

CHAPTER 21

LICENSING SERVICE

Authority

N.J.S.A. 39:2-3, 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10a, 39:3-10.1, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, 17:33B-45, 56:10-25 and 42 U.S.C. § 405(c)(2)(C).

Source and Effective Date

R.2001 d.19, effective December 12, 2000.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Licensing Service, expires on December 12, 2005.

Chapter Historical Note

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

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

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was adopted as new rules by R.1972 d.232, effective January 1, 1973. See: 4 N.J.R. 240(a), 4 N.J.R. 310(a).

Subchapter 16, Counterpart Fees, was adopted as new rules by R.1972 d.252, effective January 1, 1973. See: 4 N.J.R. 275(b), 5 N.J.R. 18(a).

Subchapter 17, Special Road Crossing Permits, was adopted as new rules by R.1973 d.103, effective April 12, 1973. See: 5 N.J.R. 90(b), 5 N.J.R. 166(a).

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

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1980 d.474, effective October 30, 1980. See: 12 N.J.R. 428(a), 12 N.J.R. 726(b).

Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981. See: 12 N.J.R. 607(b), 13 N.J.R. 149(c).

Subchapter 5, Registrations, was readopted as R.1984 d.408, effective September 17, 1984. See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

Subchapter 8, Driver Licenses, was readopted as R.1984 d.411, effective August 28, 1984. See: 16 N.J.R. 1955(b), 16 N.J.R. 2445(c).

Subchapter 15, New Jersey Licensed Motor Vehicle Dealers, was readopted as R.1984 d.443, effective September 14, 1984. See: 16 N.J.R. 2060(a), 16 N.J.R. 2679(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Titles, expired on March 17, 1985.

Subchapter 4, Titles, was adopted as new rules by R.1985 d.200, effective April 15, 1985. See: 17 N.J.R. 377(b), 17 N.J.R. 1131(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Bus Drivers, expired on March 18, 1985

Subchapter 14, Bus Drivers, was adopted as new rules by R.1985 d.205, effective May 6, 1985. See: 17 N.J.R. 556(a), 17 N.J.R. 1131(b).

Subchapter 2, Statutory Language Interpretation, was readopted as R.1985 d.576, effective November 18, 1985. See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Pursuant to Executive Order No. 66(1978), Subchapter 20, Motor Home Title Certificates, expired on October 20, 1985.

Subchapter 20, Motor Home Title Certificates, was adopted as new rules by R.1985 d.644, effective December 16, 1985. See: 17 N.J.R. 2353(b), 17 N.J.R. 2991(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Special Learner's Permits, expired on February 18, 1986.

Subchapter 7, Learner's Permits, was adopted as new rules by R.1986, d.81, effective April 7, 1986. See: 18 N.J.R. 48(a), 18 N.J.R. 703(c).

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

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

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).

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

Subchapter 23, Commercial Driver Licensing, was adopted as new rules by R.1992 d.138, effective March 16, 1992. See: 24 N.J.R. 219(b), 24 N.J.R. 960(a).

Subchapter 24, Defensive Driving Courses, was adopted as new rules by R.1994 d.347, effective July 5, 1994. See: 26 N.J.R. 1592(a), 26 N.J.R. 2793(a).

Subchapter 16, Identification Cards for Nondrivers, was adopted as new rules by R.1994 d.496, effective September 19, 1994. See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted as R.1996 d.27, effective December 13, 1995. See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted effective December 12, 2000, and Subchapter 11, Central Title and Registration Service, was repealed effective January 16, 2001 by R.2001 d.19. See: Source and Effective Date. See, also, section annotations.

Administrative correction. See: 33 N.J.R. 568(a).

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

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

**SUBCHAPTER 3. (RESERVED)**

**SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS AND RESTORATIONS**

**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)

- 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
- 13:21-9.5 Definitions
- 13:21-9.6 Application for renewal of vehicle registration in electronic or digital form
- 13:21-9.7 Content of application; signature; false entry
- 13:21-9.8 Identification of insurance carrier and policy number
- 13:21-9.9 Verification of current mailing address
- 13:21-9.10 Submission of social security number
- 13:21-9.11 Inability or refusal to provide all information requested
- 13:21-9.12 Automatic extension of prior registration for timely renewal by mail, telephone or through the Internet
- 13:21-9.13 Protection of personal information
- 13:21-9.14 Applicant survey
- 13:21-9.15 Non-waiver of privacy protections
- 13:21-9.16 Electronic records, applicable rules, minimum standards

**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
- 13:21-5.12 Registration plate decals
- 13:21-5.13 Nonresident temporary registrations issued by motor vehicle agencies

**SUBCHAPTER 10. JUNK TITLE CERTIFICATES**

- 13:21-10.1 Terminal certificate

**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
- 13:21-6.4 Expiration of examination permits

**SUBCHAPTER 11. (RESERVED)**

**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 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
- 13:21-7.6 Expiration of special learner’s permits

**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 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; proof of address
- 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 (road) 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 Employment and religious waivers of time restrictions for permit and provisional drivers under 21
- 13:21-8.19 through 13:21-8.20 (Reserved)
- 13:21-8.21 Eyes and weight numerical code chart
- 13:21-8.22 License class, endorsement and restriction codes
- 13:21-8.23 Surrender of license

**SUBCHAPTER 14. BUS DRIVERS**

- 13:21-14.1 (Reserved)
- 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 through 13:21-14.10 (Reserved)

## LICENSING SERVICE

### 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
- 13:21-15.7 Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance
- 13:21-15.8 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey
- 13:21-15.9 Nonresident temporary registrations issued by licensed motor vehicle dealers

### SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

- 13:21-16.1 Definitions
- 13:21-16.2 Requirements for issuance of nondriver identification cards
- 13:21-16.3 Nondriver identification card class codes

### 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 laws
- 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 (Reserved)
- 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 Requirements for a school bus endorsement
- 13:21-23.16 Minimum passing scores; test longevity; waiting period between tests
- 13:21-23.17 Third party testing; proof of testing
- 13:21-23.18 Commercial driver's license document; general
- 13:21-23.19 Information on the document and application
- 13:21-23.20 Tamperproofing requirements
- 13:21-23.21 Duplicate CDL
- 13:21-23.22 Change of legal name or address; application for corrected CDL
- 13:21-23.23 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
- 13:21-23.24 Ineligibility for reduction of lifetime revocation
- 13:21-23.25 Driver rehabilitation program
- 13:21-23.26 Application to another jurisdiction for restoration; notice to Chief Administrator
- 13:21-23.27 Temporary authority to applicant for restoration under N.J.A.C. 13:21-23.23
- 13:21-23.28 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
- 13:21-23.29 Display of GVWR not required on firefighting apparatus, ambulances, first aid and rescue vehicles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**

### **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 perma-

nently 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 CFR § 565.1 et seq. and 49 CFR § 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.

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

#### **13:21-20.3 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**

#### **13:21-21.1 Purpose**

(a) N.J.S.A. 39:13-1 et seq. 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.

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (a), deleted a reference to the "Auto Body Repair Facility Act".

### 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 and 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 or her 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 Transportation.

"Division" means the Division of Motor Vehicles in the Department of Transportation.

"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 license or to suspend or revoke an existing license.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Amended “Auto body repair facility”, “Controlling interest”, “Suspension, revocation or refusal to grant or renew”.

#### 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 or her to engage in such business. An application for an auto body repair facility license may be obtained from the Auto Body Repair Facility Licensing Unit of the Division. The address of the Auto Body Repair Facility Licensing Unit is:

Division of Motor Vehicles  
Business License Compliance  
Auto Body Repair Facility Licensing Unit  
225 East State Street  
PO Box 172  
Trenton, New Jersey 08666-0172

(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.

Amended by R.1996, d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

### 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.

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

### 13:21-21.6 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 Repair Facility 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.

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

### 13:21-21.8 Surrender of license

(a) Each auto body repair facility license, 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 shall, within one business day, be surrendered to the Auto Body Repair Facility Licensing Unit of the Division. The licensee or other person having possession or custody of the license shall surrender such license, either by personal delivery or by certified mail, to the Auto Body Repair Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:21-21.4(a). Failure to surrender such license within one business day shall result in administrative action pursuant to this subchapter.

Amended by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Deleted a reference to "document" throughout.

**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 N.J.S.A. 39:13-1 et seq. 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 N.J.S.A. 39:13-1 et seq. and this subchapter.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (a) and (b), deleted a reference to "the Auto Body Repair Facilities Act" and inserted the N.J.S.A. reference.

**13:21-21.10 Estimates and repairs**

(a) Every licensed auto body repair facility shall provide a written estimate to any customer seeking its 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.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

**Case Notes**

Automobile repair shop committed "unlawful practice" under Consumer Fraud Act by providing only superficial details on credit card slips and invoice after work was completed. *Jiries v. BP Oil*, 294 N.J.Super. 225, 682 A.2d 1241 (L.1996).

**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.

**Case Notes**

Automobile repair shop committed "unlawful practice" under Consumer Fraud Act by providing only superficial details on credit card slips and invoice after work was completed. *Jiries v. BP Oil*, 294 N.J.Super. 225, 682 A.2d 1241 (L.1996).

**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 Repair Facility 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.

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

### 13:21-21.13 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 premises shall disclose in writing, as soon as practicable, the amount of such storage charge to the customer on a per diem basis.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

### 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 or she 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-26C;
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;

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.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

In (a), inserted "or she" preceding "determines"; in (a)3, amended the N.J.A.C. reference.

### 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 or her 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 or her, 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.

Amended by R.2001 d.19, effective January 16, 2001.  
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

**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).

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).

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).

**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 Repair Facility 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.

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

**13:21-21.20 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 notice and an opportunity to be heard, 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.

Amended by R.2001 d.19, effective January 16, 2001.

See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

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**SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE**
**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 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 meanings 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.