of temporary authority, a CDL has not been issued as provided in N.J.A.C. 13:21-23.23, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

Recodified from N.J.A.C. 13:21-23.26 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Chief Administrator" for "Director", amended N.J.A.C. reference throughout. Former N.J.A.C. 13:21-23.27, Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act, recodified to N.J.A.C. 13:21-23.28.

### **13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act**

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state.

(b) For those persons licensed by this State, a valid basic driver license is a prerequisite for the operation of a CMV. For persons properly licensed in another state, the law of that state should be consulted.

(c) Whenever a person's basic driver license is suspended, revoked, or prohibited pursuant to any statute or regulation of this State, the person's CDL, if any, shall be suspended, revoked or prohibited, as the case may be, until the basic driver license and the CDL have been restored by the Chief Administrator.

(d) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50 committed in a CMV, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-50(a)(1), (a)(2) or (a)(3). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-50, all violations of N.J.S.A. 39:4-50 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(e) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.13 shall not serve to suspend the person's basic driver's license unless the violation that gave rise to the CMV driving privilege suspension, revocation, or denial would have resulted in a suspension, revocation, or denial of the person's basic driver's license if committed in a noncommercial motor vehicle. An example of such a violation would be where the court has convicted the person of a violation of both N.J.S.A. 39:3-10.13 and 39:4-50, or where the court has convicted the person of a violation of N.J.S.A. 39:3-10.13 and has exercised its power under N.J.S.A. 39:5-31.

(f) Whenever a person is convicted for a violation of N.J.S.A. 39:4-129 committed in a CMV and an injury or death to any person has occurred, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-129(a). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-129(a), all violations of N.J.S.A. 39:4-129 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(g) The suspension or revocation of a person's CMV driving privilege for a violation of using a CMV in the commission of a crime or using a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or a controlled substance analog, or possession with intent to manufacture, distribute or dispense a controlled substance or controlled substance analog shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(h) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50.2 or section 16 of the Act or other similar law committed in a CMV the person's basic driver's license

shall be suspended in accordance with N.J.S.A. 39:4-50.4a or 39:3-10.24(f) or other similar law.

(i) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.18(b) shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(j) With regard to serious traffic violations, the suspension or revocation of a person's CMV driving privilege by a court shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court. If the particular serious traffic violation also is cause for suspension of the basic driver license by the Chief Administrator pursuant to N.J.S.A. 39:5-30(b), 39:5-30(c), 39:5-30(e), 39:5-30.8, 39:5-30.10 or N.J.A.C. 13:19-10, the person may accept the period proposed by the Chief Administrator and ask that the suspension of the basic driver's license imposed by the Chief Administrator run to the greatest extent possible concurrently with the court-imposed suspension of CMV driving privilege. However, the pendency of any administrative action shall not serve to stay any court-imposed suspension.

(k) The provisions of this rule are not intended to be exhaustive or otherwise to restrict the court's or the Chief Administrator's powers.

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. 13:21-23.27 and amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Substituted reference to "Chief Administrator" throughout. Former N.J.A.C. 13:21-23.28, Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles, recodified to N.J.A.C. 13:21-23.29.

#### Case Notes

Driver's license suspended. *Division of Motor Vehicles v. Castaneda*, 94 N.J.A.R.2d (MVH) 63.

Proposed suspension of licensee's driving privileges denied. *Division of Motor Vehicles v. Scalzo*, 94 N.J.A.R.2d (MVH) 60.

Licensee was permitted to maintain commercial driver license; rehabilitation. *Division of Motor Vehicles v. Rambold*, 94 N.J.A.R.2d (MVH) 51.

Licensee was permitted to maintain commercial driver license. *Division of Motor Vehicles v. Cortes*, 94 N.J.A.R.2d (MVH) 49.

Licensee was permitted to maintain commercial driver license; rehabilitation. *Division of Motor Vehicles v. Frey*, 94 N.J.A.R.2d (MVH) 47.

Proposed suspension of licensee's commercial driver license was dismissed. *Division of Motor Vehicles v. Stach*, 94 N.J.A.R.2d (MVH) 38.

#### 13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

Owners of firefighting apparatus, ambulances, first aid and rescue vehicles are exempted from the requirement of

N.J.S.A. 39:4-46(b) pertaining to the display of the GVWR on the vehicle.

Recodified from N.J.A.C. 13:21-23.28 by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

Former N.J.A.C. 13:21-23.29, Operative date, repealed.

## SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

### 13:21-24.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Approved motor vehicle defensive driving course” means a course of motor vehicle driver instruction predicated on defensive driving techniques that has been approved by the Director of the Division of Motor Vehicles, has been determined to meet or exceed the standards of the National Safety Council’s defensive driving course, and has been determined to be effective in terms of either reducing moving violation convictions or accident involvement or both. This definition shall not be taken to include driver training courses offered by driving schools pursuant to N.J.S.A. 39:12-1 et seq., public, parochial or private school driving education courses, a Division of Motor Vehicles Driver Improvement Program required pursuant to N.J.S.A. 39:5-30.2 et seq., or a Division of Motor Vehicles Probationary Driver Program required pursuant to N.J.A.C. 13:19-10.3(d).

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation.

“Division” means the Division of Motor Vehicles in the Department of Transportation.

“Sponsoring agency” means an organization which has a motor vehicle defensive driving course approved by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 17:33B-45 and this subchapter.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

### 13:21-24.2 Point reduction; computation; course completion

(a) Motor vehicle violation points recorded against a licensee shall be reduced by two points when he or she attends and satisfactorily completes an approved motor vehicle defensive driving course, except that:

1. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course more than once in any five year period;

2. No point totals shall be reduced below zero; and
3. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course in which the licensee was the course instructor.

(b) Computation of the time periods used in granting point reduction credits, in all cases, will be based upon the respective dates of commission of the offenses for which the licensee was convicted and assessed points and completion date of the motor vehicle defensive driving course.

(c) Upon receipt by the Director of a certified student course completion record from a sponsoring agency, the licensee’s record will be reviewed by the Division of Motor Vehicles and a reduction of motor vehicle violation points shall be awarded in accordance with this section. A sponsoring agency shall submit student course completion documentation and all other required information to the Director in the manner prescribed by the Director.

(d) Point reduction credits granted in accordance with this section shall not invalidate proposed suspension action by the Division against a licensee’s driving privileges due to excessive point accumulation by the licensee.

Amended by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

### 13:21-24.3 Sponsoring agency qualifications

(a) In order to qualify as an approved sponsoring agency pursuant to this subchapter, an entity shall:

1. Request approval from the Director on official letterhead signed by the chief executive officer or designee of the entity;
2. Demonstrate that its motor vehicle defensive driving course meets or exceeds the standards of the National Safety Council’s defensive driving course;
3. Demonstrate its course’s effectiveness in terms of either reduced moving violation convictions or accident involvement or both by licensees who have satisfactorily completed its motor vehicle defensive driving course;
4. Provide the Director with the name and title of the official of the sponsoring agency designated as the liaison between the sponsoring agency and the Division of Motor Vehicles; and
5. Demonstrate by written operating procedures and/or on-site visitation by the Director or his or her designee that its instructors are qualified to conduct its motor vehicle defensive driving course.

### 13:21-24.4 Instructor qualification; training

(a) No person shall be permitted by a sponsoring agency to act as a motor vehicle defensive driving course instructor if such person has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1, or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

(b) The sponsoring agency shall submit the following information to the Division:

1. Instructor preparation course outline;
2. Instructor certification and re-certification procedures which insure course competency and continuity;
3. Instructor manuals; and
4. Instructor course curriculum and lesson plans.

**13:21-24.5 Course curriculum; length; content; scope; class size**

(a) The sponsoring agency's motor vehicle defensive driving course shall provide at least six hours of instruction of which a minimum of four hours shall be classroom instruction.

(b) Not more than three hours of the six hours of instruction shall be conducted by use of audiovisual aids, including, but not limited to:

1. Films and/or videotapes;
2. Filmstrips; and
3. Slides.

(c) Not more than 30 students shall be scheduled in any given class; provided, however, that up to five additional students may attend a class if they have failed to attend a previously scheduled class.

(d) The use of visual aids such as magnetic boards, flip charts, and blackboards shall be incorporated into the curriculum.

(e) The curriculum content shall be predicated on defensive driving techniques, including, but not limited to:

1. Alcohol and drug usage as an accident factor;
2. The risk factors involved in improper driver attitude and behavior such as speeding, tailgating, reckless driving, inattentiveness, careless driving, and improper lane use;
3. Adjustment of driving patterns to compensate for adverse weather conditions;
4. Following distances;
5. Communication with other road users; and
6. Motor vehicle and traffic laws of New Jersey.

(f) The lesson plans shall utilize educational techniques which are designed to encourage interaction between students and instructor as a method of instruction.

**13:21-24.6 Classroom facilities**

(a) Classrooms shall be large enough to accommodate a minimum of 15 students with a minimum of 15 square feet of space per student.

(b) Classrooms shall be clean, adequately lighted, heated and ventilated and free from any visible and/or audible distractions.

(c) Restroom facilities shall be available to accommodate both sexes.

(d) If a classroom facility is not accessible to the handicapped the Director shall be notified prior to that facility being used as a classroom.

(e) Adequate parking shall be available in close proximity to the classroom.

**13:21-24.7 Student records**

(a) The sponsoring agency shall have written operating procedures approved by the Director regarding the preparation and maintenance of student records.

(b) Student records shall include:

1. The complete student name as it appears on the student's New Jersey driver license, and complete street address;
2. The full date of birth and eye color;
3. The complete New Jersey driver license number;
4. The student application and course registration forms;
5. Course attendance dates and course attendance locations; and
6. The date of student course completion.

(c) Student records shall be retained at the principal business location of the sponsoring agency for a period of five years from the date of a student's completion of the motor vehicle defensive driving course.

(d) Upon request by the Director or his or her designee, the sponsoring agency shall make available for inspection by the Director or his or her designee the student records required to be prepared and maintained in accordance with this section.

**13:21-24.8 Certification of course completion**

(a) Upon course completion, the sponsoring agency shall provide the Division of Motor Vehicles a list of the students who have satisfactorily completed the approved motor vehicle defensive driving course.

(b) The student list shall be certified by the chief executive officer of the sponsoring agency or his or her authorized agent.

(c) The student information must be submitted in the form and manner prescribed by the Director.

(d) The course completion certification list shall be submitted to the Division within 10 days of the completion of each course.

**13:21-24.9 Suspension or revocation of sponsoring agency's approved status**

(a) The Director may, in his or her discretion, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1, suspend or revoke a sponsoring agency's status as an approved sponsoring agency if the entity:

1. Fails to comply with any of the provisions of this subchapter;

2. Fails to maintain qualification as an approved motor vehicle defensive driving course in accordance with the provisions of this subchapter;

3. Misstates a material fact to the Division of Motor Vehicles in its application for program approval;

4. Falsely authenticates a student course completion certification or an instructor certification or re-certification; or

5. For other good cause.

**13:21-24.10 Voluntary nature of course; fees**

(a) Entry into an approved motor vehicle defensive driving course is voluntary.

(b) An attendance fee may be charged for a motor vehicle defensive driving course.