

CHAPTER 23
DRIVING SCHOOLS

Authority

N.J.S.A. 39:12-4.

Source and Effective Date

R.1999 d.186, effective May 14, 1999.
See: 31 N.J.R. 744(a), 31 N.J.R. 1499(b).

Executive Order No. 66(1978) Expiration Date

Chapter 23, Driving Schools, expires on May 14, 2004.

Chapter Historical Note

Chapter 23, Commercial Drivers' Schools, was adopted as R.1984 d.216, effective June 4, 1984. See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Commercial Drivers' Schools, was readopted as R.1989 d.333, effective May 26, 1989. See: 21 N.J.R. 976(a), 21 N.J.R. 1710(a).

Chapter 23, Commercial Drivers' Schools, was renamed "Driving Schools" by R.1991 d.371, effective July 15, 1991. See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Driving Schools, was readopted as R.1994 d.294, effective May 19, 1994. See: 26 N.J.R. 1299(a), 26 N.J.R. 2588(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Driving Schools, was readopted as R.1999 d.186, effective May 14, 1999. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

13:23-1.1 Definitions

SUBCHAPTER 2. DRIVING SCHOOLS

13:23-2.1 Licenses
13:23-2.2 Applications; contents
13:23-2.3 License fee; term
13:23-2.4 Display of license
13:23-2.5 Change of business ownership or interest
13:23-2.6 Lost, mutilated or destroyed licenses
13:23-2.7 Surrender of license
13:23-2.8 Location of business
13:23-2.9 Change of business location or name
13:23-2.10 Prohibited business locations
13:23-2.11 (Reserved)
13:23-2.12 Denial, suspension or revocation of license
13:23-2.13 Business hours
13:23-2.14 (Reserved)
13:23-2.15 Branch offices
13:23-2.16 Branch office relocation or discontinuance
13:23-2.17 (Reserved)
13:23-2.18 Changes in addresses of officers; notice
13:23-2.19 Recordkeeping requirements
13:23-2.20 Loss, mutilation or destruction of records
13:23-2.21 Retention of records
13:23-2.22 Statement of services to be rendered and fees to be charged; service agreements
13:23-2.23 Agreements with secondary schools
13:23-2.24 Student requirements
13:23-2.25 through 13:23-2.27 (Reserved)

13:23-2.28 Insurance and vehicle equipment requirements
13:23-2.29 Sign displayed on vehicles
13:23-2.30 Advertising
13:23-2.31 (Reserved)
13:23-2.32 Practice driving
13:23-2.33 Learner permits
13:23-2.34 Requirements at driving test
13:23-2.35 Employees of driving schools
13:23-2.36 Authorized agents; certificates; denial, suspension or revocation of certificate
13:23-2.37 Conduct with employees of Division of Motor Vehicles
13:23-2.38 (Reserved)

SUBCHAPTER 3. DRIVING SCHOOL INSTRUCTORS

13:23-3.1 Licenses
13:23-3.2 Valid use of license
13:23-3.3 Standards for license issuance
13:23-3.4 Application for instructor's license
13:23-3.5 Instructor's license fee
13:23-3.6 Possession of instructor's license
13:23-3.7 Lost, mutilated or destroyed licenses
13:23-3.8 Surrender of instructor's license
13:23-3.9 Special tests
13:23-3.10 (Reserved)
13:23-3.11 Conduct of instructors
13:23-3.12 Revocation, suspension and refusal to issue or renew instructor's license

SUBCHAPTER 4. DRIVING SCHOOL CLASSROOMS

13:23-4.1 Classroom facilities
13:23-4.2 Classroom requirements
13:23-4.3 through 13:23-4.4 (Reserved)

SUBCHAPTER 1. DEFINITIONS

13:23-1.1 Definitions

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

"Authorized agent" means a person who represents or acts on behalf of a driving school in obtaining permits and transporting students to driver testing centers in school vehicles.

"Branch office" means an approved location where the business of the driving school is conducted, other than the principal place of business.

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

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Driving school" means the business of giving instruction, for compensation, in the driving of motor vehicles and motorcycles. The words "instruction in the driving of motor

vehicles and motorcycles” shall include classroom or behind-the-wheel instruction when given to a person who does not possess a basic driver or motorcycle license. This definition shall not be taken to include instruction which is given by public, private or parochial secondary schools.

“Driving school instructor” means a person who is licensed by the Director to provide instruction in the driving of motor vehicles and motorcycles.

“Fraudulent practices” include, but are not limited to, any conduct or representation tending to give the impression that a license to operate a motor vehicle or motorcycle or any other class of license, registration or service granted by the Director may be obtained by any means other than those prescribed by law; the furnishing or obtaining a license of any class, registration or service by illegal or improper means; or the requesting, accepting, exacting or collecting money for furnishing or obtaining a license of any class, registration or service by illegal or improper means.

“Person” means an individual, corporation or partnership.

“Place of business” means a designated location at which the business of a driving school is being conducted.

“Principal place of business” means the location designated by the applicant, and approved by the Director, as the primary facility of the driving school.

“Telephone answering service” means the location of a telephone used only for the purpose of answering telephone inquiries pertaining to the driving school services. A telephone answering service is not to be considered a branch office, and the location and/or address of a telephone answering service shall not be advertised if it differs from that of a licensed location.

Amended by R.1984 d.216, effective June 4, 1984.
See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a).

Changes throughout definitions.

Amended by R.1991 d.371, effective July 15, 1991.
See: N.J.R. 662(a), 23 N.J.R. 2151(a).

Added definitions for “Authorized agent” and “Driving school instructor”; “drivers’ school” changed to “driving school” throughout; added “instruction when given to a person who does not possess a basic driver or motorcycle license” with stylistic changes in “Driving school” definition.

Amended by R.1996 d.265, effective June 3, 1996.
See: 28 N.J.R. 1479(a), 28 N.J.R. 3004(a).

SUBCHAPTER 2. DRIVING SCHOOLS

13:23-2.1 Licenses

(a) Every person proposing to engage in the business of conducting a driving school shall be licensed by the Director prior to engaging in such business.

(b) A license shall not be issued until at least one instructor has secured an instructor’s license, and at least one motor vehicle has been equipped in accordance with the provisions of N.J.A.C. 13:23-2.28 by the driving school.

(c) A license, either initial or renewal, shall not be issued until compliance with the conditions in this subchapter has been effected.

(d) An initial license shall not be issued unless an owner of the driving school or an employee thereof is a driving school instructor licensed by the Division and has successfully completed a minimum of 500 hours of behind-the-wheel instruction. In accordance with N.J.S.A. 39:12-2.1, a person shall receive hour-for-hour credit from the Division for the person’s behind-the-wheel instructional experience in a public or non-public secondary school toward the fulfillment of the behind-the-wheel hourly instructional requirement for driving school licensure imposed pursuant to this subsection.

(e) A license, either initial or renewal, shall not be issued unless the applicant therefor has filed with the Division a surety bond in the amount of \$10,000 issued by a company authorized to transact surety business in this State and payable to the New Jersey Division of Motor Vehicles. The surety bond shall be filed with each initial application and each renewal application and shall cover the entire term of the license. If a surety bond is cancelled or terminated for any reason during the term of the license, the licensee shall immediately notify the Director of such cancellation or termination. The licensee shall also immediately obtain and file with the Director a replacement surety bond which shall cover the remaining term of the license.

Amended by R.1984 d.216, effective June 4, 1984.

See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a).

“Subchapter” changed to “subchapter”.

Amended by R.1991 d.371, effective July 15, 1991.

See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a).

Changed heading from “Drivers’ Schools” to “Driving Schools”. Changed “drivers’ school” to “driving school” in (a). Changed “approved for drivers’ school use” to “equipped in accordance with the provisions of N.J.A.C. 13:23-2.8 by the driving school” in (b).

Amended by R.1996 d.265, effective June 3, 1996.

See: 28 N.J.R. 1479(a), 28 N.J.R. 3004(a).

Amended by R.1999 d.186, effective June 7, 1999.

See: 31 N.J.R. 744(a), 31 N.J.R. 1499(b).

In (d), added a second sentence; in (e), substituted a reference to surety bonds for a reference to noncancelable surety bonds in the first sentence, and added the third and fourth sentences.

13:23-2.2 Applications; contents

(a) Application is to be made on a form prescribed by the Director. These forms may be obtained from the Division of Motor Vehicles. Renewal applications must be submitted for approval and issuance at least 30 days prior to the expiration date of the current license.

(b) A license fee of \$250.00 must accompany the original application. In the event the application is withdrawn or denied, \$225.00 will be returned to the applicant.