

CHAPTER 23 DRIVING SCHOOLS

Authority

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

Source and Effective Date

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

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 23, Driving Schools, expires on November 10, 2004. See: 36 N.J.R. 2180(a).

Chapter Historical Note

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

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

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

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

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

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SUBCHAPTER 1. DEFINITIONS

13:23-1.1 Definitions

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

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

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

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

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

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

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

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

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

“Person” means an individual, corporation or partnership.

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

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

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

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

Changes throughout definitions.

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

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

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

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

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

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

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

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

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

“Subchapter” changed to “subchapter”.

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

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

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

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

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

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

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

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

13:23-2.2 Applications; contents

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

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

SUBCHAPTER 2. DRIVING SCHOOLS

13:23-2.1 Licenses

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

(c) When application is made by an individual it must be signed and sworn to by said individual. In the case of a partnership, the application shall be signed and sworn to by all partners. In the case of a corporation, the application must be signed and sworn to by the president and attested to by the secretary.

(d) Individual applicants, partners and corporate officers are required to submit fingerprint cards along with an application for an initial license. Upon application for renewal of a license, the Director, in his or her discretion, may require the applicant's authorization to conduct a name check. The applicant shall submit authorization for the name check and payment in such amount as established by the Division of State Police.

(e) Every initial application must be accompanied by the following supplementary documents:

1. In the case of a corporation, a certified copy of a certificate of incorporation, and a copy of the corporate resolution authorizing the corporation to engage in the business of operating a driving school;
2. Samples of each form to be used by the driving school;
3. A statement of whether classroom instruction is offered by the driving school;
4. Proof of compliance with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes. Said proof shall consist of a letter from the zoning board of the municipality in which the school is located or a copy of the certificate of occupancy issued by the municipality; and
5. Proof of workers' compensation for all employees.

Amended by R.1978 d.68, effective February 22, 1978.

See: 10 N.J.R. 16(e), 10 N.J.R. 122(c).

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

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

Section substantially amended.

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

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

Deleted address for the Division of Motor Vehicles; changed "ten days" to "30 days" in (a).

Changed "any one partner" to "all partners" with stylistic changes in (c).

Changed "record" to "cards"; deleted "the Director, in his discretion, may require fingerprint records to be submitted by applicants for renewal licenses."; added "Upon application . . . Police." in (d).

Changed "corporation" to "corporate" and "driver" to "driving" in (e)1.

Deleted "contract"; added "driving" in (e)2.

Substituted old text for new text in (e)3.

Deleted (e)4 through 7.

Redesignated existing (e)8 as 4 and substituted old text for new text.

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

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

13:23-2.3 License fee; term

(a) The annual fee for the initial license shall be \$250.00; the fee for a renewal license shall be \$200.00.

(b) The license shall be valid for the calendar year for which it is issued.

(c) The licensee shall be assigned the same license number for the duration of the license.

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

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

Section substantially amended.

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

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

Added "for which it is issued" in (b).

Added (c).

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

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

In (a) increased the fee from \$100 to \$200.

13:23-2.4 Display of license

(a) The license shall be conspicuously displayed at the licensee's principal place of business.

(b) The licensee shall not alter, delete from, add to, or in any manner cover any portion of the license.

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

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

Section substantially amended.

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

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

Deleted "original" in (a).

Changed "license" to "licensee" in (b).

13:23-2.5 Change of business ownership or interest

(a) In the event of any change of ownership or interest in the business, application for a new license must be filed with the Director within seven days of such change of ownership or interest. This shall include any sale or transfer of five percent or more of capital stock of a corporation. In the event of a sale or transfer of less than five percent of the capital stock it shall not be necessary for the licensee to pay a new fee to the Director.

(b) The Director may, in his or her discretion, permit continuance of the business by the licensee pending processing of the application made by the person to whom the business, or interest therein, is to be transferred. The licensee shall request in writing the Director's permission to continue the business pending the processing of the application.

(c) In the event of a name change as a result of a sale or transfer, the existing license and copies thereof, all instructors' certificates issued thereunder, and all other documents issued in connection with the driving school must be surrendered before a license will be issued to the new owner.

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

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

Section substantially amended.

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

Changed heading; former title "Nontransferability".

Added "within seven days of such change of ownership or interest" and "or transfer"; changed "more than 25 percent" to "five percent or more"; changed "25 percent" to "five percent" in (a).

Deleted "The Director must be notified in writing immediately when agreement is entered into the transfer ownership of the business or any interest therein." in (b); added "or her".

Added "In the event of a name change as a result of a sale or transfer, the"; changed "driver" to "driving" in (c).

13:23-2.6 Lost, mutilated or destroyed licenses

(a) In the event a license, or duplicate thereof, is lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the facts and payment of a fee of \$5.00 and, in the case of a mutilated license, upon surrender of such mutilated license. Such proof shall be submitted in the form of an affidavit indicating:

1. The date the license, or duplicate thereof, was lost, mutilated or destroyed; and

2. The circumstances involving the loss, mutilation or destruction of the license, or duplicate thereof.

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

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

"\$1.00" changed to "\$3.00"; "or duplicate thereof," added.

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

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

Changed "will" to "shall" in (a).

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

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

In (a) increased the fee from \$3 to \$5.

13:23-2.7 Surrender of license

(a) A license may be surrendered for cancellation, or deposited for safekeeping, at the Division of Motor Vehicles.

(b) In all such cases the licensee is required to state, in writing, the reason for such surrender or deposit.

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

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

Section substantially amended.

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

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

Changed "deposit" to "deposited"; deleted "Bureau of Certificate of Ownership, Title Transfers and Duplicates of the" in (a).

13:23-2.8 Location of business

No licensee shall conduct his business at such location or in such manner as to give the appearance to the public that the business has some official connection with a Division of Motor Vehicle facility or authorized motor vehicle agency. In making this determination the Director may consider the proximity of the place of business to any building in which motor vehicle registrations or driver licenses are issued to the public, the proximity of the place of business to the location where driving tests are conducted by the Division of Motor Vehicles, the trade name under which the licensee conducts business, the nature of any signs or advertisements used by the licensee and any other factor which tends to give the impression that the licensee has some official connection with the Division of Motor Vehicles any officer or agent of the Division of Motor Vehicles.

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

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

Section substantially amended.

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

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

Deleted "the premises of an"; changed "agent" to "agency"; added reference to the Division of Motor Vehicles.

Deleted (b).

13:23-2.9 Change of business location or name

(a) A driving school may not change its principal place of business or branch office or business name without prior approval of the Director.

(b) Any renewal application which reflects a change of business address shall include proof of compliance with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes as set forth in N.J.A.C. 13:23-2.2(e)4.

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

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

Added "principal place of business or branch office".

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

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

Added "business" and "or name" to heading.

Changed "drivers' school" to "driving school"; added "or business name" to newly designated (a).

Added (b).

13:23-2.10 Prohibited business locations

No license shall be issued for a driving school where the place of business is conducted from a liquor store, a bar, tent, temporary stand, temporary address or through the exclusive facilities of a telephone answering service.

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

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

Section substantially amended.

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

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

Changed heading; former title "Locations prohibited, compliance with State and local ordinances and codes".

Changed "drivers' school" to "driving school" in (a).

Deleted (b).

13:23-2.11 (Reserved)

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

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

13:23-2.12 Denial, suspension or revocation of license

(a) After due notice in writing thereof, in accordance with the provisions of N.J.S.A. 39:12-1 et seq. and the "Administrative Procedure Act," N.J.S.A. 52:14B-1 et seq., the Director may deny issuance or renewal of a driving school license or may suspend or revoke such license on the basis of any of the following criteria:

1. Any reason specified in N.J.S.A. 39:12-1 et seq. or failure of the applicant or licensee to comply with any of the provisions of this chapter;

2. Failure of the applicant or licensee to provide information or documentation required by N.J.S.A. 39:12-1 et seq. or this chapter or requested by the Director, or concealment of a material fact by the applicant or licensee, or the supplying of information which is untrue or misleading as to a material fact;

3. The conviction of any proprietor, partner, officer, director or stockholder of a licensed driving school, or of an entity seeking such licensure, of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

All crimes of the first degree;

N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:11-4b (manslaughter);

N.J.S.A. 2C:11-5 (vehicular homicide);

N.J.S.A. 2C:12-1b (aggravated assault);

N.J.S.A. 2C:13-1 (kidnapping);

N.J.S.A. 2C:14-1 et seq. (sexual offenses);

N.J.S.A. 2C:15-1 (robberies);

N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);

N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);

N.J.S.A. 2C:18-2 (burglary);

N.J.S.A. 2C:20-1 et seq. (theft and related offenses);

N.J.S.A. 2C:21-1 et seq. (forgery and fraudulent practices);

N.J.S.A. 2C:21-4a (falsifying or tampering with records);

N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);

N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);

N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-3 (misconduct in office and abuse of office);

N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances);

N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

ii. Any other offense under present New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in N.J.S.A. 39:12-1 et seq. and this chapter;

4. The failure of any proprietor, partner, officer, director or stockholder of a licensed driving school, or of any entity seeking such licensure, to notify the Division of Motor Vehicles that he or she has been arrested for, charged with, indicted for or convicted of any of the offenses enumerated in (a)3 above within 14 days after the date of such event; or

5. The commission by any proprietor, partner, officer, director or stockholder of a licensed driving school, or of an entity seeking such licensure, of any act or acts which would constitute any offense under (a)3 above, even if such conduct has not or may not be prosecuted under the laws of this State.

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

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

Section substantially amended.

Repeal and New Rule, R.1991 d.371, effective July 15, 1991.

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

Former title "Sign requirements".

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

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

In (a)3i, substituted "N.J.S.A. 2C:11-5 (vehicular homicide)" for "N.J.S.A. 2C:11-5 (death by auto)".

13:23-2.13 Business hours

(a) The hours during which a driving school office is open to the public for service must be filed with the Director.

(b) A driving school must be accessible to the public during normal business hours of each regular working day. This requirement may be satisfied by having office person-

nel available or having a telephone answering service or telephone answering machine.

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

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

Section substantially amended.

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

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

Changed "drivers" to "driving"; added "office"; deleted "and prominently displayed on the front door . . . of the drivers' school" in (a).

Substituted old text for new text in (b).

13:23-2.14 (Reserved)

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

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

Section substantially amended.

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

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

Former title "Office personnel".

13:23-2.15 Branch offices

(a) A driving school shall make application for a branch office license on a form prescribed by the Director.

(b) If the application is approved, the Director shall issue a license for use at the branch office.

(c) The license shall be conspicuously displayed at the branch office at all times.

(d) A branch office shall meet all of the requirements for a licensed principal place of business.

(e) All branch offices must be owned or leased by the licensee and affiliated with the licensed principal place of business.

(f) The following shall not be eligible for a branch office license:

1. A kiosk;
2. A promotional booth; or
3. A classroom location.

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

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

Changed "drivers" to "driving"; deleted "desiring to open a branch office"; added "for a branch office license" in (a).

Changed "will" to "shall"; deleted "copy of the" and "of the principal place of business, appropriately endorsed," in (b). Changed "this copy must" to "The license shall"; changed "in such" to "at the" in (c).

Added (d).

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

See: 27 N.J.R. 1479(a), 28 N.J.R. 3004(a).

13:23-2.16 Branch office relocation or discontinuance

(a) A branch office may not be moved to a new location without prior approval of the Director.

(b) Should use of a branch office be discontinued, the branch office license must be surrendered within seven days to the Division of Motor Vehicles.

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

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

"removed" changed to "moved".

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

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

Changed "removal" to "relocation" in heading.

Added "use of"; deleted "copy of the"; changed "immediately to the Director" to "within seven days to the Division of Motor Vehicles" in (b).

13:23-2.17 (Reserved)

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

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

Section substantially amended.

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

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

Former title "Branch office requirements".

13:23-2.18 Changes in addresses of officers; notice

The Director must be notified within seven days, in writing, if a change occurs in the residence address of any proprietor, partner, officer, director, authorized agent or instructor of any driving school.

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

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

Deleted "of Motor Vehicles"; changed "immediately" to "within seven days"; changed "individual owner" to "proprietor"; changed "employee" to "instructor"; changed "drivers" to "driving"; added "director, authorized agent".

13:23-2.19 Recordkeeping requirements

(a) A file shall be maintained containing the student record and the service agreement, if used, between the driving school and every person receiving lessons, lectures, tutoring, instructions or other services relating to the acquisition of a license or endorsement in the driving of motor vehicle or motorcycles.

(b) The student record shall include the student's name, driver license number, instructor's name, and the date, type and duration of all lessons, lectures, tutoring, instructions or other services relating to the acquisition of a license or endorsement to drive motor vehicles or motorcycles.

(c) The records specified in this subchapter shall be maintained in a business-like manner with all entries on written records to be made in ink. Corrections of written records shall be made by drawing a single line through the error and making a new entry. The original entry must be legible after the corrections of written records have been made. Only standard abbreviations are to be used.

(d) Each business shall keep and maintain such other books, records and files necessary for the proper conduct of the business.

(e) The records of the business may be electronically stored.

Amended by R.1984 d.216, effective June 4, 1984. See: 16 N.J.R. 209(a), 16 N.J.R. 1354(a). Amended by R.1991 d.371, effective July 15, 1991. See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a).

Changed heading; former title "Record types, entries and corrections".

Added (a), (b), (d), (e).

Deleted "Every licensee shall maintain the"; added "shall be maintained", "on written records", "of written records", "The original entry must be legible after the corrections of written records have been made" in (c).

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

13:23-2.20 Loss, mutilation or destruction of records

(a) The loss, mutilation or destruction of any records which a driving school is required to maintain, under this subchapter, shall be reported on the next regular business day to the Division of Motor Vehicles by affidavit, stating:

- 1. The date such records were lost, destroyed or mutilated;
2. The circumstances involving such loss, destruction or mutilation; and
3. The name of the precinct, police officer or police department to which such loss was reported, and the date of such report.

Repeal and New Rule, R.1991 d.371, effective July 15, 1991. See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a). Former title "Permanent record book".

13:23-2.21 Retention of records

All records must be maintained at the principal place of business for a period of three years, during which period they shall be subject to inspection by the Director or his or her designee at any time during driving school business hours.

Repeal and New Rule, R.1991 d.371, effective July 15, 1991. See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a). Former title "Services record".

13:23-2.22 Statement of services to be rendered and fees to be charged; service agreements

(a) The driving school shall provide to all students a statement of services to be rendered and fees to be charged and shall advise all students of the availability of a service agreement wherein the services to be rendered are specifically set forth.

(b) The driving school shall comply with the conditions set forth in the sample service agreement in (d) below, specifically including:

- 1. To cancel a lesson and reschedule that lesson, 24 hours advance notice is required or the student may be charged for that lesson. Cancellation must be made at the phone number listed for the driving school. Appoint-

ments must be mutually agreed upon for date, time and location.

2. The number of minutes per lesson shall be the actual number of minutes of instruction provided to the student.

3. The student may rescind the agreement within 72 hours of the first lesson and upon such rescission shall receive a refund for any lessons or services not provided.

(c) The driving school shall provide to all students a receipt for payments made to the driving school.

(d) All service agreements shall contain at a minimum all information contained in the following sample service agreement:

SAMPLE

Service Agreement

School Information

Student Information

Name _____ Address _____ License # _____ Phone # _____
Name _____ Address _____ Permit/License # of Student _____ Phone # _____

This agreement between (Driving School Name) and (Student Name) will include the following services:

Itemized Account

Table with 2 columns: Services, Total Cost to Student. Rows include Purchase Permit at Agency, Transportation to Law Knowledge and Vision Tests, Road Test Services.

Table with 5 columns: Instruction Services, # Lessons, # Min. Per Lesson, Cost Per Lesson, Total Cost of Lessons. Rows include Behind The Wheel Classroom, Grand Total Cost to Student.

This agreement must show an itemized account of any and all services rendered. In order to cancel a lesson and reschedule that lesson, 24 hours advance notice is required or the student may be charged for that lesson. Cancellation must be made at the phone number for the school listed above. Appointments must be mutually agreed upon for date, time and location.

The number of minutes per lesson specified shall be the actual number of minutes of instruction provided to the student.

The vehicle to be used for instruction has: [] automatic transmission; [] standard manual gear shift; and shall be equipped with, at minimum, a brake for both the instructor and the student.

No fees will be charged other than those specified above.

This constitutes the entire agreement between the school and the student and no verbal statements or promises will be recognized. The student may rescind this agreement within 72 hours of the first lesson and upon such rescission shall receive a refund for any lesson or service not conducted or provided.

Signature Requirement

Date _____ Student Signature _____
or Legal Guardian
Date _____ Instructor's Signature _____

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

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

(b)7 added.

Repeal and New Rule, R.1991 d.371, effective July 15, 1991.

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

Former title "Contract file".

13:23-2.23 Agreements with secondary schools

A driving school may enter into an agreement where authorized by law with a secondary school for the purpose of teaching the behind-the-wheel driver education portion of a high school driver education program. If any portion of the actual behind-the-wheel instruction is waived by virtue of substituting driver simulator or multiple car instruction, the secondary school principal must sign the permit upon completion of the required actual behind-the-wheel instruction. If the driving school teaches the full six hour course of behind-the-wheel instruction, the permit shall be signed by the driving school owner.

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

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

(b)5. "or other person . . . of the student" added.

Repeal and New Rule R.1991 d.371, effective July 15, 1991.

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

Former title "Receipts file".

13:23-2.24 Student requirements

(a) Driving school instructors, prior to giving behind-the-wheel instruction, shall make certain that each student has:

1. A valid permit;
2. Passed a vision test as evidenced by the signature of the school nurse or representative of the Division of Motor Vehicles; and
3. Passed the law knowledge test as evidenced by either:
 - i. A valid, properly signed certificate from the high school indicating a passing grade of 80 percent or better; or
 - ii. Certification by a representative of the Division of Motor Vehicles.

Repeal and New Rule, R.1984 d.216, effective June 4, 1984.

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

Repeal and New Rule, R.1991 d.371, effective July 15, 1991.

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

Former title "Posting of fees with the Division".

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

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

13:23-2.25 (Reserved)

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

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

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

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

Former title "Loss, mutilation or destruction of records".

13:23-2.26 (Reserved)

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

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

Section substantially amended.

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

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

Former title "Retention of records".

13:23-2.27 (Reserved)

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

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

Added new (c).

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

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

Former title "School vehicle identification certificate".

13:23-2.28 Insurance and vehicle equipment requirements

(a) Any vehicle, except buses, motorcycles and articulated vehicles, used for instruction by a driving school must be equipped with dual controls on foot brake and, if any, on clutch, and must be otherwise equipped in accordance with the Motor Vehicle and Traffic Laws.

(b) The licensee must file with the Director evidence of liability insurance with a company authorized to do business in this State, in the amount of at least \$250,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for any one person, to a limit of at least \$500,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of \$50,000 because of damage to, or destruction of, property of others in any one accident; or, in the alternative, the licensee must file with the Director evidence of liability insurance with a company authorized to do business in this State, in the amount of at least \$500,000 combined single limit of liability in any one accident for bodily injury liability and property damage liability. The driving school shall furnish evidence of insurance coverage required by this subsection by submitting an original certificate of insurance to the Division. This certificate of insurance shall stipulate that such insurance may not be cancelled or terminated, except upon 30 days prior written notice to the Director of the Division of Motor Vehicles. In the event of cancellation or expiration of such insurance, such vehicle may not thereafter be used for driving school purposes.

(c) Any vehicle, except a motorcycle, used for instruction by a driving school must be equipped with seat belts for both the student(s) and instructor. The seat belts shall be used by both the student(s) and instructor when the vehicle is being operated.

(d) Any vehicle, except a motorcycle, used for instruction by a driving school must be equipped with inside and outside rear view mirrors for both student and instructor.

(e) Any vehicle, except a motorcycle, used for instruction by a driving school must have a clean interior and must be equipped with:

1. Operable door locks;
2. An operable heater, defroster and air conditioner; and
3. Properly operating seats and seat adjustments.

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

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

“\$100,000” changed to “\$250,000” and “\$300,000” changed to “\$500,000”.

(a)5 new.

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

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

Changed heading; former title “Conditions for issuance of certificate”.

Deleted “A school vehicle identification certificate will not be issued unless and until: 1. Such vehicle is”; added “Any vehicle, except buses, motorcycles and articulated vehicles, used for instruction by a driving school must be” in (a).

Redesignated (a)2 as (b) and changed “drivers” to “driving”; changed “on a form supplied” to “required by this subsection”; added “submitting an original certificate of insurance”; deleted “, and the school vehicle identification certificate shall terminate automatically and must be surrendered to the Director” with other stylistic changes.

Redesignated (a)3 as (c); added “, except a motorcycle, used for instruction by a driving school must be”.

Deleted “for instruction purposes” from former (a)4.

Redesignated (a)5 as (d); added “, except a motorcycle, used for instruction by a driving school must be”.

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

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

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

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

In (b), added an alternative at the end of the first sentence.

13:23-2.29 Sign displayed on vehicles

(a) Vehicles, while being used for driving instructions, must have displayed conspicuously thereon a sign stating “Student Driver”.

(b) The sign shall have a background and letters of contrasting colors. The letters shall be not less than three inches in height and of a stroke of not less than $\frac{1}{4}$ inch. Letters may be of a reflectorized material and shall be white, amber or yellow in color.

(c) The sign must be visible to both front and rear.

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

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

Deleted in (c) “in letters . . . in color”.

13:23-2.30 Advertising

(a) Advertising by driving schools must conform to the following:

1. Schools must not publish, advertise or intimate that licensure is guaranteed or assured upon completion of instruction.

2. Advertisements or signs using a phrase such as “License or Plates Secured Here” are prohibited.

3. Advertisements such as “no charge for road test failures” are prohibited.

4. The driving school may use, on forms, agreements and similar documents, or in advertising, the phrase, “This school is licensed by the State of New Jersey”. No other reference to the State of New Jersey or the Division of Motor Vehicles is permitted.

5. The use of the word “State”, in any sign or other medium of advertising, except as permitted in (a)4 above, is prohibited.

6. A driving school shall not advertise the address of any location other than the licensed principal place of business, or a licensed branch office.

7. The driving school shall not advertise any name or combination of names, or abbreviation of name, other than the trade name by which the driving school is licensed to do business by the Director and which appears on the driving school wall license.

8. A driving school shall not solicit business, or cause business to be solicited in its behalf, or display or distribute any advertising material in such a manner as to give the impression that the business has some official connection with the Division of Motor Vehicles or an authorized motor vehicle agent. This paragraph shall not be construed to prohibit driving schools from appearing at driver testing locations with vehicles which contain the name, address and telephone number of the driving school, and any other sign(s) or identification which may be required by this chapter or N.J.S.A. 39:12-1 et seq.

(b) All advertisements and public representations sponsored, procured, utilized, published, endorsed, presented or otherwise disseminated by, at the direction or on behalf of a drivers’ school shall be based on fact and shall not be false, deceptive or misleading in any manner whatsoever.

(c) Any advertisement through any media which cannot be changed, deleted or withdrawn within a period of seven days or less, including classified telephone directory advertisement, shall require the approval of the Director or his or her designee prior to printing. The full copy of such advertisement must be submitted to the Director in writing.

(d) A driving school may advertise only those telephone numbers that are listed for the school’s principal place of business or licensed branch location. Telephone calls shall not be received at, “call forwarded” to, or otherwise transferred to any unlicensed location.

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

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

Section substantially amended.

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

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

Changed "drivers" to "driving" throughout.

Changed "license" to "licensure" and "instructions" to "instruction" in (a)1.

Deleted "the display of such signs,"; added "advertisements or signs using a phrase such" in (a)2.

Deleted (a)4.

Redesignated (a)5 as 4; changed "contracts" to "agreements"; added "No other reference to the State of New Jersey or the Division of Motor Vehicles is permitted."

Redesignated (a)6, 7, 8, 9 as (a)5, 6, 7 and 8.

Added reference in (a)8 to N.J.S.A. 39:12-1 et seq.

Stylistic changes throughout.

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

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

13:23-2.31 (Reserved)

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

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

Section substantially amended.

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

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

Former title "Contracts".

13:23-2.32 Practice driving

(a) Practice driving is prohibited on State grounds used for State driving tests.

(b) An instructor shall remain in a vehicle, except a motorcycle, used for instruction by a driving school at all times during which a student is behind the wheel of the vehicle and the keys are in the ignition.

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

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

Section substantially amended.

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

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

Added "State"; deleted "or roadways" and "Instructor shall inform students of the prohibition contained in this section".

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

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

13:23-2.33 Learner permits

(a) An instructor is required to ascertain, prior to giving behind-the-wheel instructions or presenting the student for a driving test, that a student is in possession of a valid driver examination permit properly validated for practice driving, or a valid driver's license.

(b) An instructor is prohibited from signing a student permit.

(c) An instructor shall not surrender a student permit to a student unless the student has completed the required six hours of behind-the-wheel instruction and the permit has been properly endorsed by the driving school owner or the person(s) so authorized by the driving school owner.

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

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

Section substantially amended.

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

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

Added "or employee".

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

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

13:23-2.34 Requirements at driving test

Applicants appearing for the driving test in a vehicle used for instruction by a driving school shall be accompanied by a licensed driver who has in his or her possession a valid New Jersey instructor's license or a New Jersey authorized agent identification certificate, a valid registration and a valid insurance identification card.

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

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

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

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

Deleted ", with vehicles for which vehicle identification certificates have been issued, or vehicles required to have such certificates,"; "1. a New Jersey"; (a)2.

Added "certificate, a valid registration and a valid insurance identification card".

Amended by R.1994 d.294, effective June 20, 1994.

See: 26 N.J.R. 1299(a), 26 N.J.R. 2588(a).

13:23-2.35 Employees of driving schools

A driving school shall not knowingly employ any person as an instructor or agent who has been convicted of any of the offenses enumerated in N.J.A.C. 13:23-2.12(a)3 unless the Director has determined that such person may serve in such capacity.

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

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

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

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

Changed "drivers" to "driving"; deleted "or in any other capacity whatever," and "a crime"; added "any of the offenses enumerated . . . in such capacity".

13:23-2.36 Authorized agents; certificates; denial, suspension or revocation of certificate

(a) The school owner may appoint, with the approval of the Director, authorized agents for the purpose of transporting the school's students to a driver testing center to take the driving test portion of the driver examination or to purchase a permit.

(b) The Director may issue an "Authorized Agent" identification certificate when the following requirements have been met:

1. Applicant must be of good moral character;
2. Applicant must be at least 18 years of age;
3. Applicant must hold a valid driver's license;
4. Applicant must have a driving record devoid of the offenses set forth in (d) below;

5. Applicant who has been licensed by another state or states during the past three years must submit a certified abstract of his or her driving record from the state or states in which he or she is or was licensed to drive with the initial application and all renewals thereof; and

6. Applicant must submit State Police and FBI fingerprint cards and payment in such amount as may be established by the Division of State Police.

(c) The fee for the authorized agent certificate shall be \$5.00 and the certificate shall be valid for the calendar year expiring December 31. The certificate shall contain the agent's permanent identification number. The Director may deny, suspend or revoke any authorized agent identification certificate upon conviction of any of the offenses enumerated in N.J.A.C. 13:23-2.12(a)3, a violation of this chapter or other good cause, after due notice in writing thereof, in accordance with the provisions of the "Administrative Procedure Act", N.J.S.A. 52:14B-1 et seq.

(d) The Director or his or her designee may deny, suspend or revoke any authorized agent identification certificate if the holder of such certificate or applicant for such certificate has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1 or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

(e) Upon severance of employment, the school owner shall notify the Driving School Unit of the Division of Motor Vehicles, in writing, of the date of severance. Upon severance, the agent shall surrender his or her identification certificate to the Division of Motor Vehicles.

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

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

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

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

Changed heading; added "certificates; denial, suspension or revocation of certificate".

Substituted "certificates" for "cards" throughout.

Changed "acting as an accompanying driver for" to "transporting"; "qualification" to "testing"; and "for the purpose of taking" to "to take"; added "or to purchase a permit" in (a).

Deleted "satisfactory to the Director"; added "devoid of the offenses set forth in (d) below" in (b)4.

Added (b)5 and 6.

Redesignated existing (b) as (c); changed "two calendar years" to "the calendar year ending December 31."; added references to N.J.A.C. 13:23-2.12(a)3 and N.J.S.A. 52:14B-1 et seq.

Added (d).

Redesignated existing (c) as (e) and substituted old text for new text.

13:23-2.37 Conduct with employees of Division of Motor Vehicles

(a) The owner, operator, partner, officer, employee of any licensee, or any other person, shall not pay, give, loan, transfer to, or purchase from any employee of the Division of Motor Vehicles, any money, merchandise, material, food,

tickets, raffles or other valuable thing, whether or not that payment, gift, loan, transfer, or purchase was for the purpose of obtaining favors, courtesies or any consideration in connection with the duties of any employee of the Division of Motor Vehicles.

(b) The owner, operator, partner, officer of any driving school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Division of Motor Vehicles, with respect to the licensing of any student of the licensee, or any other person.

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

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

Changed "drivers" to "driving" in (b).

13:23-2.38 (Reserved)

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

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

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

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

Former title "Revocation, suspension and refusal to renew license".

SUBCHAPTER 3. DRIVING SCHOOL INSTRUCTORS

13:23-3.1 Licenses

The owner, operator, partner or any officer of a driving school, or any other person, shall not give instructions, for compensation, in the driving of motor vehicles or motorcycles, unless such person is the holder of a valid instructor's license issued for such purpose by the Director.

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

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

Changed "drivers" to "driving"; "operation of motor vehicles" to "driving of motor vehicles"; added "a valid".

13:23-3.2 Valid use of license

Instructors' licenses shall be valid for use only in connection with the business of the driving school or schools listed thereon and only for lessons authorized by those schools.

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

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

Changed "drivers" to "driving"; added "and only for lessons authorized by those schools".

13:23-3.3 Standards for license issuance

Instructors' licenses shall not be issued to any person unless that person is the possessor of a valid driver's license, and has held a license permitting him or her to drive for at least the last four consecutive years, and has complied with the other requirements contained in this subchapter.

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

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

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

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

Stylistic changes.

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

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

13:23-3.4 Application for instructor's license

(a) Application for an initial or renewal license must be made on a form prescribed by the Director.

(b) A renewal application shall be submitted for approval and issuance at least 30 days prior to the expiration date of the current license.

(c) The Director shall issue an instructor's license to the applicant upon approval of an initial or renewal application. The instructor's license shall be assigned the same license number for the duration of the license.

(d) Every applicant for an initial instructor's license is required to submit to fingerprinting. Applicants for renewal licenses may be required to submit to a name check at the discretion of the Director. The applicant will be required to submit authorization for a name check and payment in such amount as may be established by the Division of State Police.

(e) An initial instructor license shall not be issued unless the applicant is at least 21 years of age and has a minimum of four years driving experience with a license issued in the United States.

(f) An applicant who has been licensed to drive by another state or states during the past four years must submit a certified abstract of his or her driving record from the state or states in which he or she is or was licensed to drive with the initial application and all renewals thereof.

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

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

Deleted "by the person desiring such license," in (a).

Changed "should" to "shall"; "ten" to "30" and "present" to "the current" in (b).

Added "The instructor's license shall be assigned the same license number for the duration of the license." in (c).

Deleted (d).

Redesignated existing (e) as (d); changed "fingerprinting" to "a name check"; added "the applicant ... by the Division of State Police."

Redesignated existing (f) as (e).

Added (f).

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

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

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

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

In (f), substituted a reference to four years for a reference to three years.

13:23-3.5 Instructor's license fee

The instructor's license is valid for the calendar year. The fee for the initial license shall be \$75.00 and the fee for the annual renewal thereof shall be \$50.00.

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

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

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

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

Stylistic change.

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

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

Increased the fee from \$30 to \$50.

13:23-3.6 Possession of instructor's license

The instructor's license must be in the possession of the instructor at all times while giving driving instructions, or when accompanying a student.

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

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

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

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

Changed "Carrying" to "Possession of" in heading.

Changed "carried by" to "in the possession of".

Deleted "an applicant for a driver's license to the driving test portion of the license examination conducted by the Division of Motor Vehicles".

Added "a student".

13:23-3.7 Lost, mutilated or destroyed licenses

(a) In the event a license, or duplicate thereof, is lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the facts and payment of a fee of \$5.00 and, in the case of a mutilated license, upon surrender of such mutilated license. Such proof shall be submitted in the form of an affidavit indicating:

1. The date the license, or duplicate thereof, was lost, mutilated or destroyed; and
2. The circumstances involving the loss, mutilation or destruction of the license, or duplicate thereof.

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

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

"\$3.00" was "\$1.00".

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

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

Added "In the event"; ", or duplicate thereof, is"; "mutilated"; "Such proof shall be submitted in the form of an affidavit indicating"; (a)1 and 2.

Deleted (b)1 and 2.

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

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

In (a) increased the fee from \$3 to \$5.

13:23-3.8 Surrender of instructor's license

An instructor's license or endorsement shall be surrendered to the Director upon termination of an instructor's services with, or by, any driving school designated on such license and/or endorsement. When the services of an instructor are terminated by one or more of the schools designated on the instructor's license and/or endorsement, the endorsement certificate for each school so terminating the services of the instructor shall be returned to the Division of Motor Vehicles within seven days. It shall be the responsibility of the driving school to notify the Division of Motor Vehicles, in writing, of such termination.

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

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

Section substantially amended, "\$3.00" was "\$1.00".
Amended by R.1991 d.371, effective July 15, 1991.
See: 23 N.J.R. 662(a), 23 N.J.R. 2151(a).

Added "or endorsement" throughout.

Changed "drivers" to "driving" throughout.

Changed "immediately" to "within seven days".

Deleted reference to the Bureau of Certificate of Ownership and added "notify the Division of Motor Vehicles, in writing, of such termination."

13:23-3.9 Special tests

(a) An applicant for an instructor's license shall be required to submit to special law-knowledge, driving tests and screening of visual acuity, and may be required to submit additional proof of his or her qualifications as an instructor.

(b) If application is made for an instructor's license by a person who was the holder of an instructor's license within a period of three years prior to the date of such application, the Director may waive the testing.

(c) All instructors licensed after July 1, 1984 shall be required to complete either the six hour or eight hour National Safety Council Defensive Driving Program. Evidence of having completed such program shall be filed with the Director. Instructors shall submit such evidence prior to renewal of the initial instructor's license.

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

Section substantially amended.

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

Changed "one year" to "three years"; deleted "law-knowledge and driving tests and vision screening"; added "testing" in (b).

Added "either"; "six hour or eight hour"; "Council"; deleted reference to the Bureau of Certificate Ownership and added "Director" in (c).

13:23-3.10 (Reserved)

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

Former title "Character of applicant".

13:23-3.11 Conduct of instructors

(a) Instructors will conduct themselves in a professional and impersonal manner with students.

(b) Instructors will conduct themselves in accordance with the provisions of N.J.A.C. 13:23-2.37.

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

Section substantially amended.

13:23-3.12 Revocation, suspension and refusal to issue or renew instructor's license

(a) The Director or his or her designee may deny, suspend or revoke an instructor's license, or refuse to issue an instructor's license or a renewal thereof, for any of the reasons specified in N.J.S.A. 39:12-1 et seq. or N.J.A.C. 13:23-2.12, or for failure to comply with any of the provisions of this subchapter or for other good cause, after due

notice in writing thereof, in accordance with the provisions of N.J.S.A. 39:12-1 et seq. and the "Administrative Procedure Act," N.J.S.A. 52:14B-1 et seq.

(b) The Director or his or her designee may deny, suspend or revoke an instructor's license or may refuse to issue an instructor's license or a renewal thereof, if such instructor or applicant has accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law or has been convicted of a violation of N.J.S.A. 39:4-50, 39:4-50.2 or 39:4-49.1 or has incurred a conviction or administrative determination of a substantially similar offense in any jurisdiction.

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

Section substantially amended.

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

Added "issue or" in heading.

Deleted "any employee of the Division of Motor Vehicles deputized by him,"; added "his or her designee", "deny", "an instructor's license or" and references to N.J.A.C. 13:23-2.12 and N.J.S.A. 52:14B-1 et seq.; changed "outlined" to "specified"; deleted "promulgated by the Director; added "or for other good cause" in (a).

Added "or his or her designee", "deny", and reference to N.J.S.A. 39:4-50, 39:4-50.2 and 39:4-49.1; deleted "for instructor's license shall have" in (b).

SUBCHAPTER 4. DRIVING SCHOOL CLASSROOMS

13:23-4.1 Classroom facilities

(a) The facilities of each driving school which provides classroom instruction must include, not necessarily on the immediate premises, sufficient space and sufficient equipment to carry on the business of giving classroom instruction for those students enrolled in the driving school.

(b) The facilities maintained for classroom instruction may be used by one or more driving schools. Whenever the classroom facilities are used by more than one school, the Director must be notified.

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

Section substantially amended.

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

Changed "drivers" to "driving"; added "which provides classroom instruction"; deleted "who so desire" in (a).

Deleted (b) and (c).

Redesignated existing (d) as (b); changed "drivers" to "driving"; added "classroom" and "must be notified"; deleted "maintained for classroom instruction", "a schedule shall be filed with" and "of Motor Vehicles setting forth the day and time each school will provide classroom instruction in the facility".

13:23-4.2 Classroom requirements

(a) The classroom facility may be subject to inspection by the Director or his or her designee and must meet the following requirements:

1. Minimum space required per student is 15 square feet. Existing facilities may apply for and may be granted exemptions from this requirement;
2. Seating facilities and writing surfaces must be available for each student;
3. Adequate lighting, heating, ventilation and toilet facilities;
4. Adequate charts and diagrams or pictures relating to the operation of motor vehicles, and traffic laws;
5. Adequate blackboards which are visible from all seating areas; and

6. Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws.

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

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

Changed "accommodations" to "requirements" in heading and throughout.

Added "or his or her designee"; added (a)1.

Redesignated existing (a)1 through 5 as (a)2 through 6.

Changed "for no less than ten students" to "must be available for each student" in (a)2.

13:23-4.3 (Reserved)

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

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

Former title "Classroom equipment".

13:23-4.4 (Reserved)

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

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

Former title "Classroom curriculum".