

(f) All applicants shall disclose whether they intend to trade or do business under a name other than the name in which the application is filed. Subsequent to licensing, a dealer shall be required to report to the Division of Motor Vehicles any additional business name or changes in existing names under which the dealer intends to do business.

(g) Photographs and/or plans which clearly depict the complete premises from which a dealer intends to do business shall be submitted with the initial application for a dealer license.

13:21-15.2 Proper person

(a) In order to be considered a proper person, an applicant must:

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts;
2. Be of sufficient good character, in the Director's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Director in making this determination, he may consider an applicant's financial responsibility as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license;
3. Not have been convicted of a crime arising out of fraud or misrepresentation in the sale or financing of a motor vehicle;
4. Submit, within ten days after preliminary approval of his application, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance shall be in an amount sufficient in the judgment of the Director of the Division of Motor Vehicles to protect the public from injury or loss due to the operation of said vehicles.

Case Notes

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

Denial of motor vehicle dealer license reversed upon finding of good moral character despite aberrant narcotics conviction. Leston v. Div. of Motor Vehicles, 3 N.J.A.R. 111 (1981).

13:21-15.3 Established place of business

(a) All applicants for a dealer license shall submit satisfactory evidence that the applicant has established and maintained a permanent, properly identified location where-in there are facilities to display automobiles and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business, including all documents required by N.J.S.A. 39:10-6.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has

letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

(c) A proposed place of business will not be considered suitable for approval if there are two or more licenses issued for the same premises, except where there is absolutely common identity of ownership or where an affiliated motor vehicle leasing company is also licensed as a motor vehicle dealer and in such cases a record of the transactions of each licensed dealer shall be separately maintained.

(d) Any licensed dealer who changes his or her business location or intends to open a branch operation must notify the Dealer Licensing Unit of the Division of Motor Vehicles prior to doing so.

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

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

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

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

Case Notes

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

13:21-15.4 Grounds for rejection or suspension or revocation of a dealer license

(a) The Director may deny an application for a license, or revoke or suspend a license after it has been granted for any of the following reasons:

1. Applicant or licensee is not a proper person as defined above;
2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule;
3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued or which was suspended for cause and the terms of such suspension have not been satisfied;
4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant be a corporation, previously held a license issued under the authority of this Division, which was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied;
5. Any willful failure to comply with any provision of this rule;
6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule.

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

8. If it is found by an administrative determination of the Division of Motor Vehicles that the subject dealer has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the dealer's possession shall be prima facie proof that such alteration was performed by the dealer or with his consent;

9. Any failure to maintain the qualifications for a license herein set forth or otherwise set forth by law.

As amended, R.1976 d.4, effective January 8, 1976.
See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

Case Notes

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

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

13:21-15.5 Hearing

Before the Director denies an application for or revokes or suspends a dealer license, he shall provide the applicant or licensee an opportunity for a hearing in accordance with N.J.S.A. 52:14B-1 et seq.

Case Notes

Denial of motor vehicle dealer license reversed upon finding of good moral character despite abherring narcotics conviction. Leston v. Div. of Motor Vehicles, 3 N.J.A.R. 111 (1981).

13:21-15.6 Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

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

(b) A motor vehicle dealer who violates (a) above may have his motor vehicle dealer's license suspended for the periods as set forth in (c) below, pursuant to the provisions set forth in N.J.S.A. 39:10-20.

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

(d) The Director may refuse to renew a dealer license where the applicant has had two or more violations of (a) above which resulted in a suspension pursuant to (b) above.

New Rule, R.1985 d.699, effective January 21, 1986.
See: 17 N.J.R. 169(a), 18 N.J.R. 203(b).

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

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

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

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

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

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

13:21-16.3 Nondriver identification card class codes

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

IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

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

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

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

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

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

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

13:21-17.2 Restrictions

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

1. The crossing areas are adequately lighted or the vehicle(s) crossing the roadway are equipped with at least two white lights to the front, capable of illuminating persons or objects at a distance of 500 feet under normal atmospheric conditions and two four-inch, Class A amber reflects, on each side of the vehicle—one towards the front of the vehicle and the other to the rear; or

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

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

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

13:21-17.3 Warning signs

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

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

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