

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

Chapter 18, Executive and Administrative Service, expires on March 28, 2000.

Chapter Historical Note

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 Chapter 18 was repealed and replaced by R.1972 d.107, effective July 1, 1972.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

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 Subchapters 1, 2 and 3 were repealed and a new Subchapter 1, Permits for Overdimensional or Overweight Vehicles, was adopted as R.1972 d.107, effective July 1, 1972.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 Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and a new Subchapter 4, Motor Fuels Use Tax Act, was adopted as R.1973 d.215, effective August 8, 1973.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

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

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

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SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES

13:18-1.1 Scope

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

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;

3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;

4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

13:18-1.2 Requirement of permit

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

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

13:18-1.3 Period of permit validity

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

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

13:18-1.4 Reservation of Division's rights

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

13:18-1.5 Fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. \$100,000 for bodily injury or death to any one person in any one occurrence;

2. \$300,000 for bodily injury or death to two or more persons in any one occurrence;

3. \$100,000 for damage to or destruction of property in any one occurrence.

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

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

13:18-1.7 Exceptions; insurance certificate requirement

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

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

13:18-1.8 Permits generally

(a) No permit shall be valid:

1. For the operation of a vehicle or combination of vehicles transporting a load which can be dismantled, reduced in quantity or feasibly loaded in such a manner so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not exceeded, except for sealed containers of the type commonly used

for the conveyance of freight transport in international ocean-going commerce, bearing the seal of the United States Customs Service, where the per-axle weight limitation does not exceed 38,000 pounds for one tandem axle unit only in a tractor/semi-trailer combination;

2. On any toll road;

3. Unless there is compliance with all applicable requirements of this subchapter and pertinent statutory provisions.

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

13:18-1.9 Overweight permits

(a) An overweight permit shall not be valid:

1. For the operation of a vehicle registered or required to be registered in New Jersey unless the vehicle is registered in this State at the maximum registration weight permitted under N.J.S.A. 39:3-20.

2. When the gross weight of the vehicle or combination of vehicles, including load, exceeds 800 pounds per inch in width of tires on all wheels, or when the load is distributed so as to impose a weight of more than 800 pounds per inch in width of tire on any one wheel.

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

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

13:18-1.10 Invalidity of oversize permits

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

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

(c) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles during any

period when lighted lamps are required, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

Amended by R.1976 d.297, effective September 22, 1976.

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).

Amended by R.1990 d.225, effective May 7, 1990.

See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

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

13:18-1.11 Escort vehicle requirements

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

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

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

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

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

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

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

13:18-1.12 Warning signs

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

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

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

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

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

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

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).

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

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

13:18-1.13 Warning flags

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

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

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

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

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

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

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

13:18-1.14 Headlamps and taillamps

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

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

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

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

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

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

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

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

13:18-1.16 Book permits

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 2. INTERNATIONAL REGISTRATION PLAN

Authority

N.J.S.A. 39:3-20 and P.L.1995, c.157.

Source and Effective Date

R.1996 d.186, effective April 1, 1996.
See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

13:18-2.1 Definitions

The following definitions apply for the purposes of the International Registration Plan (IRP):

"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 recreation 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.

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

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

“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.

“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 traveling 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.

“Pool fleet” means a fleet of rental company trailers and semi-trailers, each vehicle having a gross vehicle weight in excess of 6,000 pounds, used solely in pool operation without a permanent base.

“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,” “house trailer,” “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 or 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.

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 N.J.S.A. Title 39;
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.

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 Division. 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.

13:18-2.4 Mileage and registration fee calculation

(a) Based upon the application, the Division 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 Division. 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 Division may adjust a mileage estimate if not satisfied with its accuracy, and may deny registration for vehicles where the registration weight requested does not reflect standard operating practices.

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 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 Division.

(b) When a vehicle is deleted from an apportioned vehicle fleet before the expiration of registration, the registrant of the fleet shall notify the Division on the prescribed forms and return to the Division all credentials 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 \$1.00 shall not be applied.

13:18-2.7 Refunds

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

1. Error by the Division;
2. Error by the registrant on a mileage application; or
3. An audit by the Division 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 \$1.00 shall not be granted.

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 Division.

(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 Division, 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.

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 Division 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 Division, 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.

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 section, a non-apportioned \$7.00 administrative transaction fee per vehicle shall be assessed by the Division 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.

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 Division, 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 Division, 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) A TA shall to 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 Division 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 Division which was suspended, revoked, denied or cancelled for any reason.

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

(j) The Division 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.

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 Division, 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 Division. 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 transferrable.

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

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

13:18-2.14 Hunter's permit

(a) The Division 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.

13:18-2.15 Fleet merger; fleet acquisition

(a) The registrant shall notify the Division 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.

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 Division 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.

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 Division;
4. The rental owner receives Division approval to make application to apportion such designated rental vehicle(s), on the forms and in the manner prescribed by the Division; 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 in 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 Division.

(c) Rental owner registrants engaged in the business of rental 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 Division.

1. All monthly revenue earnings reports and summaries shall be submitted on the forms and in the manner prescribed by the Division, 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 Division on a quarterly basis on forms and in the manner prescribed by the Division. 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 semi-trailers 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 semi-trailers owned or operated in such rental fleet on the first day of each registration year, resulting in the number of rental pool fleet trailers/semi-trailers to be registered in New Jersey during the renewal period of each registration year.

3. Registrants of trailers/semi-trailers 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/semi-trailers 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 semi-trailers 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/semi-trailers 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 semi-trailers. 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 semi-trailer registration and/or renewal.

(g) Rental owners engaged in the business of renting or leasing utility trailers equal to or less than 6,000 pound 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 vehicles 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 vehicles that are subject to registration in New Jersey for any particular quarter; and

6. The rental owner registrant of utility vehicles 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.

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.

i. Mileage records of both the household goods carrier and those of the service representative (which shall include those miles traveled within New Jersey as intrastate miles) shall be used to calculate the apportionment of fees.

ii. All mileage records shall be maintained or available in the base jurisdiction of the household goods carrier.

(b) If an owner-operator other than a service representative uses its vehicle(s) exclusively to transport cargo for a household goods carrier, such vehicle(s) shall be apportionally registered in the jurisdiction of the household goods carrier.

1. The name of the owner-operator as lessor and the household goods carrier as lessee shall appear in the registration record and on the cab card itself.

2. The household goods carrier shall maintain a record of the miles traveled for calculating fees.

13:18-2.19 Buses

(a) The apportionment of bus registration fees shall be based solely on the relationship of base jurisdiction miles versus total miles operated. Apportionment shall be accomplished as provided in this section.

(b) The registrant shall file an application for apportioned registration with the base jurisdiction listing buses assigned in pools.

(c) At the option of the registrant, total miles may be the sum of all actual in-jurisdiction miles or a sum equal to the scheduled route miles per jurisdiction from the farthest point of origination to the farthest point of destination of the scheduled pool.

(d) After determining the total miles as specified in (c) above, in-jurisdiction mileage percentage factors shall be derived by dividing the total miles into the in-jurisdiction miles.

(e) Miles generated outside the designated pool are deemed to be reciprocity miles and the base jurisdiction may add such miles to the base jurisdiction's mileage total.

13:18-2.20 Replacement credentials

(a) The applicant shall certify the reason for replacement of any apportioned credential.

(b) If an apportioned license plate has been reported as stolen, the corresponding apportioned cab card shall be returned to the Division.

(c) The fee for issuance of a replacement of a lost, stolen, mutilated or illegible apportioned cab card shall be \$7.00.

(d) The fee for issuance of a replacement of a lost, stolen, mutilated or illegible license plate set shall be set forth in N.J.A.C. 13:20-34.5.

13:18-2.21 Recordkeeping and preservation

(a) Apportioned registrants shall preserve all operational records for three years after the apportioned registration credential expiration date, including, but not limited to, the following:

1. All initial, replacement, renewal, supplemental, or other apportioned applications, hunter's permits, temporary authorizations, and trip permits;

2. All source documents supporting the total mileage and in-jurisdiction mileage figures reported. Source documentation shall contain the minimum following information and shall be completed for each driver of an apportioned vehicle: the date of trip (starting and ending); the trip origin and destination; the route of travel and/or beginning and ending odometer or hubometer reading of the trip; the total trip miles; the mileage by jurisdiction; the unit number, plate number or vehicle identification number; the vehicle fleet number; the registrant's name; the trailer number; and the driver's signature and/or name.

i. Registrants shall recap the source documentation into monthly and yearly summaries broken down by fleet, unit and jurisdiction.

ii. The registrant may use a computer or other electronic form of summarization only if directly supported by IVMR's.

iii. The registrant may use electronic and/or photographic processes to maintain copies of source documentation only if the review of such copies is readily available to the Division during an audit.

iv. The information recorded on the source documentation shall be accurate and readable. The mileage figures entered on the source documentation shall be obtained from the vehicle odometer or hubometer readings, state maps, standard mileage guides or household goods mileage guides. The method used to report mileage shall be consistent during the annual reporting period.

v. The registrant shall record all movement of an apportioned vehicle (interstate and intrastate) including loaded, empty, deadhead and/or bobtail miles. The registrant shall also record all miles generated while operating under a trip permit.

vi. The registrant shall provide an explanation for any discrepancies regarding mileage or lapses of vehicle movement.

vii. It shall be the responsibility of the lessor in a trip lease situation to report all miles accumulated by the apportioned units.

(b) An acceptable source document is an "Individual Vehicle Mileage Record" (IVMR).

(c) If the registrant fails to maintain required records in the prescribed manner, the Division shall provide notification that the registrant must provide such records within 30 days. Failure to comply within 30 days may result in the imposition of assessments based upon the available information and documentation.

13:18-2.22 Audits

(a) The Division shall perform audits in accordance with the International Registration Plan Agreement.

(b) The Division shall initiate and conduct audits as may be reasonably necessary to establish the existence of non-compliance with this subchapter.

(c) For the purpose of audit, investigation, or proceeding, the Division shall administer oaths, subpoena witnesses, compel attendance, take evidence and require the production of any book, log, paper, correspondence, memorandum, agreement, contract, lease, or any other document, record, or report, deemed to be relevant or material to the inquiry.

(d) If all of the operational records are not located within New Jersey, the Division shall require the registrant to fully reimburse the Division for all costs that the Division incurs in the performance of the audit.

(e) After completion of an audit, the Division shall notify all member jurisdictions in which the registrant is apportionally registered as to the accuracy of the records maintained or preserved by the registrant.

(f) If a discrepancy is found in the records of a registrant in the performance of an audit, the Division shall notify the registrant and furnish such information to the affected member jurisdictions.

13:18-2.23 On-board recording systems

(a) The use of on-board recording systems/devices is permitted under the following conditions:

1. A review of the system is performed by the Division and written approval is given by the Director; and
2. The system meets all current requirements of the IRP.

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. MOTOR FUELS USE TAX ACT

13:18-4.1 Scope

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

1. Registrations, identifying markers and reports (N.J.A.C. 13:18-1.1 et seq., filed July 26, 1963);

2. Amendment (N.J.A.C. 13:18-4.14, filed September 23, 1965);

3. Amendments (N.J.A.C. 13:18-4.3, 13:18-4.6, 13:18-4.7, 13:18-4.8, 13:18-4.10, 13:18-4.11, 13:18-4.17; filed May 14, 1968);

4. Supplement (N.J.A.C. 13:18-4.19, filed May 14, 1968).

13:18-4.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13:18-4.3 User registration

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

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

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

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

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

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

13:18-4.4 Identification cards and markers

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

(b) The application shall provide the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13:18-4.5 Permits

(a) Upon request by the user and payment of the \$5.00 fee, the Division may issue over the counter, by mail or collect telecommunication, an emergency permit authorizing the operation in this State of a vehicle pending the issuance of an identification card and/or decal. The decal will be issued at no additional charge.

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

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

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

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

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

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

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

Case Notes

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

13:18-4.7 Tax reports; content

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

1. The total miles traveled in his operations within and without New Jersey;
2. The total fuel used in his operations within and without New Jersey;
3. The average number of miles traveled per gallon of fuel used in his operations within and without New Jersey;
4. The total miles traveled in his operations within New Jersey;
5. The number of gallons of fuel used in his operations within New Jersey determined by dividing the number of miles traveled in this State by the average miles per gallon of fuel used in his operations within and without this State;
6. The total number of gallons of fuel purchased in New Jersey on which the New Jersey motor fuels tax was paid showing separately the number of gallons withdrawn from bulk storage in this State and the number of gallons purchased at service stations;
7. The tax due on fuel used in New Jersey;
8. The tax paid on fuel purchased in New Jersey;
9. New Jersey fuel tax paid in excess of fuel use tax due;
10. New Jersey fuel tax credit claimed from prior quarter;
11. Net fuel use tax due;
12. Late filing penalty and interest due.

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

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

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

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

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

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

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

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

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

1. Said fuel was stored for future use at a facility in New Jersey.
2. The records of his operations within and without this State are made available in New Jersey.
3. The quantity of fuel withdrawn from such storage facility in the applicable quarter equals or exceeds the amount of fuel used outside of New Jersey.
4. The claim exceeds the tax on 2,000 gallons of fuel or one per cent of the total fuel purchased in this State, whichever is larger.

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

(d) No claim for refund will be honored until an auditor of this Division has examined the claimant's records and finds that the claim is allowable in whole or in part, unless

the claimant has filed a surety bond—issued by a company authorized to do business within this State—in the full amount of all unaudited claims.

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

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

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

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

Case Notes

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

13:18-4.10 Records required

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

1. Each vehicle subject to the Act identified by its fleet number, serial number or license plate number, vehicle type—tractor, truck or bus—and type of fuel used;
2. Readings for each vehicle at beginning and end of quarter taken from mileage recording instrument;
3. Total mileage traveled by each vehicle in all States, including New Jersey;
4. Total mileage traveled by all vehicles in all States, including New Jersey;
5. Number of gallons of fuel delivered into the service tanks of each vehicle in all States from bulk storage or purchased on the road;
6. Total gallons of fuel delivered into the service tanks of all vehicles in all States;
7. Number of gallons of fuel delivered into service tanks of each vehicle in New Jersey from bulk storage or purchased on the road;
8. Total gallons of fuel delivered into service tanks of all vehicles in New Jersey from bulk storage or purchased on the road.

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

1. Trip record for each trip by each vehicle showing beginning and ending readings from mileage recording instrument; total miles traveled; miles traveled in New Jersey; points of origin; destination and turn around; points of entry and exit from New Jersey;
2. Driver's logs required to be kept by any governmental agency;
3. Copies of mileage and fuel use reports made to any State or Federal government agency;

4. Shipping manifests, freight bills, or bills of lading;
5. Payroll records where driver's wages are affected by miles traveled;
6. Records of payments based on mileage made to leasing companies;
7. Fuel purchase receipts;
8. Bulk fuel storage record for each storage facility within and without New Jersey showing inventory at beginning of quarter, purchases made during quarter, withdrawals by individual vehicle and inventory at the end of the quarter.

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

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

Case Notes

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

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

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

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

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

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

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

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

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

13:18-4.12 Desk audits; assessments

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

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

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

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

13:18-4.13 Demand for payment

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

13:18-4.14 Interest, assessments and refund recovery

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

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

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

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

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

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

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

13:18-4.15 (Reserved)

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

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

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

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

13:18-4.16 Notice of address change

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

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

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

Changed term "motor carriers" to "users".

13:18-4.17 Preservation of records

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

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

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

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

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

Changed term "motor carriers" to "users".

13:18-4.18 (Reserved)

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

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

13:18-4.19 Refunds application

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

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

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

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

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

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. INSURANCE VERIFICATION

13:18-6.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Personal lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of nonfleet private passenger automobile insurance policies on and after July 1, 1994. Commercial lines insurers shall only provide information concerning policies covering nonfleet private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Director.

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

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

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

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

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

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

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

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

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

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

13:18-6.3 Registration expiration

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

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

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

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

(c) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the owner has

surrendered or caused to be surrendered to the Director, or his or her designee, the registration certificate (including any duplicate registration certificate and family registration certificate), and registration plates issued thereto prior to the time the cancellation of insurance became effective.

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

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

1. File or cause to be filed with the Director, or his or her designee, a formal statement informing the Director that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;
2. File or cause to be filed with the Director, or his or her designee, proof in a form specified in N.J.A.C. 13:18-6.7 that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;
3. Agree to immediately notify the Director upon the return of the vehicle to the United States in North America or the Dominion of Canada; and
4. Agree to file or cause to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 when the vehicle is returned to the United States in North America or the Dominion of Canada.

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

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

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

1. A valid permanent insurance identification card issued in accordance with N.J.A.C. 11:3-6.2;
2. A valid temporary insurance identification card issued in accordance with N.J.A.C. 11:3-6.3;
3. The declaration page of an insurance policy;
4. An insurance policy binder;
5. A notice of policy reinstatement issued by the insurer which notified the Division of cancellation of motor vehicle liability insurance coverage pursuant to section 50(b) of the FAIR Act;
6. A certificate of self-insurance issued by the Department of Insurance pursuant to N.J.S.A. 39:6-52; or
7. Any other proof deemed acceptable by the Director, including post-audit verification by confirmation from the new policy data received from the insurance company.

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

(c) Any person who submits or causes to be submitted to the Division any falsely made, forged, altered or counterfeited proof of motor vehicle liability insurance coverage pursuant to this subchapter may be subject, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19, to a suspension of his or her driving privileges for a period not to exceed two years.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Director, in his or her discretion, may rescind an order of suspension of a vehicle registration and an order of suspension of a driver's license pursuant to subsections (d)

and (g) of section 50 of the FAIR Act if the owner of the vehicle satisfies the following requirements:

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

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

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

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

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

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

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

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

sion of the fee for the set of replacement plates as set forth in N.J.A.C. 13:20-34.5(b).

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

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

Revised text.

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

13:18-6.10 Confidentiality of information

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

13:18-6.11 Operative date

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

APPENDIX A

Insurance Verification Program

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

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

Legend:

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

APPENDIX B

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

FIELD DESCRIPTION

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

APPENDIX C

Insurance Verification Program

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

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

Legend:

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

APPENDIX D

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

FIELD DESCRIPTION

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

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

13:18-9.1 Security deposits for uninsured motorists

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

1. The uninsured owner or operator has been involved in an accident resulting in injury to a passenger in his vehicle and the passenger is not otherwise protected by an automobile insurance policy;
2. The uninsured owner or operator has been involved in an accident resulting in injury to a pedestrian or bicyclist who is not otherwise protected by an automobile insurance policy;
3. The uninsured owner or operator has been involved in an accident resulting in injury to a non-resident motorist who is not protected by uninsured motorist coverage;
4. The uninsured owner or operator has been involved in an accident resulting in damage to property other than a motor vehicle;

5. The uninsured owner or operator has been involved in an accident resulting in the filing of a claim by a qualified individual against the Unsatisfied Claim and Judgment Fund for payment of personal injury protection benefits pursuant to N.J.S.A. 39:6-86.1 or N.J.S.A. 39:6-86.4;

6. The Director of the Division of Motor Vehicles determines a deposit of security to be necessary in view of the total insurance protection available to an injured party.

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

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE
DIVISION OF MOTOR VEHICLES

13:18-11.1 Division of Motor Vehicles organizational structure

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

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

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

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

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

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

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

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

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

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

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

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

1. Central Services Bureau;
2. Facilities Management Bureau;
3. Financial Management Bureau; and
4. Personnel Administration Bureau.

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

13:18-11.2 Public information requests and submissions

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

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

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

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

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

copy public records by hand under reasonable supervision during regular business hours. Citizens shall have the right to purchase copies of public records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

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

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

13:18-11.4 Fees; information search; exemption

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

(b) The fees are as follows:

1. A Driver History Abstract:
 - i. Uncertified, \$10.00.
 - ii. Certified, \$10.00.
2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
3. Violation Record:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
4. Mail Lists:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
5. Registration or Driver License Application:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
6. Boat Registration Application:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
7. Final Decision of Director:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
8. File Search of Division Records:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
9. Telephonic Search of Division Records: \$6.00.

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

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

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

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

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

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

Official Custodian of Records
New Jersey Division of Motor Vehicles
120 South Stockton Street
Trenton, New Jersey 08666
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).