

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, 39:3-11.1, 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, 39:3-43, 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, 56:10-25 and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.1991 d.21, effective December 13, 1990.
See: 22 N.J.R. 3311(a), 23 N.J.R. 207(c).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Licensing Service, expires on December 13, 1995.

Chapter Historical Note

Chapter 21, Licensing Service, was originally filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1991 d.21. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 13:21-1.1 Use of legal name on all documents
- 13:21-1.2 Proof of legal name
- 13:21-1.3 Mandatory disclosure of social security number
- 13:21-1.4 Restricted use of social security numbers
- 13:21-1.5 Public record exception; disclosure prohibited

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

- 13:21-2.1 Basis for interpretation
- 13:21-2.2 "Accompanied" in motor vehicles defined
- 13:21-2.3 "Accompanied" in motorcycles defined
- 13:21-2.4 Nonconventional type motor vehicles

SUBCHAPTER 3. (RESERVED)

- 13:21-3.1 through 13:21-3.3 (Reserved)

SUBCHAPTER 4. TITLES

- 13:21-4.1 Certificate of origin; year model designation
- 13:21-4.2 Modification of year model designation
- 13:21-4.3 Modification certificate form
- 13:21-4.4 Certificate application for homemade vehicles
- 13:21-4.5 through 13:21-4.6 (Reserved)

SUBCHAPTER 5. REGISTRATIONS

- 13:21-5.1 Weight class
- 13:21-5.2 Certificate of Origin
- 13:21-5.3 Published listing of models
- 13:21-5.4 Registration fee
- 13:21-5.5 Certification of weight class
- 13:21-5.6 Registering flood-damaged vehicles
- 13:21-5.7 Notification of flood damage
- 13:21-5.8 Mileage reading on certificate of ownership

- 13:21-5.9 Transferring of ownership on certain motor vehicles
- 13:21-5.10 Surrender of registration plates
- 13:21-5.11 Registration refusal

SUBCHAPTER 6. EXAMINATION PERMITS

- 13:21-6.1 Definitions
- 13:21-6.2 Requirements for issuance of examination permits
- 13:21-6.3 Prerequisites for validation of examination permits

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

- 13:21-7.1 Definitions
- 13:21-7.2 Requirements for issuance of special learner's permits
- 13:21-7.3 Driving test appointment requirements
- 13:21-7.4 Method of securing appointment
- 13:21-7.5 Validation of special learner's permits

SUBCHAPTER 8. DRIVER LICENSES

- 13:21-8.1 Definitions
- 13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law
- 13:21-8.3 Permits
- 13:21-8.4 Physical and mental qualifications
- 13:21-8.5 Driving privilege status
- 13:21-8.6 Law-knowledge tests; written; English language; foreign language
- 13:21-8.7 Law-knowledge tests; oral; English language; foreign language
- 13:21-8.8 Special examination; hearing-impaired
- 13:21-8.9 Visual acuity and color perception check generally
- 13:21-8.10 Visual acuity test standards
- 13:21-8.11 Color perception check standards
- 13:21-8.12 Necessity of driving test
- 13:21-8.13 Driving test maneuvers
- 13:21-8.14 Vehicle used in driving demonstration
- 13:21-8.15 Accompanying driver
- 13:21-8.16 Failure of driving test
- 13:21-8.17 Waiver of driving test
- 13:21-8.18 through 13:21-8.20 (Reserved)
- 13:21-8.21 Eyes and weight numerical code chart
- 13:21-8.22 Weight class and restrictions
- 13:21-8.23 Surrender of license
- 13:21-8.24 Suspension of license; failure to notify of change of address

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS

- 13:21-9.1 Expired license or registration
- 13:21-9.2 Proof of allegations
- 13:21-9.3 Restoration fees
- 13:21-9.4 Suspension continues until restoration; application for restoration

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

- 13:21-10.1 Terminal certificate

SUBCHAPTER 11. CENTRAL TITLE AND REGISTRATION SERVICE

- 13:21-11.1 Service established
- 13:21-11.2 Purpose of service
- 13:21-11.3 Advantages of mail-order system
- 13:21-11.4 Compliance
- 13:21-11.5 Misuse of system
- 13:21-11.6 Temporary initial registrations and plates
- 13:21-11.7 Temporary transfer registrations
- 13:21-11.8 Mailing address for applications
- 13:21-11.9 Responsibility for issuance; records

- 13:21-11.10 Collection of fees
- 13:21-11.11 Errors in transactions
- 13:21-11.12 Issuance of temporary initial registration
- 13:21-11.13 Expiration date of temporary initial and transfer registration
- 13:21-11.14 Instructions for preparation
- 13:21-11.15 Issuance of temporary transfer registration
- 13:21-11.16 Expiration date of temporary transfer registration
- 13:21-11.17 Instructions for preparation
- 13:21-11.18 Certificate of ownership information
- 13:21-11.19 Registration fee
- 13:21-11.20 Unsatisfied claim and judgment fee
- 13:21-11.21 Adjustment fees; certificate of ownership fees
- 13:21-11.22 Preparation of Adjustment Voucher
- 13:21-11.23 Instructions for completing Summary of Dealer Transactions (Form RB-304)
- 13:21-11.24 Enumeration of form
- 13:21-11.25 Application for Temporary Initial Registrations and Plates (RB-300)
- 13:21-11.26 Temporary Initial Registration (RB-302)
- 13:21-11.27 Application for Temporary Transfer Registrations (RB-301)
- 13:21-11.28 Temporary Transfer Registration (RB-303)
- 13:21-11.29 Summary of Dealer Transactions (RB-304)
- 13:21-11.30 Dealer Adjustment Voucher (RB-305)
- 13:21-11.31 Error Letter (RB-307)
- 13:21-11.32 Fee Chart (RB-309)

SUBCHAPTER 12. FARM VEHICLES

- 13:21-12.1 Vehicles exempted from statutory provisions
- 13:21-12.2 Limitation on operation between farms
- 13:21-12.3 Hours of travel; visibility requirements
- 13:21-12.4 Distance of travel
- 13:21-12.5 Speed limitations
- 13:21-12.6 Vehicle dimensions
- 13:21-12.7 Priority of travel
- 13:21-12.8 Movement on certain highways
- 13:21-12.9 Tires; wheel coverings
- 13:21-12.10 Authority of Director

SUBCHAPTER 13. MIGRANT FARM WORKERS

- 13:21-13.1 Definitions
- 13:21-13.2 Basic driver qualifications
- 13:21-13.3 Vehicles permitted for transportation
- 13:21-13.4 Vehicle entrance and exit
- 13:21-13.5 Lighting equipment
- 13:21-13.6 Brakes
- 13:21-13.7 Audible signal
- 13:21-13.8 Exhaust system
- 13:21-13.9 Mirrors
- 13:21-13.10 Windshield wipers, windshield, side and rear glass
- 13:21-13.11 Tires
- 13:21-13.12 Speedometer
- 13:21-13.13 Fire extinguisher
- 13:21-13.14 Road warning devices
- 13:21-13.15 Markings
- 13:21-13.16 Penalties
- 13:21-13.17 Insurance
- 13:21-13.18 Statutory compliance

SUBCHAPTER 14. BUS DRIVERS

- 13:21-14.1 Purpose
- 13:21-14.2 Definitions
- 13:21-14.3 Special bus license requirement
- 13:21-14.4 (Reserved)
- 13:21-14.5 Bus driver licensing regulations
- 13:21-14.6 Release of privileged application information
- 13:21-14.7 Drivers of empty buses
- 13:21-14.8 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

- 13:21-15.1 General provisions
- 13:21-15.2 Proper person
- 13:21-15.3 Established place of business
- 13:21-15.4 Grounds for rejection or suspension or revocation of a dealer license
- 13:21-15.5 Hearing
- 13:21-15.6 Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

- 13:21-16.1 Definitions
- 13:21-16.2 Requirements for issuance of nondriver identification cards

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

- 13:21-17.1 Application; fees
- 13:21-17.2 Restrictions
- 13:21-17.3 Warning signs
- 13:21-17.4 Width of crossing zone
- 13:21-17.5 Speed
- 13:21-17.6 Applicability of other laws and rules
- 13:21-17.7 Penalties

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

- 13:21-18.1 Proof of ownership
- 13:21-18.2 Sales tax
- 13:21-18.3 Proof of insurance
- 13:21-18.4 Registration certificate
- 13:21-18.5 Registration number
- 13:21-18.6 Transfer of ownership
- 13:21-18.7 Renewal of registration certificate

SUBCHAPTER 19. MOTOR VEHICLE FRANCHISE COMMITTEE

- 13:21-19.1 Notice of intent; copies served on Chairman
- 13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing
- 13:21-19.3 Protest; copy filed with a franchisor and-relocating franchisee
- 13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings
- 13:21-19.5 Relocating franchisee; party to Committee's proceedings
- 13:21-19.6 Papers filed with Director; papers and envelopes specifically marked
- 13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law
- 13:21-19.8 Denial, suspension or revocation of dealers license
- 13:21-19.9 Hearing costs; deposit; sanctions

SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES

- 13:21-20.1 Definitions
- 13:21-20.2 Assignment and affixation of vehicle identification number
- 13:21-20.3 Certificate of origin
- 13:21-20.4 Transfer of ownership of new motor homes
- 13:21-20.5 Certificate of ownership for used motor vehicles converted into motor homes

SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES

- 13:21-21.1 Purpose
- 13:21-21.2 Scope
- 13:21-21.3 Definitions
- 13:21-21.4 Initial application for a license
- 13:21-21.5 Applicant qualifications

- 13:21-21.6 Application and license fees
- 13:21-21.7 License renewals
- 13:21-21.8 Surrender of license
- 13:21-21.9 Responsibility of licensees
- 13:21-21.10 Estimates and repairs
- 13:21-21.11 Authorization for repairs
- 13:21-21.12 Notice and recordkeeping requirements
- 13:21-21.13 Advertising
- 13:21-21.14 Storage rates
- 13:21-21.15 Additional violations
- 13:21-21.16 Additional penalties
- 13:21-21.17 Investigations
- 13:21-21.18 Written notice of a suspension, or revocation or refusal to grant or renew a license
- 13:21-21.19 Request for a hearing
- 13:21-21.20 Hearing procedures
- 13:21-21.21 Limitations on issuance of a license after a suspension, revocation or refusal to grant or renew
- 13:21-21.22 License restoration

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

- 13:21-22.1 Purposes
- 13:21-22.2 Prohibition on transfer
- 13:21-22.3 Definitions
- 13:21-22.4 Issuance of salvage certificates of title; fee
- 13:21-22.5 Subsequent transfer of salvage motor vehicles
- 13:21-22.6 Salvage motor vehicles precluded from obtaining a registration
- 13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired
- 13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers
- 13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair
- 13:21-22.10 Inspection; appointment; inspection fee; rescheduling
- 13:21-22.11 Temporary registration for salvage motor vehicles
- 13:21-22.12 Grounds for failing State inspection
- 13:21-22.13 Seizure of a salvage motor vehicle
- 13:21-22.14 Issuance of certificates of ownership without a salvage designation
- 13:21-22.15 Issuance of certificates of ownership with a salvage designation
- 13:21-22.16 Penalties
- 13:21-22.17 Written notice
- 13:21-22.18 Request for a hearing
- 13:21-22.19 Hearing procedures

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

- 13:21-23.1 Definitions
- 13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined
- 13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity
- 13:21-23.4 Substitute for driving skills tests
- 13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes
- 13:21-23.6 Endorsements; descriptions; testing requirements
- 13:21-23.7 Air brake restrictions
- 13:21-23.8 General requirement for knowledge and skills
- 13:21-23.9 Required knowledge
- 13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation
- 13:21-23.11 Requirements for double/triple trailers endorsement
- 13:21-23.12 Requirements for passenger endorsement
- 13:21-23.13 Requirements for tank vehicle endorsement
- 13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test
- 13:21-23.15 Minimum passing scores; test longevity; waiting period between tests

- 13:21-23.16 Third party testing; proof of testing
- 13:21-23.17 Commercial driver's license document; general
- 13:21-23.18 Information on the document and application
- 13:21-23.19 Tamper proofing requirements
- 13:21-23.20 Duplicate CDL
- 13:21-23.21 Change of legal name or address; application for corrected CDL
- 13:21-23.22 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years
- 13:21-23.23 Ineligibility for reduction of lifetime revocation
- 13:21-23.24 Driver rehabilitation program
- 13:21-23.25 Application to another jurisdiction for restoration; notice to Director
- 13:21-23.26 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22
- 13:21-23.27 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act
- 13:21-23.28 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles
- 13:21-23.29 Operative date

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

- 13:21-24.1 Definitions
- 13:21-24.2 Point reduction; computation; course completion
- 13:21-24.3 Sponsoring agency qualifications
- 13:21-24.4 Instructor qualification; training
- 13:21-24.5 Course curriculum; length; content; scope; class size
- 13:21-24.6 Classroom facilities
- 13:21-24.7 Student records
- 13:21-24.8 Certification of course completion
- 13:21-24.9 Suspension or revocation of sponsoring agency's approved status
- 13:21-24.10 Voluntary nature of course; fees

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 learner 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 learner permit, examination permit, driver license, commercial driver license or any endorsement thereto, or

registration shall not be issued unless the applicant therefore 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.

13:21-1.4 Restricted use of social security numbers

(a) The Division of Motor Vehicles shall, in the administration of the driver license and motor vehicle registration laws of this State, including any New Jersey commercial driver license act 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 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 and for the purpose of satisfying such indebtedness in accordance with N.J.S.A. 54A:9-8.1 et seq.

(c) The Division of Motor Vehicles shall utilize social security numbers to determine whether an individual is indigent for the purpose of authorizing the payment of insurance surcharges on an installment basis in accordance with the "New Jersey Automobile Insurance Reform Act of 1982" (N.J.S.A. 17:29A-33 et seq.).

(d) 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 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.

(e) The social security number shall be provided to and used in communications with the Commercial Driver License Information System, the National Driver Register and the driver licensing authorities of other states and jurisdictions, including the District of Columbia, Canadian provinces and the Republic of Mexico. It shall be used in reporting motor vehicle and other violations, driver license suspensions, revocations, disqualifications or out-of-service orders. The social security number may be displayed on the commercial driver license and examination permits and shall be used in carrying out the purposes and provisions of the Federal Commercial Motor Vehicle Safety Act of 1986 and the regulations adopted thereunder and any New Jersey

commercial driver license act and the regulations adopted thereunder.

(f) The Division of Motor Vehicles shall not utilize social security numbers for any purpose other than those specified in this section.

(g) The Division of Motor Vehicles shall inform an individual required to disclose a social security number that disclosure is mandatory under N.J.A.C. 13:21-1.3 and shall inform the individual of the uses that will be made of that number under this section.

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 requirements to applicants for commercial licenses.

13:21-1.5 Public record exception: disclosure prohibited

(a) Social security numbers recorded on applications for driver licenses (including commercial driver licenses), motor vehicle registrations, and other documents set forth in N.J.A.C. 13:21-1.3, are not public records and are not accessible for public examination pursuant to the "Right to Know Law" (N.J.S.A. 47:1A-1 et seq.).

(b) Social security numbers shall not be disclosed by the Division of Motor Vehicles in any manner or any circumstance other than those specified in N.J.A.C. 13:21-1.4. Social security numbers shall not be disclosed on driver licenses, driver license abstracts or motor vehicle registration abstracts prepared by the Division, except as provided in N.J.A.C. 13:21-1.4(e).

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 requirements to applicants for commercial licenses.

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

Historical Note

This subchapter was originally filed and became effective prior to September 1, 1969. The subchapter was readopted pursuant to Executive Order 66(1978) effective October 18, 1985 with amendments effective November 18, 1985 as R.1985 d.576. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b). See chapter and section levels for further amendments.

13:21-2.1 Basis for interpretation

Pursuant to the authority granted to administrative agencies to interpret statutory language, the phrase “while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles in N.J.S.A. 39:3-13 is interpreted as provided in N.J.A.C. 13:21-2.2 (“Accompanied” in motor vehicles defined) and N.J.A.C. 13:21-2.3 (“Accompanied” in motorcycles defined).

Amended by R.1985 d.576, effective November 18, 1985.
See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).
Substantially amended.

13:21-2.2 “Accompanied” in motor vehicles defined

A person learning to drive a motor vehicle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate such designated class of motor vehicles. The term “accompanied” shall mean that the licensed driver will occupy a seat next to the learner and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

Amended by R.1985 d.576, effective November 18, 1985.
See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).
Deleted the text “New Jersey licensed motor vehicle driver” and substituted “driver licensed by . . . of motor vehicles.”

13:21-2.3 “Accompanied” in motorcycles defined

A person learning to operate a motorcycle in preparation for a driving test shall be accompanied by a driver licensed by this State to operate motorcycles and who is qualified to handle the type of vehicle being used by the learner. The term “accompanied” shall mean that the licensed driver shall assume a position where he can visually supervise and render immediate assistance to the learner if the need should arise.

R.1980 d.495, eff. November 6, 1980.
See: 11 N.J.R. 87(c), 12 N.J.R. 727(b).
“Accompanied” redefined to include the language “assume a position where he can visually supervise and” to delete language immediately preceding.
Amended by R.1985 d.576, effective November 18, 1985.
See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).
Deleted the text “New Jersey licensed Motor Vehicle driver” and substituted “driver licensed by . . . operate motorcycles and”.

13:21-2.4 Nonconventional type motor vehicles

All motorcycles, as defined in N.J.S.A. 39:1-1, having 90 cubic centimeters of engine displacement or less shall hereinafter be considered nonconventional motor vehicles within the meaning of N.J.S.A. 39:10-2.

R.1972 d.253, eff. December 12, 1972.
See: 4 N.J.R. 275(a), 5 N.J.R. 18(b).

SUBCHAPTER 3. (RESERVED)

As amended, R.1981 d.14, eff. January 16, 1981.

See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

“Dealer’s Temporary Certificates” material deleted and subchapter marked “Reserved”.

13:21-3.1 (Reserved)

As amended, R.1981 d.14, eff. January 16, 1981.

See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

“Issuance of Certificates” material deleted and section marked “Reserved”.

13:21-3.2 (Reserved)

As amended, R.1981 d.14, eff. January 16, 1981.

See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

“Certificate form” material deleted and section marked “Reserved”.

13:21-3.3 (Reserved)

As amended, R.1981 d.14, eff. January 16, 1981.

See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

“Disposition of Certificate Copies” material deleted and section marked “Reserved”.

SUBCHAPTER 4. TITLES**Historical Note**

This subchapter was originally filed and became effective prior to September 1, 1969. Revisions became effective March 18, 1980 as R.1980 d.112. See: 11 N.J.R. 628(a), 12 N.J.R. 209(c). Further amendments became effective October 18, 1982 as R.1982 d. 370. See: 14 N.J.R. 632(a), 14 N.J.R. 1163(a). This subchapter expired March 17, 1985 and was readopted pursuant to Executive Order 66(1978) effective April 15, 1985 as R.1985 d.200. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a). See chapter and section levels for further amendments.

13:21-4.1 Certificate of origin; year model designation

(a) For purposes of N.J.S.A. 39:10-8, a certificate of origin for a new motor vehicle delivered in New Jersey shall be a document which conforms with the design and specifications of the model form for “Manufacturers’ Certificate of Origin” developed by the American Association of Motor Vehicle Administrators.

(b) When a manufacturer or importer, or any person or organization delivers a new motor vehicle into this State, he shall designate on the manufacturer’s certificate of origin, or the importer’s certificate of origin the year model of the vehicle, in addition to the vehicle’s description and identification required by N.J.S.A. 39:10-8.

(c) Neither the manufacturer, importer, dealer, or any other person or organization may alter, remove, or in any manner change such year model designation; nor shall a manufacturer, importer, dealer, person or organization recall a manufacturer's certificate of origin or importer's certificate of origin for the purpose of reissuing such document or replacing such document and designating a year model other than the year model that is designated in the original certificate of origin.

As amended, R.1980 d.112, effective March 18, 1980.
See: 11 N.J.R. 628(a), 12 N.J.R. 209(c).

13:21-4.2 Modification of year model designation

Notwithstanding the provisions of N.J.A.C. 13:21-4.1 (Certificate of origin; model year designation) model year designations may be modified through the completion of the certification set forth in N.J.A.C. 13:21-4.3 (Modification certificate form).

13:21-4.3 Modification certificate form

NAME OF MANUFACTURER OR IMPORTER
ADDRESS

Date _____

TO THE DIRECTOR
NEW JERSEY DIVISION OF MOTOR VEHICLES

This is to certify that the vehicle described below

_____	_____	_____
(Make)	(Serial Number)	(Model)

(No. of Cylinders)	(Body Type)	

and identified on the attached manufacturer's or importer's statement of origin as being manufactured during _____ and identified as Model Year

(Month)(Year)

_____ is appreciably the same as models currently manufactured by this firm and as this vehicle is new and unused, it is being designated as Model Year and the Certificate of Ownership will bear the month and year of manufacture as well as the Model Year designation as modified.

MANUFACTURER'S OR IM-
PORTER'S NAME

(Authorized Signature)

This certification shall be used ONLY when the vehicle described herein was manufactured during the period of one

year prior to October 1 of the preceding year and is sold during the succeeding year ending October 1.

13:21-4.4 Certificate application for homemade vehicles

(a) The owner of any motor vehicle constructed, assembled or modified by a person other than a manufacturer as defined in N.J.S.A. 39:1-1 shall submit an application for a certificate of ownership on forms supplied by the Division of Motor Vehicles.

(b) These forms will include but are not limited to:

1. A certification of the owner that the vehicle is roadworthy;
2. That all items of equipment requiring approval by statute or regulation of the Director of Motor Vehicles have been so approved;
3. That construction meets industry standards and the New Jersey inspection requirements.

(c) The owner shall submit a description of the vehicle; construction details and specifications; and photographic illustrations of each side of the vehicle along with a photograph of the dashboard of the vehicle.

(d) The owner shall indicate a location where the completed vehicle may be examined by representatives of the Division of Motor Vehicles.

13:21-4.5 (Reserved)

As amended, R.1982 d.370, eff. October 18, 1982.
See: 14 N.J.R. 632(a), 14 N.J.R. 1163(a).
Repealed application for "title only".

13:21-4.6 (Reserved)

Repealed, R.1985 d.200, effective April 15, 1985.
See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a).
This section was "Inapplicability of "title only" to nonresidents".

SUBCHAPTER 5. REGISTRATIONS

Historical Note

All provisions of this subchapter have been filed and became effective prior to September 1, 1969. Amendments were filed and become effective January 2, 1973 as R.1973 d.2. See: 4 N.J.R. 307(b), 5 N.J.R. 53(d). This subchapter was readopted with amendments, filed August 23, 1984 as R.1984 d.408, to become effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b). See chapter and section levels for further amendments.

13:21-5.1 Weight class

(a) In determining the weight class of all 1958 or later models of passenger automobiles which are being initially registered or titled in New Jersey, the manufacturer's shipping weight on the Certificate of Origin shall govern.

(b) The weight class shall be determined from the manufacturer's shipping weight and the weight class shall be entered on the first and all subsequent certificates of ownership in the spaces now provided for "HPS. A.E."

As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "New Jersey".

13:21-5.2 Certificate of Origin

(a) N.J.S.A. 39:10 requires a Certificate of Origin when any new motor vehicle is delivered in this State by the manufacturer to his agent or dealer, or to a person purchasing direct from the manufacturer.

(b) Where registration or title is sought for a 1958 or later model passenger automobile for which no Certificate of Origin has been issued and which vehicle is not in violation of N.J.S.A. 39:10-8, the owner will be required by the Director or his agent to register the vehicle in accordance with the weight classification described in the published listing of all models issued by this office.

(c) Only in a case where the published listing indicates that there may be a difference in weight in vehicles of the same model, shall the owner be required by the Director or his agent to produce a certification of weight of the vehicle executed by a certified weightmaster.

As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "New Jersey".

13:21-5.3 Published listing of models

(a) In the case of an initial registration or titling, or both, any 1957 or earlier model of passenger vehicle, the published listing of all models issued by this office shall govern and be the basis for the determination of the vehicle's weight class.

(b) This published listing is hereby made a part of this Chapter.

13:21-5.4 Registration fee

(a) Where any motor vehicle, having been previously registered in New Jersey subsequent to March 1, 1956, is re-registered or title is transferred as the result of sale or otherwise, the weight classification on the prior registration or Certificate of Ownership, or if not available the published listing of such vehicles, shall control and be the basis for the registration fee to be paid.

(b) If such weight class has not already been inserted on a Certificate of Ownership the agent shall make such insertion and it thereafter shall be made on all subsequent Certificates of Ownership covering said vehicle.

13:21-5.5 Certification of weight class

(a) In any case where there is doubt or dispute regarding the manufacturer's shipping weight of a particular passenger automobile, the application for registration or transfer or title shall be accompanied by a certification of weight executed by a certified weightmaster.

(b) The certification shall then become the basis for the weight class and registration fee for said vehicle and the weight class shall be entered on the Certificate of Ownership from such certification.

(c) The certification shall then be attached to the copy of the Certificate of Ownership which is forwarded by the agent to the Central Office of the Division in Trenton.

13:21-5.6 Registering flood-damaged vehicles

Vehicles that were damaged by flood conditions shall not be registered unless the application for registration is accompanied by the certificate of ownership that has been noted "FLOOD VEHICLE" directly beneath the Certificate of Ownership number.

Authority

N.J.S.A. 39:3-43.

13:21-5.7 Notification of flood damage

A motor vehicle damaged by flood conditions in this or any other state must be so described on the manufacturer's statement of origin, assignment of the certificate of ownership or the application for certificate of ownership with the descriptive phrase "FLOOD VEHICLE" and the resulting Certificate of Ownership and all subsequent Certificates of Ownership shall be so noted.

Authority

N.J.S.A. 39:4-43.

13:21-5.8 Mileage reading on certificate of ownership

(a) Every person, as defined in N.J.S.A. 39:1-1, shall, at the time he transfers ownership of a vehicle, having a mileage recording instrument (odometer), indicate on the certificate of ownership, manufacturer's statement of origin or other prescribed form, the date of transfer and the mileage reading at the time of transfer as indicated by the mileage recording instrument (odometer) and shall certify the truth thereof.

(b) Subsection (a) shall be applicable only where the prescribed form used provides a space for the recordation and certification of the required information.

R.1973 d.1, eff. January 2, 1973.
See: 4 N.J.R. 307(c), 5 N.J.R. 53(c).

13:21-5.9 Transferring of ownership on certain motor vehicles

(a) Every person, as defined in N.J.S.A. 39:1-1, shall, at the time he transfers ownership of a vehicle, having a mileage recording instrument (odometer), disclose in writing, to a buyer, as defined in N.J.S.A. 39:10-2, the cumulative mileage appearing on the mileage recording instrument (odometer).

(b) Every buyer, as defined in N.J.S.A. 329:10-2, to whom title is transferred in his capacity as a licensed New Jersey automobile dealer, shall obtain the written disclosure required by subsection (a) above and shall maintain a copy thereof for a period of five years or a lesser period if so determined by the Director of the Division of Motor Vehicles.

(c) Subsections (a) and (b) shall not be applicable to transfers of ownership in which the prescribed forms used require the recordation and certification of this information.

R.1973 d.2, eff. January 2, 1973.
See: 4 N.J.R. 307(b), 5 N.J.R. 53(d).

13:21-5.10 Surrender of registration plates

(a) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 transfers ownership of the motor vehicle and does not register another motor vehicle for the unexpired portion of the registration period as provided in N.J.S.A. 39:3-30, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the transfer of ownership.

(b) Whenever an owner of a motor vehicle registered in accordance with N.J.S.A. 39:3-4 cancels or terminates liability insurance coverage on the motor vehicle without immediately contracting for replacement liability insurance coverage thereon, he shall remove the registration plates from the motor vehicle and surrender them to the Division of Motor Vehicles within five days of the cancellation or termination of the liability insurance coverage. This subsection shall not apply where an owner of a motor vehicle cancels or terminates liability insurance coverage by reason of this transfer or sale of a motor vehicle.

R.1979 d.315, eff. August 15, 1979.
See: 11 N.J.R. 350(a), 11 N.J.R. 466(b).
As amended, R.1984 d.408, eff. September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
Deleted "intend to"; "he shall . . . N.J.S.A. 39:3-30".

13:21-5.11 Registration refusal

The Director shall refuse registration of a vehicle if the applicant therefor has failed to furnish proof, in the form prescribed by the United States Secretary of the Treasury at 26 CFR § 41.6001-2, that the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481) has been paid.

New Rule R.1986 d.38, effective February 3, 1986.
See: 17 N.J.R. 2737(a), 18 N.J.R. 421(a).

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.1 Definitions

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

"Examination permit" means a permit issued by the Director of the Division of Motor Vehicles to a person over 17 years of age, in accordance with the provisions of N.J.S.A. 39:3-13, for the purpose of fitting himself or herself for the issuance of a New Jersey basic driver's license or motorcycle license.

"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.

R.1970 d.8, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
Amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no examination permit 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).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.3 Prerequisites for validation of examination permits

(a) No examination permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:

1. Successful completion of a law-knowledge test; and
2. Minimum standard in visual acuity is attained.

R.1970 d.8, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
Recodified from 13:21-6.2 and amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).
Prior text at 13:21-6.3, Provisional requirements, repealed.

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

Subchapter Historical Note

Subchapter 7 became effective January 9, 1970 as R.1970 d.9. See: 1 N.J.R. 20(c), 2 N.J.R. 18(b). Amendments became effective February 6, 1984 as R.1984 d.11. See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d). Subchapter 7 expired February 18, 1986 pursuant to Executive Order 66(1978). New rules became effective April 7, 1986 as R.1986 d.81. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

13:21-7.1 Definitions

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

"Special learner's permit" means a permit issued to a person over 16 years of age, in accordance with the provisions of N.J.S.A. 39:3-13.1, allowing such person, for the purpose of fitting himself or herself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a licensed driving school, and which, in accordance with the provisions of N.J.S.A. 39:3-13.2a may, upon successful completion of a behind-the-wheel driving course, be retained by the holder to operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 12:01 A.M. and 5:00 A.M. while in the company and under the control of a licensed motor vehicle driver of this State who has at least three years experience as a licensed motor vehicle driver.

"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.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

"Student" changed to "Special" permit. Also added course of behind-the-wheel instruction conducted by licensed driving school.

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.2 Requirements for issuance of special learner's permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no special learner's permit 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).

New Rule, R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.3 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the special learner's permit prior to 17th birthday of the applicant; provided that:

1. The student will be at least 17 years of age on the date of the appointment;

2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf, Interpreter Referral Service must accompany the student for the oral test.

3. The special learner's permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles;

4. The special learner's permit, when presented for the driving test, bears the signatures of the school principal or driving school owner, school nurse and student. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.

5. The student will have completed an approved "behind-the-wheel" training course on the date of the appointment.

R.1970 d.9, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1981 d.66, effective February 26, 1984.

See: 12 N.J.R. 490(a), 13 N.J.R. 237(d).

(a)2-4 substantially amended.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a)2, added requirements for student having hearing impairment.

In (a)4, added last sentence.

Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

(a)5 added.

Recodified from 13:21-7.2 and amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.4 Method of securing appointment

A student may present his or her special learner's permit at any Driver Testing Center for the purpose of securing an appointment for the driving test; provided, however, that the applicant has completed six hours of "behind-the-wheel" automobile driver training.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

Deleted old and added new requirement that applicant must complete six behind-the-wheel hours of training. Also deleted old (b).

Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Substituted "Testing" for "Qualification"; "or has reached the age of 16½" has been deleted.

Recodified from 13:21-7.3 and amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.5 Validation of special learner's permits

(a) A special learner's permit is valid for practice driving a motor vehicle of the class for which a basic driver's license is required while the holder of the special learner's permit is in the company and under the control of a licensed driver of this State who has had at least three years experience as a licensed motor vehicle driver when:

1. A student has completed "behind-the-wheel" driver training and has successfully completed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approved certificate indicating that he has passed.

2. The Snellen eye reading has been recorded on the special learner's permit by the school nurse. The eye reading may be recorded by a representative of the Division of Motor Vehicles if the eye reading has not been recorded by the school nurse.

3. The signature of the school principal or driving school owner, school nurse and student must be on the special learner's permit. A school principal, driving school owner or school nurse may use a signature stamp in place of a handwritten signature.

(b) If a student has not completed six hours of "behind-the-wheel" driving training, he or she must purchase an examination permit before the driving test appointment.

(c) A special learner's permit is not valid during the hours between 12:01 A.M. and 5:00 A.M.

As amended, R.1984 d.11, effective February 6, 1984.

See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

In (a), added motor vehicle may be used for practice driving between sunrise and sunset while accompanied by a driver licensed for three years. In (a)2, added DMV representative may record eye reading if school nurse has not. In (a)3, added last sentence. Also added new 4. Amended by R.1986 d.81, effective April 7, 1986.

See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

Deleted text in (a)1 "or is at least 16½ years old". Recodified from 13:21-7.4 and amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

SUBCHAPTER 8. DRIVER LICENSES

Subchapter Historical Note

All provisions of Subchapter 8 were adopted by the Director, Division of Motor Vehicles, Department of Law and Public Safety, prior to September 1, 1969. Amendments were filed and became effective January 9, 1970 as R.1970 d.6. See: 1 N.J.R. 20(c), 2 N.J.R. 18(b). Further amendments were filed and became effective September 26, 1979 as R.1979 d.382. See: 11 N.J.R. 385(a), 11 N.J.R. 580(d). Further amendments were filed and became effective November 6, 1980 as R.1980 d.493. See: 12 N.J.R. 281(a), 12 N.J.R. 726(e). Further amendments were filed and became effective February 26, 1981 as R.1981 d.65. See: 12 N.J.R. 666(f), 13 N.J.R. 237(c). Section 18 was repealed by R.1982 d.95, effective April 15, 1982. See: 14 N.J.R. 88(a), 14 N.J.R. 346(d). Sections 19 and 20 were repealed and others amended by R.1983 d.609, effective January 3, 1984. See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d). Further amendments were filed and became effective February 6, 1984 as R.1984 d.19. See: 15 N.J.R. 2029(a), 16 N.J.R. 248(a). Subchapter 8 was filed and became effective for readoption August 28, 1984. Amendments became effective September 17, 1984 as R.1984 d.411. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c). See chapter and section levels for further amendments.

13:21-8.1 Definitions

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

"Applicant" means every person who has made application for a license as provided in N.J.S.A. 39:3-10 or who has complied with the provisions of N.J.S.A. 39:3-11.1, 39:3-13 or 39:3-13.1 et seq.

"Driving test" means that portion of the driver license examination wherein the applicant for a New Jersey basic driver's license or motorcycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he or she has applied for would be valid.

"Examinations" means a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles administered by the Division of Motor Vehicles.

"Permit" means a special learner's permit, examination permit or any written instrument issued under the provisions of N.J.S.A. 39:3-13 or 39:3-13.1 et seq.

"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.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Amended definition of "driving test" and "examinations".

As amended, R.1984 d.411, effective September 17, 1984.

See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Changed text is definition "Examinations".

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law

(a) All applicants must have reached the age of 17 years, except applicants making application under the provisions of N.J.S.A. 39:3-11.1 or 39:3-13.1.

(b) As a condition for obtaining a license, all applicants shall be required to furnish to the Division proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified copy of any of the following documents:

1. A United States birth certificate showing the name and date of birth of the applicant and bearing the registrar's signature and seal of office;

2. A United States government identification card issued to persons serving in the United States military;

3. United States military discharge papers;

4. A current alien registration card issued by the United States Department of Immigration and Naturalization;

5. A passport issued by the United States or passport issued by a foreign country accompanied by a current form I-94 or equivalent document;

6. United States citizenship papers;

7. A Certificate of Naturalization issued by the United States Department of Immigration and Naturalization;

8. A current employment authorization card issued by the United States Department of Immigration and Naturalization when accompanied by a Social Security card;

9. United States adoption papers; or

10. Any other documents issued by the United States which establish the applicant's proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law.

(c) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Division pursuant to this section unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.

(d) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver's license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Director may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(e) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (d) above but for the fact that he or she is not the holder of a driver's license from the country in which he or she resides shall be eligible to make application for a New Jersey driver's license or permit. The Director shall suspend or revoke any driver's license or permit issued pursuant to this subsection upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(f) The Division shall not issue a driver's license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (d) above or who is entitled

to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver's license to the Division upon issuance of a New Jersey driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1979 d.382, effective September 26, 1979.

See: 11 N.J.R. 385(a), 11 N.J.R. 580(d).

As amended, R.1980 d.493, effective November 6, 1980.

See: 12 N.J.R. 281(a), 12 N.J.R. 726(e).

(b)1 "civil" deleted (b)2 "civil" and "cannot be obtained" deleted, "is unavailable" added; (b)2i was "Hospital birth certificates", (b)2ii deleted, (b)2iii through ix renumbered as ii through vii; (b)2iv "the United States or passport issued by" added, "may be used by an alien provided that an I-94" deleted.

Amended by R.1986 d.68, effective March 17, 1986.

See: 18 N.J.R. 49(a), 18 N.J.R. 567(a).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-8.3 Permits

(a) The following applicants must produce a valid permit when appearing for examination:

1. Initial applicants;
2. Applicants appearing for re-testing;
3. Applicants holding an out-of-State driver's license.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.4 Physical and mental qualifications

(a) A person may be prohibited from obtaining or holding a New Jersey driver's license or permit if he or she:

1. Has any physical disability, which cannot be compensated for by use of a prosthetic device(s) or special vehicle equipment, which would render him incapable of operating a motor vehicle in a safe manner as determined by an actual driving demonstration.
2. Through any mental or physical defect is incapable of operating motor vehicle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a New Jersey licensed physician, may be required.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-8.5 Driving privilege status

(a) Any person who has had his driving privilege revoked in New Jersey may be required to present written evidence supplied by the Director of Motor Vehicles that his privilege has been restored.

(b) Any person who has had his driving privilege revoked or suspended in another state within the three years prior to making application for the New Jersey driver's license may be required to present written evidence supplied by the licensing authority of that state that his privilege has been restored. A current driver's license issued by such state may be considered sufficient evidence of restoration.

R.1970 d.6, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

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 (c).

13:21-8.6 Law-knowledge tests; written; English language; foreign language

(a) Written tests will be administered in English to driver license applicants having an adequate ability to read and understand the English language.

(b) Written tests will be administered in foreign languages to applicants having a limited ability to read and understand the English language. The foreign languages in which the written tests will be given shall be determined by the director.

(c) Written tests will consist of a series of questionnaires concerning the safe operation of an automobile, motorcycle, articulated vehicle or bus, and the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the driver manual and supplements thereto.

(d) The written test will consist of at least 20 questions. The test will include a demonstration of an ability to read and understand road signs in common use.

(e) The written test administered in public, private or parochial schools shall consist of at least 50 questions and shall be approved by the State Department of Education and the Division of Motor Vehicles.

(f) A passing score of at least 80 percent must be attained by the applicant. If the test consists of two parts (laws and signs), a passing score of 80 percent must be attained in each part. Each question will be of equal value when scoring the test.

(g) An applicant who fails the written test for a driver license cannot be retested for a period of at least one week from the date of failure.

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 text.

13:21-8.7 Law-knowledge tests; oral; English language; foreign language

(a) Oral tests will be administered to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that are unable to complete the written test.

(b) The English language oral test administered by the Division of Motor Vehicles or as part of a high school driver education program will consist of two parts as follows:

1. Slides, transparencies or other facsimiles which can be used to show the image of official traffic control devices. The number of slides, transparencies and/or other facsimiles will be 20. Applicants will be required to read and explain the meaning of each slide, transparency or other facsimile. The percentage value of each slide, transparency or other facsimile will be five percent. A passing score of 80 percent must be attained by the applicant.

2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, and the New Jersey Motor Vehicle Laws and Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions will be 20. A passing score of 80 percent must be attained by the applicant.

(c) An applicant who fails the oral test for a driver license can not be retested for a period of at least two weeks from the date of failure.

(d) Oral tests will be administered in foreign languages determined by the director to driver license applicants who are unable to read and understand the English language or a foreign language so that they are unable to complete the written test.

(e) Foreign language oral tests will consist of the following:

1. A series of at least 20 recorded questions concerning the safe operation of an automobile, motorcycle, or articulated vehicle, and the Motor Vehicles Laws and Traffic Regulations.

2. A demonstration of the ability to understand traffic control signs in common use.

3. A passing score of 80 percent must be attained in each part of the oral test.

4. An applicant who fails the oral test for a driver license cannot be retested for a period of at least two weeks from the date of failure.

As amended, R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 143(b), 16 N.J.R. 51(d).

Deleted old and added new text.

13:21-8.8 Special examination; hearing-impaired

(a) A special test will be administered to driver license applicants who are hearing-impaired and unable to read and understand the English or foreign language written test.

(b) The special test for hearing-impaired applicants will be administered by use of video or other devices in order to determine whether the applicant has an adequate knowledge concerning traffic control signs in common use, the safe operation of a motor vehicle or motorcycle and the Motor Vehicle Laws and Traffic Regulations.

(c) A passing score of 80 percent must be attained in each part of the special examination.

(d) An applicant who fails the special examination for a driver license cannot be retested for a period of at least two weeks from the date of failure.

(e) An interpreter may be permitted to accompany the applicant if the interpreter has been approved by the New Jersey Division of the Deaf or the Interpreter Referral Service.

(f) The Division will pay the interpreter fees for hearing impaired applicants. An approved interpreter will be paid at the rate of \$12.50 per hour plus \$.18 a mile for travel over 25 miles round trip. Upon request for compensation the supervisor will require the interpreter to sign form "AR 50/54". The supervisor will ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters will be paid a minimum of one hour. Service time beyond the first hour will be paid in half-hour increments.

As amended, R.1983 d.609, eff. January 3, 1984.
See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).
Deleted old and added new text.

13:21-8.9 Visual acuity and color perception check generally

(a) All applicants will be required to meet the minimum vision standards as set by the Division of Motor Vehicles.

(b) Color perception tests will consist of the applicants's ability to distinguish between red, amber and green as used on Official Traffic Control Devices.

R.1970 d.6, eff. January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.10 Visual acuity test standards

(a) Vision will be considered as passing when a minimum of 20/50 is attained in each eye, with or without corrective lenses. This rating will be determined as measured by the Snellen Chart.

(b) When the vision in either eye is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a registered physician, ophthalmologist or optometrist must be presented.

(c) When the vision in either eye is less than 20/50 and corrective lenses will improve the vision, then corrective

lenses will be required to be worn while driving; except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant's visual well being, a statement to this effect, signed by a registered physician, ophthalmologist or optometrist, must be presented.

(d) When there is no vision in one eye, the good eye must meet the minimum standard of 20/50 with or without corrective lenses.

(e) In the event any special device or equipment is used or needed to meet the minimum requirements of this section, the matter may be referred to the Chief of the Driver Testing Bureau.

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

13:21-8.11 Color perception check standards

(a) The color perception check will measure the applicant's ability to distinguish red, amber, and green as used on official traffic control devices.

(b) An applicant may not be denied a driver's license solely upon the basis of a color deficiency.

R.1970 d.5, eff. January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.12 Necessity of driving test

Every applicant for a New Jersey driver's license must satisfactorily complete a practical demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he desires a license to drive.

R.1970 d.6, eff. January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.13 Driving test maneuvers

(a) The driving test may include but is not limited to the following maneuvers:

1. Starting;
2. Stopping;
3. Steering;
4. Turning;
5. Backing;
6. Turning around;
7. Parallel parking;
8. Signaling.

R.1970 d.4, eff. January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-8.14 Vehicle used in driving demonstration

(a) The vehicle used for the driving demonstration will be provided by the applicant who must have a current validated driver examination permit in his possession.

(b) The vehicle must comply with all provisions of N.J.S.A. 39 concerning registration and equipment. A vehicle registered in a state other than New Jersey may be used for the driving test if it is properly registered in the home state of the registered owner and is properly equipped in accordance with the laws of this State.

(c) The vehicle must be equipped with a fixed seat (with back) so situated that the licensing examiner may be able to operate the controls in case of an emergency.

(d) The driving test cannot be administered in a vehicle in which there is a center console type construction, or other obstruction which will prevent the licensing examiner from having access to the foot brake, unless the parking brake is mounted to the right of the driver in a position accessible to the examiner.

(e) The vehicle may be required to be equipped with snow tires or tire chains when, in the opinion of the Unit Supervisor-in-charge, such equipment is necessary to insure maximum safety.

(f) In the case of a motorcycle, articulated vehicle or bus test, the provisions of (a), (b) and (c) above may not be applicable.

As amended, R.1983 d.609, eff. January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

In (f), added "articulated vehicle or bus test".

13:21-8.15 Accompanying driver

(a) The applicant must be accompanied to the testing area by a New Jersey licensed driver who will be required to exhibit his credentials, and whose license does not restrict him from operating the vehicle used on the test.

(b) This Section does not prohibit a person holding a valid out-of-State license from driving the vehicle to the road test starting point; provided, however, such license does not restrict him from operating the vehicle used on the test.

(c) No unauthorized person may accompany the applicant and the licensing examiner in the vehicle during the test.

As amended, R.1983 d.609, eff. January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

13:21-8.16 Failure of driving test

(a) An applicant who fails the driving test may not be retested until a period of at least two weeks has elapsed.

(b) An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any material improvement in his performance, will be referred to the Unit Supervisor-in-charge of the Drive Qualification Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months. The applicant shall retain the examination permit for the purpose of practice driving.

As amended, R.1983 d.609, eff. January 3, 1984.

See: 15 N.J.R. 1437(d), 16 N.J.R. 51(d).

In (b), added last sentence.

13:21-8.17 Waiver of driving test

(a) The driving test may be waived by the Unit Supervisor-in-charge of the Driver Qualification Center if the applicant:

1. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Director;

2. Holds a license issued by the United States Armed Forces for the type or general class of vehicles he desires to drive;

3. Has returned from foreign service and holds a license issued by the United States Military Government. Application in such cases must be made within 60 days of reentry to this county;

4. Holds a valid license issued by his native country, subject to reciprocal agreements and any translation as may be necessary;

5. Produces evidence of having held a valid New Jersey driver's license for the type of general class of vehicle he desires to drive within three years of the date of application for a New Jersey driver license.

R.1970 d.4, eff. January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

As amended, R.1981 d.65, eff. February 26, 1981.

See: 12 N.J.R. 666(f), 13 N.J.R. 237(c), (a)5 added.

As amended, R.1983 d.609, eff. January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

In (a), added "Unit Supervisor-in-charge of the Driver Qualification Center".

13:21-8.18 (Reserved)**Historical Note**

This section formerly contained a rule concerning nonresident licensees (legend) which was repealed by R.1982 d.95, eff. April 15, 1982.

See: 14 N.J.R. 88(a), 14 N.J.R. 346(b).

13:21-8.19 (Reserved)

R.1983 d.609, eff. January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).

Repealed rule concerning affidavit confirming residence.

13:21-8.20 (Reserved)

R.1983 d.609, effective January 3, 1984.

See: 15 N.J.R. 1437(b), 16 N.J.R. 51(d).
 Repealed rule concerning receipt of affidavit.

13:21-8.21 Eyes and weight numerical code chart

The following numerical codes will designate the indicated color of eyes and the licensee's weight:

EYE COLOR	WEIGHT
1—Black	0—Under 121 pounds
2—Brown	1—121 to 140 pounds
3—Gray	2—141 to 160 pounds
4—Blue	3—161 to 180 pounds
5—Hazel	4—181 to 200 pounds
6—Green	5—201 to 220 pounds
7—Special code	6—Over 220 pounds
8—Special code	
9—Special code	

13:21-8.22 Weight class and restrictions

The following driver license numerical codes will designate the indicated class of vehicle and the restrictions and conditions regarding prosthetic and mechanical devices required by the licensee:

CLASS VEHICLE	RESTRICTION
A—Moped	0—none
C—Farm (One year only)	1—Corrective Glasses
D—Auto	2—Prosthetic Device
E—MC	3—Mechanical Device
F—Auto & MC	8—Attached Endorsement
G—Auto & Art. Veh.	
H—Auto & Bus 1	
J—Auto & Bus 2	
K—Auto, MC & Art. Veh.	
L—Auto, MC & Bus 1	
M—Auto, MC & Bus 2	
N—Auto, Bus 1 & Art. Veh.	
P—Auto, Bus 2 & Art. Veh.	
R—Auto, MC, Bus 1 & Art. Veh.	
S—Auto, MC, Bus 2 & Art. Veh.	

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.

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

Motor Vehicles Junk Title Certificate issued in accordance with the provisions of N.J.S.A. 39:10A-3 and assigned by the "Public Agency" as is a terminal certificate, and the vehicle described thereon may not be subsequently titled and registered in this State.

Authority

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

SUBCHAPTER 11. CENTRAL TITLE AND REGISTRATION SERVICE

Authority

Unless otherwise expressly noted, all provisions of this Subchapter 11 of Chapter 21 were adopted by the Director, Division of Motor Vehicles, Department of Law and Public Safety, pursuant to authority delegated at N.J.S.A. 39:10-4.

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.

(b) Briefly, this service permits a dealer to issue a temporary transfer registration which allows his customer to operate the passenger vehicle purchased using the license plates in his possession. This temporary transfer registration is good for a period not exceeding 20 days; or until the purchaser receives, by mail, the certificate of ownership and permanent registration, whichever occurs first. In those cases where license plates will not be transferred to the newly purchased passenger vehicle, the dealer will issue temporary plates in addition to an initial temporary registration good for a period not exceeding 20 days; or until the purchaser receives, by mail, the certificate of ownership, permanent registration certificate and permanent plates, whichever occurs first. The processing of the necessary documents to be issued under this program will be performed by the Title and Registration Unit of the Certificate of Ownership Bureau, Division of Motor Vehicles, 137 East State Street, Trenton, New Jersey 08608.

Case Notes

Regulation supports holding that buyer need not have auto title in hand to consummate sale; entrustment provision of the Uniform Commercial Code prevails over the Motor Vehicle Act's certificate of ownership provisions. *Shannon v. Snedeker*, 192 N.J.Super. 366, 470 A.2d 25 (Ch.Div.1983).

13:21-11.3 Advantages of mail-order system

(a) The advantages of the mail-order system to the dealer and his customer are:

1. It decreases the possibility of issuing fraudulent titles or titles for stolen vehicles;
2. It enables the customer to drive his car immediately after purchase;
3. It eliminates the necessity of the dealer or his customer going to a Motor Vehicle Agency to transfer title and registration of a vehicle; and
4. It improves dealer-customer relationships because the dealer handles all details with respect to titles and registrations for his customer.

13:21-11.4 Compliance

Detailed rules and procedures for the operation of this mail-order service are contained in this Subchapter. Strict adherence to the procedure should eliminate mistakes and consequent delays in the issuance of permanent registrations, plates and certificates of ownership.

13:21-11.5 Misuse of system

While one of the purposes of this system is to provide a convenience for dealers, it should be understood that misuse of the temporary registrations and plates, or frequent inaccurate reporting by the dealer will result in the Director rescinding the dealer's privilege to operate under this program.

13:21-11.6 Temporary initial registrations and plates

(a) Temporary initial registrations and plates will be supplied in multiples of ten sets to a dealer only upon receipt of a signed application (Form RB-300).

(b) There is a fee of \$1.00 for each set of temporary plates, to be paid by the dealer at the time application is made for the temporary initial registrations and plates.

13:21-11.7 Temporary transfer registrations

(a) Temporary transfer registrations will be supplied in multiples of ten sets to a dealer only upon receipt of a signed application (Form RB-301). There is no fee required for this type of transaction.

(b) The number of registrations requested on the initial applications should be based on the dealer's sales for three months during a like period in the past year. Additional registrations and plates may be obtained upon receipt of another signed application.

13:21-11.8 Mailing address for applications

Applications should be mailed to the Title and Registration Unit, Certificate of Ownership Bureau, Division of

Motor Vehicles, 137 East State Street, Trenton, New Jersey 08608.

13:21-11.9 Responsibility for issuance; records

(a) Licensed dealers who apply for temporary registrations with or without plates from the Division are responsible for the issuance of these registrations and plates.

(b) In addition, they must maintain records of issued and unissued registrations and plates.

13:21-11.10 Collection of fees

(a) Licensed dealers are also responsible for collecting the proper fees and reporting fees collected to the Division of Motor Vehicles.

(b) Any shortages in the fees collected are the responsibility of the dealer who must collect the difference from his customer or pay the difference himself.

(c) No transactions where the fee reported is insufficient will be processed until the difference is received from the dealer. (See N.J.A.C. 13:21-11.22, Preparation of adjustment voucher.)

13:21-11.11 Errors in transactions

(a) Any transactions with errors such as missing signatures or incomplete information will not be processed until the necessary corrections are made.

(b) All errors will be listed on an Error Letter (Form RB-307), two copies of which will be sent to the dealer with the document to be corrected attached.

(c) When the necessary corrections are made, return the documents with one copy of the error letter to the Title and Registration Unit.

(d) All voided temporary registrations and voided temporary plates must be returned immediately to the Title and Registration Unit.

13:21-11.12 Issuance of temporary initial registration

(a) Temporary initial registrations and plates may only be issued to purchasers of passenger vehicles when there are no plates available to be transferred to the newly purchased vehicle.

(b) Temporary initial registrations and plates may not be issued when:

1. The dealer has not made a bona fide sale of a vehicle;
2. Application for the certificate of ownership and/or registration and plates are to be made at a Motor Vehicle Agency;

3. The dealer does not have a valid title in his possession;

4. The purchaser does not intend to secure permanent New Jersey registration;

5. Purchaser has a set of New Jersey plates that may be transferred to the newly-purchased vehicle.

(c) Temporary plates may not be loaned to a customer or any other dealer, nor may they be used on any vehicle owned by the dealer.

13:21-11.13 Expiration date of temporary initial and transfer registration

(a) All temporary initial and transfer registrations issued to residents of this State shall expire at the end of 20 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration. The validity of temporary registrations issued to residents of this State pursuant to this subsection prior to January 3, 1989 (the effective date of the amendment of this subsection) shall not be affected or impaired by that amendment.

(b) All temporary initial registrations issued to non-residents shall expire at the end of 20 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration.

(c) Under no circumstances may a dealer extend the expiration date or issue a new temporary initial registration and plates for the same vehicle.

(d) Notwithstanding any other provision of N.J.A.C. 13:21-11.1 et seq. to the contrary, temporary initial and transfer registrations may be issued to residents of this State for passenger and commercial vehicles, laden or unladen, upon payment of the registration fee provided by statute and, if the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), upon submission of proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

Amended by R.1985 d.520, effective October 21, 1985.

See: 17 N.J.R. 1863(a), 17 N.J.R. 2562(a).

(b) recodified to (c) and new (b) added.

Amended by R.1989 d.22, effective January 3, 1989.

See: 20 N.J.R. 176(a), 21 N.J.R. 26(b).

Added text to (a) "The validity of ..." and added (d).

13:21-11.14 Instructions for preparation

(a) Type or print clearly on the temporary initial registration, in quadruplicate, all the information required. Each copy must be signed by the dealer and the purchaser.

(b) The date on the registration must agree with the date of assignment of the vehicle.

(c) The number on the temporary plate must agree with the number on the prenumbered registration.

(d) Dealer must enter the following information in the proper spaces on the plate in permanent type ink:

1. Date of issue;
2. Date of expiration;
3. Make of vehicle;
4. Manufacturer's serial number.

(e) Purchaser must fill out reverse side and sign an application for passenger registration (Form RB-122).

(f) The proper registration fee must be entered on the temporary registration. The unsatisfied claim and judgment fee must be included if the vehicle is not covered by liability insurance at the time of issuing the temporary registration. The fee for the certificate of ownership must be entered under the registration fee. Total of the two fees must be entered on the next line. Do not include \$1.00 fee for temporary plates. As to schedule of fees, see Sections 11.19 through 11.21 of this Chapter. See also, Section 11.32 (Fee Chart) of this Chapter. (See N.J.A.C. 13:21-11.19 through 13:21-11.21, Schedule of fees. See also, N.J.A.C. 13:21-11.32, Fee Chart.)

(g) The original copy and triplicate copy of the temporary initial registration, the registration application, and the certificate of ownership or statement of origin must be sent to the Title and Registration Unit. Accompanying these documents must be a summary of dealer transactions reporting the fees collected. Do not fold, bend or staple the registration application.

(h) The duplicate copy of the temporary initial registration shall be given to the purchaser to operate the vehicle until the permanent registration and plates are received from the Division.

(i) The quadruplicate copy of the temporary registration must be filed by plate number. This copy must be filed for three years and must be available for examination by the Director of Motor Vehicles, his inspectors or other law enforcement officers.

(j) Temporary plates must be destroyed when:

1. The permanent registration and plates are received;
2. The 20-day period has expired.

13:21-11.15 Issuance of temporary transfer registration

(a) Temporary transfer registrations may only be issued when the purchaser has a set of New Jersey passenger license plates that may be transferred to the newly-purchased passenger vehicle and a currently valid registration certificate. If the registration has expired, it is impossible to transfer the registration. Issue a temporary transfer registration, collect the same fee as for an initial registration, and the Division will issue the permanent registration in accordance with present regulations. If the registration expires during the month the transaction transpires, issue a temporary transfer registration, collect the same fee as for an initial registration, and the Division will issue the permanent registration in accordance with present regulations.

(b) If the purchaser of a vehicle has lost his unexpired registration certificate, he must apply to the Division of Motor Vehicles for a Duplicate Registration Certificate. Do not issue a temporary transfer certificate until the purchaser has received his duplicate from the Division.

(c) Temporary transfer registrations may not be issued when:

1. The dealer has not made a bona fide sale of a vehicle;
2. Application for the certificate of ownership and/or transfer are to be made at a Motor Vehicle Agency;
3. The dealer does not have a valid title in his possession;
4. The purchaser does not have a current validated registration in his possession.

13:21-11.16 Expiration date of temporary transfer registration

(a) All temporary registrations shall expire at the end of 20 days or as soon as the permanent transfer registration is received from the Division, whichever occurs first.

(b) Under no circumstances may a dealer extend the expiration date or issue a new temporary transfer registration for the same vehicle.

13:21-11.17 Instructions for preparation

(a) Type or print clearly on the temporary transfer registration, in triplicate, all the information required. Each copy must be signed by the dealer and the purchaser.

(b) The date on the registration must agree with the date of assignment of the vehicle.

(c) Purchaser must fill out the reverse side and sign an application for passenger registration (Form RB-122).

(d) The proper registration fee must be noted on the temporary transfer registration. The fee for the certificate of ownership must be entered under the registration fee.

The total of the two fees must be entered on the next line. As to schedule of fees, see Sections 11.19 through 11.21 of this Chapter. See also, Section 11.32 (Fee Chart) of this Chapter. (See N.J.A.C. 13:21-11.19 through 13:21-11.21, Schedule of fees. See also, N.J.A.C. 13:21-11.32, Fee chart.)

(e) The original copy of the temporary registration, the current valid registration certificate, (Attachment for Garden State plates, if necessary, should be attached to the registration), and the certificate of ownership or statement of origin and the registration application must be sent to the Title and Registration Unit with the Summary of Dealer Transactions (Form RB-304) reporting the fees. Do not fold, bend or staple the registration application.

(f) The duplicate copy of the temporary transfer registrations shall be given to the purchaser to operate the vehicle until the permanent registration certificate is received from the Division.

(g) The triplicate copy of the temporary transfer registration must be filed by accounting number. This copy must be held for three years and be available for examination by the Director of Motor Vehicles, his inspectors or other law enforcement officers.

13:21-11.18 Certificate of ownership information

(a) Carefully examine certificate of ownership and assignments thereof before mailing.

(b) Fill in the name and address of the buyer, also the name of the lien holder, if any. If no lien exists, so note by writing the word "none" in the lien space.

(c) Do not fill in name of lien holder until you are certain that the buyer's credit has been approved.

(d) Fill in actual date of assignment of the certificate of ownership. The Division of Motor Vehicles cannot accept an undated assignment.

(e) Powers of attorney, surrogates certificates or other papers necessary for the proper transfer of ownership of a motor vehicle must accompany the certificate of ownership.

(f) Any alteration or correction will void the certificate of ownership, necessitating the issuance of a replacement. (Fee—\$2.00)

(g) The signatures of the seller and buyer must be genuine and the same as those appearing on the Temporary Initial Registration Certificate or the Temporary Transfer Registration Certificate, as the case may be.

(h) The dealer or his employee may not sign a customer's name on certificate of ownership forms.

(i) Send correct fees to avoid confusion and delay; refer to the Fee Schedule on the reverse side of the certificate of ownership.

(j) If a certificate of ownership is not properly assigned and executed, it will be returned to you causing delay and inconvenience to your customer.

(k) Applications for title through foreign paper or document must be accompanied by Form CO-7 (Application for Certificate of Ownership).

(l) Certificates of ownership transferring title to a dealer must be completed and signed by the seller. The date of assignment must be within the legal limits for transferring title or a penalty will be assessed.

13:21-11.19 Registration fee

(a) When issuing an initial registration or renewal registration, determine the weight class for the vehicle and charge the following fee:

1. Weight Class 1 (Under 2700 pounds)	\$10.00
2. Weight Class 2 (2700-3800 pounds)	\$15.00
3. Weight Class 3 (Over 3800 pounds)	\$25.00

(b) The proper weight class of a vehicle is determined by the shipping weight entered on the Statement of Origin.

13:21-11.20 Unsatisfied claim and judgment fee

If the vehicle is not covered by liability insurance at the time of issuing temporary registration, the unsatisfied claim and judgment fee in the following amount must be added to the registration fee:

1. Present date to May 31, 1960	\$10.00
2. June 1, 1960, or after	\$15.00

Example

Vehicle purchased is in Weight Class 1:

Date of purchase	May 31, 1960	June 1, 1960
Registration fee	\$ 10.00	\$ 10.00
Unsatisfied claim and judgment fee	<u>10.00</u>	<u>15.00</u>
	\$ 20.00	\$ 25.00

13:21-11.21 Adjustment fees; certificate of ownership fees

(a) When issuing a temporary transfer registration, determine if an attachment for Garden State plates is necessary, compare the weight class of currently registered vehicle and the newly purchased vehicle and charge the following fees:

1. Attachment for Garden State plates not included	\$1.00
2. New vehicle in lower weight class than old	1.00
3. New vehicle in same weight class as old	1.00

4. New vehicle in higher weight class than old fee on Fee Chart
--	------------------------

(b) Fees for certificates of ownership are as follows:

1. To transfer title from dealer to purchaser:	
i. If absolute title—(no lien)\$1.50
ii. If encumbered title—(with lien)2.25
2. For issuance of a certificate of ownership to record chattel mortgage2.25
i. For issuance of certificate of ownership through acceptance of foreign title papers2.00
ii. If lien2.25

13:21-11.22 Preparation of Adjustment Voucher

(a) When a dealer charges or reports an incorrect fee for a certificate of ownership or a registration, an Adjustment Voucher (Form RB-305) will be prepared showing:

1. Date of the Summary of Dealer Transactions (Form RB-304) on which the error was listed;
2. Line number of summary error was listed (Column A);
3. Incorrect fee (Column B if undercharge, Column C if overcharge);
4. Correct fee (Column D);
5. Amount due Division of Motor Vehicles (Column E);
6. Amount due dealer (Column F).

NOTE: Column numbers refer to Adjustment Voucher columns

(b) Any transaction listed in Column B will not be processed until the difference in fee (Column E) is remitted to the Division of Motor Vehicles. Any delay in remitting this difference will result in a similar delay in processing the documents of the transaction. Any transaction listed in Column C will be processed and the dealer may subtract the difference (Column F) from his next remittance.

(c) Details of how to use an Adjustment Voucher will be found in Section 11.23 (Instructions for completing Summary of Dealer Transactions (Form RB-304)) of this Chapter.

13:21-11.23 Instructions for completing Summary of Dealer Transactions (Form RB-304)

(a) To report fees collected for transactions covered by this program prepare in duplicate Summary of Dealer Transactions.

(b) Enter your trade name, wall license number and the date in appropriate spaces in upper right-hand corner.

(c) Enter each transaction separately on the summary, using line 1 for the first transaction, line 2 for second transaction, and so forth.

(d) Enter the information in the following sequence on each line:

1. Column B. Full name of purchaser; first name, initial and last name.
2. Column C. Amount of fee if temporary plates were issued. This fee must include the Unsatisfied Claim and Judgment fee if vehicle is not covered by liability insurance at the time of issuing plates. See example in Schedule of Fees. (See N.J.A.C. 13:21-11.20, Unsatisfied claim and judgment fee.)
3. Column D. The amount of fee shown on transfer certificate. If the transaction is a transfer and renewal of a registration, the fee would be the same as an initial and the Unsatisfied Claim and Judgment fee would apply if the vehicle is not covered by liability insurance. (See previous paragraph)
4. Column E. The fee for issuing a certificate of ownership for the vehicle purchased.
5. Column F. The total amount of the fee collected. Column C or D plus Column E.

(e) On line 16, enter in Column E the total of the fees necessary to issue certificates of ownership to dealer for vehicles accepted in trade or purchased. Extend this amount to Column F.

(f) Enter the total of each column on line 17. The total of Columns C, D, and E should equal total of Column F.

(g) On line 18 enter total of Debit (Column E) from attached Adjustment Voucher. Add to Gross Daily Total and enter in line 19. If no voucher is attached, bring down Gross Daily Total.

(h) On line 20, enter total of Credit (Column F) from attached adjustment voucher. Subtract from total on line 19 and enter result on line 21.

(i) Prepare a check in the amount of line 21. Attach any vouchers used, check issued and all documents pertaining to transactions listed on summary to the original copy of the summary and forward by mail to the Title and Registration Unit, Certificate of Ownership Section, Division of Motor Vehicles, 137 East State Street, Trenton, New Jersey 08608.

(j) The duplicate copy of the Summary of Dealer Transactions must be filed for a period of three years so that you may refer to them in case of errors. They must also be available for auditing by the Division of Motor Vehicles when necessary.

(k) If you are not reporting any transactions and have an adjustment voucher with the total of the Debit Column higher than that of the Credit Column, fill out Summary of Dealer Transactions, lines 18 through 21, and mail original of summary, voucher and remittance to Trenton. This will avoid delays in processing documents held for incorrect fees.

13:21-11.24 Enumeration of form

(a) A copy of each of the following forms follows:

1. Application for Temporary Initial Registrations and Plates (RB-300);
2. Application for Temporary Transfer Registrations (RB-301);
3. Temporary Initial Registration (RB-302);
4. Temporary Transfer Registration (RB-303);
5. Summary of Dealer Transactions (RB-304);
6. Dealer Adjustment Voucher (RB-305);
7. Error Letter (RB-307);
8. Fee Chart (RB-309).

13:21-11.25 Application for Temporary Initial Registrations and Plates (RB-300)

NEW JERSEY DIVISION OF MOTOR VEHICLES			
APPLICATION FOR TEMPORARY INITIAL REGISTRATIONS AND PLATES			
PRINT OR TYPE			
Application is hereby made for _____ Temporary Initial Registrations and Plates to (Quantity)			
be issued in full compliance with regulations promulgated by the Director of Motor Vehicles, of which I have full knowledge.			
_____ (Dealer's Trade Name)		_____ (Wall Lic. No.)	
_____ (No.)	_____ (Street)	_____ (City)	_____ (State)
_____ (Signature of Proprietor, Partner or Officer of Corporation)			
FROM _____		TO _____	
(Certificates and Plates Issued)			
RB300			

13:21-11.26 Temporary Initial Registration (RB-302)

FEE \$1.00		PLATE NO. 1000	
NEW JERSEY DIVISION OF MOTOR VEHICLES			
TEMPORARY INITIAL REGISTRATION			
PRINT OR TYPE			
DATE ISSUED _____		DATE EXPIRES _____	
_____ (Name of Purchaser)			
_____ (No.)	_____ (Street)	_____ (City)	_____ (State)
_____ (Make)	_____ (Year)	_____ (Body Type)	_____ (Weight Class)
_____ (Serial No.)	_____ (Color)	_____ (Fee)	
CERTIFICATE OF OWNERSHIP NO. _____		_____ (Fee)	
TOTAL _____			
READ AND SIGN CERTIFICATION ON OTHER SIDE			
RB302			

I hereby certify that I purchased the motor vehicle described on this certificate from the named dealer and that I make application for Temporary Initial Registration and Plates to operate said motor vehicle for a period of not more than twenty (20) days or until I receive my regular registration, whichever occurs first, and I further state that I understand my obligation to destroy the plates thereafter.

Date _____
(Month) (Day) (Year) _____ (Signature of Purchaser)

I, the undersigned dealer, certify that I am the owner of record of the vehicle described herein and that I assigned the title of said vehicle to the above-named purchaser.

(Dealer's Trade Name) (Wall Lic. No.)

Date _____
(Month) (Day) (Year) _____ (Signature of Proprietor, Partner or Officer)

13:21-11.27 Application for Temporary Transfer Registrations (RB-301)

(Reverse of RB-302)

NEW JERSEY DIVISION OF MOTOR VEHICLES			
APPLICATION FOR TEMPORARY TRANSFER REGISTRATIONS			
PRINT OR TYPE			
Application is hereby made for _____ Temporary Transfer Registrations to be issued (Quantity)			
in full compliance with regulations promulgated by the Director of Motor Vehicles, of which I have full knowledge.			
_____ (Dealer's Trade Name)		_____ (Wall Lic. No.)	
_____ (No.)	_____ (Street)	_____ (City)	_____ (State)
_____ (Signature of Proprietor, Partner or Officer of Corporation)			
FROM _____		TO _____	
Certificates Issued			
RB301			

13:21-11.28 Temporary Transfer Registration (RB-303)

PLATE NO. _____	ACCTG. NO. 1000
 NEW JERSEY DIVISION OF MOTOR VEHICLES TEMPORARY TRANSFER REGISTRATION PRINT OR TYPE	
DATE ISSUED _____	DATE EXPIRES _____
_____ (Name of Purchaser)	
_____ (No.)	_____ (Street)
_____ (City)	_____ (State)
_____ (Make)	_____ (Year)
_____ (Body Type)	_____ (Weight Class)
_____ (Serial No.)	_____ (Color)
_____ (Fee)	
CERTIFICATE OF OWNERSHIP NO. _____	
_____ (Fee)	
TOTAL _____	
 READ AND SIGN CERTIFICATION ON OTHER SIDE	
RB303	

<p>I hereby certify that I purchased the motor vehicle described on this certificate from the named dealer and that I make application for Temporary Transfer Registration to operate said motor vehicle for a period of not more than twenty (20) days or until I receive my regular registration, whichever occurs first.</p>	
<p>Date _____ (Month) (Day) (Year)</p>	<p>_____ (Signature of Purchaser)</p>
<p>I, the undersigned dealer, certify that I am the owner of record of the vehicle described herein and that I assigned the title of said vehicle to the above-named purchaser.</p>	
<p>_____ (Dealer's Trade Name)</p>	<p>_____ (Wall Lic. No.)</p>
<p>Date _____ (Month) (Day) (Year)</p>	<p>_____ (Signature of Proprietor, Partner or Officer)</p>

(Reverse of RB-303)

13:21-11.29 Summary of Dealer Transactions (RB-304)

CO-304 (R10/85) STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF MOTOR VEHICLES SUMMARY OF DEALER TRANSACTIONS				TRADE NAME OF DEALER WALL LICENSE NO. DATE					
Line No.	(A) Temp. Req. No.	(B) Name of Purchaser First Name Initial Last Name			FEES				
					(C) Initial Req.	(D) Transfer or Transfer and Renewal	(E) U.C.J.	(F) Cert. of Ownership	(G) Total Fee
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.	Titles Transferred to Dealer @ \$1.00			NO.	XXXX	XXXXXXXXXX	XXXX		
18.	Titles Transferred to Dealer @ \$2.00			NO.	XXXX	XXXXXXXXXX	XXXX		
19.	GROSS DAILY TOTALS								
20.	Enter total of Column F from attached voucher. (Subtract from line 19)								
21.	AMOUNT OF CHECK TO BE ATTACHED*								

*DO NOT INCLUDE FEES FOR DEBIT VOUCHERS OR PAPER PLATES IN THIS AMOUNT.

13:21-11.30 Dealer Adjustment Voucher (RB-305)

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
DEALER ADJUSTMENT VOUCHER

(Date of Voucher)

(Dealer)

(Date of Summary)

An audit of the above summary disclosed errors in fees which necessitated the following adjustments:

Line No.	Incorrect Fee Charged		Correct Fee	Debit Amt. Due Division	Credit Amt. Due Dealer
	(Undercharge)	(Overcharge)			
(A)	(B)	(C)	(D)	(E)	(F)
TOTALS					

Settled on Summary Dated _____

Enter this voucher on the designated lines of the next Summary of Dealer Transactions (RB-304). Attach the white copy of the summary sent to Trenton; attach the yellow copy to your office copy of the summary in which the error is located. NOTE: If Column E is greater than Column F, and there are no transactions to be reported, enter this voucher on a summary, lines 18 through 21, attach the voucher and forward with remittance to Trenton.

13:21-11.31 Error Letter (RB-307)

RB-307(R 12-60)

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
DEALER ERROR LETTER

Error Letter No.

Date of Letter

Dealer

Date of Summary

The following error(s) of omission, wrong information, etc., were found on the attached documents. Please correct these documents and return to Trenton immediately.

YOU DID NOT INCLUDE THE:

- ☐ Attachment ☐ C of O
☐ Registration ☐ Check
☐ Registration Application
☐ Other (Explain in Detail)

SIGNATURE MISSING ON:

- ☐ Registration Application
☐ Cert. of Ownership

- ☐ Liability Insurance not indicated.
☐ Name of Insurance Co. not complete.
☐ Insurance Co. not authorized in N. J.

Any delay in completing or correcting the attached document(s) will result in inconveniencing both you and your customer. Make the necessary corrections and return the documents together with this letter to Trenton immediately. DO NOT take the attached documents to a Motor Vehicle Agency for processing.

13:21-11.32 Fee Chart (RB-309)

NEW JERSEY DIVISION OF MOTOR VEHICLES				
FEES FOR				
PASSENGER VEHICLE TRANSFERS				
FEES SHOWN INCLUDE \$3.00 TRANSFER FEE				
UNEXPIRED MONTHS	WEIGHT CLASS 1 TO WEIGHT CLASS 2	WEIGHT CLASS 1 TO WEIGHT CLASS 3	WEIGHT CLASS 2 TO WEIGHT CLASS 3	
CURRENT ← MONTH				
JAN.	1	3.50	4.50	4.00
FEB.	2	4.00	6.00	5.00
MAR.	3	4.50	7.50	6.00
APR.	4	5.00	9.00	7.00
MAY	5	5.50	10.50	8.00
JUNE	6	6.00	12.00	9.00
JULY	7	6.50	13.50	10.00
AUG.	8	7.00	15.00	11.00
SEPT.	9	7.50	16.50	12.00
OCT.	10	8.00	18.00	13.00
NOV.	11	8.50	19.50	14.00
JAN.				
FEB.				
MAR.				
APR.				
MAY				
JUNE				
JULY				
AUG.				
SEPT.				
OCT.				
NOV.				

INSTRUCTIONS

Cut along dotted line to remove strip listing months. Place the list of months over the blank column and fasten with a paper clip, setting the name of the month in which the transaction takes place opposite the the space labeled "CURRENT MONTH".

To determine the correct fee for the transfer of a vehicle in a higher weight class than the previously owned vehicle:

1. Determine the month of expiration from the current registration.
2. Locate the month of expiration on the list of months. Follow along that line to column which indicates the weight change involved.

SUBCHAPTER 12. FARM VEHICLES

Authority

Unless otherwise expressly noted, all provisions of this Subchapter 12 of Chapter 21 were adopted by the Director, Division of Motor Vehicles, Department of Law and Public Safety, pursuant to authority delegated at N.J.S.A. 39:3-84 and 39:3-24.

13:21-12.1 Vehicles exempted from statutory provisions

Within the restrictions listed in this Subchapter, vehicles registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, farm machinery and implements being operated singly or while drawing other farm implements or machinery), and N.J.S.A. 39:3-25

(farmer trucks, while drawing a farm implement or machine) may be operated on highways of this State singly or while drawing one piece of farm machinery or implement except that a farm tractor may draw two pieces of farm machinery or implements, one of which may carry a load, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.

13:21-12.2 Limitation on operation between farms

Such farm vehicles, machinery or implements may be operated or drawn upon the public highways from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the farm vehicle, machinery or implement.

13:21-12.3 Hours of travel; visibility requirements

(a) Such vehicles as described in Section 12.1 (Vehicles exempted from statutory provisions) of this Chapter shall not be operated on a public highway at any time between sunset and sunrise.

(b) Movements shall not be made during those times when forward visibility is limited to 500 feet, or when hazardous road conditions, such as snow or ice, exist.

13:21-12.4 Distance of travel

The vehicle or vehicles shall not be used to traverse a distance exceeding 15 miles of highway in traveling from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles.

13:21-12.5 Speed limitations

(a) Movements of vehicles of the types specified in this Subchapter shall be restricted to a maximum speed not in excess of 25 miles per hour.

(b) Whenever more than one implement of farm machinery or vehicle is being towed by a farm tractor, the speed shall be restricted to a maximum of 15 miles per hour.

13:21-12.6 Vehicle dimensions

(a) Vehicles as described in this Subchapter may not be operated on a highway when the vehicle, including load, exceeds a maximum width of eight feet and/or maximum overall length exceeds 50 feet unless such operation is in compliance with the following safety regulations concerning vehicles in excess of these regulatory dimensions:

1. Any farm vehicle, implement or machinery, including load, which exceeds eight feet in width and/or 50 feet in length shall display four red flags, one each on the outside extremities of the vehicle, both front and rear:

i. Such flags shall measure not less than 18 inches square.

ii. The top edge of the flags shall not be less than 48 inches from the surface of the roadway.

2. Any farm vehicle, implement or machinery and/or load which exceeds 12 feet in width and/or 60 feet in length will, in addition to the red flags provided for in subsection (a) of this Section, require one escorting vehicle when operating on a highway; and such operation may not be made on Sundays or holidays.

3. Farm vehicles, implements or machinery towed by a farm tractor shall be connected to the motor propelled vehicle or to the vehicle to which it is immediately attached, by at least one chain in addition to the hitch bar, of sufficient strength to hold the motor drawn vehicle on a hill if the hitching bar becomes disconnected.

13:21-12.7 Priority of travel

Operators of the type vehicles described in this Subchapter shall grant priority of the road to other vehicular travel at all times.

13:21-12.8 Movement on certain highways

Such vehicles may not travel any highway which is a part of the National System of Interstate and Defense Highways, or on any highway which has been designated a freeway or parkway.

13:21-12.9 Tires; wheel coverings

Vehicles not equipped with rubber tires shall be required to have attached to the wheels in such a manner to present a smooth surface to the highway, coverings of wood or other substances.

13:21-12.10 Authority of Director

The Director of the Division of Motor Vehicles reserves the right, under Statutory authority, to impose such other restrictions or regulations as he may deem necessary in order to afford the maximum of safety and the minimum of delay to the majority of the motoring public.

SUBCHAPTER 13. MIGRANT FARM WORKERS**Authority**

Unless otherwise expressly noted, all provisions of this Subchapter 13 of Chapter 21 were adopted by the Director, Division of Motor Vehicles, Department of Law and Public Safety, pursuant to authority delegated at N.J.S.A. 39:3-15 and 39:3-15.1.

13:21-13.1 Definitions

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

“Bus” means any motor vehicle designed, constructed and used for the transportation of passengers, except passenger automobiles and station wagons.

“Crew leader” means any person who recruits, transports, supplies, or hires farm workers.

“Day haul basis” means a daily basis without provision for living quarters at a migrant labor camp.

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

“Driver” means the rider or driver of a horse or the driver or operator of a motor vehicle unless otherwise specified.

“Farm labor contractor” means any person who for any money or other valuable consideration paid or promised to be paid, recruits, transports, supplies or hires farm workers to work for or under the direction, supervision or control of a third person.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

“Migrant farm worker” means any nonresident individual who engages in seasonal employment as a farm or agricultural food processing worker during the normal period of seasonal employment.

“Migratory farm worker vehicle” means any vehicle constructed, equipped or used to transport migratory farm workers to or from their employment except as a passenger automobile or station wagon.

“Motor vehicle” means all vehicles propelled otherwise than by muscular power.

“Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

“Truck” means every motor vehicle designed, used or maintained primarily for the transportation of property.

“Truck tractor” means every motor vehicle designed, and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

13:21-13.2 Basic driver qualifications

(a) No person shall drive any motor vehicle, truck, truck-trailer or farm tractor or bus on or across any public highway unless he is the holder of a valid driver license from this State or any other state, territory, Federal District or Province of Canada wherein he is a legal resident and entitled to operate a motor vehicle under provisions outlined in N.J.S.A. 39:3-15 provided, that the driver of any bus or migratory farm worker vehicle engaged in the transportation of migrant farm workers shall be a minimum of 21 years of age and is licensed as a chauffeur in his state or country of residence, or if the state or country does not require the licensing of chauffeurs, such driver may operate such bus or migratory farm worker vehicle provided he is at least 21 years of age and is licensed as an operator in his home state or country of such operator.

(b) While driving any such farm vehicles, trucks, truck tractors or migratory farm worker vehicles, all drivers of such vehicles are subject to the provisions of N.J.S.A. 39 Motor Vehicles and Traffic Regulations of the State of New Jersey.

(c) No person driving a motor vehicle under provisions set forth in N.J.S.A. 39:3-15 may engage in intrastate commercial operation of such vehicles without first securing a driver license as provided in N.J.S.A. 39:3-10.

13:21-13.3 Vehicles permitted for transportation

(a) Migratory farm workers may be transported on:

1. A bus;
2. A truck with no trailer attached;
3. A semitrailer attached to a truck tractor.

(b) Closed vans without windows or means of ventilation shall not be used.

13:21-13.4 Vehicle entrance and exit

(a) The entrance to and exit from the passenger space shall be provided at the rear or on the right side and shall provide sufficient height and width to permit easy access in or out.

(b) Vehicles designed and constructed as a bus shall have an additional emergency exit readily operative from both the inside and outside of the bus.

13:21-13.5 Lighting equipment

(a) Every vehicle used in the transportation of migratory farm workers shall be equipped with at least two head lamps in good operating condition in conformance with N.J.S.A. 39:3-57 and 39:3-58.

(b) Every vehicle used in the transportation of migratory farm workers shall have at the rear such lamps, stop lights and reflectors as are required in conformance with N.J.S.A. 39:3-61. All such lamps, stop lights and reflectors shall be kept clean and in good operating condition.

13:21-13.6 Brakes

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with brakes adequate to stop and hold such vehicle, including two separate means of applying the brakes. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and hold such vehicle. All such brakes shall be capable of stopping such vehicles as prescribed in N.J.S.A. 39:3-68.

13:21-13.7 Audible signal

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a horn in good working condition capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

13:21-13.8 Exhaust system

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a muffler in good working order to prevent the escape of fumes and smoke from any outlet except the exhaust pipe and to prevent excessive or unusual noise.

13:21-13.9 Mirrors

Every motor vehicle which is so constructed or so loaded as to obstruct a rear view from an interior mirror shall be equipped with a mirror mounted on each side of the vehicle and so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle and no person shall drive any such vehicle not so equipped.

13:21-13.10 Windshield wipers, windshield, side and rear glass

(a) Windshields must be unobstructed and equipped with cleaners. Every motor vehicle having a windshield shall be equipped with at least one device in good working order for cleaning rain, snow or other moisture from the windshield so as to provide clear vision for the driver, and all such devices shall be so constructed and installed as to be operated or controlled by the driver.

(b) No person shall drive any motor vehicle with any sign, poster, sticker or other nontransparent material upon the front windshield, wings, reflectors, side shields, corner lights, adjoining windshield or front side windows of such vehicles other than a certificate or other article required to be so displayed by Statute or by regulations of the Director. No person shall drive any vehicle so constructed, equipped or loaded as to unduly interfere with the driver's vision to the front and to the sides. All glazing materials used in any motor vehicle used in the transportation of migratory farm workers shall be glass so treated or combined with other materials as to reduce the likelihood of injuries to passengers due to shattering, when glass is cracked or broken.

13:21-13.11 Tires

(a) Any motor vehicle used in the transportation of migratory farm workers shall be equipped with tires of adequate capacity to support the gross weight of vehicle and load.

(b) No such motor vehicle shall be operated on tires which have been worn so smooth as to expose the tire fabric or which shall have any other defect likely to cause failure of the tire.

13:21-13.12 Speedometer

Every bus, truck or truck trailer used in the transportation of migrant workers shall be equipped with a speedometer indicating vehicle speed in miles per hour which shall be operative with reasonable accuracy.

13:21-13.13 Fire extinguisher

Every bus or truck-tractor used in the transportation of migrant workers shall be equipped with at least one fire extinguisher securely mounted in a position easily accessible to the driver. This extinguisher must be in good working order at all times.

13:21-13.14 Road warning devices

Every bus, truck and truck-tractor used in the transportation of migrant workers must carry at least three red burning fuses and at least three flares (oil burning pot torches), red electric lanterns or red emergency reflectors.

13:21-13.15 Markings

(a) Every bus used in the transportation of migrant farm workers shall have removed from it all legends, lettering and identification lights which would indicate it as a school bus.

(b) Every vehicle used in the transportation of migrant farm workers shall, in addition to the name and address of the owner, lessee or lessor as required by N.J.S.A. 39:4-46, carry the wording "Farm Labor Transport" legibly painted on both sides and on the rear in letters at least six inches in height.

13:21-13.16 Penalties

The Director or any employee of the Division of Motor Vehicles deputized by the Director, may suspend or revoke the registration of the vehicle of any person, firm or corporation, operated in the transportation of migrant farm workers, in violation of any of the regulations in this Subchapter or in violation of any of the provisions of N.J.S.A. 39:3-4, 39:3-15, or 39:3-17, Motor Vehicles and Traffic Regulations.

13:21-13.17 Insurance

(a) No person may use any motor vehicle, bus, truck or semitrailer for the purpose of transporting migrant workers to or from the place of employment, either from a migrant labor camp or on a "day haul" basis, unless the vehicle so used has been insured as follows:

1. Each person or contractor shall furnish liability insurance for bodily injury or death in the following minimum amounts:

i. Vehicles transporting one to 12 persons—\$25,000 for one person, \$150,000 for one accident;

ii. Buses transporting 13 to 20 persons—\$25,000 for one person, \$200,000 for one accident;

iii. Buses transporting 21 to 30 persons—\$25,000 for one person, \$250,000 for one accident;

iv. Buses transporting 31 or more persons—\$25,000 for one person, \$300,000 for one accident.

2. Such insurance shall be through a company authorized to insure in New Jersey.

3. Satisfactory evidence of such insurance to be carried in the vehicle whenever it is operated for transportation of migrant laborers.

13:21-13.18 Statutory compliance

In addition to the regulations in this subchapter, all drivers of motor vehicles transporting migratory farm workers and all vehicles used in the transportation of such workers are responsible for compliance with the provisions of N.J.S.A. 39, Motor Vehicles and Traffic Regulations.

SUBCHAPTER 14. BUS DRIVERS

Subchapter Historical Note

All provisions of this subchapter were filed and became effective prior to September 1, 1969. Amendments were filed and became effective March 18, 1980 as R.1980 d.114. See: 11 N.J.R. 450(b), 12 N.J.R. 209(e). This subchapter expired March 18, 1985 and was readopted pursuant to Executive Order 66(1978) effective May 6, 1985 as R.1985 d.205. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b). See chapter and section levels for further amendments.

13:21-14.1 Purpose

(a) The purpose of this subchapter is to implement the provisions of N.J.S.A. 39:3-10.1, including the amendatory provisions pertaining thereto contained in P.L. 1977, c.25, by defining the term "bus" as including any "for-hire" motor vehicle having a carrying capacity of more than six, any school bus, and any motor vehicle having a carrying capacity of more than 16 passengers, and used for the intrastate transportation of passengers not for hire. The inclusion of "not for hire" vehicles comports with the legislative statement to P.L. 1977, c.25 which provides in pertinent part: "As amended in committee, the bill would also require all drivers of buses, as defined by the director whether they are for hire or not, to obtain an omnibus or school bus endorsement, provided that they are not specifically excepted under existing law. The intent is to require all drivers of senior citizen buses or drivers of other forms of free transportation to obtain the special endorsement on their license."

(b) The inclusion of omnibuses with a carrying capacity of more than six passengers and school buses within the definition of the term "bus" merely restates the existing statutory and regulatory requirements relating to the issuance of

special bus licenses. The existing statutory and regulatory requirements predate the amendatory provisions of P.L. 1977, c.25. This subchapter does not impose any additional licensing requirements on drivers of omnibuses and school buses.

13:21-14.2 Definitions

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

"Bus" means:

1. Any motor vehicle used for the intrastate transportation of passengers for hire, having a carrying capacity of more than six passengers;

2. Any motor vehicle used for the intrastate transportation of passengers not for hire, having a carrying capacity of more than 16 passengers; and

3. Any "school bus" as defined in N.J.S.A. 39:1-1. The terms "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

R.1970 d.7, eff. January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-14.3 Special bus license requirement

Every driver of a bus, as defined in section 1 (Definitions), of this subchapter, shall be specially licensed as a bus driver in accordance with the provisions of N.J.S.A. 39:3-10.1.

13:21-14.4 (Reserved)

Repealed R.1985 d.205, effective May 6, 1985.

See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b).

This section was previously concerned with the grace period for newly-designated bus drivers.

13:21-14.5 Bus driver licensing regulations

(a) Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 18 years of age, having a minimum of three years driving experience previously, be of good character and physically fit and possess a valid New Jersey State driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey and adequate visual capabilities.

(c) The Director may not issue a bus driver license, or may revoke or suspend the bus driver license of any person

when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or
2. Twelve or more current points under the point system; or
3. A record of at least three motor vehicle accidents within one year preceding the date of application; or
4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions; or
5. Committed a misstatement of fact or withheld material information on applications; or
6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of satisfactory medical report submitted by a New Jersey licensed physician); or
7. Failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely; or
8. Failed to pass the prescribed driving test; or
9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices; or
10. Failed to submit renewal application within one year of the expiration of his last valid bus driver license; or
11. Failed to meet the medical and physical qualifications set forth in the regulations of United States Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or
12. A criminal record which is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:
 - i. He has been convicted of, or forfeited bond or collateral upon, any of the following:

(1) An offense involving the manufacture, transportation, possession, sale or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Substance Act";

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault and arson;

(4) Any crime or other offense indicative of bad moral character;

(5) He fails to notify the Division of Motor Vehicles that he has been arrested for, charged with, indicted for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event.

13. In the absence of a conviction, the Director shall refuse to issue or shall revoke or suspend the bus driver license of any person arrested for, charged with, or indicted for any crime or other offense if the Director determines that such person is of bad character or is morally unfit to retain the privilege of holding a bus driver license, or of a potential danger to his passengers or to other motorists or to himself.

(d) If sufficient and reasonable grounds are established at a hearing, the Director may, not inconsistent with N.J.S.A. 39:3-10, waive any portion or portions of this subchapter. Applicants seeking such waivers must, prior to a hearing, submit to the Director a request for such waiver and the basis of such request.

Case Notes

Rule providing that Director shall not issue, or shall suspend, bus driver license if applicant or holder has disqualifying criminal record upheld as reasonable and not violative of procedural due process rights; conviction of assault on youngster sufficiently disqualifying. *Sanders v. Div. of Motor Vehicles*, 131 N.J.Super. 95, 328 A.2d 637 (App.Div. 1974).

13:21-14.6 Release of privileged application information

(a) The information on any application for a bus driver license shall be considered as privileged information and shall not be available for release to any person except under the following conditions.

1. Upon receipt of a request for information, the Division will release the name, address, personal description and driver license numbers of the applicant; the name and address of the physician who conducted the physical examination and the date of the physical examination.

2. Upon receipt of written authorization from the licensee, a copy of the application will be released, either to the licensee or to a person designated by him.

3. Certified copies of applications may be issued, within the restrictions listed in this section, upon payment of the standard fee provided for by Title 39 of the New Jersey Statutes.

13:21-14.7 Drivers of empty buses

Any person having reason to drive a bus not being used for the transportation of persons need not be specially licensed in accordance with section 2 (Special bus license requirement) of this subchapter.

13:21-14.8 through 13:21-14.10 (Reserved)

R.1971 d.113, eff. August 2, 1971.

See: 3 N.J.R. 111(c), 3 N.J.R. 159(c).

As amended, R.1973 d.328, eff. November 21, 1973.

See: 5 N.J.R. 355(a), 6 N.J.R. 21(b).

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

Subchapter Historical Note

All provisions of this subchapter were filed and became effective January 1, 1973 as R.1972 d.232. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a). Amendments were filed and became effective January 8, 1976 as R.1976 d.4. See: 7 N.J.R. 481(a), 8 N.J.R. 83(b). Further amendments were filed and became effective September 20, 1979 as R.1979 d.371. See: 11 N.J.R. 350(b), 11 N.J.R. 580(a). This subchapter was readopted to become effective September 14, 1984 as R.1984 d.443. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a). See chapter and section levels for further amendments.

13:21-15.1 General provisions

(a) Applications for a dealer license required to be obtained under the provisions of N.J.S.A. 39:10-19 shall be verified by an oath or affirmation of the applicant and shall be on forms prescribed by the Director and furnished to such applicants.

(b) An initial applicant, if a natural person, shall submit with his application, two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency.

(c) The initial applicant, if a corporation or partnership, shall submit with its application two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

(d) Examinations may be conducted of all applicants to determine knowledge of appropriate motor vehicle laws of the State of New Jersey before granting a dealer license.

(e) All title papers of a dealer shall be executed in the name of the dealer.

(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 wherein 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 business location or intends to open a branch operation must notify the Dealer License Section, Bureau of Agencies of the Division of Motor Vehicles prior to doing so.

As amended, R.1979 d.371, eff. September 20, 1979.
See: 11 N.J.R. 350(b), 11 N.J.R. 580(a).

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, eff. January 8, 1976.
See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

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).

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 abhorrent 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

Source and Effective Date

R.1994 d.496, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Subchapter Historical Note

Pursuant to N.J.S.A. 39:3-6, Subchapter 16, originally Counterpart Fees, was adopted by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a). 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).

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).

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of Subchapter 17 were adopted pursuant to authority delegated at N.J.S.A. 39:3-26.1 and were filed and became effective April 12, 1973, as R.1973 d.103. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

13:21-17.1 Application; fees

(a) An application for a special road crossing permit shall be made for each vehicle and a permit 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) Permit fees are as follows:

1. 4,000 pounds or less	\$5.00;
2. 4,001 to 8,000 pounds	\$8.00;
3. 8,001 to 12,000 pounds	\$12.00;
4. 12,001 to 16,000 pounds	\$16.00;
5. 16,001 to 20,000 pounds	\$20.00;
6. 20,001 to pounds or more	\$25.00.

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.

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".

(d) The signs shall be posted not less than 250 feet nor more than 750 feet from the crossing in both directions dependent upon the speed limit in the area. All warning signs having significance during the hours of darkness shall have a fully reflectorized background or be illuminated.

(e) The signs shall be erected and maintained by the permit holder, at his expense, and with the approval of the local governing body.

(f) If conditions exist making it impractical to comply with the sign posting requirements, application for waiver shall be made to the Director.

13:21-17.4 Width of crossing zone

(a) The width of the crossing zone shall not exceed 150 feet.

(b) The crossing area should not be within 250 feet of the crest of a hill or of a curve in a 25 mile-per-hour or lower speed zone, nor within 500 feet if the speed limit is 25 miles-per-hour or greater.

(c) If conditions exist making it impractical to comply with the above crossing-area requirements, application for waiver shall be made to the Director.

13:21-17.5 Speed

(a) Vehicles must be capable of crossing the highway at a reasonable speed so as not to interfere unduly with traffic.

(b) Movement shall be limited to travel between two pieces of private property, owned by the same person, company, corporation or the like.

(c) The vehicle when crossing a public highway must be in a safe operating condition and be equipped with at least one brake adequate to stop and hold the vehicle.

(d) The operator of the vehicle shall stop the vehicle prior to entering upon or crossing the roadway, yield to any traffic already on the roadway and proceed only when the move can be made with safety.

(e) If the total length of a combination of vehicles exceeds half of the width of the traveled portion of the roadway being crossed, the crossing must be controlled by a person, other than the vehicle operator, who is authorized to direct and control traffic.

13:21-17.6 Applicability of other laws and rules

All operators of vehicles issued highway crossing permits shall comply with all provisions of Chapter 4, Title 39 of the revised statutes, except those provisions which by their very nature can have no application.

13:21-17.7 Penalties

(a) A violation of any provision of this regulation may be cause for revocation of permit.

(b) Vehicles covered by a permit shall not otherwise be used along a public highway, or across a public highway at a point other than that specified in the application for permit.

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

Authority

Unless otherwise noted, all provisions of this Subchapter were adopted pursuant to authority delegated at N.J.S.A. 39:3C-1 et seq. and were filed September 30, 1975, as R.1975 d.289 to become effective October 1, 1975. See: 7 N.J.R. 340(b), 7 N.J.R. 508(b).

13:21-18.1 Proof of ownership

(a) Every owner of a snowmobile who applies for a registration certificate shall present to an agent of the Director proof of ownership in the following form:

1. An invoice, if the snowmobile was purchased from a dealer in snowmobiles, from the dealer showing the date of purchase, make, model year and serial number;

2. If purchased from an individual, or a dealer invoice is unobtainable, a notarized statement by the applicant showing from whom the snowmobile was purchased, the date of purchase, make, model year and serial number.

13:21-18.2 Sales tax

Every applicant for the initial registration in his name of a snowmobile who purchased the vehicle from other than a sales tax registered vendor after December 14, 1973, shall declare the full purchase price. The sales tax due on said purchase price shall be paid by the applicant when making application for registration.

13:21-18.3 Proof of insurance

Every applicant for snowmobile registration shall present to the Director's agent at the time of application a valid insurance identification card or insurance policy or, in the case of a State or a municipal applicant for which the Director has waived the requirement of insurance by a private insurance carrier pursuant to N.J.S.A. 39:3C-20, a certificate of self-insurance.

13:21-18.4 Registration certificate

Upon payment of the proper fee, a registration certificate shall be issued to the applicant on which is shown his name and address, vehicle description, registration number and registration expiration date.

13:21-18.5 Registration number

(a) The registration number shall consist of five numerals followed by the letter "S" and shall be the permanent registration number of the snowmobile notwithstanding the circumstance of subsequent changes of ownership.

(b) The owner shall place the registration number on both sides of the cowl of the vehicle using weather resistant paint, metal or plastic material in contrasting color. Any material used must be securely attached to the vehicle. The minimum dimensions of the individual digits and letter in said registration number shall be as follows:

1. Height: 2 3/4 inches;
2. Width: 1 3/4 inches;
3. Stroke: 1/4 inch;
4. Spacing: 1/2 inch.

(c) The owner shall also place the letters NJ 1/2 inch above the center of the registration number on both sides of the cowl using the same materials and the following minimum dimensions for each letter:

1. Height: 1 inch;
2. Width: 1/2 inch;
3. Stroke: 1/8 inch;
4. Spacing: 1/2 inch.

13:21-18.6 Transfer of ownership

(a) When ownership of a registered snowmobile is transferred to a new owner, the seller shall record the purchaser's name and address and the date of sale on the reverse side of the registration certification and shall sign his name in the space provided thereon. He shall then deliver said certificate to the purchaser.

(b) The new owner shall apply for a registration certificate in his own name by presenting to an agent of the Director the registration certificate on which the transfer of ownership is duly recorded together with the other proofs required by the rules and payment of the proper fee.

(c) When ownership of a registered snowmobile is transferred to a dealer in snowmobiles, the dealer shall retain the former owner's executed registration certificate until the vehicle is resold. Upon resale the dealer shall deliver said certificate to the purchaser together with the required invoice. The purchaser shall, when applying for a registration in his name, present both the invoice and the former owner's registration certificate to the Director's agent.

13:21-18.7 Renewal of registration certificate

A prepared renewal application shall be mailed to the registrant prior to the expiration of his registration certificate. The applicant shall present said application duly executed to a motor vehicle agent together with the re-

quired proofs and payment of the proper fee. If the application is not received or is lost or destroyed, an application may be obtained at the agency upon presentation of the expired or expiring certificate.

**SUBCHAPTER 19. MOTOR VEHICLE
FRANCHISE COMMITTEE****13:21-19.1 Notice of intent; copies served on Chairman**

A motor vehicle franchisor shall serve on the Chairman of the Motor Vehicle Franchise Committee an original and three copies of the notice of intent simultaneously served on existing franchisees pursuant to N.J.S.A. 56:10-19. Service shall be made in person, by certified mail return receipt requested or by regular mail.

13:21-19.2 Failure of franchisor to provide actual notice; protest letter; time for filing

(a) When a motor vehicle franchisor had failed to provide advance written notice to a motor vehicle franchisee entitled to receive advance written notice pursuant to N.J.S.A. 56:10-19 or did not provide a motor vehicle franchisee with any appeal procedure to which the parties consented, a protesting motor vehicle franchisee may file a protest letter with the Chairman of the Motor Vehicle Franchise Committee.

1. If advance written notice of intent was not served on the protesting franchisee(s), the protest letter shall be filed within 30 days of the date of the franchisee(s) first learned of the motor vehicle franchisor's intention to grant, relocate, reopen or reactivate a franchise or establish, relocate, reopen or reactivate a business, or within 10 days of the occurrence of that action, whichever is earlier.

2. If advance written notice of intent was not received by the protesting franchisee(s), the franchisee(s) shall include with its protest letter a sworn affidavit detailing when and how the franchisee(s) became aware of the franchisor's intent to perform an action regulated by the Act. An original and three copies of the protest letter and affidavit shall be filed with the Chairman.

3. If a motor vehicle franchisor does not provide the protesting franchisee(s) with any appeal procedure to which the parties consented, the protest letter shall be filed within 30 days of the date the protesting franchisee(s) first learned that the appeal procedure would not be provided.

13:21-19.3 Protest; copy filed with a franchisor and relocating franchisee

A copy of the protest filed by a protesting franchisee(s) pursuant to N.J.S.A. 56:10-19, along with a copy of any other documents filed with the Chairman, shall simultaneously be served upon the franchisor and the franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business.

13:21-19.4 Franchisor's and relocating franchisee's responsive pleadings

(a) A franchisor and a franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall file an original and three copies of responsive pleadings with the Chairman within 20 days of receipt of the protest letter.

1. A copy of the responsive pleadings shall simultaneously be served on the protesting franchisee or franchisees.
2. The responsive pleadings shall include the name, address and telephone number of the franchisor's and franchisee's New Jersey counsel.

13:21-19.5 Relocating franchisee; party to Committee's proceedings

A franchisee who proposes to establish, relocate, reopen or reactivate a franchise or business shall be a party to any proceeding conducted by the Committee.

13:21-19.6 Papers filed with Director; papers and envelopes specifically marked

All papers required to be filed with the Chairman pursuant to this subchapter shall be filed with the Director of the Division of Motor Vehicles and the papers and envelopes shall be marked "Attention: Motor Vehicle Franchise Committee."

13:21-19.7 Papers, briefs, documents etc. filed with the Office of Administrative Law

Originals and three copies of all papers, briefs, documents and exhibits shall be filed with the Office of Administrative Law in all contested matters which have been transmitted to that office for hearing pursuant to N.J.S.A. 56:10-19.

13:21-19.8 Denial, suspension or revocation of dealers license

A motor vehicle dealer license may be denied, suspended, or revoked pursuant to N.J.A.C. 13:21-15 because of failure to comply with a final determination of the Motor Vehicle Franchise Committee concerning the granting, relocating, reopening or reactivating of a franchise or business.

13:21-19.9 Hearing costs; deposit; sanctions

(a) Administrative hearing costs shall be equally apportioned among all parties to the hearing, including intervenors. Each party shall deposit with the Committee \$1,500 to cover the costs of the hearing. The party making the deposit shall give notice thereof to all other parties. The deposit shall be paid to the Chairman at the time of the filing with the Committee of a protest letter or a responsive pleading or, in the case of an intervenor, with the filing of a motion for leave to intervene pursuant to N.J.A.C. 1:1-16. The deposit shall be made by certified check or money order payable to the Motor Vehicle Franchise Committee.

(b) That portion of the money on deposit that exceeds the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 shall be returned to the parties. The parties shall pay to the Committee their portion of the balance of the total hearing costs as determined by the Office of Administrative Law pursuant to N.J.S.A. 56:10-24 when said hearing costs exceed the amount on deposit with the Chairman. If the Office of Administrative Law determines during the course of the hearing that the costs of the hearing will exceed the amount on deposit with the Committee, the parties shall be required, on notice, to deposit with the Committee additional monies to cover the costs of completing the hearing.

(c) If a party fails to deposit monies as required in (a) or (b) above, the Committee may decline to transmit the case and make such orders in regards to the failure as are just, including the following:

1. An order dismissing the party's protest; or
2. An order striking the party's responsive pleading and affirming the adverse party's protest.

New Rule, R.1993 d.103, effective March 1, 1993.
See: 24 N.J.R. 3015(c), 25 N.J.R. 998(a).

SUBCHAPTER 20. MOTOR HOME TITLE CERTIFICATES**Subchapter Historical Note**

All provisions of this subchapter became effective October 30, 1980 as R.1980 d.474. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b). This subchapter expired October 29, 1985 pursuant to Executive Order 66(1978). This subchapter was readopted as a New Rule effective December 16, 1985 as R.1985 d.644. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

13:21-20.1 Definitions

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

“Complete vehicle” means a multi-stage motor home that does not require any additional manufacturing operations for it to perform its intended functions, except addition of readily attachable components or completion of minor finishing operations.

“Final-stage or multi-stage manufacturer” means a person who performs manufacturing operations on an incomplete motor vehicle in making it a completed motor home.

“First-stage manufacturer” means a person who manufactures an incomplete motor vehicle that can be made into a completed motor home.

“Incomplete motor vehicle” means an assemblage of power train, steering system, and braking system to the extent that those systems are to be a part of the completed vehicle and that requires additional manufacturing operations except addition of readily attachable components or completion of minor finishing operations, to make it a completed motor home.

“Minor finishing operations” include painting, upholstering, or other cosmetic modifications.

“Motor home” means a vehicular unit, built into as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van, that is designed to provide temporary living quarters. The vehicle must contain permanently installed, independent life support systems meeting the American National Standards Institute standard A 119.2, and provide at least four of the following facilities: cooking, refrigeration, or ice box; self-contained toilet; heating or air conditioning; a portable water supply system including a faucet and sink; separate 110-125 volt electrical power supply or a liquid petroleum gas supply.

1. “Type A motor home” means a chassis upon which is built a driver’s compartment and an entire body which provides temporary living quarters.

2. “Type B motor home” means a van-type vehicle, bus, truck, or other motor vehicle that has been altered to provide temporary living quarters.

3. “Type C motor home” means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters.

“Multi-stage vehicle” means a motor vehicle that requires manufacturing operations performed by separate manufacturers to provide a completed motor home.

“Readily attachable components” include any mirror, light, or tire and rim assembly.

13:21-20.2 Assignment and affixation of vehicle identification number

(a) First-stage manufacturers of motor homes shall assign and affix a vehicle identification number to each new vehicle that conforms to the American Association of Motor Vehicle Administrators’ Vehicle Equipment Safety committee’s standards.

(b) First-stage manufacturers of motor homes shall affix the vehicle identification number on the incomplete chassis or van.

(c) Multi-stage manufacturers of type “A” motor homes shall affix the vehicle identification number assigned by the first-stage manufacturers in a conspicuous place on the completed vehicle.

(d) The vehicle identification number assigned by the first-stage manufacturer shall be used on applications for certificates of ownership and registration.

(e) First-stage and multi-stage manufacturers shall assign and affix a vehicle identification number in accordance with the format, content and general physical requirements for vehicle identification numbers prescribed by the National Highway Traffic Safety Administration at 49 C.F.R. 565.1 et seq. and 49 C.F.R. 571.115.

Amended by R.1985 d.644, effective December 16, 1985.
See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

(e) added.

13:21-20.3 Certificate of origin

(a) First-stage manufacturers and multi-state manufacturers of motor homes shall execute and deliver a certificate of origin for each new motor vehicle in accordance with N.J.S.A. 39:10-8.

(b) First-stage manufacturers and multi-stage manufacturers of motor homes shall comply with the provisions of N.J.A.C. 13:21-4.1 when executing and delivering certificates of origin.

13:21-20.4 Transfer of ownership of new motor homes

(a) Whenever ownership of a new motor home is transferred the owner thereof shall assign the multi-stage manufacturer’s certificate of origin and deliver it together with the first-stage manufacturer’s certificate of origin to the new owner.

(b) When applying for a certificate of ownership for a new motor home, the new owner shall submit to the Division of Motor Vehicles the first-stage manufacturer’s certificate of origin and the multi-stage manufacturer’s certificate of origin with proper assignment.

(c) The certificate of ownership issued to the owner of a new motor home shall reflect the vehicle identification

number assigned by the first-stage manufacturer and the name of the multi-stage manufacturer.

13:21-20.5 Certificate of ownership for used motor vehicles converted into motor homes

(a) Certificates of ownership may be issued to owners of used motor vehicles that have been converted into motor homes upon submission of the following:

1. Application with proper fee;
2. Certificate of ownership for the used motor vehicle;
3. Photographs of exterior and interior of used motor vehicle clearly depicting the permanently installed life support systems;
4. Certified weight slip for the converted motor vehicle, and
5. Pencil tracing of the vehicle identification number for the used motor vehicle.

SUBCHAPTER 21. AUTO BODY REPAIR FACILITIES

Subchapter Historical Note

Subchapter 21 was adopted as R.1988 d.474, effective October 3, 1988. See: 19 N.J.R. 1624(c), 20 N.J.R. 2460(a).

13:21-21.1 Purpose

(a) The Auto Body Repair Facility Act, N.J.S.A. 39:13-1 et seq., as amended by L. 1985, c.148, provides for the licensure and regulation of auto body repair facilities by the Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensure of auto body repair facilities; and
2. Establish standards and procedures necessary to protect the public from dishonest, deceptive and fraudulent practices in the repair of automobiles damaged by collision and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

13:21-21.2 Scope

(a) This subchapter shall apply to every person engaged in the business of an auto body repair facility.

(b) No person shall, on or after the operative date of this subchapter, engage in the business of an auto body repair facility unless licensed by the Director in accordance with the provisions of this subchapter.

13:21-21.3 Definitions

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

“Advertising” means any printed or published materials, including but not limited to direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the auto body repair facility. The term “advertising” shall not include printed or published materials appearing in the white pages of any telephone directory.

“Applicant” means any person applying under the provisions of this subchapter for an initial license to engage in the business of an auto body repair facility or to renew an existing license. In the case of a partnership or corporation applying for a license, the term “applicant” shall respectively include all partners and/or officers and directors.

“Auto body repair facility” means any person who for compensation engages in the business of repairing, removing or installing integral component parts of an engine, power train, chassis or body of an automobile damaged as a result of a collision. For the purpose of this subchapter, the following are not deemed to be an auto body repair facility and are not required to be licensed:

1. Any employee of an auto body repair facility who engages in the business of repairing automobiles solely by reason of his employment;
2. Any person who is solely engaged in the business of repairing automobiles owned or leased by a single commercial or industrial establishment;
3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades, light bulbs, communication equipment, or such other minor repair and servicing functions; or
4. Any person who solely examines automobiles to determine the cause or location of malfunctions. No such person shall prepare an estimate and/or repair any automobile damaged as a result of a collision.

“Collision” means any damage caused to a motor vehicle as a direct result of a motor vehicle accident, or any damage caused by missiles, falling objects, fire, theft, larceny, windstorm, hail, earthquake, explosion, riot or civil commotion, malicious mischief, vandalism, water, flood, lightning, external discharge or leakage of water, smoke or colliding with a bird, animal or stationary object.

“Controlling interest” means possession of the power to direct or cause the direction of the management and policies of an auto body repair facility, whether through the ownership of voting securities or otherwise. The Director will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any auto body repair facility. This presumption may be rebutted by showing that control does not in fact exist. The director may determine control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

“Customer” means the owner of record with the Division of the automobile or any family member, employee or any other person whose use of the automobile is authorized by such owner of record.

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

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

“Engaged in the business” means:

1. Any person who for compensation repairs, removes or installs integral component parts on more than four automobiles damaged as a result of a collision during any calendar year;
2. Any person who for compensation subcontracts, or has any type of business arrangement, with an auto body repair facility or other person to repair more than four automobiles damaged as a result of a collision during any calendar year;
3. Any person who for compensation prepares estimates to be used by an auto body repair facility or other person to repair more than four automobiles damaged as a result of a collision during any calendar year; or
4. Any person who for compensation negotiates, in any manner, claims with any insurer or customer to repair more than four automobiles damaged as a result of collision during any calendar year.

“Estimate” means any written determination prepared by an auto body repair facility of the approximate cost of the parts and labor needed to perform the requested repair services.

“Integral component part” means those major motor vehicle component parts as defined in N.J.S.A. 39:10B-1(b) and also includes the hood and trunk.

“Person” means any natural person, business, company, firm, partnership, association, corporation or any other entity.

“Place of business” means the address or location where the services of the auto body repair facility are offered or ordinarily performed.

“Suspension, revocation or refusal to grant or renew” means administrative action by the director, in accordance with the provisions of this subchapter, to refuse to grant or renew an auto body repair facility to an applicant or to suspend or revoke an existing license.

13:21-21.4 Initial application for a license

(a) Any person seeking to engage in the business of an auto body repair facility shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him to engage in such business. An application for an auto body repair facility license may be obtained from the Auto Body Licensing Unit of the Division. The address of the Auto Body Licensing Unit is:

Division of Motor Vehicles
Bureau of Registrations and Titles
Auto Body Licensing Unit
135 East State Street
CN 017
Trenton, New Jersey 08666-0017

(b) Each applicant for an auto body repair facility license shall file with the director, in such form and detail as may be required by the director, an application setting forth the following:

1. The name, place of business and telephone number of the auto body repair facility;
2. The name, business and residence address(es) and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or
 - iii. Each officer, director and possessor of a controlling interest, in the case of a corporation.
3. The business in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;
4. Whether the applicant has ever been convicted of a crime, disorderly persons or petty disorderly persons offense;
5. Whether the applicant has ever been denied, or had suspended or revoked, a license to engage in any business, profession or occupation licensed under the laws of any state; and
6. Whether the applicant has any interest in any other auto body repair facility.

(c) Each initial application for an auto body repair facility license shall be accompanied by proof of the following:

1. Certificate of occupancy or the municipality's equivalent thereof issued by the municipality for the place of business set forth in (b)2 above, provided that such certificate of occupancy or equivalent has been issued. In the event that no certificate of occupancy or equivalent has been issued for such place of business, then the initial application for a license must be signed by the municipal clerk, zoning officer or other appropriate municipal official indicating that the Zoning Board or other appropriate municipal board or council has approved the location, establishment and maintenance of an auto body repair facility at the place of business set forth in (b)2 above.
2. New Jersey Sales Tax Identification Number.
3. New Jersey Unemployment Registration Number.
4. Federal Employer Identification Number.

(d) Each initial application for an auto body repair facility license shall be accompanied by a color photograph and a complete set of fingerprints for each natural person required to be listed on the application by this section.

1. The applicable nonrefundable fee payable to the Division of State Police—S.B.I. shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier check, certified check or money order as required by N.J.A.C. 13:59-1.5.

2. Fingerprints required by this section shall be submitted on the standard fingerprint cards as required by N.J.A.C. 13:59-1.4 and taken by a member of the State Police or municipal law enforcement agency.

(e) Each initial application for an auto body repair facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:21-21.6.

(f) If there are multiple locations for an auto body repair facility, then a separate application, accompanying documents, and application fee as specified in N.J.A.C. 13:21-21.6 shall be submitted for each such place of business.

(g) Upon preliminary approval of each initial license application, a license shall be issued to the auto body repair facility. Each initial license issued to an auto body repair facility on or after October 1, 1984 shall continue in force and effect until September 30 of every other year, unless such license is suspended or revoked by the Director. If there are multiple places of business for an auto body repair facility, then a separate license shall be issued for each such place of business.

13:21-21.5 Applicant qualifications

(a) Each applicant shall in the discretion of the Director, be a proper person to hold an auto body repair facility license.

1. In assessing whether an applicant is a proper person, the director may consider the character, responsibility and criminal record of the individual applicant, if the applicant is a natural person; of the individual partners if the applicant is a partnership; or of the officers, directors and/or persons possessing a controlling interest, if the applicant is a corporation; or anyone else employed by, or otherwise associated in business with, the applicant.

(b) Each applicant must have legal capacity to contract, to be sued and to be liable for all debts.

(c) No applicant shall be entitled to licensure who is under 18 years of age.

13:21-21.6 Application and license fees

(a) Every application for an auto body repair facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division.

(b) Every application for an auto body repair facility license shall be accompanied by a license fee of \$350.00 payable to the Division. Such license fee shall only be returned to the applicant in the event that the Director refuses to grant or renew an auto body repair facility license to the applicant. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the auto body repair facility license is suspended or revoked pursuant to N.J.S.A. 39:13-1 et seq. or this subchapter.

13:21-21.7 License renewals

(a) Every licensee, no later than 30 days before the expiration of the current auto body repair facility license, shall submit to the Director an application to renew its auto body repair facility license provided that such licensee is not prohibited from applying for an auto body repair facility license as specified in N.J.A.C. 13:21-21.21. An application to renew an auto body repair facility license may be obtained from the Auto Body Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a).

(b) Each application to renew an auto body repair facility license shall be accompanied by the applicable fees specified in N.J.A.C. 13:21-21.6.

(c) Upon approval of each renewal application, a license shall be issued to the auto body repair facility. Every license issued to an auto body repair facility pursuant to this paragraph on or after October 1, 1984 shall continue in force and effect until September 30 of every other year, unless such license is suspended or revoked by the Director.

13:21-21.8 Surrender of license

(a) Every auto body repair facility license document, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal to renew or other termination of an auto body repair facility license, the license shall no longer be in force and effect and the license document shall, within one business day, be surrendered to the Auto Body Licensing Unit of the Division. The licensee or other person having possession or custody of the license document shall surrender such license document, either by personal delivery or by certified mail, to the Auto Body Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a). Failure to surrender such license document within one business day shall result in administrative action pursuant to this subchapter.

13:21-21.9 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the auto body repair facility shall be responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of the Auto Body Repair Facilities Act and this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or Director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of the Auto Body Repair Facilities Act and this subchapter.

13:21-21.10 Estimates and repairs

(a) Every licensed auto body repair facility shall provide a written estimate to any customer seeking their services, provided that the auto body repair facility is willing and able to perform the requested repair services.

(b) Each written estimate shall bear the name of the auto body repair facility and its license number.

(c) Each written estimate shall be signed by the person preparing such estimate.

(d) Each written estimate shall contain the following information:

1. The customer's name;
2. The date of the estimate;
3. A list of parts necessary for each repair, together with the costs for those parts, indicating any parts which are not new parts;

4. The labor charge for each repair, together with the total labor charge; or the total number of hours estimated to perform all the requested repairs, together with the hourly labor rate charged by the auto body repair facility;

5. A description of the vehicle;

6. An approximate or estimated date of delivery, if any such date is given;

7. The terms and limit of any guarantee for the repair work performed; and

8. The odometer reading at the time of the requested repair.

(e) Each written estimate shall include a statement or statements informing the customer of his right to receive replaced parts, and stating that the customer's signature or initials on the following line shall mean that the customer waives his right to receive such replaced parts and that no signature on this line shall mean that the customer exercises his right to receive these replaced parts. A signature line shall be provided immediately below this statement.

1. The customer's signature or initials on this line shall mean that the customer waives his right to receive such replaced parts. No signature or initials on this line shall be deemed to mean that the customer exercises the right to receive such replaced parts.

2. The auto body repair facility may charge a reasonable storage and removal fee to any customer who requests the replaced parts and subsequently fails to take these replaced parts, after paying for the repair work or picks up his repaired automobile, whichever occurs first.

3. If a storage and removal fee is charged by the auto body repair facility, then such fee must be disclosed, in writing, to the customer at the time the customer exercises his right to receive the replaced parts.

4. The auto body repair facility shall not be liable to the customer in those cases where the customer fails to take the replaced parts after paying for the repair work or picks up his repaired automobile.

(f) Each written estimate shall include a statement informing the customer or insurer of their right to inspect the repaired automobile before paying for the repair work.

(g) Any estimate and/or repair work prepared or performed by a subcontractor shall be deemed to be work performed under the direction of the licensee. The licensee shall be accountable to the Director for all such work subcontracted to others.

(h) An auto body repair facility may charge a reasonable fee for making a written estimate. If a fee is charged for making a written estimate, then the auto body repair facility must disclose, in writing, the amount of the fee to the customer before the written estimate is prepared.

(i) An auto body repair facility may charge a hazardous waste disposal fee. If such a fee is charged, then the auto body repair facility must disclose such fee on the estimate.

13:21-21.11 Authorization for repairs

(a) No auto body repair facility shall commence any repair work, including the ordering of parts, on a customer's automobile unless the facility has obtained:

1. Specific written authorization from the customer to proceed with the requested repair services; or

2. If the customer's automobile is presented to the auto body repair facility during other than normal business hours or by one other than the customer, oral authorization from the customer to proceed with the requested repair services. In the case of an oral authorization, the estimate shall contain a notation of the date, time, telephone number, if any, and name of the customer granting such authorization. A copy of the estimate which contains these notations shall be given to the customer.

(b) No auto body repair facility shall commence any additional repair work, including the ordering of additional parts, on a customer's automobile which exceeds any estimate given, including the price, list of parts and labor charge, unless the facility obtains the authorization of the customer to proceed with the additional repair services.

(c) In the case of an oral authorization, the original estimate or any additional estimate prepared shall contain a notation of the date, time, telephone number, if any, and name of the customer granting such authorization. A copy of the estimate which contains these notations shall be given to the customer.

(d) Customers or insurers may test drive the repaired automobile before paying for the repair work, provided that the repairs made by the auto body repair facility are directly related to the operation of the automobile and further provided that such repaired automobile may be safely operated on the highways of this State.

13:21-21.12 Notice and recordkeeping requirements

(a) Each licensee shall display an outdoor sign which shall read: "Registered: State of New Jersey—Licensed Auto Body Repair Facility" and display the license number of the auto body repair facility. The sign must contain letters at least two inches high with a stroke of approximately one-half inch and visible from the road and located in a conspicuous location for the general public to see. In the event zoning ordinances prohibit the posting of this sign or such posting is otherwise impractical, the licensee shall place such sign on the exterior of the auto body repair facility.

(b) Every license document issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location at the auto body repair facility which is accessible to the public.

(c) Every licensed auto body repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of the Auto Body Repair Facility Act and the fact that customers or insurers have a right to inspect the repaired automobile before paying for the repair work. The Notice shall be prescribed and furnished by the Division.

(d) Every licensed auto body repair facility shall maintain copies of all estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility on repair work performed by that facility or by subcontractors.

1. Such copies shall be kept for two years and shall be available for inspection by the Director, or any person designated by him, during normal business hours.

2. Failure to permit such inspection shall subject the licensee to administrative action pursuant to this subchapter.

(e) Every auto body repair facility shall, upon request of the Director or any person designated by him, provide the Director or his designee with a list of its employees in such form and detail as may be required by the Director or his designee. Failure to provide such list when requested shall subject the licensee to administrative action pursuant to this subchapter.

(f) The licensee shall notify the Director, in writing, within 10 days of any change in address of the auto body repair facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:21-21.4.

(g) The licensee shall notify the Director, in writing, within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:21-21.4 is no longer associated with the auto body repair facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Auto Body Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:21-21.4, and shall meet the requirements of N.J.A.C. 13:21-21.6(a) and N.J.A.C. 13:21-21.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director, including but not limited to subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified mail, or ordinary mail, to the business address of the auto body repair facility or to counsel's address on record with the Division.

13:21-21.13 Advertising

(a) Any advertising used by the auto body repair facility in any printed or published material shall contain and prominently display the license number of the facility.

(b) Any advertising used by the auto body repair facility in any radio broadcast shall disclose that the facility is licensed by the State of New Jersey.

(c) Any advertising used by the auto body repair facility in any television broadcast shall disclose and prominently display the license number of the facility at the end of such broadcast.

13:21-21.14 Storage rates

Every auto body repair facility which charges a fee to store a motor vehicle on its premise shall disclose in writing, as soon as practicable, the amount of such storage charge to the customer on a per diem basis.

13:21-21.15 Additional violations

(a) In addition to any violation of N.J.S.A. 39:13-1 et seq., the Director may impose a civil penalty, refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any auto body repair facility if he determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the auto body repair facility;
3. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-7.1 et seq.;
4. Has a criminal record which is disqualifying. A disqualifying criminal record shall include, but is not limited to, bond forfeitures, pleas of nolo contendere or convictions of crimes, disorderly persons or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any other offenses as defined by the laws of New Jersey, such as:
 - i. Any crime or offense involving the manufacture, transportation, possession, sale or use of a controlled dangerous substance as defined in the "New Jersey Controlled Substance Act", N.J.S.A. 24:21-1 et seq.;

ii. Any crime or offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault, battery or arson;

iii. Any crime or offense involving the taking or misappropriation of property of another person, such as theft, burglary, fraud, larceny or embezzlement;

iv. Any crime or offense indicative of bad moral character or not being a proper person for the purposes of being licensed in accordance with this subchapter; or

v. Any crime or offense which, in the discretion of the director, would relate adversely to the operation of the business of an auto body repair facility.

5. Demonstrates a pattern of conduct whereby repairs made by the auto body repair facility were not made in a workmanship like manner;

6. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

7. Has failed to comply with any of the provisions of this subchapter; or

8. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:21-21.4(c)1;

9. Fails to pay any fee required by law or regulation; or

10. For other good cause.

Amended by R.1991 d.21, effective January 22, 1991.
See: 22 N.J.R. 3311(a), 23 N.J.R. 207(c).

Specified as a ground for license suspension or revocation an auto body repair facility's failure to pay any fee required by law or regulation.

13:21-21.16 Additional penalties

(a) Where, pursuant to N.J.S.A. 39:13-1 et seq., or any regulation adopted thereunder, the Director has the authority to suspend, revoke or refuse to grant or renew the license of an auto body repair facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning and/or a civil penalty of not more than \$2,000 for the first offense and not more than \$5,000 for each subsequent offense.

(b) A civil penalty in the amount of \$5,000 per day shall be imposed on any person or auto body repair facility who continues to operate as an auto body repair facility after its license has been suspended or revoked or whose application for an auto body repair facility license has been refused by the Director pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder.

13:21-21.17 Investigations

(a) The Director shall, on his own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of N.J.S.A. 39:13-1 et seq., or

of any regulation adopted thereunder, by an auto body repair facility.

(b) The Director, or any person designated by him, shall have the power to conduct investigations, administer oaths, interrogate licensees, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:21-21.12(j), subpoenas shall be served in the same manner, and the witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In case of a failure of any person to comply with any subpoena issued under these rules or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court, on application of the Director, may issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

Case Notes

Operator of auto-body repair facility has reduced expectation of privacy. *State v. Bromell*, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).

Warrantless search of auto-body repair facility is justified by need to further regulatory scheme. *State v. Bromell*, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).

Regulatory searches of auto-body repair facilities may be conducted on basis of tips and information. *State v. Bromell*, 251 N.J.Super. 85, 596 A.2d 1105 (L.1991).

13:21-21.18 Written notice of a suspension, or revocation or refusal to grant or renew a license

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to grant or renew an auto body repair facility license to the applicant and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the auto body repair facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:21-21.19, the auto body repair facility license shall be suspended or revoked as of 12:01 A.M. on the 61st day from the date such notice was sent in accordance with this section.

13:21-21.19 Request for a hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:21-21.18(a) that the Director refuses to grant or renew an auto body repair facility to him, then the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 60 days. The 60 day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:21-21.18(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:21-21.18(b) of a proposed suspension or revocation of his auto body repair facility license, then the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 60 days. The 60 day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:21-21.18(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Auto Body Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a). The hearing request shall contain the following information:

1. The name, place of business and telephone number of the auto body repair facility;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b) or (c) above, then the suspension, revocation or refusal to grant or renew the auto body repair facility license shall be effective 12:01 A.M. on the 61st day from the date such notice was mailed in accordance with 13:21-21.18. The auto body repair facility shall cease all engagements and activities of the business of an auto body repair facility effective 12:01 A.M. on the 61st day from the date such notice was mailed in accordance with N.J.A.C. 13:21-21.18.

13:21-21.20 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew an auto body repair facility license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq.

13:21-21.21 Limitations on issuance of a license after a suspension, revocation or refusal to grant or renew

(a) No person whose application for an auto body repair facility license is refused shall be entitled to apply for a license under this subchapter for a period of at least one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

13:21-21.22 License restoration

(a) A fee of \$50.00 shall be payable to the Division for the restoration of an auto body repair facility license which is suspended or revoked pursuant to N.J.S.A. 39:13-1 et seq. or this subchapter. Such license restoration fee shall be paid to the Division before the license may be restored.

(b) Every suspension or revocation of any auto body repair facility license, pursuant to N.J.S.A. 39:13-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of an auto body repair facility license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may prescribe, and pay the license restoration fee specified in (a) above. The Director may, upon due notice and opportunity for a hearing, deny any application for restoration of an auto body repair facility license for good cause.

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.

reconstructed, rebuilt or repaired using parts from stolen motor vehicles.

3. Establish standards and procedures necessary to notify the public that a salvage motor vehicle has been subsequently reconstructed, rebuilt or repaired;

4. Establish standards and procedures for the issuance of salvage certificates of title;

5. Establish a system which regulates the transfer of ownership of salvage motor vehicles only as salvage motor vehicles until a negotiable certificate of ownership is obtained;

6. Establish standards and procedures for the inspection of salvage motor vehicles;

7. Establish standards and procedures for the issuance of negotiable certificates of ownership after the salvage motor vehicle has been inspected in accordance with the requirements of this subchapter; and

8. Establish standards for the issuance of salvage and/or negotiable certificate of title which do not cause unreasonable burden to persons or entities licensed by the Director as auto body repair facilities, auto salvage yards, junk yards and/or motor vehicle dealers.

13:21-22.2 Prohibition on transfer

(a) This subchapter shall apply to every motor vehicle which is reported stolen or is damaged to such an extent that it is economically impractical to repair.

(b) No person shall, on or after the effective date of this subchapter, transfer the ownership of a salvage motor vehicle except as a salvage motor vehicle until the owner obtains a certificate of ownership in accordance with this subchapter.

13:21-22.3 Definitions

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

“Bona fide repair estimate” means any written determination of the approximate cost of parts and labor required to repair the damaged motor vehicle that is prepared by an auto body repair facility licensed pursuant to N.J.S.A. 39:13-1 et seq. or by an adjuster of an insurance company licensed to do business in New Jersey. Licensed auto body repair facilities shall prepare the estimate in accordance with N.J.A.C. 13:21-21.10. In the event that more than one such repair estimate is prepared for the damaged motor vehicle, then the highest repair estimate shall be used to determine if the damaged motor vehicle is economically impractical to repair. This term does not include any repair estimate prepared by the motor vehicle owner.

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

Authority

N.J.S.A. 39:10-37, 30:3-5, 39:3-43 and 39:5-47.

Source and Effective Date

R.1989 d.157, effective March 20, 1989.

See: 20 N.J.R. 2675(a), 21 N.J.R. 768(b).

13:21-22.1 Purposes

(a) The Salvage Certificate of Title Act, N.J.S.A. 39:10-31 et seq., provides for the issuance of salvage certificates of title and regulates the transfer of ownership of salvage motor vehicles. The purposes of this subchapter are to:

1. Establish standards and procedures necessary to protect the public from fraud by preventing negotiable certificates of ownership for salvage motor vehicles from being used to title or register stolen or other motor vehicles;

2. Establish standards and procedures necessary to protect the public from fraud by providing for the seizure of salvage motor vehicles which are determined, after inspection pursuant to this subchapter, to be stolen or

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

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

“Economically impractical to repair” means that the motor vehicle is damaged to such an extent that:

1. For those motor vehicles manufactured eight or less model years from the current model year, the cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or
2. For those other motor vehicles where the fair market value of such damaged motor vehicle immediately before it was damaged equals or exceeds the fair market value of a motor vehicle of the same make and model manufactured five years from the current model year, or similar make and model if the same make and model is no longer manufactured, if the motor vehicle has sustained damage to the extent that either:
 - i. The cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or
 - ii. The insurer settles a total loss claim with the motor vehicle owner as a result of the damage to the motor vehicle.

“Fair market value” means the retail value of the motor vehicle as determined by the average of the official valuation manuals approved by the Commissioner of the Department of Insurance in accordance with auto physical damage claims, N.J.A.C. 11:3-10. In the event that the retail value of the motor vehicle is not listed in the official valuation manuals, then the retail value of the motor vehicle may be determined by any other valuation method approved by the Commissioner of the Department of Insurance, in accordance with auto physical damage claims.

“Owner” means the owner of record with the Division on the date that the motor vehicle was stolen or sustained sufficient damage to render it economically impractical to repair.

“Person” means any natural person, business, firm, partnership, association, corporation, or any other entity.

“Salvage certificate of title” means the document issued by the Director pursuant to N.J.S.A. 39:10-31 et seq., or a similar document issued by another state, which serves as proof of ownership of a salvage motor vehicle.

“Salvage motor vehicle” means any motor vehicle which has been reported stolen or is damaged to such an extent that it is economically impractical to repair.

“State inspection” means an inspection conducted by persons approved and designated by the Director to inspect salvage motor vehicles.

13:21-22.4 Issuance of salvage certificates of title; fee

(a) Whenever a motor vehicle is reported as being stolen or is damaged to such an extent that it is economically impractical to repair such motor vehicle, the owner, insurer or person in possession of the certificate of ownership shall, within 10 working days after the motor vehicle was reported as stolen or damaged, or within 10 working days after settling a total loss insurance claim, surrender the certificate of ownership for such motor vehicle to the Division.

(b) Upon surrender of the certificate of ownership, as required by (a) above, the Director shall issue a salvage certificate of title to the owner of the salvage motor vehicle, after determining that the person applying for a salvage certificate of title is the owner of record; provided, however, that if the salvage motor vehicle is owned subject to a lien, a salvage certificate of title shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record by the Division.

(c) A lienholder of record shall be noted on the salvage certificate of title until the lien is properly satisfied and discharged in accordance with N.J.S.A. 39:10-10.

(d) A fee, set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a salvage certificate of title.

13:21-22.5 Subsequent transfer of salvage motor vehicles

(a) Until such time as the owner obtains a certificate of ownership in accordance with this subchapter, no person shall transfer ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

(b) No salvage motor vehicle shall be sold at auction, or otherwise disposed of, in this State except by proper assignment and delivery of a salvage certificate of title.

(c) The buyer of a salvage motor vehicle shall, within 10 working days after its purchase, apply for a new salvage certificate of title. The Director shall issue a new salvage certificate of title to the buyer upon surrender of the previous salvage certificate of title properly executed and assigned by the seller, together with the required title fee and New Jersey sales tax.

(d) Whenever ownership of a salvage motor vehicle is transferred by a motor vehicle dealer in accordance with N.J.S.A. 39:10-19, the dealer may assign and attach a dealer reassignment certificate to the salvage certificate of title.

13:21-22.6 Salvage motor vehicles precluded from obtaining a registration

(a) A salvage motor vehicle shall not be registered for the purpose of being driven or operated on the public highways of this State, except in accordance with N.J.A.C. 13:21-22.11.

(b) The Director shall deny registration, except a temporary registration issued in accordance with N.J.A.C. 13:21-22.11, to the owner of a salvage motor vehicle until the owner obtains a certificate of ownership in accordance with this subchapter.

13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired

(a) A salvage motor vehicle that has sustained damage to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired must be inspected in accordance with N.J.A.C. 13:21-22.10(a) to determine the accuracy of its vehicle identification number and/or any identification numbers of any major component parts used to reconstruct, rebuild or repair the motor vehicle before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Division before the salvage motor vehicle will be inspected:

1. Salvage certificate of title;
2. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10;
3. Bill of sale as proof of ownership for each major component part used in the reconstruction, rebuilding or repair of the motor vehicle, including the following parts:
 - i. Engine;
 - ii. Transmission or transaxle;
 - iii. Front bumper;
 - iv. Rear bumper;
 - v. Each fender;
 - vi. Hood or engine cover;
 - vii. Each door;
 - viii. Each quarter panel;
 - ix. Decklid, tailgate or hatchback (whichever is present);

x. Roof (including T-tops/removable roof if present);

xi. Cowl;

xii. Frame;

xiii. Shock tower or apron; and

xiv. Assembled items:

(1) Nose (fenders, hood, bumper, radiator support);

(2) Front clip (cowl, frame section, shock and apron structure);

(3) Rear clip (rear sheet metal, frame section, roof);

(4) Short clip (rear clip without roof); and

4. A set of "before" and "after" color photographs of the motor vehicle. Each set of "before" and "after" color photographs shall consist of:

i. One photograph showing the entire front and entire left side of the motor vehicle; and

ii. One photograph showing the entire rear and entire right side of the motor vehicle.

(c) The bill of sale for each major component part shall include the following information:

1. Name and address of the buyer;
2. Name and address of the seller;
3. Date and the purchase price; and
4. For parts, as follows:

i. For a new part: description of the part and part number; or

ii. For a used part: description of the part, the vehicle identification number (if available), make, model, and year of the motor vehicle from which the part was removed, the date the part was dismantled or removed (if available), and the name and address of the person or business which dismantled or removed the part. If the vehicle identification number is not indicated on the bill of sale, then the owner must obtain a letter from the seller or person who dismantled or removed the part stating why the vehicle identification number was not indicated on the bill of sale.

(d) If the motor vehicle had been reported stolen, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(e) It is the responsibility of the owner to arrange satisfactory transportation of his or her salvage motor vehicle to have it inspected (for example, flatbed truck, towing by means of an approved towing device, temporary registration).

13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers

(a) A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate must, whether or not the vehicle has been damaged, be inspected in accordance with N.J.A.C. 13:21-22.10(b) to determine the accuracy of its vehicle identification number before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Division before the motor vehicle will be inspected:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10.

13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair

The inspection performed upon a recovered stolen motor vehicle by the recovering law enforcement agency to ascertain ownership of the vehicle shall be deemed sufficient inspection for purposes of the issuance of a certificate of ownership to the owner of such vehicle pursuant to N.J.A.C. 13:21-22.14, provided that the recovered stolen vehicle does not have a missing, altered or damaged vehicle identification number or plate and has not sustained damage to such an extent that it has been rendered economically impractical to repair.

13:21-22.10 Inspection; appointment; inspection fee; rescheduling

(a) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which has been damaged to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired must undergo an inspection at a State inspection facility.

(b) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which is a recovered stolen vehicle with a missing, altered or damaged vehicle identification number or plate must undergo an inspection at a State inspection facility.

(c) As a prerequisite to the issuance of a certificate of ownership, the owner of a salvage motor vehicle which is a recovered stolen vehicle that does not have a missing, altered or damaged vehicle identification number or plate and which has not been damaged to such an extent that it has been rendered economically impractical to repair shall supply the Division with a copy of the report from the law enforcement agency which recovered the stolen motor vehicle to confirm that the vehicle has been inspected to ascertain ownership, together with the other documents required by N.J.A.C. 13:21-22.14.

(d) Upon receipt of the completed application, together with the required inspection fee, if any, the Division shall mail a notice of appointment to the owner indicating the date, time and place of the inspection.

(e) The following fees, payable to the Division, shall be charged to inspect the following salvage motor vehicles:

1. For a stolen motor vehicle (including a stolen motorcycle) that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate, there is no fee.
2. For a motor vehicle (other than a motorcycle that was previously determined to be economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$200.00.
3. For a motorcycle that was previously determined to be economically impractical to repair, including a stolen motorcycle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$100.00.

(f) An inspection appointment shall be rescheduled at no additional cost provided that the owner notifies the Division at least five days prior to his or her scheduled inspection date that he or she is unable to have his or her salvage motor vehicle inspected on such date. In the event that the owner fails to provide the Division with at least five days notice of his or her inability to have his or her salvage motor vehicle inspected on the scheduled inspection date, then the owner must submit an additional inspection fee equal to the amount of the original inspection fee to the Division before a new inspection appointment will be issued to the owner to have his or her salvage motor vehicle inspected.

13:21-22.11 Temporary registration for salvage motor vehicles

(a) Owners of salvage motor vehicles may apply for a temporary registration in accordance with this section.

(b) After receiving a notice of appointment in accordance with N.J.A.C. 13:21-22.10, the owner may apply for a temporary registration.

(c) A temporary registration for a salvage motor vehicle may be obtained from any motor vehicle agency no sooner than five days before the scheduled appointment date.

(d) The following documents must be presented at a motor vehicle agency before a temporary registration will be issued to the owner:

1. Notice of appointment in accordance with N.J.A.C. 13:21-22.10;
2. Salvage certificate of title; and
3. Proof of current liability insurance coverage.

(e) If the motor vehicle was reported stolen and was subsequently recovered, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(f) No temporary registration shall be issued unless the owner presents proof of current liability insurance coverage as required by N.J.S.A. 39:6B-1 and/or N.J.S.A. 39:6A-3. An insurance identification card or a photocopy of the declaration page of the insurance policy for that vehicle shall constitute proof of current liability insurance coverage.

(g) A temporary registration issued to owners of salvage motor vehicles shall only be valid for a period of five days.

(h) A fee of \$2.00 shall be charged for the issuance of a temporary registration issued to owners in accordance with this section.

13:21-22.12 Grounds for failing State inspection

(a) No vehicle identification number verification form or inspection report shall be issued if it is determined upon inspection that:

1. The salvage motor vehicle is a stolen motor vehicle;
2. The salvage motor vehicle contains a stolen major component part; or
3. The salvage motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The vehicle identification number verification forms and inspection reports referred to in (a) above are not public records and are not accessible for public examination pursuant to the "Right to Know Law", N.J.S.A. 47:1A-1 et seq.

13:21-22.13 Seizure of a salvage motor vehicle

(a) Members of the State and/or local law enforcement agencies shall seize and confiscate a salvage motor vehicle in the following circumstances:

1. Where the motor vehicle, or a major component part thereof, is determined to be stolen; and/or

2. Where the motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The Director may also designate employees of the Division to seize and confiscate salvage motor vehicles as set forth in (a) above.

(c) The State or local law enforcement agency seizing a salvage motor vehicle shall retain custody of the vehicle, pending prosecution of any person arrested in connection with the seizure. The police shall retain custody of the vehicle until the ownership has been ascertained.

(d) Whenever a salvage vehicle is seized pursuant to this section, the law enforcement agency seizing the vehicle or part shall notify the owner of record for the vehicle, any person holding a security interest of record for the vehicle, any other person claiming an interest in the vehicle, and the person from whom the vehicle or part was seized. This notice shall be in writing and shall be served in person or by certified or registered mail, return receipt requested, to the last known address of the person to whom the notice is given within five days after the seizure. If the notice is unclaimed by the addressee or if the address of the person to whom the notice is to be given is unknown to the agency giving notice and cannot be ascertained from the records on file with the Division, then notice shall be given by publication twice in a newspaper circulating in the county where the vehicle or part was seized, once in each of two consecutive weeks, and by posting in five public places in this State designated by the Director. The notice shall describe the vehicle or part, state that it has been recovered, where it is located, and that it will be turned over to the named owner of record, unless an objection in writing is received by the Division within 10 days of the receipt or (where applicable) publication of the notice. The notice shall also advise that if no objection is timely filed and the vehicle or part remains unclaimed for a period of 90 days, the agency which seized the vehicle or part may sell the vehicle or part forthwith at auction in a public place as an abandoned vehicle. No vehicle or part shall be surrendered to an owner or other party or sold until the appropriate identification number has been affixed by the Division as necessary, nor where the vehicle is required as evidence in connection with a prosecution.

(e) Any objection filed pursuant to (d) above shall identify the person claiming an interest in the salvage vehicle or part, shall set forth in detail the facts upon which the claim is based, and shall provide copies of all documents supporting the claim, including invoices, bills of sale, and title papers.

(f) Upon sale of a salvage vehicle or part pursuant to this section all claims for interest shall be forever barred and the proceeds realized therefrom, after the payment of the expenses of possession and sale, shall become the sole proper-

ty of the public entity seizing the vehicle and shall be remitted to the treasury of that public entity.

(g) Unless the Director determines to hear a case personally when an objection has been filed with the Division pursuant to this section, hearings on objections shall be conducted, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, by the Office of Administrative Law. At the hearings, the burden shall be on the agency that seized the salvage vehicle or part to prove that the vehicle or part was stolen. Thereafter, the burden shall be on the person objecting to prove that the vehicle or part was not stolen and to prove that he has a rightful interest in the vehicle or part.

(h) Where inspection discloses that only a major component part is stolen, the owner of the salvage vehicle shall be provided the following options:

1. Seizure of the entire vehicle;
2. Seizure of only the major component part(s) that are determined to be stolen, provided the owner of the salvage vehicle has made arrangements, acceptable to the Division, to have that major component part removed from the vehicle. The owner shall bear any cost of removing the part; or
3. Any other equitable method of restoring the salvage vehicle and/or major component parts that are not stolen to the owner agreed upon by the owner and the Division.

(i) A copy of N.J.A.C. 13:21-22 shall be given to every person applying to the Division for an appointment for inspection of a salvage motor vehicle.

(j) When a salvage motor vehicle seized pursuant to (h)1 above is sold pursuant to (d) above, the owner of the salvage motor vehicle shall receive that portion of the purchase price representing the fair market value of the vehicle minus the fair market value of the stolen major component part.

13:21-22.14 Issuance of certificates of ownership without a salvage designation

(a) A certificate of ownership without a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership without a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following motor vehicles:

1. A stolen motor vehicle that is subsequently recovered and which has not sustained damage to such an extent that it has been rendered economically impractical to repair, provided that the recovered stolen motor vehicle does not have a missing, altered or damaged vehicle identification number or plate.

2. A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate after determination at a State inspection that such recovered motor vehicle is not a stolen motor vehicle, provided such vehicle has not sustained damage to such an extent that it has been rendered economically impractical to repair.

(b) No certificate of ownership without a salvage designation shall be issued unless the following documents are presented to the Division:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. For vehicles described in (a)2 above, a vehicle identification number verification form or inspection report.

(c) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership without a salvage designation.

13:21-22.15 Issuance of certificates of ownership with a salvage designation

(a) A certificate of ownership with a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership with a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following salvage motor vehicles:

1. A motor vehicle that was previously determined to be economically impractical to repair and that is subsequently reconstructed, rebuilt or repaired.
2. A stolen motor vehicle that is recovered in damaged condition (for example, stripped for major component parts) and that is subsequently reconstructed, rebuilt or repaired where the cost to repair the damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was stolen.

(b) No certificate of ownership with a salvage designation shall be issued unless the following documents are presented to the Division:

1. Salvage certificate of title;
2. Inspection report; and
3. For vehicles described in (a)2 above, a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(c) A unique vehicle identification number shall be assigned by the Division to a motor vehicle which is reconstructed, rebuilt or repaired from more than one salvage motor vehicle.

(d) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership with a salvage designation.

13:21-22.16 Penalties

(a) Any person who transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title shall be subject to the penalties set forth in N.J.S.A. 39:10-24.

(b) In addition to the penalties set forth in (a) above, the Director may suspend or revoke the license of any person who is licensed by the Director as an auto body repair facility, junk yard and/or motor vehicle dealer for a period not to exceed three years if such person transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

13:21-22.17 Written notice

(a) Any person who transfers ownership of a salvage motor vehicle in violation of N.J.S.A. 39:10-31 et seq. and/or this subchapter shall be notified by the Director, in writing by registered mail, of any license suspension or revocation or other action sought to be imposed and the grounds thereof.

(b) Written notice shall be mailed to the person at the address of record with the Division.

13:21-22.18 Request for a hearing

(a) Any person who has been notified in accordance with N.J.A.C. 13:21-22.17 shall be entitled to an administrative hearing, provided that such person has filed with the Director a written request for a hearing within 30 days from the date of such notice. The 30 day period shall commence on the date such notice was mailed to the person by the Division in accordance with N.J.A.C. 13:21-22.17.

(b) Any written request for a hearing shall be sent to the Director. The hearing request shall contain the following information:

1. The name, address and telephone number to the person requesting a hearing;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if the person is without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

13:21-22.19 Hearing procedures

Any hearing pursuant to this subchapter shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

Authority

P.L. 1990, c.103, §§ 12, 19 and 21; N.J.S.A. 39:3-36 and 39:5-30.

Source and Effective Date

R.1992 d.138, effective March 16, 1992.
(Operative date for N.J.A.C. 13:21-23.22-23.27 is April 1, 1992.)

13:21-23.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

“Basic driver’s license” means a license issued by the Division which authorizes a person to operate motor vehicles other than CMVs.

“Cargo tank” means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle. Any packaging fabricated under specifications for cylinders is not a cargo tank.

“Commercial driver license” or “CDL” means a license issued in accordance with the “New Jersey Commercial Driver License Act” (P.L. 1990, c.103) to a person authorizing the person to operate a certain class of commercial motor vehicle.

“Commercial Driver License Information System” or “CDLIS” means the information system established pursuant to the Federal “Commercial Motor Vehicle Safety Act of 1986,” Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

“Commercial motor vehicle” or “CMV” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway:

1. If the motor vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

2. If the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

3. If the motor vehicle is designed to transport 16 or more passengers including the driver;

4. If the motor vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment; or

5. If the motor vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with subpart f. of 49 CFR § 172, or the vehicle displays a hazardous material placard.

This term shall include those vehicles specifically described and classified in N.J.A.C. 13:21-23.5.

This term shall not include recreation vehicles.

“Controlled substance” means any substance so classified under subsection (6) of section 102 of the “Controlled Substances Act” (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 CFR § 1308, or under P.L. 1970, c.226 (C. 24:21-1 et seq.) as they may be revised from time to time. The term shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 355).

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person’s appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

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

“Disqualification” means either:

1. The suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privilege to operate a commercial motor vehicle;

2. A determination by the Federal Highway Administration under the rules of practice for motor carrier safety contained in 49 CFR § 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR § 391; or

3. The loss of qualification which automatically follows conviction of an offense listed in 49 CFR § 383.51.

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

“Domicile” 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.

“Driver license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Endorsement” means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

“Foreign jurisdiction” means any jurisdiction other than a state of the United States or the District of Columbia.

“Gross vehicle weight rating” or “GVWR” means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle, or the registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

“Hazardous material” means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provision of the “Hazardous Materials Transportation Act,” (49 U.S.C. § 1801 et seq.).

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term “motor vehicle” includes motorized bicycles.

“Out of service order” means a temporary prohibition against operating a CMV.

“Portable tank” means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

“Representative vehicle” means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

“Serious traffic violation” means conviction for one of the following offenses committed while operating a commercial motor vehicle:

1. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
2. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of N.J.S.A. 39:4-96;
3. Improper or erratic traffic lane changes;
4. Following a vehicle ahead too closely, including violations of N.J.S.A. 39:4-89;
5. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation; or
6. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 CFR § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or equipment defect violations.

“State” means a state of the United States or the District of Columbia.

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

“Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks

as defined in this section. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person operates or expects to operate;
2. Pass a driving or skills test in accordance with the standards contained in N.J.A.C. 13:21-23.8 through 23.15 taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate or provide evidence that he or she has successfully passed a driving test administered by an authorized third party;
3. If a person operates or expects to operate in interstate commerce, meet the driver qualification requirements set forth in 49 CFR 391;
4. Make application for an initial CDL, CDL examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL, to the Division in the form specified in (g) below. An applicant must provide complete and accurate information and all required certifications on the application;
5. Complete the application form with the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.18;
6. Surrender his or her noncommercial driver's license to the Division; and
7. Pay to the Division the license fee established by N.J.S.A. 39:3-10.30.

(b) In addition to any other requirements provided by law, a person applying for a CDL, a CDL examination permit, a transfer of a CDL from another state, a renewal of a CDL or a person applying to operate a CMV in a different group or endorsement from the group or endorsement in which he or she already holds a CDL, shall provide the following certifications:

1. A certification that he or she meets the qualification requirements contained in 49 CFR § 391; provided, a person who operates or expects to operate entirely in intrastate commerce and is not subject to 49 CFR 391, may instead certify that he or she is not subject to Part 391; and
2. Certify that the motor vehicle in which he or she takes the driving skills test, where such test is required, is representative of the type of motor vehicle he or she operates or expects to operate; and

3. Certify that he or she is not subject to any disqualification, suspension, revocation or cancellation as contained in the "New Jersey Commercial Driver License Act" or 49 CFR 383.51; and

4. Certify that he or she does not have a driver license from more than one state or jurisdiction.

(c) When applying to transfer a CDL from another state of domicile to New Jersey, an applicant shall apply for a CDL from the Division within no more than 30 days after establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Division the certifications contained in (b)1 and (b)3 above;

2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18;

3. If the applicant wishes to retain a hazardous materials endorsement, comply with Division requirements as specified in N.J.A.C. 13:21-23.3(b)4; and

4. Surrender the CDL from the old state of domicile to the Division.

(d) When applying for a renewal of a CDL, all applicants shall:

1. Provide to the Division the certifications contained in (b)1 above;

2. Provide to the Division updated information as specified in N.J.A.C. 13:21-23.18; and

3. If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in N.J.A.C. 13:21-23.14.

(e) When applying to operate a CMV in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, all applicants shall:

1. Provide to the Division the necessary certifications as specified in (b)1 and (b)2 above;

2. Pass the tests specified in (a)1 and (a)2 above for the new vehicle group and/or different endorsements; and

3. Surrender his or her current CDL to the Division.

(f) When applying for a CDL examination permit, all applicants shall:

1. Provide to the Division the certifications contained in (b)1 through (b)4 above;

2. Provide to the Division the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.18;

3. Pay to the Division the examination permit fee established by N.J.S.A. 39:3-10.30; and

4. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person intends to operate.

(g) An application for an initial CDL, commercial driver examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL shall include the following:

1. The full legal name, the street address of the residence and the mailing address, if different from the street address of the applicant. A post office box shall appear on the application only as a part of a mailing address that is submitted in addition to a street address;

2. A physical description of the person including sex, height, weight, and eye color;

3. Full date of birth;

4. The applicant's Social Security number (An applicant shall be required to exhibit the original Social Security card or other acceptable proof of said number);

5. The applicant's signature;

6. Such proof of physical condition, experience, training, prior driving experience and knowledge as the Director may require; and

7. Any other information required by the Director.

(h) For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court.

13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity

(a) Prior to issuing a CDL to a person, the Division shall:

1. Require the driver applicant to certify, pass tests, and provide information as described in N.J.A.C. 13:21-23.2(a) and (b);

2. Check that the vehicle in which the applicant takes his or her test is representative of the vehicle group the applicant has certified that he or she operates or expects to operate;

3. Initiate and complete a check of the applicant's driving record as specified in Section 6 of the New Jersey Commercial Driver License Act to ensure that the person is not subject to any disqualification, suspensions, revocations or cancellations as contained in the New Jersey Commercial Driver License Act or 49 CFR § 383.51 and that the person does not have a driver's license from more than one state. The record check shall include, but not be limited to, the following:

i. A check of the applicant's driving record as maintained by his or her current state of licensure, if any;

ii. A check with CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a CMV; and

iii. A check with the National Driver Register (NDR) to determine whether the driver applicant has:

(1) Been disqualified from operating a motor vehicle (other than a CDL);

(2) Had a license (other than a CDL) suspended, revoked, or canceled for cause in the three-year period ending on the date of application; or

(3) Been convicted of any offenses contained in section 205(a)(3) of the National Drivers Register Act of 1982 (23 U.S.C. 401 note); and

4. Require the driver applicant, if he or she has moved from another state, to surrender his or her driver's license issued by another state.

(b) Prior to issuing a CDL to a person who has a CDL from another state, the Division shall:

1. Require the driver applicant to make the certifications contained in N.J.A.C. 13:21-23.2(b);

2. Complete a check of the driver applicant's record as contained in (a)3 above;

3. Request and receive updates of information specified in N.J.A.C. 13:21-23.18;

4. If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the two years preceding the transfer, either:

i. Passed the test for such endorsement specified in N.J.A.C. 13:21-23.14; or

ii. Successfully completed a hazardous materials test or training that is given by a third party and that is deemed by the Director to substantially cover the same knowledge base as that described in N.J.A.C. 13:21-23.14; and

5. Obtain the CDL issued by the applicant's previous State of domicile.

(c) Prior to renewing any CDL the Division shall:

1. Require the driver applicant to make the certification contained in N.J.A.C. 13:21-23.2(b);

2. Complete a check of the driver applicant's record as contained in (a)3 above;

3. Request and receive updates of information specified in N.J.A.C. 13:21-23.18; and

4. If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test for such endorsement specified in N.J.A.C. 13:21-23.14.

(d) Prior to issuing an upgrade of a CDL, the Division shall:

1. Require such driver applicant to obtain an examination permit, provide certifications and pass tests as described in N.J.A.C. 13:21-23.2(e); and

2. Complete a check of the driver applicant's record as described in (a)3 above.

(e) After the Division has completed the procedures described in (a), (b), (c), or (d) above, it may issue a CDL to the driver applicant. The Division shall notify the operator of the CDLIS of such issuance, transfer, renewal, or upgrade within the 10-day period beginning on the date of license issuance.

(f) If the Division determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in N.J.A.C. 13:21-23.18 or any of the certifications required in N.J.A.C. 13:21-23.2(b), the Division shall, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 at a minimum suspend, cancel, or revoke the person's CDL, or his or her pending application, or disqualify the person from operating a CMV for a period of at least 60 consecutive days.

(g) Any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified from operating a CMV, may operate a CMV in this State on a reciprocal basis in accordance with N.J.S.A. 39:3-17.

13:21-23.4 Substitute for driving skills tests

(a) At the discretion of the Director, the driving skill test as specified in N.J.A.C. 13:21-23.10 may be waived for a CMV operator provided that the applicant holds a license issued in accordance with N.J.S.A. 39:3-10 which is substantially similar to a CDL at the time of his or her application for a CDL, and the applicant's driving record is satisfactory in the discretion of the Director and the applicant has previously passed a Federally-approved skills test, or the applicant's driving record is satisfactory in the discretion of the Director and the applicant has substantial driving experience with CMVs. The Division shall impose the following conditions and limitations to restrict the applicants from whom the Division may accept alternative requirements for the skills test described in N.J.A.C. 13:21-23.10:

1. An applicant must certify that, during the two-year period immediately prior to applying for a CDL, he or she:

i. Has not had more than one license (except in the instances specified in 49 CFR 383.21(b));

ii. Has not had any license suspended, revoked, or canceled;

iii. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in the New Jersey Commercial Driver License Act or 49 CFR § 383.51(b)(2);

iv. Has not had more than one conviction for any type of motor vehicle for serious traffic violations; and

v. Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault; and

2. An applicant must provide evidence and certify that:

- i. He or she has been regularly employed in a job requiring operation of a CMV, and that either:
- ii. He or she has previously taken and passed a skills test given by a state with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or
- iii. He or she has operated, for at least two years immediately preceding application for a CDL, a vehicle representative of the CMV the driver applicant operates or expects to operate.

13:21-23.5 Commercial motor vehicle groups; description; representative vehicle; relation between classes

(a) Each driver applicant must possess and be tested on his or her knowledge and skills, described in N.J.A.C. 13:21-23.8 through 23.14 for the CMV group(s) for which he or she desires a CDL. The CMV groups are as follows:

1. Combination Vehicle (Group A)—Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
2. Heavy Straight Vehicle (Group B)—Any single vehicle with a GVWR of 26,001 or more pounds, any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, any vehicle with a GVWR of 26,001 or more pounds and designed to carry 16 or more persons including the driver whether used for hire or not.
3. Small Vehicle (Group C)—Any single vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR provided that the vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which is required to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F); or the vehicle is designed to transport 16 or more passengers including the driver, whether used for hire or not; or the vehicle is designed to transport eight to 15 passengers including the driver and is used for hire; or the vehicle is used to transport eight to 15 persons including the driver for hire on a daily basis to and from places of employment; or the vehicle is used for the transportation of more than six passengers to or from summer day camps or summer residence camps; or the vehicle is required to be registered as a school bus except that a person licensed as a bus driver before December 1, 1990 may operate a bus required to be registered as a school bus without a CDL provided the vehicle is designed to carry not more than 15 passengers including the driver.

(b) For purposes of taking the driving test in accordance with N.J.A.C. 13:21-23.10, a representative vehicle for a given vehicle group contained in (a) above is any CMV which meets the definition of that vehicle group.

(c) Each driver applicant who desires to operate in a different CMV group from the one which his or her CDL authorizes shall be required to take and pass all related tests, except the following:

1. A driver who has passed the knowledge and skills tests for a combination vehicle (Group A) may operate a heavy straight vehicle (Group B) or a small vehicle (Group C), provided that he or she possesses the requisite endorsement(s); and
2. A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided that he or she possesses the requisite endorsement(s).

13:21-23.6 Endorsements; descriptions; testing requirements

(a) In addition to taking and passing the knowledge and skills tests described in N.J.A.C. 13:21-23.8 through 23.14, all persons who operate or expect to operate the type(s) of motor vehicles described in (b) below shall take and pass specialized tests to obtain each endorsement. The Division shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) An operator must obtain endorsements to his or her CDL to operate CMVs which are:

1. Double/triple trailers;
2. Passenger vehicles (for example, omnibuses and school buses);
3. Tank vehicles; or
4. Required to be placarded for hazardous materials.

(c) The following tests are required for the endorsements contained in (b) above:

1. Double/Triple Trailers—a knowledge test;
2. Passenger—a knowledge and a skills test;
3. Tank vehicle—a knowledge test; and
4. Hazardous Materials—a knowledge test.

13:21-23.7 Air brake restrictions

(a) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the Division shall indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with air brakes.

(b) For the purposes of the skills test and the restriction, air brakes shall include any braking system operating fully or partially on the air brake principle.

13:21–23.8 General requirement for knowledge and skills

All drivers of CMVs shall have knowledge and skills necessary to operate a CMV safely as contained in this subchapter.

13:21–23.9 Required knowledge

(a) All CMV operators must have knowledge of the following general areas as developed by the Division and approved by the United States Department of Transportation as meeting its minimum standards:

1. Driver-related elements of the regulations contained in 49 CFR Parts 391, 392, 393, 395, 396, and 397, such as: motor vehicle inspection, repair, and maintenance requirements; procedures for safe vehicle operations; the effects of fatigue, poor vision, hearing, and general health upon safe CMV operation; the types of motor vehicles and cargoes subject to the requirements; and the effects of alcohol and drug use upon safe CMV operations;

2. Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. CMV drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, for example, skids and loss of brakes;

3. The purpose and function of the controls and instruments commonly found on CMVs;

4. The proper procedures for performing various basic maneuvers;

5. The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions;

6. The procedures and rules for various backing maneuvers;

7. The importance of proper visual search, and proper visual search methods;

8. The principles and procedures for proper communications and the hazards of failure to signal properly;

9. The importance of understanding the effects of speed;

10. The procedures and techniques for controlling the space around the vehicle;

11. Preparations and procedures for night driving;

12. The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions;

13. The basic information on hazard perception and clues for recognition of hazards;

14. The basic information concerning when and how to make emergency maneuvers;

15. The information on the causes and major types of skids, as well as the procedures for recovering from skids;

16. The principles and procedures for the proper handling of cargo;

17. The objectives and proper procedures for performing vehicle safety inspections, as follows:

- i. The importance of periodic inspection and repair to vehicle safety;

- ii. The effect of undiscovered malfunctions upon safety;

- iii. What safety-related parts to look for when inspecting vehicles;

- iv. Pre-trip/enroute/post-trip inspection procedures; and

- v. Reporting findings;

18. What constitutes hazardous material requiring an endorsement to transport; classes of hazardous materials; labeling/placarding requirements; and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes;

19. Operators of vehicles equipped with air brakes shall also have knowledge of:

- i. Air brake system nomenclature;

- ii. The dangers of contaminated air supply;

- iii. Implications of severed or disconnected air lines between the power unit and the trailer(s);

- iv. Implications of low air pressure readings;

- v. Procedures to conduct safe and accurate pre-trip inspections; and

- vi. Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail; and

20. Operators for the combination vehicle group shall also have knowledge of:

- i. Coupling and uncoupling—The procedures for proper coupling and uncoupling a tractor to semi-trailer; and

ii. Vehicle inspection—The objectives and proper procedures that are unique for performing safety inspections on combination vehicles.

13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation

(a) All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Except as provided in N.J.A.C. 13:21-23.7, applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

1. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

i. Locate and verbally identify air brake operating controls and monitoring devices;

ii. Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

iii. Inspect the low pressure warning device(s) to ensure that they will activate in emergency situations;

iv. Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

v. Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

vi. Operationally check the brake system for proper performance.

2. Applicants shall successfully complete the skills test contained in this subsection in a representative vehicle equipped with air brakes.

(d) Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

13:21-23.11 Requirements for double/triple trailers endorsement

(a) In order to obtain a double/triple trailers endorsement, each applicant must have knowledge covering:

1. Procedures for assembly and hookup of the units;

2. Proper placement of heaviest trailer;

3. Handling and stability characteristics including off-tracking, response to steering, sensory feedback, braking, oscillatory sway, rollover in steady turns, yaw stability in steady turns; and

4. Potential problems in traffic operations, including problems the motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicles on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

13:21-23.12 Requirements for passenger endorsement

(a) An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements:

1. All applicants for the passenger endorsement must have knowledge covering at least the following topics:

i. Proper procedures for loading/unloading passengers;

ii. Proper use of emergency exits, including push-out windows;

iii. Proper responses to such emergency situations as fires and unruly passengers;

iv. Proper procedures at railroad crossings and drawbridges; and

v. Proper braking procedures.

2. To obtain a passenger endorsement applicable to a specific vehicle group, an applicant must take his or her skills test in a passenger vehicle satisfying the requirements of that group as defined in N.J.A.C. 13:21-23.5.

13:21-23.13 Requirements for tank vehicle endorsement

(a) In order to obtain a tank vehicle endorsement, each applicant must have knowledge covering the following:

1. Causes, prevention, and effects of cargo surge on motor vehicle handling;

2. Proper braking procedures for the motor vehicle when it is empty, full and partially full;

3. Differences in handling of baffled/compartmental tank interiors versus non-baffled motor vehicles;

4. Differences in tank vehicle type and construction;

5. Differences in cargo surge for liquids of varying product densities;

6. Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;

7. Proper use of emergency systems; and

8. For drivers of Federal Department of Transportation specification tank vehicles, retest and marking requirements.

13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test

(a) In order to obtain a hazardous material endorsement, each applicant must have such knowledge as is required of a driver of a hazardous materials laden vehicle, from information contained in 49 CFR Parts 171, 172, 173, 177, 178, and 397 on the following:

1. Hazardous materials regulations including:
 - i. Hazardous materials table;
 - ii. Shipping paper requirements;
 - iii. Marking;
 - iv. Labeling;
 - v. Placarding requirements;
 - vi. Hazardous materials packaging;
 - vii. Hazardous materials definitions and preparation;
 - viii. Other regulated material (for example, ORM-D);
 - ix. Reporting hazardous materials accidents; and
 - x. Tunnels and railroad crossings;
2. Hazardous materials handling including:
 - i. Forbidden materials and packages;
 - ii. Loading and unloading materials;
 - iii. Cargo segregation;
 - iv. Passenger carrying buses and hazardous materials;
 - v. Attendance of motor vehicles;
 - vi. Parking;
 - vii. Routes;
 - viii. Cargo tanks; and
 - ix. "Safe Havens";
3. Operation of emergency equipment including:
 - i. Use of equipment to protect the public;
 - ii. Special precautions for equipment to be used in fires;
 - iii. Special precautions for use of emergency equipment when loading or unloading a hazardous materials laden motor vehicle; and
 - iv. Use of emergency equipment for tank vehicles; and

4. Emergency response procedures including:

- i. Special care and precautions for different types of accidents;
- ii. Special precautions for driving near a fire and carrying hazardous materials, and smoking and carrying hazardous materials;
- iii. Emergency procedures; and
- iv. Existence of special requirements for transporting Class A and B explosives.

(b) The Director may waive the written knowledge test if an applicant for a renewal of a hazardous materials endorsement or the transfer of a hazardous materials endorsement from another state has satisfactorily completed an approved training course pertaining to the operation of motor vehicles transporting hazardous materials within two years of the date of application.

13:21-23.15 Minimum passing scores; test longevity; waiting period between tests

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test. The results of a knowledge test shall remain valid for a period of one year from the date that the applicant achieved a passing score.

(b) To achieve a passing score on the skills test, the driver applicant must demonstrate that he or she can successfully perform all of the skills listed in N.J.A.C. 13:21-23.10.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he or she shall automatically fail the test.

(d) The scoring of the basic knowledge and skills test shall be adjusted as follows to allow for the air brake restriction (see N.J.A.C. 13:21-23.7):

1. If the applicant scores less than 80 percent on the air brake component of the basic knowledge test as described in N.J.A.C. 13:21-23.9(a)(7), the driver will have failed the air brake component and, if the driver is issued a CDL, an air brake restriction shall be indicated on the license; and
2. If the applicant performs the skills test in a vehicle not equipped with air brakes, the driver will have omitted the air brake component as described in N.J.A.C. 13:21-23.10(c) and, if the driver is issued a CDL, the air brake restriction shall be indicated on the license.

13:21-23.16 Third party testing; proof of testing

(a) The Director may authorize a person (including an employer, or a department, agency or instrumentality of a

local government) to administer the skills test as specified in N.J.A.C. 13:21-23.10 if the following conditions are met:

1. The tests given by the third party are the same as those which would otherwise be given by the Division; and

2. The third party has an agreement with the Division containing, at a minimum, provisions that:

i. Allow the Federal Highway Administration, or its representative, and the Division to conduct random examinations, inspections and audits without prior notice;

ii. Require the Division to conduct on-site inspections at least annually;

iii. Require that all third party examiners meet the same qualification and training standards as Division examiners, to the extent necessary to conduct skills tests in compliance with N.J.A.C. 13:21-23.10;

iv. Require that, at least on an annual basis, Division employees take the tests actually administered by the third party as if the Division employees were test applicants, or that the Division test a sample of drivers who were examined by the third party to compare pass/fail results; and

v. Reserve unto the Division the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with Division or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

(b) A driver applicant who takes and passes driving tests administered by an authorized third party shall provide evidence to the Division that he or she has successfully passed the driving tests administered by the third party.

(c) An authorized third party may charge a driver applicant a fee for the administration of the skills test, except that said fee shall not exceed an amount equal to the cost to the State for administering such testing.

13:21-23.17 Commercial driver's license document; general

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain the information specified in N.J.A.C. 13:21-23.18.

13:21-23.18 Information on the document and application

(a) All CDLs shall contain the following information:

1. The prominent statement that the license is a "Commercial Driver's License" or "CDL";

2. The full name, signature, and mailing address of the person to whom such license is issued;

3. Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;

4. A color photograph of the driver;

5. The driver's license number;

6. The name of New Jersey as the State which issued the license;

7. The date of issuance and the date of expiration of the license;

8. The group or groups of CMV(s) that the driver is authorized to operate, indicated as follows:

i. A for Combination Vehicle;

ii. B for Heavy Straight Vehicle; and

iii. C for Small Vehicle;

9. The endorsement(s) for which the driver has qualified, if any, indicated as follows:

i. T for double/triple trailers;

ii. P for passenger;

iii. N for tank vehicle;

iv. H for hazardous materials;

v. NH for a combination of the tank vehicle and hazardous materials endorsements; and

vi. At the discretion of the Director, additional codes for additional classes of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document; and

10. The restriction(s) and/or exception(s) applicable to the driver, if any, indicated as follows:

i. L except vehicles with air brakes;

ii. M except Class A Passenger Vehicles;

iii. N except Class A & B Passenger Vehicles;

iv. O except Tractor-Trailer (Tow Trucks);

v. P Passenger endorsement restricted to school bus capacity 15 or less;

vi. Q except Passenger Vehicles Capacity 16 or more;

vii. R No Passengers (Bus Mechanics); and

viii. S except School Age Passengers.

(b) If the Division has issued the applicant an air brake restriction as specified in N.J.A.C. 13:21-23.7, that restriction must be indicated on the license.

(c) If the Division has issued the applicant a Small Vehicle (Group C) CDL which is restricted to the operation of vehicles, including school buses, which are designed to transport not more than 15 passengers including the driver, that restriction must be indicated on the license.

(d) A driver applicant must provide his or her Social Security Number on the application of a CDL. If the applicant has been exempted from applying for a Social Security Number because of his or her religious beliefs, the applicant must submit a letter from the Social Security Administration or the Internal Revenue Service confirming the grant of the exemption. The Division will assign an identification number for the applicant if the applicant has been granted an exemption from applying for a Social Security Number.

(e) The Division must provide the Social Security Number or identification number assigned by the Division to the CDLIS.

13:21–23.19 Tamper proofing requirements

The Division shall make the CDL tamperproof to the maximum extent practicable. At a minimum, the Division shall use the same tamperproof method used for noncommercial drivers' license.

13:21–23.20 Duplicate CDL

The Director, upon presentation of a statement, stating that the original CDL has been destroyed, lost or stolen, may, if he or she is satisfied that the facts as set forth in the statement are true, issue a duplicate CDL, if needed, to the original holder thereof, upon the payment to the Director of the fee set forth in N.J.S.A. 39:3–31 for the duplicate CDL so issued and a fee for the color photograph established by the Director in accordance with N.J.S.A. 39:3–10.30.

13:21–23.21 Change of legal name or address; application for corrected CDL

When a person holding a CDL issued by this State changes his or her legal name, mailing address or residence, he or she shall notify the Director, in writing, of such change within two weeks after the change of legal name is made and within one week after the change of mailing address or residence is made. The Director may issue a corrected CDL, if needed, only if the person surrenders his or her current CDL and provides such other information as the Director may require.

13:21–23.22 Guidelines and conditions under which certain suspensions or revocations of CMV driving privileges for life may be reduced to a period of not less than 10 years

(a) A person whose CMV driving privilege has been revoked for life under Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction, may

apply to the Director to have his or her CMV driving privilege restored.

(b) The Director may, in his or her discretion, restore the CMV driving privileges of such applicant provided the applicant satisfies all of the following requirements:

1. The applicant has served a minimum suspension period of 10 years under the suspension imposed pursuant to Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act, or under a similar provision of the law of any other state or jurisdiction;
2. The applicant has enrolled in, paid for, attended and successfully completed a rehabilitation program (that is, driver improvement program and/or alcohol education or rehabilitation program) approved by the Director and has provided sufficient proof of program completion;
3. The applicant is domiciled in this State and has produced sufficient proof of domicile;
4. The applicant has paid the restoration fee provided in N.J.S.A. 39:3–10a, if required;
5. The applicant has paid the Alcohol Education Rehabilitation, and Enforcement Fund fee provided in N.J.S.A. 39:4–50(b), if required;
6. The applicant has satisfied all of the requirements for obtaining a CDL and applicable endorsements in this State. No waiver of the skills test shall be permitted for applicants under this section;
7. The applicant has not previously had his or her CMV driving privileges restored pursuant to this section or the law of another state or jurisdiction similar to this section;
8. The applicant's driving privileges are not suspended or revoked in this State or any other state or jurisdiction and he or she has satisfied all outstanding suspensions in this State or any other state or jurisdiction;
9. If the lifetime revocation was imposed by a licensing authority or court of any other state or jurisdiction authorizing a restoration;
10. The applicant's driving record in this and any other state or jurisdiction, including his or her driving record during the period when his or her CMV driving privilege was suspended, clearly demonstrates that it is consistent with public safety that the applicant be again permitted to operate CMVs. The Director may consider all relevant evidence including the frequency, nature and number of violations, accidents, suspensions and revocations, any special circumstances connected with any violation or suspension, including whether applicant has been involved in any accident resulting in death or bodily injury to any person. The burden shall be on the applicant to demonstrate requisite qualification. The applicant's failure to produce requisite evidence of qualification shall be sufficient grounds to deny the application; and

11. The applicant has submitted an application for such restoration as provided by the Director.

13:21-23.23 Ineligibility for reduction of lifetime revocation

No person whose CMV driving privilege has been revoked pursuant to Section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other state or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be eligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.22.

13:21-23.24 Driver rehabilitation program

(a) For purposes of this subchapter, a driver rehabilitation program shall consist of:

1. A driver improvement course, or a program in another state or jurisdiction which the Director determines is substantially similar; and
2. If the applicant has ever been convicted of a violation of Section 5 or 16 of the New Jersey Commercial Driver License Act or N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.2 or similar laws of this or any other state or jurisdiction, he or she must show that he or she has satisfied the educational and rehabilitation requirements set forth in N.J.S.A. 39:4-50 or the similar program requirements of another state or jurisdiction which the Director or the Division of Alcoholism, as the case may be, has determined satisfy those requirements.

(b) The fee for the Driver Improvement Course shall be the fee set forth in N.J.A.C. 13:20-17.3.

13:21-23.25 Application to another jurisdiction for restoration; notice to Director

A person whose CMV driving privileges have been revoked for life pursuant to Section 12(c) or 12(h) of the New Jersey Commercial Driver License Act shall notify the Director, in writing, within 10 days of any application to the licensing authority of another state or jurisdiction for restoration of those privileges. The notice shall provide the information specified at N.J.A.C. 13:21-23.2(g)1 through (g)5, the New Jersey drivers license number issued to such person, and any other information required by the Director.

13:21-23.26 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.22

(a) The Director may issue a letter of temporary authority to a person who has applied for restoration of his or her CMV driving privilege under N.J.A.C. 13:21-23.22 for the purpose of allowing said person to fit himself or herself to become a CMV operator. A person making application for a letter of temporary authority under this section shall comply with the application procedures set forth in N.J.A.C. 13:21-23.2.

(b) If, upon expiration of the letter of temporary authority, a CDL has not been issued as provided in N.J.A.C. 13:21-23.22, the applicant's CMV driving privileges shall continue to be revoked in accordance with the original revocation order.

13:21-23.27 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state.

(b) For those persons licensed by this State, a valid basic driver license is a prerequisite for the operation of a CMV. For persons properly licensed in another state, the law of that state should be consulted.

(c) Whenever a person's basic driver license is suspended, revoked, or prohibited pursuant to any statute or regulation of this State, the person's CDL, if any, shall be suspended, revoked or prohibited, as the case may be, until the basic driver license and the CDL have been restored by the Director.

(d) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50 committed in a CMV, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-50(a)(1), (a)(2) or (a)(3). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-50, all violations of N.J.S.A. 39:4-50 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(e) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.13 shall not serve to suspend the person's basic driver's license unless the violation that gave rise to the CMV driving privilege suspension, revocation, or denial would have resulted in a suspension, revocation, or denial of the person's basic driver's license if committed in a noncommercial motor vehicle. An example of such a violation would be where the court has convicted the person of a violation of both N.J.S.A. 39:3-10.13 and 39:4-50, or where the court has convicted the person of a violation of N.J.S.A. 39:3-10.3 and has exercised its power under N.J.S.A. 39:5-31.

(f) Whenever a person is convicted for a violation of N.J.S.A. 39:4-129 committed in a CMV and an injury or death to any person has occurred, the person's basic driver's license shall be suspended or revoked for the appropriate time periods specified in N.J.S.A. 39:4-129(a). For purposes of assessing the appropriate suspension period under N.J.S.A. 39:4-129(a), all violations of N.J.S.A. 39:4-129 shall be counted without regard to whether they occurred in a commercial or noncommercial motor vehicle.

(g) The suspension or revocation of a person's CMV driving privilege for a violation of using a CMV in the commission of a crime or using a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or a controlled substance analog, or possession with intent to manufacture, distribute or dispense a controlled substance or controlled substance analog shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(h) Whenever a person is convicted for a violation of N.J.S.A. 39:4-50.2 or section 16 of the Act or other similar law committed in a CMV the person's basic driver's license shall be suspended in accordance with N.J.S.A. 39:4-50.4a or 39:3-10.24(f) or other similar law.

(i) The suspension or revocation of a person's CMV driving privilege for a violation of N.J.S.A. 39:3-10.18(b) shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court.

(j) With regard to serious traffic violations, the suspension or revocation of a person's CMV driving privilege by a court shall not serve to suspend the person's basic driver's license unless otherwise ordered by the court. If the particular serious traffic violation also is cause for suspension of the basic driver license by the Director pursuant to N.J.S.A. 39:5-30(b), 39:5-30(c), 39:5-30(e), 39:5-30.8, 39:5-30.10 or N.J.A.C. 13:19-10, the person may accept the period proposed by the Director and ask that the suspension of the basic driver's license imposed by the Director run to the greatest extent possible concurrently with the court-imposed suspension of CMV driving privilege. However, the pendency of any administrative action shall not serve to stay any court-imposed suspension.

(k) The provisions of this rule are not intended to be exhaustive or otherwise to restrict the court's or the director's powers.

13:21-23.28 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

Owners of firefighting apparatus, ambulances, first aid and rescue vehicles are exempted from the requirement of N.J.S.A. 39:4-46(b) pertaining to the display of the GVWR on the vehicle.

13:21-23.29 Operative date

This subchapter shall take effect March 16, 1992, except that N.J.A.C. 13:21-23.22 through 13:21-23.27 shall become operative on April 1, 1992.

SUBCHAPTER 24. DEFENSIVE DRIVING COURSES

Authority

N.J.S.A. 17:33B-45.

Source and Effective Date

R.1994 d.347, effective July 5, 1994.

See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a).

13:21-24.1 Definitions

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

"Approved motor vehicle defensive driving course" means a course of motor vehicle driver instruction predicated on defensive driving techniques that has been approved by the Director of the Division of Motor Vehicles, has been determined to meet or exceed the standards of the National Safety Council's defensive driving course, and has been determined to be effective in terms of either reducing moving violation convictions or accident involvement or both. This definition shall not be taken to include driver training courses offered by driving schools pursuant to N.J.S.A. 39:12-1 et seq., public, parochial or private school driving education courses, a Division of Motor Vehicles Driver Improvement Program required pursuant to N.J.S.A. 39:5-30.2 et seq., or a Division of Motor Vehicles Probationary Driver Program required pursuant to N.J.A.C. 13:19-10.3(d).

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

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

"Sponsoring agency" means an organization which has a motor vehicle defensive driving course approved by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 17:33B-45 and this subchapter.

13:21-24.2 Point reduction; computation; course completion

(a) Motor Vehicle violation points recorded against a licensee shall be reduced by two points when he or she attends and satisfactorily completes an approved motor vehicle defensive driving course, except that:

1. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course more than once in any five year period;

2. No point totals shall be reduced below zero; and

3. No licensee shall receive point reduction credits for completion of a motor vehicle defensive driving course in which the licensee was the course instructor.

(b) Computation of the time periods used in granting point reduction credits, in all cases, will be based upon the respective dates of commission of the offenses for which the licensee was convicted and assessed points and completion date of the motor vehicle defensive driving course.

(c) Upon receipt by the Director of a certified student course completion record from a sponsoring agency, the licensee's record will be reviewed by the Division of Motor Vehicles and a reduction of motor vehicle violation points shall be awarded in accordance with this section. A sponsoring agency shall submit student course completion documentation and all other required information to the Director in the manner prescribed by the Director.

(d) Point reduction credits granted in accordance with this section shall not invalidate proposed suspension action by the Division against a licensee's driving privileges due to excessive point accumulation by the licensee.

13:21-24.3 Sponsoring agency qualifications

(a) In order to qualify as an approved sponsoring agency pursuant to this subchapter, an entity shall:

1. Request approval from the Director on official letterhead signed by the chief executive officer or designee of the entity;

2. Demonstrate that its motor vehicle defensive driving course meets or exceeds the standards of the National Safety Council's defensive driving course;

3. Demonstrate its course's effectiveness in terms of either reduced moving violation convictions or accident involvement or both by licensees who have satisfactorily completed its motor vehicle defensive driving course;

4. Provide the Director with the name and title of the official of the sponsoring agency designated as the liaison between the sponsoring agency and the Division of Motor Vehicles; and

5. Demonstrate by written operating procedures and/or on-site visitation by the Director or his or her designee that its instructors are qualified to conduct its motor vehicle defensive driving course.

13:21-24.4 Instructor qualification; training

(a) No person shall be permitted by a sponsoring agency to act as a motor vehicle defensive driving course instructor if such person 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.

(b) The sponsoring agency shall submit the following information to the Division:

1. Instructor preparation course outline;

2. Instructor certification and re-certification procedures which insure course competency and continuity;

3. Instructor manuals; and

4. Instructor course curriculum and lesson plans.

13:21-24.5 Course curriculum; length; content; scope; class size

(a) The sponsoring agency's motor vehicle defensive driving course shall provide at least six hours of instruction of which a minimum of four hours shall be classroom instruction.

(b) Not more than three hours of the six hours of instruction shall be conducted by use of audiovisual aids, including, but not limited to:

1. Films and/or videotapes;

2. Filmstrips; and

3. Slides.

(c) Not more than 30 students shall be scheduled in any given class; provided, however, that up to five additional students may attend a class if they have failed to attend a previously scheduled class.

(d) The use of visual aids such as magnetic boards, flip charts, and blackboards shall be incorporated into the curriculum.

(e) The curriculum content shall be predicated on defensive driving techniques, including, but not limited to:

1. Alcohol and drug usage as an accident factor;

2. The risk factors involved in improper driver attitude and behavior such as speeding, tailgating, reckless driving, inattentiveness, careless driving, and improper lane use;

3. Adjustment of driving patterns to compensate for adverse weather conditions;

4. Following distances;

5. Communication with other road users; and

6. Motor vehicle and traffic laws of New Jersey.

(f) The lesson plans shall utilize educational techniques which are designed to encourage interaction between students and instructor as a method of instruction.

13:21-24.6 Classroom facilities

(a) Classrooms shall be large enough to accommodate a minimum of 15 students with a minimum of 15 square feet of space per student.

(b) Classrooms shall be clean, adequately lighted, heated and ventilated and free from any visible and/or audible distractions.

(c) Restroom facilities shall be available to accommodate both sexes.

(d) If a classroom facility is not accessible to the handicapped the Director shall be notified prior to that facility being used as a classroom.

(e) Adequate parking shall be available in close proximity to the classroom.

13:21-24.7 Student records

(a) The sponsoring agency shall have written operating procedures approved by the Director regarding the preparation and maintenance of student records.

(b) Student records shall include:

1. The complete student name as it appears on the student's New Jersey driver license, and complete street address;
2. The full date of birth and eye color;
3. The complete New Jersey driver license number;
4. The student application and course registration forms;
5. Course attendance dates and course attendance locations; and
6. The date of student course completion.

(c) Student records shall be retained at the principal business location of the sponsoring agency for a period of five years from the date of a student's completion of the motor vehicle defensive driving course.

(d) Upon request by the Director or his or her designee, the sponsoring agency shall make available for inspection by the Director or his or her designee the student records

required to be prepared and maintained in accordance with this section.

13:21-24.8 Certification of course completion

(a) Upon course completion, the sponsoring agency shall provide the Division of Motor Vehicles a list of the students who have satisfactorily completed the approved motor vehicle defensive driving course.

(b) The student list shall be certified by the chief executive officer of the sponsoring agency or his or her authorized agent.

(c) The student information must be submitted in the form and manner prescribed by the Director.

(d) The course completion certification list shall be submitted to the Division within 10 days of the completion of each course.

13:21-24.9 Suspension or revocation of sponsoring agency's approved status

(a) The Director may, in his or her discretion, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1, suspend or revoke a sponsoring agency's status as an approved sponsoring agency if the entity:

1. Fails to comply with any of the provisions of this subchapter;
2. Fails to maintain qualification as an approved motor vehicle defensive driving course in accordance with the provisions of this subchapter;
3. Misstates a material fact to the Division of Motor Vehicles in its application for program approval;
4. Falsely authenticates a student course completion certification or an instructor certification or re-certification; or
5. For other good cause.

13:21-24.10 Voluntary nature of course; fees

(a) Entry into an approved motor vehicle defensive driving course is voluntary.

(b) An attendance fee may be charged for a motor vehicle defensive driving course.