

CHAPTER 21

LICENSING SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-4, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10a, 39:3-10.1, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, 17:33B-45, 56:10-25 and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.1996 d.27, effective December 13, 1995.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Licensing Service, expires on December 13, 2000.

Chapter Historical Note

Chapter 21, Licensing Service, was originally filed and became effective prior to September 1, 1969.

See subchapter and section annotations for specific rulemaking.

1970 Revisions: Subchapter 7, Special Learner's Permits, was adopted as new rules and Subchapter 8, Driver Licenses, was amended by R.1970 d.9, effective January 9, 1970. See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

1972 Revisions: Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was adopted as new rules by R.1972 d.232, effective January 1, 1973. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a). Subchapter 16, Counterpart Fees, was adopted as new rules by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a).

1973 Revisions: Amendments to Subchapter 5, Registrations, became effective January 2, 1973 as R.1973 d.2. See: 4 N.J.R. 307(b), 5 N.J.R. 53(d). Subchapter 17, Special Road Crossing Permits, was adopted as new rules by R.1973 d.103, effective April 12, 1973. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

1975 Revisions: Subchapter 18, Snowmobile Registration, was adopted as new rules by R.1975 d.289, effective October 1, 1975. See: 7 N.J.R. 340(b), 7 N.J.R. 508(b).

1976 Revisions: Subchapter 15 was amended by R.1976 d.4, effective January 8, 1976. See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

1979 Revisions: Subchapter 15 was amended by R.1979 d.371, effective September 20, 1979. See: N.J.R. 350(b), 11 N.J.R. 580(a). Subchapter 8 was amended by R.1979 d.382, effective September 26, 1979. See: 11 N.J.R. 385(b), 11 N.J.R. 580(d).

1980 Revisions: Subchapter 4, Titles, was amended by R.1980 d.112, effective March 18, 1980. See: 11 N.J.R. 628(a), 12 N.J.R. 209(c). Subchapter 14, Bus Drivers, was amended by R.1980 d.114, effective March 18, 1980. See: 11 N.J.R. 450(b), 12 N.J.R. 209(e). Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1980 d.474, effective October 30, 1980. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b). Subchapter 8 was amended by R.1980 d.493, effective November 6, 1980. See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

1981 Revisions: Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981. See: 12 N.J.R. 607(b), 13 N.J.R. 149(c). Subchapter 8 was amended by R.1981 d.65, effective February 26, 1981. See: 12 N.J.R. 666(f), 13 N.J.R. 237(c).

1982 Revisions: Subchapter 8 was amended by R.1982 d.95, effective April 15, 1982. See: 14 N.J.R. 88(a), 14 N.J.R. 346(d). Subchapter 4

was amended by R.1982 d.370, effective October 18, 1982. See: 14 N.J.R. 632(a), 14 N.J.R. 1163(a).

1983 Revisions: Subchapter 8 was amended by R.1983 d.609, effective January 3, 1984. See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

1984 Revisions: Subchapter 7 was amended by R.1984 d.11, effective February 6, 1984. See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d). Subchapter 8 was amended by R.1984 d.19, effective February 6, 1984. See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a). Subchapter 5, Registrations, was readopted as R.1984 d.408, effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b). Subchapter 8, Driver Licenses, was readopted as R.1984 d.411, effective August 28, 1984, with amendments effective September 17, 1984. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c). Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was readopted as R.1984 d.443, effective September 14, 1984. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a).

1985 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985, and new rules on the same subject were adopted as R.1985 d.200, effective April 15, 1985. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a). Pursuant to Executive Order No. 66(1978), Subchapter 14, Bus Drivers, expired on March 18, 1985, and new rules on the same subject were adopted as R.1985 d.205, effective May 6, 1985. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b). Subchapter 2, Statutory Language Interpretation, was readopted as R.1985 d.576, effective November 18, 1985. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b). Pursuant to Executive Order No. 66(1978), Subchapter 20, Motor Home Title Certificates, expired on October 20, 1985, and new rules on the same subject were adopted as R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

1986 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 7, Special Learner's Permits, expired on February 18, 1986 and new rules on the same subject were adopted as R.1986, d.81, effective April 7, 1986. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

1988 Revisions: Subchapter 21, Auto Body Repair Facilities, was adopted as new rules by R.1988 d.474, effective October 3, 1988. See: 19 N.J.R. 1624(c), 20 N.J.R. 2460(a).

1989 Revisions: Subchapter 22, Salvage Certificates of Title, was adopted as new rules by R.1989 d.157, effective March 20, 1989. See: 20 N.J.R. 2675(a), 21 N.J.R. 768(b).

1990 Revisions: Subchapter 16, Counterpart Fees, was repealed by R.1990 d.435, effective September 4, 1990. See: 22 N.J.R. 1325(a), 22 N.J.R. 2747(a).

1991 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1991 d.21, effective December 13, 1990. See: 22 N.J.R. 3311(a), 23 N.J.R. 207(c).

1992 Revisions: Subchapter 23, Commercial Driver Licensing, was adopted as new rules by R.1992 d.138, effective March 16, 1992. See: 24 N.J.R. 219(b), 24 N.J.R. 960(a). N.J.A.C. 13:21-23.22 through 13:21-23.27 became operative April 1, 1992.

1994 Revisions: Subchapter 24, Defensive Driving Courses, was adopted as new rules by R.1994 d.347, effective July 5, 1994. See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a). Subchapter 16, Identification Cards for Nondrivers, was adopted as new rules by R.1994 d.496, effective September 19, 1994. See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

1996 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1996 d.27, effective December 13, 1995, with amendments effective January 16, 1996. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

### 13:21-1.1 Use of legal name on all documents

Any person securing a driver license, registering a vehicle, titling a vehicle or filing any document with the Division, or for any reason being recorded on the records of the Division, shall do so in his legal name.

### 13:21-1.2 Proof of legal name

Any person using a name for the purposes outlined in Section 1.1 (Use of legal name on all documents) of this Chapter shall furnish proof that the name given is the legal name, when this proof is requested by any agent, officer or employee of the Division.

### 13:21-1.3 Mandatory disclosure of social security number

(a) An applicant for any special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall disclose his or her social security number(s) upon the application form furnished by the Director.

(b) A special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall not be issued unless the applicant therefor discloses his or her social security number(s) upon the application form.

(c) This section shall not apply to persons who are exempt from applying for a social security number.

New Rule, R.1985 d.307, effective June 17, 1985.

See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).

Amended by R.1990 d.514, effective October 15, 1990.

See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirement to applicants of commercial licenses.

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

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

### 13:21-1.4 Restricted use of social security numbers

(a) The Division of Motor Vehicles or its designee shall, in the administration of the driver license and motor vehicle registration laws of this State, including the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) and the regulations adopted thereunder, and the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, utilize social security numbers for the purpose of establishing the identification of individuals affected by such laws.

(b) The Division of Motor Vehicles or its designee shall utilize social security numbers for the purpose of establishing the identification of individuals who are indebted to the Division for unpaid motor vehicle fees, or who are indebted to the State for unpaid Merit Rating Plan insurance surcharges assessed pursuant to the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, and for the purpose of satisfying such indebtedness in accordance with N.J.S.A. 54A:9-8.1 et seq. or the civil judgment provisions of N.J.S.A. 17:29A-35.

(c) The Division of Motor Vehicles shall utilize social security numbers as an identifier in the administration and enforcement of the "Driver License Compact" (N.J.S.A. 39:5D-1 et seq.) and the licensing provisions of Title 39 of the Revised Statutes for the purpose of determining through the National Driver Register whether a driver license applicant has had his or her driver license suspended in any other state.

EYE COLOR  
 1—Black  
 2—Brown  
 3—Gray  
 4—Blue  
 5—Hazel  
 6—Green  
 7—Special code  
 8—Special code  
 9—Special code

WEIGHT  
 0—Under 121 pounds  
 1—121 to 140 pounds  
 2—141 to 160 pounds  
 3—161 to 180 pounds  
 4—181 to 200 pounds  
 5—201 to 220 pounds  
 6—Over 220 pounds

R—Bus Mechanics (No Passengers)  
 S—Excludes School Age Passengers

As amended, R.1983 d.609, effective January 3, 1984.  
 See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Deleted old and added new class vehicle and restriction list.  
 Amended by R.1996 d.27, effective January 16, 1996.  
 See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Rewrote the section, formerly "Weight class and restrictions".

### 13:21-8.22 License class, endorsement and restriction codes

(a) The following alphabetic codes on driver licenses designate the indicated class of license:

#### LICENSE CLASS

A—Commercial (Combination Commercial Motor Vehicle)  
 B—Commercial (Heavy Straight Commercial Motor Vehicle)  
 C—Commercial (Small Commercial Motor Vehicle)  
 D—Automobile  
 E—Motorcycle  
 F—Motorized Bicycle  
 G—Agricultural

(b) The following alphabetic codes on driver licenses designate the indicated endorsement(s) for which the licensee has qualified:

#### ENDORSEMENT

F—Motorized Bicycle  
 H—Hazardous Material  
 M—Motorcycle  
 N—Tank Vehicle  
 P—Passenger Vehicle  
 T—Double/Triple Trailer

(c) The following numeric and alphabetic codes on driver licenses designate the indicated restriction(s) applicable to the licensee:

#### RESTRICTION

1—Corrective Lenses  
 2—Prosthetic Device  
 3—Mechanical Device  
 4—Hearing Impaired  
 5—Attached Restrictions  
 L—Excludes Vehicles with Air Brakes  
 M—Excludes Class A Passenger Vehicles  
 N—Excludes Class A and B Passenger Vehicles  
 O—Valid in Tow Trucks Only  
 P—Non CDL Passenger Only (School Buses with a Capacity of 15 or less)  
 Q—Excludes Passenger Vehicles with a Capacity of 16 or more

### 13:21-8.23 Surrender of license

Any applicant for a New Jersey driver license whose resident address is within the geographical limits of the State of New Jersey and who is licensed in a foreign state or jurisdiction may be required to surrender the last valid license issued by said foreign state or jurisdiction as a prerequisite to the completion of the examination for a New Jersey driver license.

### 13:21-8.24 Suspension of license; failure to notify of change of address

The director may suspend the driver's license of any driver who fails to notify the Division of Motor Vehicles of a change of address pursuant to N.J.S.A. 39:3-36 until the division is notified in writing by the driver of his correct address.

R.1984 d.19, effective February 6, 1984.  
 See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a).

## SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS

### 13:21-9.1 Expired license or registration

Under the authority of N.J.S.A. 39:3-4 and 39:3-10, whenever a driver or owner of a vehicle applies for renewal of his driver license or registration subsequent to the date of the expiration of his prior driver license or registration, but not more than six months subsequent thereto, the said driver or vehicle owner shall be issued a driver license or registration, as the case may be, effective on the first day of the month immediately following the date of expiration of his prior driver license or registration and shall pay the appropriate fee therefor.

### 13:21-9.2 Proof of allegations

In the event the driver or vehicle owner alleges that he has not driven or that his vehicle has not been operated during the period between the expiration of his prior driver license or registration certificate and the time of his application for renewal of same, he shall be required to submit proof of his allegations in the form of an affidavit and such other proof as the Director may require, if any. If the Director is satisfied of the truth of the allegations, he may

permit the issuance of a new driver license or a new registration commencing at the time of application for same.

### 13:21-9.3 Restoration fees

(a) A fee of \$50.00 shall be payable to the Director for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any law or regulation.

(b) A fee of \$50.00 shall be payable to the Director for the restoration of vehicle registrations which have been suspended or revoked by reason of the registrant's violation of any law.

R.1982 d.484, effective January 17, 1983.

See: 14 N.J.R. 1146(a), 15 N.J.R. 94(a).

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

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

Designated existing text as (a) and therein increased the fee from \$30 to \$50 and substituted "law" for "of the provisions of Title 39"; and added (b).

### 13:21-9.4 Suspension continues until restoration; application for restoration

(a) Every suspension of driving privileges in this State pursuant to Title 39 of the Revised Statutes, as amended or supplemented, or any other law of this State providing for the suspension of driving privileges in this State, shall continue and remain in force and effect until those driving privileges are granted or restored by the Director.

(b) In the case of suspensions of driving privileges in this State for a fixed period, the person so suspended shall, as a condition precedent to restoration, make application to the Director in such form as the Director may prescribe and pay any restoration fee required by law or regulation. The Director may, upon due notice and opportunity for a hearing, deny any application for restoration on any reasonable grounds, including but not limited to grounds relating to physical fitness or driving record of the applicant or failure of the applicant to provide proof of satisfaction of other statutory requirements.

(c) For purposes of this section the term "suspension of driving privilege" includes every suspension, revocation, prohibition or refusal of any privilege to operate a motor vehicle in this State.

(d) Nothing in this section shall be construed as requiring the Director to restore driving privileges prior to the expiration of a fixed period of suspension or to restore driving privileges otherwise suspended or to restore driving privileges contrary to any provision of law.

New Rule, R.1987 d.343, effective August 17, 1987.

See: 19 N.J.R. 621(b), 19 N.J.R. 1562(b).

#### Case Notes

Operation of motor vehicle after period of suspension, but prior to restoration of license, did not constitute operation of motor vehicle while driver's license was suspended. *State v. Somma*, 215 N.J.Super. 142, 521 A.2d 386 (Law Div.1986).

## SUBCHAPTER 10. JUNK TITLE CERTIFICATES

### 13:21-10.1 Terminal certificate

A motor vehicle junk title certificate issued by the Division to a public agency in accordance with N.J.S.A. 39:10A-3 is a terminal certificate, and the vehicle described thereon may not be subsequently titled and registered in this State.

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

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

#### Authority

N.J.S.A. 39:10A-6.

## SUBCHAPTER 11. CENTRAL TITLE AND REGISTRATION SERVICE

### 13:21-11.1 Service established

(a) The implementation of mail-order issuance of licenses and registrations by the Division of Motor Vehicles in 1956 resulted in the closing of over half of the Motor Vehicle Agencies within the State. This caused a hardship to citizens and automobile dealers in many areas who found it necessary to travel unreasonable distances to effect transfers of titles and registrations. The Central Title and Registration Service was created in 1957 to alleviate this condition.

(b) This service was inaugurated on an experimental basis. Through experience gained by several years of functioning, it has developed into an efficient operation which fills a void in the mail-order licensing program and merits a permanent status in division operations.

(c) The rules and regulations covering the operations of the Central Title and Registration Service are incorporated in a printed manual entitled "Dealer Instructions and Procedure for Mail-Order Title and Registration Service", the provisions of which are set forth in this Subchapter.

### 13:21-11.2 Purpose of service

(a) Since March 1, 1957, the Division of Motor Vehicles has provided a mail-order certificate of ownership and registration service to car dealers on a restricted geographic basis. The recent reduction in the number of Motor Vehicle Agencies has, in some instances, increased the distances a dealer or his customer must travel to effect a transfer of title and obtain a registration. Therefore, the Director has ordered the expansion of the mail-order service to aid those dealers and their customers who have been placed at a disadvantage because of the Agency reduction.