

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

N.J.S.A. 17:33B-41, 39:2-3, 39:2-3.3 et seq., 39:3-4e, 39:3-6.12b, 39:3-20, 39:3-43, 39:3-84, 39:5-30, 39:6-25, 39:6-50, 39:6-86.1, 39:6-86.4, 47:1A-1 et seq., 52:14B-3(1), and 54:39A-24; and Pub. L. 102-240 §4008 and Pub. L. 103-322.

Source and Effective Date

R.2005 d.359, effective September 23, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 18, Executive and Administrative Service, expires on March 22, 2011. See: 42 N.J.R. 2309(a).

Chapter Historical Note

Chapter 18, Executive and Administrative Service, was filed and became effective prior to September 1, 1969.

Chapter 18, Executive and Administrative Service, was repealed and Chapter 18, Executive and Administrative Service, was adopted as new rules by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c).

Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b).

Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e).

Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and Subchapter 4, Motor Fuels Use Tax Act, was adopted as new rules by R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as new rules by R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b).

Subchapter 3, Overwidth Vehicles, was adopted as new rules by R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a).

Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a).

Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b).

Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, and Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1990 d.225, effective March 30, 1990, and Subchapter 3, Overwidth Vehicles, and Subchapter 7,

Payment and Collection of Bus Excise Tax, were repealed by R.1990 d.225, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Subchapter 6, Insurance, was repealed and Subchapter 6, Insurance Verification, was adopted as new rules by R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1995 d.218, effective March 28, 1995, and Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed by R.1995 d.218, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Subchapter 2, International Registration Plan, was adopted as new rules by R.1996 d.186, effective April 1, 1996. See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

Subchapter 3, International Fuel Tax Agreement Implementation, was adopted as new rules, and Subchapter 4, Motor Fuels Use Tax Act, was repealed by R.1996 d.311, effective July 1, 1996. See: 28 N.J.R. 2328(a), 28 N.J.R. 3307(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.2000 d.174, effective March 28, 2000. See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Chapter 18, Executive and Administrative Service, was readopted as R.2005 d.359, effective September 23, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES

13:18-1.1 Scope

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

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

13:18-1.2 Requirement of permit

(a) Except as provided in (c) below, a single-trip permit is required for each one-way trip of an oversize or overweight vehicle that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84.

(b) In the event the vehicle is both oversize and overweight, a single-trip permit will be issued for each one-way trip.

(c) An annual ocean borne containerized cargo multiple-trip permit may be issued for a tractor semitrailer combination engaged in the transportation of sealed containers of the type commonly used for the conveyance of freight transportation in international ocean going commerce as follows:

1. Sealed containers transported under an annual ocean borne containerized cargo multiple-trip permit shall bear the seal of the United States Custom Service, the seal of another governmental agency or the seal of a shipper;
2. The combined gross vehicle weight of any tractor semitrailer combination, including load or content conveying sealed containers, shall not exceed 90,000 pounds. The tractor semitrailer combination per-axle combined weight shall not exceed 38,000 pounds for any one tandem axle

SUBCHAPTER 2. INTERNATIONAL REGISTRATION
PLAN**13:18-2.1 Definitions**

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

“Allocated vehicle” means a vehicle to which a particular jurisdiction’s base registration plate or apportioned registration plate is attached upon payment of the jurisdiction’s full base registration fee. A portion of each fleet of one-way vehicles is “allocated” to each jurisdiction into or through which the fleet travels. (Each vehicle of the fleet need not enter every jurisdiction.)

“Apportioned fleet” means one or more vehicles identified as a fleet (except recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles) used in two or more member jurisdictions that allocate or apportionally register vehicles used for the transportation of persons for-hire or designed, used or maintained primarily for the transportation of property, and each vehicle: is a power unit having a gross vehicle weight in excess of 26,000 pounds; or is a power unit having three or more axles, regardless of weight; or is used in combination when the weight of such combination exceeds 26,000 pounds gross weight. Vehicles or combinations thereof having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be apportionally registered at the option of the registrant.

“Apportioned vehicle” means any vehicle used or intended for use in two or more member jurisdictions that register vehicles, which is designed, used, or maintained for transportation of persons for hire, or is designed, used, or maintained for transportation of property, having a declared gross weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the gross vehicle weight of such combination exceeds 26,000 pounds, except that recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles are not apportioned vehicles.

“Base jurisdiction” means, for the purpose of fleet registration, the jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet vehicles and where operational records for the vehicles are maintained or can be made available.

“Base jurisdiction of rental vehicle” means the jurisdiction in or from which the rental vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, where the registrant has an established place of business, where mileage is accrued by the fleet and

where operational records of such fleet are maintained or can be made available.

“Base plate” means the apportioned license plate issued by the base jurisdiction.

“Bus” means, for the purpose of apportionment, a motor vehicle designed to carry more than 10 passengers and used for the transportation of persons.

“Cab card” means a registration card issued by the base jurisdiction for a vehicle of an apportioned fleet which identifies the vehicle, base plate, registered weight by jurisdiction and the jurisdictions where a vehicle is apportionally registered.

“Carrier” means an individual, partnership or corporation engaged in the transportation of goods or persons.

“Chartered party” means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a vehicle to travel together as a group.

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

“Combined gross vehicle weight” means the total unladen weight of a combination of vehicles plus the weight of the load carried.

“Established place of business” means a physical structure owned, leased or rented by a fleet registrant, within the boundaries of a base jurisdiction, designated by a street number or road location, open during normal business hours, with a person conducting fleet business and an operable telephone listed to the registrant.

“Fleet” means one or more apportioned vehicles.

“Gross vehicle weight” means the combined weight of a vehicle and a load thereon.

“Household good carriers” means carrier (including owners, lessors/lessees and service representatives) handling:

1. Personal effects and property used or to be used in a dwelling;
2. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments, where a part of the stock, equipment, or supply of such stores, offices, museums, institutions, including objects of art, displays and exhibits which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

“In-jurisdiction miles” means the total number of miles operated by a fleet of apportioned vehicles in a jurisdiction during the preceding year. Mileage of New Jersey-registered vehicles accrued in jurisdictions that are not member

jurisdictions shall be counted as in-jurisdiction miles operated in New Jersey.

“International Registration Plan” (“IRP”) means a registration reciprocity agreement among the signatory states of the United States and provinces of Canada providing for the payment of registration fees on the basis of fleet miles operated in each jurisdiction.

“Interstate operations” means apportioned vehicle movement between or through two or more jurisdictions.

“IVMR” means the Individual Vehicle Mileage Record which is the original record generated in the course of actual vehicle operation and used as a source document to verify the registrant’s application for accuracy.

“Jurisdiction” means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a state, province or territory of another country.

“Lease” means a written document vesting exclusive possession and control of the operation of an apportioned vehicle to a lessee for a specific period of time.

“Lessee” means a person or entity to whom or which a lease is conveyed.

“Lessor” means a person or entity granting a lease.

“Member jurisdiction” means a jurisdiction which is a party to the International Registration Plan.

“Motor carrier audit” means a physical examination of a motor carrier’s operational records including source documentation to verify fleet mileage and accuracy of the carrier’s recordkeeping system.

“Motor Vehicle Commission” or “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).

“Negotiable title” means a title issued by a jurisdiction that documents ownership of a vehicle which can be used to transfer ownership.

“One-way vehicle” means a vehicle having a declared gross vehicle weight of 26,000 pounds or less rented for a specified period of time and travelling from one jurisdiction to another.

“Operational records” mean documents supporting miles traveled in each jurisdiction and total miles traveled, such as, but not limited to, fuel reports, trip sheets, and logs.

“Owner” means a person or entity holding the negotiable title to a vehicle or in whom the legal right of possession or control is vested.

“Owner-operated” means an equipment lessor who leases his vehicular equipment with driver to a carrier.

“Preceding year” means the period of 12 consecutive months immediately prior to July 1 of the year preceding the commencement of the registration year for which apportioned registration is sought.

“Reciprocity” means that an apportioned vehicle registered in New Jersey shall be exempt from further registration requirements by any other member jurisdiction(s).

“Reciprocity agreement” means the agreement, arrangement or understanding governing the reciprocal grant of rights and privileges to vehicles that are based in and properly registered under the applicable laws of the jurisdictions that are parties to the International Registration Plan.

“Recreational vehicle” means a vehicle commonly known as a “camper,” “housetrailer,” “motor home” or “mobile home” used for personal pleasure or travel but not for business activity.

“Registrant” means a person or entity in whose name a vehicle or fleet of vehicles is registered.

“Registration year” means the 12-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

“Rental fleet” means five or more vehicles which are rented or offered for rental to a lessee/carrier, with or without drivers, and which are designated by a rental owner as a rental fleet.

“Rental owner” means, with respect to one or more rental fleets, an owner principally engaged in renting the vehicles of such fleets, with or without drivers.

“Rental transaction” means that a rental of a vehicle shall be deemed to have occurred in the jurisdiction where such vehicle first comes into the possession of the user.

“Rental vehicle” means a vehicle of a rental fleet.

“Renting” means the giving of possession and control of a vehicle for valuable consideration for a specified time period.

“Service representative” means one who furnishes facilities and services including sales, warehousing, motorized equipment and drivers under contract or other arrangement to a carrier for the transportation of property by a household goods carrier.

“Total distance” means the total number of miles or kilometers operated by fleet of apportioned vehicles in all jurisdictions during the preceding year. For purposes of bus apportionment, total distance shall be calculated as provided in N.J.A.C. 13:18-2.19. For purposes of reduced operations, total distance shall be reduced by actual miles or kilometers traveled in the eliminated jurisdictions. When a jurisdiction needs to be added back during the registration year, the carrier shall use as a minimum the number of miles or

kilometers traveled in that state in the preceding year; the original application percentages that were established shall not reflect these changes.

“Total fleet miles” means the total mileage generated by any apportioned vehicle during the mileage reporting period preceding the year for which registration is sought.

“Total miles” means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of a fleet while they were part of the fleet. Mileage accumulated by a fleet that did not engage in interstate operations shall not be included in total miles.

“Trip permit” means a permit issued by a jurisdiction in lieu of a regular registration for reciprocity.

“Unladen vehicle” means a vehicle fully equipped for service excluding the weight of any load.

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Rewrote the introductory paragraph.

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Added definitions “Chief Administrator” and “Motor Vehicle Commission”; deleted definitions “Division” and “Pool fleet”.

13:18-2.2 Exempt vehicles

(a) The following vehicles are exempt from the provisions of this subchapter:

1. Vehicles affected under separate reciprocity agreements that are not superseded by the IRP;
2. Any recreational vehicle as defined in N.J.A.C. 13:18-2.1;
3. Any vehicle that displays a restricted plate as defined by Title 39 of the Revised Statutes;
4. Any bus used in the transportation of chartered parties;
5. Any government-owned (municipal, county, state or Federal) vehicle; and
6. Any city pick-up/delivery vehicle.

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

13:18-2.3 Filing application for IRP registration

(a) Any owner of one or more apportioned vehicles, titled in New Jersey and engaged in interstate operations, shall register the vehicle(s) by filing an apportioned vehicle registration application with the Motor Vehicle Commission. The application shall contain the following information pertinent to vehicle registration for each apportioned vehicle:

1. The license plate number;
2. The vehicle identification number;

3. The vehicle make, model, type, and gross vehicle weight;

4. The name, street address, city, and zip code of the registrant (and owner if different from the registrant);

5. A listing of all member jurisdictions in which registration is desired and such other information as those member jurisdictions require; and

6. A mileage schedule, including gross vehicle weight, for miles accrued in all jurisdictions during the preceding year. If no operations were conducted for a fleet during the preceding year, the applicant shall attach to the application a statement describing the method of operation and estimates of annual mileage in each applicable jurisdiction.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In the introductory paragraph of (a), substituted “Motor Vehicle Commission” for “Division”.

13:18-2.4 Mileage and registration fee calculation

(a) Based upon the application, the Motor Vehicle Commission shall determine the in-jurisdiction miles and the total miles to be used in computing the apportioned registration fee for the fleet vehicle(s) as follows:

1. Divide each state’s in-jurisdiction miles by the total miles generated during the preceding year;
2. Determine the total fees required under the laws of each jurisdiction for registration of each vehicle;
3. Multiply the sum obtained under (a)2 above by the quotient obtained under (a)1 above;
4. If the applicant is estimating operation in a jurisdiction for a second or subsequent year, the registrant shall pay a mileage percentage that is in excess of the 100 percent registration miles and fees for that jurisdiction(s);
5. If the registrant adds a vehicle after the beginning of the registration year, the mileage percentage used in the original application for the fleet shall be used to calculate the regular registration fees due with respect to such vehicle(s);
6. If the applicant adds a jurisdiction(s) in which no miles were accrued during the previous reporting period, the mileage percentage shall be calculated as follows:
 - i. The estimated miles for the added jurisdiction(s) shall be added to the applicant’s total fleet miles;
 - ii. The estimated miles for the added jurisdiction(s) shall be divided by the sum obtained in (a)6i above to obtain the mileage percentage for the added jurisdiction;
7. If the applicant for an additional jurisdiction accrued miles in such jurisdiction during the preceding year, the calculation for mileage percentage(s) shall be the same as (a)6 above, except that the estimated mileage for the added

jurisdiction shall be equal to or greater than the actual mileage accrued in the preceding year;

8. If an applicant has withdrawn a vehicle from an apportioned fleet and is replacing that vehicle with one that is of the same weight class/category and all jurisdictions are the same, a transfer of plates shall be permitted upon application to the Commission. When a replacement vehicle is of a greater weight category, the mileage percentage shall be calculated pursuant to this subsection;

9. The applicant shall furnish accurate mileage and weight information. The Commission may adjust a mileage estimate if not satisfied with its accuracy, and may deny registration for vehicles when the registration weight requested does not reflect standard operating practices.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In the introductory paragraph of (a), substituted "Motor Vehicle Commission" for "Division"; in (a)8 and 9, substituted "Commission" for "Division"; also in (a)9, substituted "when" for "where" following "vehicles".

13:18-2.5 Payment of fees

Each registrant shall, upon receipt of billing, provide payment of the required fee by cash, check, money order or other method of payment approved by the Commission.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Commission" for "Division".

13:18-2.6 Part-year registration; vehicle deletion; credit

(a) Vehicles acquired by the registrant after the commencement of the registration year and added to the apportioned fleet shall be registered by applying the mileage percentage used in the original application for each fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year. The registration fee shall be reduced by one-twelfth for each full registration month that has elapsed between the beginning of the registration year and the date a supplemental application for registration is received by the Commission.

(b) When a vehicle is deleted from an apportioned vehicle fleet before the expiration of registration, the registrant of the fleet shall notify the Commission on the prescribed forms and return to the Commission all credential issued to the vehicle.

1. Credit shall not be provided if an apportioned vehicle is deleted from the fleet for repair, auto body work, or other reasons of a temporary nature.

2. Credit shall not be provided for an apportioned vehicle deleted from any fleet which is returned to the fleet during any particular registration year.

3. Credit shall be given if a vehicle is permanently deleted from an apportioned vehicle fleet, as a result of

being destroyed, sold, or otherwise completely removed from service of the fleet registrant.

(c) Credit for registration fees shall be applied to the current registration year only. Credit may not be carried forward to a subsequent registration year under any circumstances.

(d) No credit shall be applied for a deleted apportioned vehicle regarding a weight increase for any apportioned vehicle of an existing fleet unless the weight increase is applied to the replacement vehicle.

(e) No credit shall be applied for a deleted apportioned vehicle for any fees due as a result of adding a jurisdiction to an existing fleet.

(f) No credit shall be applied for a deleted apportioned vehicle for any fees due as a result of a vehicle transfer from one fleet to another fleet.

(g) Any credit less than \$5.00 shall not be applied.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (b), substituted "Commission" for "Division" throughout; in (g), substituted "\$5.00" for "\$1.00".

13:18-2.7 Refunds

(a) Refunds shall be permitted under the following circumstances:

1. Error by the Commission;
2. Error by the registrant on a mileage application; or
3. An audit by the Commission indicates overpayment.

(b) No refund shall be permitted under the following circumstances:

1. Where a vehicle is transferred from one fleet to another fleet by the same registrant if the mileage percentage of the receiving fleet is lower than that of the transferring fleet;
2. Where an apportioned vehicle is permanently or temporarily removed from a fleet for any reason; or
3. Where a lease expires or is terminated.

(c) Refund claims of apportioned registration fees paid to other jurisdictions must be submitted to those jurisdictions.

(d) Any refund less than \$5.00 shall not be granted.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a)1 and 3, substituted "Commission" for "Division"; in (d), substituted "\$5.00" for "\$1.00".

13:18-2.8 Additional gross vehicle weight

(a) The gross vehicle weight may be increased for registered vehicles, pursuant to the limits authorized under

N.J.S.A. 39:3-20, by application on forms prescribed by the Commission.

(b) Re-registration at a higher gross vehicle weight for the balance of the registration year shall include the registration month during which the apportioned vehicle was initially registered at the higher gross vehicle weight.

1. The apportioned fee initially paid to the Commission, reduced for the number of full registration months the registration was in effect, shall be deducted from the total fee to be paid for registering at the higher gross vehicle weight for the balance of the registration year.

2. Gross vehicle weight fee calculations shall be based on current fee schedules provided to New Jersey by other jurisdictions.

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (b)1, substituted "Commission" for "Division".

13:18-2.9 Addition of jurisdictions

(a) A registrant of an apportioned vehicle fleet who has filed an original apportioned registration application for a registration year may expand operation into or through a member jurisdiction not previously included in the original filing by making supplemental application.

(b) The application shall include the estimated miles in the new jurisdiction(s) and an indication of an estimated weight in the new jurisdiction(s).

13:18-2.10 Apportioned license plates; registration certificate ("cab card")

(a) Upon receipt of payment for all applicable apportioned and non-apportioned registration fees, the Commission shall issue a certificate of registration ("cab card") and two license plates marked "Apportioned" for each vehicle. Such license plates shall be displayed as required by N.J.S.A. 39:3-33.

(b) Apportioned license plates may be transferred from one vehicle to another in accordance with the provisions of this subchapter.

(c) Distinctive validation stickers, of a design, size and shape prescribed by the Commission, shall be issued annually and affixed to the apportioned license plates to indicate the month and year of expiration of the vehicle registration.

(d) The cab card issued for an apportioned vehicle shall contain a list of the member jurisdictions for which the vehicle is apportionally registered and the corresponding weight in pounds (for states) and kilograms (for Canadian provinces), in addition to all other required information.

1. The card shall be free of any errors, erasures, or strikeovers and shall include security features.

2. The original cab card is to be carried in the vehicle.

3. An effective date and expiration date shall be listed on the cab card.

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (c), substituted "Commission" for "Division".

13:18-2.11 Administrative transaction/cab card fee

(a) In addition to all registration fees and assessments permitted by law and pursuant to this subchapter, a nonapportioned \$7.00 administrative transaction fee per vehicle shall be assessed by the Commission for the following:

1. Initial application;
2. Renewal application;
3. Supplemental application;
4. Change of weight request during the registration year;
5. Addition of jurisdiction(s) during the registration year;
6. Addition or transfer of an apportioned vehicle to or from an apportioned fleet during the registration year;
7. Cab card replacement;
8. IRP plate(s) replacement;
9. Plate transfer.

(b) No refund or credit shall be permitted for an administrative transaction fee.

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (a), substituted a reference to this subchapter for a reference to this section in the introductory paragraph.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In the introductory paragraph of (a), substituted "Commission" for "Division".

13:18-2.12 Temporary registration; New Jersey-based carrier(s)

(a) A temporary registration credential known as a temporary authorization ("TA") shall be issued by the Commission upon receipt of a properly completed application, in order to provide registrants with a temporary registration for the movement of unregistered vehicles, the transfer of an existing apportioned plate or the correction of the information on a previously issued cab card. The application shall contain a full explanation of the need for such TA.

(b) A TA shall be issued only to a New Jersey-based carrier with an established IRP account in good standing.

(c) A TA shall contain all the information required by the Commission, in addition to the issue date and the expiration

date. The expiration shall be 72 hours from the issue time for new or additional vehicles added to a fleet.

(d) All vehicles for which TA's have been issued are subject to apportioned and permanent registration as part of the New Jersey fleet of a carrier.

(e) The TA shall be issued only to a specific vehicle as identified by the vehicle description information. The TA must be carried in the applicable vehicle and is not transferable.

(f) No erasures or alterations of any kind, including double character/digit strikes, shall be permitted, and any evidence of tampering shall immediately render the TA null and void.

(g) No refund or credit shall be provided to any registrant for any reason for a TA purchased and not used.

(h) The Commission may refuse to issue a TA authorized by this section to any person or entity that formerly held a license or registration issued by the Commission which was suspended, revoked, denied or cancelled for any reason.

(i) The Commission may revoke any TA issued to any person or entity for any appropriate reason.

(j) The Commission may deny issuing permanent plates and cab cards until evidence of payment due other member jurisdictions has been received.

(k) The fee for issuance of a TA shall be \$25.00.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (c), (h), (i) and (j), substituted "Commission" for "Division".

13:18-2.13 Temporary registration; out-of-state carrier(s)

(a) A temporary registration credential known as a trip permit shall be issued, upon application on forms prescribed by the Commission, in lieu of IRP credentials to a vehicle registrant that has been apportionally registered in its base jurisdiction but not in New Jersey.

(b) The trip permit shall allow both intrastate and interstate movement and shall be valid for the 72-hour period beginning at the time of issue.

(c) The trip permit shall contain all the information required by the Commission. The date and time of issue and expiration shall be shown. The trip permit shall be carried in the cab of the vehicle for which such permit is issued and is not transferable.

(d) The Commission may refuse to issue a trip permit to any person or entity that formerly held a license or registration issued by the Commission which was suspended, revoked, denied or cancelled for any reason.

(e) The fee for a Trip Permit shall be \$25.00.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (c) and (d), substituted "Commission" for "Division" throughout.

13:18-2.14 Hunter's permit

(a) The Commission shall provide a "hunter's permit" upon application by an owner-operator not operating as a lessor.

(b) The permit shall be valid only if the vehicle or combination of vehicles is unladen.

(c) A "hunter's permit" may be issued to an owner-operator that has terminated a lease and is required to surrender the apportioned license plates and cab card to the carrier pursuant to this subchapter.

(d) The permit shall be issued to a specific vehicle and shall not be transferable.

(e) The permit shall be valid for 10 days.

(f) No refund or credit for a hunter's permit fee shall be provided.

(g) The fee for issuance of a Hunter's Permit shall be \$25.00.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), substituted "Commission" for "Division".

13:18-2.15 Fleet merger; fleet acquisition

(a) The registrant shall notify the Commission within 30 calendar days of a substantial change in operations of a New Jersey-based fleet because of merger or acquisition.

(b) The registrant shall be required to file an amended application setting forth the changes as a result of the merger or acquisition.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), substituted "Commission" for "Division".

13:18-2.16 Registration of owner-operated vehicles

(a) The owner-operator of an IRP vehicle, leasing such vehicle to a carrier, may allow the carrier to become the registrant to obtain IRP credentials (registration cab card, license plates, temporary authority and trip permit) provided:

1. The carrier provides the Commission with an affidavit from the owner-operator authorizing the carrier to become the registrant:

2. All credentials issued under this arrangement remain the property of the registrant; and

3. All recordkeeping (N.J.A.C. 13:18-2.21) and audit obligations (N.J.A.C. 13:18-2.22) are assumed by the registrant.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a)1, substituted "Commission" for "Division".

13:18-2.17 Rental fleets

(a) A "rental owner" may apportionally register a rental fleet in the name of the rental owner rather than the name(s) of individual lessee(s), provided:

1. The operational records of the rental fleet are maintained by the rental owner;
2. The rental fleet includes only vehicles for which New Jersey is the base jurisdiction;
3. All vehicles are part of a rental fleet and have been identified as such by the rental owner on the forms and in the manner prescribed by the Commission;
4. The rental owner receives Commission approval to make application to apportion such designated rental vehicle(s), on the forms and in the manner prescribed by the Commission; and
5. The rental owner apportionally registers the rental vehicle(s) pursuant to N.J.A.C. 13:18-2.3.

(b) Rental owner registrants engaged the business of renting and/or leasing rental vehicles, such as tractors, single trucks and truck tractors (not including any one-way vehicles), with or without drivers, into or through one or more jurisdictions, shall apply for apportioned registration on forms prescribed by the Commission.

(c) Rental owner registrants engaged in the business of renting or leasing passenger cars in more than one jurisdiction shall prepare and maintain monthly and yearly records reflecting gross revenue earned in each jurisdiction, as well as monthly inventories listing all rental passenger cars, their corresponding license plate numbers and dates of purchase, on the forms and in the manner prescribed by the Commission.

1. All monthly revenue earnings reports and summaries shall be submitted on the forms and in the manner prescribed by the Commission, and shall be accompanied by appropriate rental settlement contracts.
2. All yearly earnings reports and summaries shall be accompanied by company financial statements and/or copies of Federal, state and local (if any) income tax returns.
3. Inventories shall be reported and submitted to the Commission on a quarterly basis on forms and in the manner prescribed by the Commission. Attached to the quarterly reports shall be a listing of all rental passenger

cars, their corresponding license plate numbers and dates of purchase.

4. Monthly inventories shall be certified by the rental owner to have been taken on, or as near as possible to, the first day of each month of each year.

5. Each monthly inventory shall be supported by primary source inventory reports.

(d) The determination of the percentage of total rental fleet vehicles that shall be apportionally registered in New Jersey shall be calculated as follows:

1. Divide the gross revenue received from rental(s) in New Jersey during the preceding year by the total gross revenue earned in all jurisdictions in which the vehicle(s) was operated/rented; and
2. Multiply the percentage in (d)1 above by the total number of rental passenger cars in the fleet on the first day of the registration year.

(e) If rental passenger vehicles are added to the rental fleet after the first day of the registration year, the percentage figures used at the beginning of that registration year shall be applied to determine the number of additional rental vehicles subject to registration in New Jersey during any particular quarter of the full registration year.

(f) Rental owner registrants engaged in the business of renting or leasing trailers and/or semitrailers of more than 6,000 pounds gross vehicle weight in pool fleets in more than one jurisdiction shall apportionally register such vehicles in the following manner:

1. Divide the gross revenue earned in the preceding year for use of the rental trailers arising from rental transactions occurring in New Jersey by the total gross revenue earned in the preceding year in all jurisdictions;
2. Multiply the percentage in (f)1 above by the total number of rental trailers or semitrailers owned or operated in such rental fleet on the first day of each registration year, resulting in the number of rental pool fleet trailers/semitrailers to be registered in New Jersey during the renewal period of each registration year.
3. Registrants of trailers/semitrailers rented in pool fleets shall prepare and maintain monthly reports, summaries and inventories, and yearly earnings records.
 - i. The monthly reports and summaries shall reflect gross revenue earned in each jurisdiction and shall be accompanied by rental settlement contracts.
 - ii. The monthly inventories shall include all rental trailers/semitrailers owned and operated.
 - iii. Yearly earnings figures shall be supported by company financial statements and/or copies of Federal, state and local (if any) income tax returns.

4. If rental trailers or semitrailers are added to the rental fleet after the first day of the registration year, the percentage factor used at the beginning of that registration year shall be used to determine the number of additional trailers/semitrailers subject to registration in New Jersey during a particular quarter.

5. The rental owner shall record and maintain a current listing (less than 30 days old) of the license plate numbers and date of purchase and/or renewal in New Jersey for all rental fleet trailers and semitrailers. The listing shall be supported by copies of all registration records (applications as completed by the registrant), corresponding cancelled checks or other remittance items, or credit card statements that represent the proof of payment of trailer and semitrailer registration and/or renewal.

(g) Rental owners engaged in the business of renting or leasing utility trailers equal to or less than 6,000 pounds gross vehicle weight in more than one jurisdiction shall prepare and maintain monthly records including:

1. An inventory of all rental utility trailers equal to or less than 6,000 pounds gross vehicle weight located, but not rented, in New Jersey at the time of inventory;

2. A total inventory of all rental utility trailers located in all jurisdictions but not rented at the time of inventory;

3. An inventory of the entire rental fleet of utility trailers equal to or less than 6,000 pounds gross vehicle weight, owned and/or operated (whether or not rented) at the time of inventory;

4. The rental owner registrant of utility trailers shall allocate and register, initially and during the renewal period of each year, a number of utility trailers equal to no less than the average number of such trailers rented in or through New Jersey during a particular quarter;

5. If additional trailers are added to the fleet after the first day of the registration year, the percentage factor used at the beginning of the registration year shall be used to determine the number of additional trailers that are subject to registration in New Jersey for any particular quarter; and

6. The rental owner registrant of utility trailers shall maintain a current listing (less than 30 days old) of all license plate numbers and dates of initial purchase or renewal for each unit.

(h) Rental owner registrants of vehicles equal to or less than 26,000 pounds gross vehicle weight, separately identified by registration weight classes by the rental owner as a part of a one-way rental fleet (rented in one jurisdiction, driven to another and remaining in the second jurisdiction), shall obtain New Jersey-apportioned registration credentials for such units based on the fleet mileage factor calculation pursuant to N.J.A.C. 13:18-2.4.

1. If an additional one-way vehicle(s) is added to the fleet after the first day of the registration year, the same

percentage factor used at the beginning of the registration year shall be used to determine, by weight class, the number of additional one-way vehicles subject to be registered in New Jersey during any particular quarter.

2. Registrants of rental one-way vehicles equal to or less than 26,000 pounds gross vehicle weight registered in more than one jurisdiction shall prepare and maintain monthly and yearly summaries of individual rental vehicle mileage operated by each vehicle in each registration weight class for New Jersey, each applicable member jurisdiction(s), and a total mileage figure for all jurisdictions.

3. Registrants shall maintain monthly inventories of each vehicle owned and/or operated (rented or not rented) in each vehicle registration weight class in each jurisdiction, including New Jersey. Such inventories shall be supported by the actual inventory reports for each weight class.

4. The rental owner shall maintain a current listing (less than 30 days old) of the license plate numbers and dates of purchase and/or renewal in New Jersey of all rental one-way vehicles by weight class.

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (g), substituted references to trailers for references to vehicles in 4 through 6.

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a)3 and 4, (b) and (c), substituted "Commission" for "Division" throughout; also in (b), substituted "truck tractors" for "trucktractors"; also in the introductory paragraph of (c), substituted "renting" for "rental".

13:18-2.18 Household goods carriers

(a) A household goods carrier leasing vehicles and/or equipment from a service representative may elect to base (register) such vehicles and/or equipment in the base jurisdiction of the service representative or in that of the household goods carrier.

1. If the household goods carrier selects the base jurisdiction of the service representative as its base jurisdiction, the apportioned registration shall be in the name of the service representative as the lessor and the household goods carrier as the lessee.

i. Mileage records of both the service representative and the household goods carrier shall be used in calculating the apportionment of fees.

ii. All mileage records shall be maintained or available in the service representative's base jurisdiction.

2. If the household goods carrier selects its jurisdiction to be its base jurisdiction, the vehicles shall be registered by and in the name of the household goods carrier as the registrant and the service representative as the lessor.

4. The applicant's mailing address (if different from business address);
 5. The name and telephone number of a contact person;
 6. The type of ownership;
 7. The name, title, and telephone number for all partners or corporate officers (president, vice president, secretary, treasurer);
 8. The location of records for audit purposes;
 9. The type of motor carrier operation;
 10. The name and address of lessor(s) or lessee(s) where qualified vehicles are involved in lease agreement(s) and a declaration indicating whether lessor or lessee is responsible for reporting all operations;
 11. The type(s) of fuel consumed by qualified motor vehicles;
 12. A declaration of having been previously licensed by another Agreement jurisdiction, if applicable;
 13. A declaration of never having had an Agreement license suspended or revoked by another Agreement jurisdiction, if applicable;
 14. A declaration of maintaining special fuel storage in New Jersey and the listing of any special fuel license number(s) or exemption certificate number(s), if applicable;
 15. A declaration of the jurisdictions in which the applicant plans to operate qualified motor vehicles, and the fuel type(s) if the applicant maintains bulk storage in other jurisdictions;
 16. A declaration that the applicant agrees to comply with all the reporting, payment, recordkeeping and license/identification requirements specified in the Agreement; and
 17. A certification by signature of the owner, partner, or corporate officer that the information contained in the application is true, accurate and complete.
- (b) If the name or address of the applicant or other information shown in the original fuel tax registration changes subsequent to its filing, the applicant shall file corrected information within seven days of the change.
- (c) In the case of a lessor, lessee, independent contractors and household goods agents, the following shall apply:
1. A lessor regularly engaged in the business of leasing or renting motor vehicles without drivers for compensation to licensees or other lessees may be deemed to be the licensee, and such lessor may be issued a license if an application has been properly filed and approved by the Chief Administrator.
 2. In the case of a carrier using independent contractors under long-term (more than 30 days) leases, the lessor and lessee must designate which party will report and pay fuel use tax. If the lessee (carrier) assumes responsibility for reporting and paying motor fuel taxes, the base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered by the lessor for vehicle registration purposes.
 3. For motor vehicle leases of 30 days or less, the licensee for the motor vehicle under lease will be liable to report and pay tax.
 4. In the case of a household goods carrier using independent contractors, agents, or service representatives under intermittent leases, the party liable for motor fuel tax shall be as follows:
 - i. The lessee (carrier), where the qualified motor vehicle is being operated under the lessee's jurisdictional operating authority. The base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessee (carrier), regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor or lessee.
 - ii. The lessor (independent contractor, agent, or service representative), where the qualified motor vehicle is being operated under the lessor's jurisdictional operating authority. The base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessor, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes.
 5. The Chief Administrator shall not require the filing of such leases, but such leases shall be made available upon request of the Chief Administrator or any member jurisdiction.
 - (d) The applicant shall declare the total number of decals required and pay a \$10.00 statutory fee for two decals per vehicle with the application.
 - (e) The Chief Administrator shall review and process each application, except where the applicant is suspended or revoked by any member jurisdiction under a previously-issued license pursuant to IFTA, or when the application contains misstatement, misrepresentation, or omission of information required, or when proper payment of fees is lacking.
 - (f) The Chief Administrator may deny issuance of an identification card and decals when any applicant has failed to pay any monies or file any report required pursuant to this subchapter or any law or rule administered by the Chief Administrator. The Chief Administrator shall mail written notice stating the reason(s) for denial to the applicant's principal place of business by ordinary mail.

1. An applicant who has been denied a license may appeal by making a written request for a conference regarding the denial within 30 calendar days after the notice of the original denial. If the written request is not received within 30 calendar days, the original denial is deemed final.

2. The sole issue to be resolved at such conference is whether or not the applicant in fact did fail to pay monies due or to file such report. The applicant shall bear the burden of proof. The applicant shall be given an opportunity to explain or correct any misstatement, misrepresentation or omission of required information.

3. The conference shall be conducted by the Manager, Motor Carriers Unit, Motor Vehicle Commission, or such individual as he or she may designate. Notice of the determination made at a conference shall be given to the applicant at the close of the conference.

4. An applicant who disagrees with the Chief Administrator's determination to deny an identification card or decal may, within 90 days after the date of the written determination, appeal by filing a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

(g) If the applicant cancels the application for any reason and the application has not been processed, the Commission shall return the application and payment to the applicant. If the application has been processed, the applicant may be charged a \$.50 handling fee per decal, at the discretion of the Chief Administrator.

(h) The Chief Administrator shall cause a renewal application for license and decals to be issued for the following year to each licensee provided the license has not been revoked or canceled, all reports have been filed and all motor fuels use taxes, penalties and interest due have been paid.

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (f), substituted a reference to this subchapter for a reference to this subsection; and recodified former (h) and (i) as (g) and (h).
Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rewrote (a) and (c)-(h).

13:18-3.3 Identification card/license; identification markers/decals

(a) For each approved application for IFTA credentials, the Chief Administrator shall issue one license identification cab card per fleet and two identification marker/decals for each vehicle listed on the application as part of that particular fleet.

(b) The license and decals shall qualify the licensee to operate in all member jurisdictions without further licensing requirements or identification requirements regarding motor fuels use taxes.

(c) The license shall expire on December 31 of each IFTA licensing year.

(d) The original cab card (license) shall be kept in the licensee's principal place of business. The licensee shall photocopy the card and carry such photocopy in each qualified vehicle.

(e) The form and content of the license and decal shall be as specified in IFTA.

(f) Decals shall be issued annually to coincide with the IFTA license, and licensee's identification account number shall not be changed from year to year, unless the license is canceled or revoked. The Chief Administrator shall determine if the account number shall be changed or retained upon reinstatement of IFTA privileges and licensing after such cancellation or revocation.

(g) The decals shall be securely affixed to the exterior portion of the cab's passenger and driver's side.

(h) The Chief Administrator shall recall the identification card and decals if a licensee has failed to pay any monies or file any report due pursuant to this subchapter or any other law or rule administered by the Chief Administrator.

(i) The Chief Administrator shall mail written notice stating the reason(s) for recall to the licensee's principal place of business by ordinary mail.

1. A licensee may appeal such recall by making a written request for a conference before the recall is effective provided such request was mailed within 30 days of issuance of the notice of recall.

2. The sole issue to be resolved at such conference is whether or not the licensee in fact did fail to pay monies due or to file such report. The licensee shall bear the burden of proof.

3. The conference in such cases shall be conducted by the Manager, Motor Carriers Unit, Motor Vehicle Commission, or such individual as he or she may designate. Notice of the determination made at such conference shall be given to the licensee at the close of the conference. If the determination is adverse to the applicant, the recall shall be effective immediately.

4. A licensee who disagrees with the Chief Administrator's determination to recall an identification card and decals may, within 90 days after the date of the written determination, appeal to the Tax Court of New Jersey by filing a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

(j) The Chief Administrator shall cancel a license upon request from the licensee on forms and in a manner prescribed by the Chief Administrator.

(k) The Chief Administrator, for cause, may require a licensee to post a bond when it is determined that the licensee has failed to file timely reports or has failed to pay tax due.

(l) Improper use of the license or decal by the licensee is cause for recall or revocation of the license.

(m) Qualified motor vehicles that are operated by more than one IFTA licensee during a given calendar year may display decals for each active licensee concurrently.

(n) If a vehicle is sold, traded or otherwise passes from the control of the licensee, the decals shall be removed from the vehicle by the licensee and surrendered to the Chief Administrator within 48 hours of such sale, trade or loss of control. If a licensee discontinues business in this State, the identification card shall also be surrendered. The licensee to whom the identification card and decals were issued shall be liable for taxes applicable to the operations of the vehicles licensed pursuant to IFTA through the date the card and/or decals were surrendered. In the event the vehicle is that of an owner/operator who fails to surrender the decals to the licensee before leaving service, the licensee's liability will terminate upon the date of notification to the Chief Administrator providing the serial number of the decals and the name and address of the person having possession of same. The provisions of this subsection shall not apply if the vehicle has been stolen and a report of such theft has been made to an appropriate law enforcement agency.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (f), substituted a reference to account numbers for a reference to codes; in (h), substituted a reference to this subchapter for a reference to this subsection; in (i)3, neutralized a gender reference; and in (n), rewrote the first sentence.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Chief Administrator" for "Director" throughout; substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" in (i)3; substituted "when" for "where" in (k).

13:18-3.4 Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a fee of \$10.00 for two decals per vehicle from a New Jersey IFTA licensee with an account in good standing, the Chief Administrator shall issue in person, by mail or through a preapproved third party an IFTA Temporary Permit for a qualified motor vehicle. A temporary permit shall be valid for a period of 30 consecutive days beginning with the date of issue to allow a carrier sufficient time to affix permanent decals and carry the identification card.

(b) Such permit shall be valid in all member jurisdictions, shall be carried in the cab of the vehicle for which the permit is issued, and is not transferrable.

(c) The permit shall include, at a minimum, the following:

1. The vehicle identification number;
2. The issue and expiration date;

3. The licensee name and address;
4. The licensee account number, if not a new account; and
5. The vehicle plate number, make, vehicle type, and fuel type.

(d) The fee of \$5.00 per decal shall be credited against the annual identification marker fees applicable to the same vehicle.

(e) All mileage and fuel purchases must be reported while operating pursuant to a temporary permit.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (a), substituted "licensee" for "license" following "IFTA" in the first sentence.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), substituted "\$10.00 for two decals per vehicle" for "\$5.00 per decal" and "Chief Administrator" for "Director".

13:18-3.5 Trip permits

(a) A licensing permit credential known as a trip permit shall be issued, upon application on forms prescribed by the Chief Administrator, in lieu of regular IFTA licensing credentials.

(b) The trip permit is a 96-hour IFTA credential issued by the Chief Administrator to an out-of-State carrier for a specific vehicle, in lieu of regular IFTA licensing. A trip permit is issued to a user whose vehicle(s) in the aggregate makes not more than six trips into or through New Jersey in a 12-month period.

(c) The trip permit shall contain the following:

1. The date and time of issue;
2. The name and address of the user; and
3. The vehicle identification number.

(d) The trip permit shall be carried in the cab of the vehicle for which such permit is issued and is not transferrable.

(e) The Commission may refuse to issue a trip permit to a carrier that formerly held an IFTA license issued by the Commission which was suspended, revoked, or canceled for any reason.

(f) The fee for such permit shall be \$25.00, which shall be in lieu of tax reports, fees and taxes which otherwise would be applicable to said trip.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (b), substituted "Chief Administrator" for "Director"; in (e), substituted "Commission" for "Division" throughout.

13:18-3.6 Tax reports; due dates

(a) Each licensee shall, on or before the last day of January, April, July and October of each year, make to the Chief Administrator such aggregate reports of the licensee's entire operations during the quarter ending on the last day of the preceding month as the Chief Administrator may require.

(b) Each licensee shall accompany the quarterly reports with a single remittance, in total amount equal to the net taxes due all member jurisdictions, made payable to New Jersey Motor Vehicle Commission.

(c) The Chief Administrator may require a licensee to post a bond when timely reports have not been filed, tax due has not been remitted, or when payment has been dishonored.

(d) If the licensee is required to post bond in guarantee of fuel tax payment, the Chief Administrator may require that payment be in the form of certified funds.

(e) Each quarterly tax report shall reflect operations for the previous calendar quarter, and shall be filed even where no operations were conducted during the reporting period.

(f) The tax report filed by the licensee shall be due on the last day of the month immediately following the close of the quarter for which the report is due. Reports postmarked with U.S. or Canadian Postal Service postmark by the due date or otherwise verified as timely delivered shall be considered timely filed.

1. In the event the licensee files the report by personal delivery, the Motor Vehicle Commission date-received stamp shall be conclusive evidence of the filing date.

2. Reports not filed by the due date shall be considered late and any taxes due considered delinquent.

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (c) and (d), substituted "Chief Administrator" for "Director" throughout; in (b) and (f)1, substituted "Motor Vehicle Commission" for "Division of Motor Vehicle"; also in (c), substituted "when" for "where" throughout.

13:18-3.7 Tax reports; penalties; interest

(a) The Chief Administrator shall assess a penalty of \$50.00 or 10 percent of the taxes due, whichever is greater, for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(b) The Chief Administrator may waive the penalty imposed in (a) above if it is determined there is reasonable cause for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(c) For a fleet based in the United States, interest shall accrue at the rate of one percent per month or fraction thereof, calculated from the date the tax was due until the tax is paid. The interest shall be computed on the tax due each member jurisdiction. For a fleet based in a Canadian jurisdiction,

interest shall accrue at a rate equal to the Canadian Federal Treasury Bill rate, plus two percent, and adjusted every calendar year quarter, calculated from the date tax was due until the tax is paid. All interest collected shall be remitted to the appropriate jurisdictions.

(d) The Chief Administrator shall waive interest on unpaid amounts when the licensee reasonably relied on erroneous advice furnished to him or her in writing by an employee of the Commission acting in the employee's official capacity, provided that such interest did not result from failure of the licensee to provide adequate and accurate information.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (d), neutralized a gender reference.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a), (b) and (d), substituted "Chief Administrator" for "Director"; also in (d), substituted "when" for "where" and "Commission" for "Division".

13:18-3.8 Tax reports; annual reporting

The Chief Administrator shall in his or her discretion exempt any licensee who has sufficient liability to warrant quarterly reporting from the quarterly reporting requirements of this subchapter, upon finding that the administration and purpose of this subchapter would not be adversely affected. Such licensee may be permitted to make an annual report of the licensee's entire operations subject to such terms, conditions, or limitations as the Chief Administrator may prescribe, provided no objection is received from other member jurisdictions to which the licensee is reporting.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Chief Administrator" for "Director" throughout.

13:18-3.9 Tax reports; content

(a) The tax report shall include the following information:

1. The name, address, account number or license number of the licensee;

2. The type of fuel used and being reported;

3. The total distance traveled during the reporting period by qualified motor vehicles in the licensee's fleet, regardless of whether the miles or kilometers are taxable or non-taxable by a jurisdiction;

4. The total number of gallons or liters of motor fuel used by the licensee in operation of qualified motor vehicles;

5. The in-jurisdiction miles or kilometers traveled by qualified motor vehicles within each member jurisdiction;

6. The average fuel consumption in miles per gallon, carried to two decimal places, for the reporting period;

7. The gallons or liters of all taxable motor fuel consumed within each member jurisdiction;

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

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

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

(a) The Chief Administrator, in his or her discretion, may rescind an order of suspension of a vehicle registration and an order of suspension of a driver's license pursuant to subsections d and g of section 50 of the FAIR Act (N.J.S.A. 17:33B-41d and 41g) if the owner of the vehicle satisfies the following requirements:

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

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

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

(b) The Chief Administrator may rescind a suspension of a vehicle registration or a driver's license pursuant to subsections d and g of section 50 of the FAIR Act (N.J.S.A. 17:33B-41d and 41g) only once during any 36-month period.

(c) For purposes of calculating the 36-month period with regard to rescission of a vehicle registration suspension or driver's license suspension pursuant to subsections d and g of section 50 of the FAIR Act (N.J.S.A. 17:33B-41d and 41g), said 36-month period shall be calculated by referring to the respective dates of vehicle registration suspensions imposed upon a registrant pursuant to section 50 of the FAIR Act (N.J.S.A. 17:33B-41).

(d) For purposes of the submission of proof of motor vehicle liability insurance coverage to the Chief Administrator by a registrant seeking rescission of a vehicle registration or driver's license suspension pursuant to subsections d and g of section 50 of the FAIR Act (N.J.S.A. 17:33B-41d and 41g), such proof must be submitted to the Chief Administrator no later than 180 days after the effective date of a vehicle registration suspension imposed upon the registrant pursuant to the FAIR Act unless the registrant is unable to submit such proof within said period of time due to

an act of God or because of the registrant's absence from the State.

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Chief Administrator" for "Director" throughout.

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

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

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

Amended by R.1992 d.263, effective June 15, 1992.

See: 24 N.J.R. 1467(a), 24 N.J.R. 2283(a).

Revised text.

Amended by R.1995 d.218, effective May 1, 1995.

See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a) and (b), substituted "Chief Administrator" for "Director" and "Commission" for "Division" throughout.

13:18-6.10 Confidentiality of information

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

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Open Public Records Act," for "Right to Know Law,".

13:18-6.11 Operative date

Subsections a through g of section 50 of the FAIR Act (N.J.S.A. 17:33B-41d through 41g) shall become operative as

of the effective date of the adoption of this subchapter by the Commission (that is, June 3, 1991), in accordance with P.L. 1990, c.8, §103 (N.J.S.A. 17:33B-1 Note).

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Commission" for "Division".

APPENDIX A

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

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

Legend:

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

APPENDIX B

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

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

| | | |
|-----|-----------------------------|--|
| 7. | Policy-Owner-Street-Address | Street address of policy holder. |
| 8. | Policy-Owner-City | City of policy holder. |
| 9. | Policy-Owner-State | State of policy holder. |
| 10. | Policy-Owner-Zip-Code | Zip code of policy holder. Five digits required, nine digits if available. Space fill last four digits if nine digits are not available. |
| 11. | Transaction-Type | C = Cancellation N=New Policy |
| 12. | Policy-Effective-Date | Required if Transaction-Type = N, otherwise leave blank. Format is MMDDYYYY. |
| 13. | Policy-Cancel-Date | Required if Transaction-Type = C, otherwise leave blank. Format is MMDDYYYY. |
| 14. | Date-Stamp | Format is MMDDYYYY. |
| 15. | Policy-Number | Policy number. Space fill if not supplied. |
| 16. | Filler | Spaces. |

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Motor Vehicle Commission" for "Motor Vehicle Services" in the description of No. 6.

APPENDIX C

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

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

Legend:

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

APPENDIX D

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

| No. | Field Name | Description |
|-----|-------------------------------|--|
| 1. | Vehicle-Identification-Number | If vehicle year 1981 or newer, must have 17 positions. |
| 2. | Driver-License-Number | Owner of vehicle (preferred) or primary driver's driver license number. No spaces. |
| 3. | Make | National Crime Information Center (NCIC) or Insurance Services |

| | |
|---------------------------|---|
| | Office (ISO) vehicle make code. |
| 4. Year | Four digit vehicle model year. |
| 5. Model | National Crime Information Center (NCIC) vehicle model code. Space fill if not available. |
| 6. Insurance-Company-Code | MVR code assigned by New Jersey Motor Vehicle Commission for driver abstracts. |
| 7. Policy-Effective-Date | Format is MMDDYYYY. |
| 8. Date-Stamp | Format is MMDDYYYY. |
| 9. Filler | Spaces. |

Amended by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Substituted "Motor Vehicle Commission" for "Motor Vehicle Services" in the description of No. 6.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

13:18-9.1 Security deposits for uninsured motorists

(a) A deposit from an uninsured motor vehicle owner or operator to secure the payment of any reimbursement of the Unsatisfied Claim and Judgment Fund for the payment of personal injury protection benefits the Fund has made or shall make pursuant to N.J.S.A. 39:6-86.1 or 39:6-86.4, or any judgment or judgments which may be rendered against him or her for damages arising out of a motor vehicle accident in which such an individual has been involved shall be required in those situations where:

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

view of the total insurance protection available to an injured party.

R.1976 d.75, effective March 8, 1976.
See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).
Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (a), rewrote the introductory paragraph, and neutralized a gender reference in 1.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

In (a)6, substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE MOTOR VEHICLE COMMISSION

13:18-11.1 Motor Vehicle Commission organizational structure

(a) The Motor Vehicle Commission consists of the Chair/Chief Administrator and such offices and other organizational units as allowed by law and as necessary to carry out the Commission's statutory mandates.

(b) The Motor Vehicle Commission has a Deputy Chief Administrator.

(c) The Motor Vehicle Commission has a Chief of Staff.

(d) The Motor Vehicle Commission has three Assistant Chief Administrators, as follows:

1. Assistant Chief Administrator, Operations;
2. Assistant Chief Administrator, Motor Vehicle Agency Services; and
3. Assistant Chief Administrator, Finance and Administration.

(e) The Motor Vehicle Commission has 14 directors, as follows:

1. Director of Strategic Planning;
2. Director of Financial Management;
3. Director of Human Resources;
4. Director of Compliance and Safety;
5. Director of Security, Investigations and Internal Audit;
6. Director of Legal and Regulatory Affairs;
7. Director of Communications;
8. Director of Facilities and Support Services;

9. Director of Business and Government Operations;
10. Director of Field Operations;
11. Director of Central Office Operations;
12. Director of Information Technology;
13. Director of Inspection Services; and
14. Director of Procurement.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.2002 d.270, effective July 23, 2002.

See: 34 N.J.R. 2970(a).

Rewrote the section.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was "Division of Motor Vehicles organizational structure"; rewrite the section.

Amended by R.2009 d.219, effective July 6, 2009.

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

Rewrote (d), (e)3, (e)4, and (e)8 through (e)12; in the introductory paragraph of (e), substituted "14" for "12"; and added (e)13 and (e)14.

13:18-11.2 Public information requests and submissions

(a) Except as may be otherwise provided in N.J.A.C. 13:18-11.5, a member of the public may obtain information or make a submission or a request by writing to the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, PO Box 160, Trenton, New Jersey 08666-0160.

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

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.1995 d.218, effective May 1, 1995.

See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rewrote the section.

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

(a) All government records shall be subject to public access unless exempt from such access by N.J.S.A. 47:1A-1 et seq. as amended and supplemented, any other statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, Rules of Court, any Federal law, Federal regulation or Federal order, or regulation promulgated under the authority of any statute or Executive Order of the Governor. Where it shall appear that a person who has been convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access shall be

denied in accordance with N.J.S.A. 47:1A-2.2. Government records shall be readily accessible for inspection, copying, or examination by any person, with certain exceptions found within N.J.S.A. 47:1A-1 for the protection of the public interest, during the regular business hours of the Motor Vehicle Commission at the Trenton Regional Service Center, 120 South Stockton Street, Trenton, New Jersey or other office of the Motor Vehicle Commission as determined by the Custodian of Records. Any person shall have the right to inspect, copy, or examine government records under reasonable supervision during regular business hours. Any person shall have the right to purchase copies of government records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

(b) The right of inspection, copying, or examination of government records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the record or records being sought for inspection, copying, or examination pertain to any investigation in progress, if the inspection, copying, or examination of such record or records is inimical to the public interest.

(c) The Motor Vehicle Commission's database and the information contained in it do not constitute government records. In no event shall data or information contained in the database be provided to any person or entity which seeks to use such information for the purpose of commercial solicitation for profit or political canvassing or campaigning or any similar purpose or objective.

(d) Motor vehicle records shall be released in accordance with the provisions of the New Jersey Driver Privacy Protection Act (N.J.S.A. 39:2-3.2 through 39:2-3.7, inclusive).

(e) In the interest of public safety and privacy, the government records listed below shall only be made available for inspection, examination, and copying by a person who demonstrates to the satisfaction of the Chief Administrator of the Motor Vehicle Commission that he or she is the person to whom the record pertains or that he or she has a legitimate beneficial interest in the requested record for the protection of his or her property rights or the protection of any interest the person may have in any matter affecting the person to which said record is relevant. Availability may be limited to that part of the record which is particularly relevant to the person, and personal information may be deleted from the copy of such record. Such records include all those government records of the Motor Vehicle Commission relating to:

1. Driver licenses;
2. Vehicle registrations;
3. Vehicle titles; and
4. Driver histories.

(f) Persons requesting the inspection, examination or copying of government records of the Motor Vehicle Commission specified in this subchapter shall be required to pre-

sent identification, which shall include a photocopy of the requestor's driver license or, if the person is unlicensed, either a photocopy of the requestor's identification card issued by the Motor Vehicle Commission in accordance with the "Identification Cards for Nondrivers' Act" (N.J.S.A. 39:3-29.2 et seq.) or other proof of identity acceptable to the Commission, and to complete a formal request form prepared by the Motor Vehicle Commission, which shall include:

1. The requestor's name and address;
2. The requestor's driver license number or corporate identification number;
3. The requestor's reason for requesting the record;
4. The driver license number or the name, address, and birth date of the person whose driver record is requested;
5. The license plate number or VIN number of the vehicle for which a record is requested; and
6. A description of the information the requestor is seeking in order to ensure that a copy of the appropriate record is provided.

(g) Nothing in this section shall be construed as prohibiting the provision of an abstract of the operating record of any person by the Motor Vehicle Commission to insurance companies, persons furnishing any financial responsibility, and sureties on bonds in accordance with the provisions of N.J.S.A. 39:6-42.

(h) Nothing in this section shall be construed as prohibiting the provision of certificates of ownership by the Motor Vehicle Commission in accordance with the provisions of N.J.S.A. 39:10-14.

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (c) through (g).

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was "Public records: examination; purchase of copies; exemption"; rewrote the section.

Case Notes

Computerized database of the DMV is not a public record itself, but its contents are contained within the public records maintained by the DMV. *State v. Donis*, 157 N.J. 44, 723 A.2d. 35 (N.J.1998).

13:18-11.4 Fees; information search; exemption

(a) A person requesting to purchase a government record shall pay the fee established by the Motor Vehicle Commission as set forth in this section.

(b) The fees are as follows:

1. A Driver History Abstract:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

3. Violation Record:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

4. Mail Lists:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

5. Registration or Driver License Application:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

6. Boat Registration Application:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

7. Final Decision of Chief Administrator:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

8. File Search of Motor Vehicle Commission Records:
 - i. Uncertified, \$15.00.
 - ii. Certified, \$15.00.

(c) Payment shall be made by check or money order payable to the New Jersey Motor Vehicle Commission.

(d) Except as otherwise provided in (g) and (h) below, governmental agencies are exempt from the fees set forth in this section.

(e) Notwithstanding the fees set forth in this section, the Chief Administrator shall collect from high volume on-line information users a fee of \$12.00 for each driver history record requested on-line; a fee of \$12.00 for each vehicle registration record or each title record requested on-line; and a fee of \$12.00 for each title history requested on-line.

(f) "High volume users," as used in this section, shall be defined as those businesses approved by the Chief Administrator of the Motor Vehicle Commission for participation in its Limited On-Line Access program or its Standard Data Files program, which provides for the electronic transmittal of records. The Chief Administrator's approval shall be based on a business demonstrating its beneficial interest in and

legitimate business use of the Motor Vehicle Commission's database information, as well as on the volume of requests for such information.

1. Political and commercial solicitation and marketing shall not constitute legitimate business uses of the database information.

2. The volume of requests constituting "high volume" shall be a minimum of 100 requests per calendar quarter for the Limited On-Line Access program.

(g) Notwithstanding the fees set forth in this section, the Chief Administrator shall collect a fee of \$.05 per individual registration transaction record and individual title transaction record from users (including businesses acting on behalf of governmental agencies) of the Standard Data Files program, which provides for the electronic transmittal of registration and title records. The Chief Administrator may, in accordance with the New Jersey Drivers' Privacy Protection Act (N.J.S.A. 39:2-3.3 et seq.), redact "personal information" from the registration and title records made available through the Standard Data Files program. In all cases, the social security number shall be redacted from the registration and title records made available through the Standard Data Files program. A business user's utilization of personal information contained in the registration and title records that are made available through the Standard Data Files program shall be subject to the disclosure limitations set forth in the New Jersey Drivers' Privacy Protection Act (N.J.S.A. 39:2-3.4). In addition to the per record transaction fee set forth above, the Chief Administrator shall collect from users (including users who qualify as governmental agencies) of the Standard Data Files program a processing fee equal to the service fee imposed on the Motor Vehicle Commission by the Office of Information Technology for data processing costs incurred in formatting the registration and title records requested by the user. The \$.05 fee per individual registration transaction record and individual title transaction record set forth in this subsection shall be phased in as follows:

1. A fee of \$.03 per transaction record shall be collected in 2005;

2. A fee of \$.04 per transaction record shall be collected in 2006; and

3. A fee of \$.05 per transaction record shall be collected in 2007.

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

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

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

Amended by R.1996 d.410, effective September 3, 1996.

See: 28 N.J.R. 2795(b), 28 N.J.R. 4110(a).

Added \$4 fee for high volume on-line information users.

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (g).

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rewrote the section.

Amended by R.2009 d.219, effective July 6, 2009.

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

In (b) and (e), updated the fee amounts throughout.

Case Notes

Motor Vehicle Commission must proceed to rule-making in accordance with *Metromedia, Inc. v. Director, Div. of Taxation*, 97 N.J. 313 (1984), to effectuate its interpretation that only motor vehicle dealers, attorneys, and towing companies acting on their own behalf are covered by N.J.S.A. 39:2-3.4(c)(7), which permits limited access to motor vehicle data "for use in providing notices to the owners of towed or impounded vehicles." *DeMarco v. N.J. Motor Vehicle Comm'n*, OAL Dkt. No. MVH 04159-07, 2008 N.J. AGEN LEXIS 305, Initial Decision (April 7, 2008).

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

A person may request a copy of a government record of the Motor Vehicle Commission not specified in this subchapter, or make inquiry concerning the inspection, copying, or examination of a government record not specified in this subchapter, by contacting:

Official Custodian of Records
New Jersey Motor Vehicle Commission
225 East State Street
PO Box 122
Trenton, NJ 08666-0122
Attn: Manager, Bureau of Information Update and Retrieval
Telephone: (609) 292-4572

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

Amended by R.2000 d.174, effective May 1, 2000.

See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Changed address.

Amended by R.2005 d.359, effective November 7, 2005.

See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

Rule heading was "Procedures for record examination or request to purchase public records"; rewrote the section.

13:18-11.6 Extension of the public comment period

(a) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, may extend the time for submission of public comments on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, shall extend the time for submission of public comments for an additional 30-day period if, within 30 days of the publication of a notice of proposal, sufficient public interest is demonstrated in an extension of time to submit comments.

(c) Sufficient public interest is demonstrated in an extension of the comment period when 50 or more individuals have expressed the need for the extension of the comment period.

New Rule by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

13:18-11.7 Conducting a public hearing

(a) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, may conduct a public hearing on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Motor Vehicle Commission in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30, shall hold a public hearing on a proposed rulemaking at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is demonstrated within 30 days of the publication of the proposed rulemaking in the New Jersey Register.

(c) Sufficient public interest is demonstrated with regard to the conducting of a public hearing when 100 or more individuals have either expressed the need for a public hearing on the rule proposal or disagreement with one or more substantive provisions of the rule proposal.

(d) The Motor Vehicle Commission shall not consider, in the calculation of the number of comments received under (c) above, those comments that relate to specific recommended changes in the rules that the Motor Vehicle Commission has agreed to make or does not have the legal authority to make.

New Rule by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).

13:18-11.8 Notice of rulemaking proposals

(a) When the Motor Vehicle Commission causes a rulemaking proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall distribute a notice of the rulemaking proposal to the news media maintaining a press office in the State House Complex.

(b) When the Motor Vehicle Commission causes a rulemaking proposal to be published in the New Jersey Register, the Motor Vehicle Commission shall make available on its internet website (www.state.nj.us/mvc) a notice of the rulemaking proposal.

(c) When the Motor Vehicle Commission causes a rulemaking to be published in the New Jersey Register, the Motor Vehicle Commission shall mail either the notice of proposal, as filed, or a statement of substance of the proposed action to those persons who have made timely requests to the Motor Vehicle Commission for notice of its rulemaking activity.

(d) When the Motor Vehicle Commission causes a rulemaking to be published in the New Jersey Register, the Motor Vehicle Commission shall mail the notice of proposal, as filed, to a distribution list of organized entities that are the subject of or significantly related to the notice of proposal.

(e) When the Motor Vehicle Commission causes a rulemaking to be published in the New Jersey Register, the Motor Vehicle Commission shall post the notice of proposal, as filed, or a statement of substance of the proposed action in the lobby of the Motor Vehicle Commission's administrative office at 225 East State Street, Trenton, New Jersey.

New Rule by R.2005 d.359, effective November 7, 2005.
See: 37 N.J.R. 1484(a), 37 N.J.R. 4299(a).