

**13:21-3.3 Definitions**

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

“Buyer” includes purchaser, debtor, lessee, bailee, transferee, and any person buying, attempting to buy, or receiving a motor vehicle subject to a security interest, lease, bailment, or transfer agreement, and their legal successors in interest.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Electronic title” means an electronic version of a certificate of ownership or title document issued pursuant to N.J.S.A. 39:10-1 et seq., and 39:2-3.8 and this subchapter.

“Lien” means a charge or encumbrance on a motor vehicle for the satisfaction of a debt or other duty.

“Motor Vehicle Commission” or “Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

“Participating lien holder” means a secured party participating in the Electronic Lien and Titling Program through a service provider.

“Person” includes natural persons, firms or co-partnerships, corporations, associations, or other artificial bodies, receivers, trustees, common law or statutory assignees, executors, administrators, sheriffs, constables, marshals, or other persons in representative or official capacity, and members, officers, agents, employees, or other representatives of those enumerated in this definition.

“Secured party” means a lender, seller, or other person in whose favor there is a security interest.

“Security agreement” means an agreement that creates or provides for a security interest in a motor vehicle.

“Security interest” means an interest in a motor vehicle that secures payment or other performance of an obligation.

“Seller” means manufacturer, dealer, lessor, bailor, transferor with or without a security interest, and any other person selling, attempting to sell, or delivering a motor vehicle, and their legal successors in interest.

“Service provider” means an entity approved by the Commission to provide electronic lien and titling services to participating lien holders.

**13:21-3.4 Use contrary to subchapter unlawful**

No person, service provider, or participating lien holder shall possess, transfer, or cause to be made or removed any title or notation of ownership or security interest on any electronic title, except in the manner and subject to the

conditions provided in N.J.S.A. 39:10-1 et seq., and 39:2-3.8 or this subchapter.

**13:21-3.5 Approval and participation of service providers**

(a) Every applicant seeking to become a service provider within the Electronic Lien and Titling Program must complete an application, which shall be supplied by the Motor Vehicle Commission. The application shall, include, but not be limited to, the following information:

1. The identity of the applicant;
2. The name, mailing address, fax number, e-mail address, and telephone number of a representative who is authorized to accept notices and other communications from and respond to inquiries from the Commission and its representatives concerning the application;
3. Ownership information and associated forms, including a description of financial capability to participate in the Electronic Lien and Titling Program;
4. A formal business plan;
5. A security plan setting forth the protections the applicant will have in place to protect the confidentiality of personal information; and
6. Additional information as required.

(b) Every applicant seeking to become a service provider within the Electronic Lien and Titling Program shall submit the application described in (a) above for the approval of the Chief Administrator. Only upon submission of a properly completed application and receiving notice of the approval of the Chief Administrator shall an applicant be permitted to participate as a service provider in the Electronic Lien and Titling Program. Upon establishment of the Electronic Lien and Titling Program, a list of service providers approved by the Chief Administrator will be made available at [www.state.nj.us/mvc/Vehicle/elt.htm](http://www.state.nj.us/mvc/Vehicle/elt.htm).

**13:21-3.6 Form of the Electronic Lien and Titling Program**

(a) Pursuant to the authority granted under N.J.S.A. 39:10-1 et seq., and 39:2-3.8, the Chief Administrator may establish an Electronic Lien and Titling Program for the issuance and use of electronic titles.

1. Electronic titles issued by the Commission shall be considered the equivalent of traditional paper certificates of ownership and/or title documents issued by the Commission, as provided for and subject to the conditions in this subchapter.
2. Electronic titles shall contain the manufacturer’s vehicle identification number and the motor number, when used, of the motor sold, name of the manufacturer, the manufacturer’s shipping weight, a general description of

the body, if any, the type and model, and gross vehicle weight rating.

3. In every sale or transfer, involving an electronic title, of a used motor vehicle that has been used as a police patrol car, whether said patrol car bore markings identifying it as such or not, the electronic title shall state that said motor vehicle was used as a patrol car, and shall continue to so state on each subsequent sale or transfer in accordance with N.J.S.A. 39:10-9.1 and 9.2.

4. In every sale or transfer of a motor vehicle returned to the manufacturer under the provisions of P.L. 1988, c. 123 (N.J.S.A. 56:12-29 et seq.), a similar statute of another state, or as the result of a legal action or an informal dispute settlement procedure, the certificate of ownership shall indicate, in a conspicuous and understandable manner, that the motor vehicle was returned to the manufacturer because it did not conform to the manufacturer's warranty and the nonconformity was not corrected within a reasonable time as provided by law. The notice required under the provisions of this paragraph shall continue to appear on each electronic title issued as a result of any subsequent sale or transfer of that motor vehicle pursuant to N.J.S.A. 39:10-9.3.

#### **13:21-3.7 Notation of security interest at time of sale**

(a) When a new motor vehicle is sold in this State, if in connection with such sale, a security interest is taken or retained by the seller to secure all or a part of the purchase price of the motor vehicle, or is taken by a person who, by making an advance or incurring an obligation, gives value to enable the purchaser to acquire rights in the motor vehicle, and that seller retaining a security interest or person making an advance or incurring an obligation giving value to enable the purchaser to acquire rights in the motor vehicle is a participating lien holder in the Electronic Lien and Titling Program, an electronic notification, with the name and business address of the secured party noted, shall be transmitted to the Commission. Upon notification of the creation of a security interest, the Chief Administrator shall make notation of the security interest and an electronic title shall be sent through a service provider to the participating lien holder.

(b) When a used motor vehicle is sold in this State, if a security interest exists at the time of such sale and will continue in effect afterwards or if, in connection with such sale, a security interest is taken or retained by the seller to secure all or a part of the purchase price of the motor vehicle, or is taken by a person who by making an advance or incurring an obligation gives value to enable the purchaser to acquire rights in the motor vehicle, and that seller retaining a security interest or person making an advance or incurring an obligation giving value to enable the purchaser to acquire rights in the motor vehicle is a participating lien holder in the Electronic Lien and Titling Program, the name and the business or residential address of the secured party or his or

her assignee shall be noted on the title and a copy of the electronic title shall be sent through a service provider to the participating lien holder.

#### **13:21-3.8 Notice of satisfaction of contract or termination of security interest; delivery of paper certificate of ownership**

When the contract or terms of the security agreement noted on the electronic title have been performed, and the secured party is a participating lien holder in the Electronic Lien and Titling Program, the seller or secured party participating lien holder shall deliver proper evidence of satisfaction of the contract or termination of the security interest to the Commission, in an electronic format, containing evidence of such performance or termination within 15 days after the performance of the contract or termination of the security interest. The Chief Administrator shall thereupon cause a notation to be made on his or her records of electronic title or certificate of ownership of the motor vehicle that the contract has been satisfied or the security interest terminated and deliver to the owner of record a paper certificate of ownership at the address provided to the Commission for the registration of the vehicle pursuant to N.J.S.A. 39:3-4.

#### **13:21-3.9 Electronic title; perfection of a security interest**

The notation of the name and business or residence address of a secured party or his or her assignee, on the electronic title, as provided in N.J.S.A. 39:10-8 and 39:10-9, and the presentation to the Chief Administrator, in accordance with N.J.S.A. 39:10-11, of the electronic title so noted, and the compliance with the requirements of sections C. and D. of N.J.S.A. 39:10-11 shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided for by N.J.S.A. 39:10-1 et seq., or in this subchapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

### **SUBCHAPTER 4. TITLES**

#### **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 Certificate of ownership fees**

(a) The fee collected by the Commission for issuing a certificate of ownership in the case of a sale not subject to a security interest pursuant to N.J.S.A. 39:10-11A shall be \$60.00.

(b) The fee collected by the Commission for issuing a certificate of ownership and a copy thereof in the case of a sale subject to a security interest pursuant to N.J.S.A. 39:10-11B shall be \$60.00.

(c) The fee collected by the Commission for a certificate of ownership, upon the filing with the Commission of a certificate of ownership together with a financing statement, pursuant to N.J.S.A. 39:10-11C shall be \$60.00.

entitled to operate a motor vehicle in this State pursuant to (e) 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 Chief Administrator 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.

(g) The Commission 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 (e) 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 Commission 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).

Emergency amendment, R.2003 d.280, effective June 16, 2003 (to expire August 15, 2003).

See: 35 N.J.R. 2946(a).

Rewrote the section.

Adopted concurrent amendment, R.2003 d.365, effective September 15, 2003.

See: 35 N.J.R. 2946(a), 35 N.J.R. 4299(a).

In (a), amended the website in 9; in (b), inserted a reference to Form FS-240 in the list in 1i and inserted a reference to current employee identification cards accompanied by a printed pay stub in the list in 2i.

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (d) and (g), substituted "Commission" for "Division"; and in (e) and (f), substituted "Chief Administrator" for "Director".

Petition for Rulemaking.

See: 41 N.J.R. 2809(a), 3330(a).

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote the table in (b)1ii.

### 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 or her 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 a motor vehicle in a safe manner.

(b) In the case of a mental or physical disability, a medical certificate, completed by a 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).

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

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

In (b), deleted "New Jersey".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a)1, inserted gender neutral reference; and in (a)2, inserted "a" following "operating".

#### Case Notes

Indefinite suspension of driver's license due to mental incapacity was dismissed after motorist admitted that he had not experienced earlier reported hallucinations. *Kelly v. New Jersey Division of Motor Vehicles*, 96 N.J.A.R.2d (MVH) 8.

### 13:21-8.5 Driving privilege status

(a) Any person who has had his or her driving privilege revoked or suspended in New Jersey may be required to present written evidence supplied by the Commission that his or her privilege has been restored.

(b) Any person who has had his or her 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 or her driving privilege has been restored. The National Driver Register may be utilized to determine whether the driver's driving privilege in that state has been restored.

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).

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), inserted gender neutral references, inserted "or suspended" and substituted "Commission" for "Division of Motor Vehicles".

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (b), inserted "or her" and "or her driving", and rewrote the last sentence.

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

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

(b) Law-knowledge tests shall be administered in foreign languages to applicants having a limited ability to read and understand the English language. The foreign languages in which the law-knowledge test will be given shall be determined by the Chief Administrator.

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

(d) The law-knowledge test shall consist of 50 questions; provided, however, that the law-knowledge test concerning the operation of a motorcycle shall consist of 30 questions. The test shall 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 50 questions and shall be approved by the State Department of Education and the Commission.

(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 law-knowledge test for a driver license shall not be retested for a period of at least one week from the date of failure.

(h) Law-knowledge test results shall expire two years from the date of the test.

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.  
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).

In (g), substituted "shall not" for "cannot" preceding "be retested".  
Amended by R.2006 d.250, effective July 3, 2006.  
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "shall" for "will" and "Chief Administrator" for "Director"; in (d), substituted "shall" for "will" two times and "50" for "at least 20", inserted "; provided, however, that the written test concerning the operation of a motorcycle shall consist of 30 questions"; in (e), deleted "at least" preceding "50" and substituted "Commission" for "Division of Motor Vehicles".  
Amended by R.2012 d.072, effective April 2, 2012.  
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

In (a), (b) and (c), substituted "Law-knowledge" for "Written"; and in (b), (d) and (g), substituted "law-knowledge" for "written" throughout.  
Amended by R.2014 d.007, effective January 6, 2014.  
See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).  
Added (h).

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

(a) Oral tests shall 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 they are unable to complete the written test.

(b) The English language oral test administered by the Commission or as part of a high school driver education program shall consist of a Motor Vehicle Commission employee reading the questions to the applicant from the computer and asking the applicant to choose A, B, C or D.

(c) An applicant who fails the English language oral test for a driver license shall not be retested for a period of at least one week from the date of failure.

(d) Oral tests shall be administered in foreign languages determined by the Chief Administrator 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 testing shall be administered in the same manner as English language oral testing. The questions shall be read to the applicant in the applicant's language by a translator from the standard computer test. The translator must be either a full-time college professor, a person from the clergy or a person who is listed on the New Jersey Administrative Office of the Courts' (Language Service Section) Registry of Interpreters and Agencies.

(f) An applicant who fails the foreign language oral test for a driver license shall not 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. 143(b), 16 N.J.R. 51(d).

Deleted old and added new text.  
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).

In (c), inserted "English language" preceding "oral test"; recodified (e)4 as (f) and inserted "foreign language" preceding "oral test".  
Amended by R.2006 d.250, effective July 3, 2006.  
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "shall" for "will" and inserted "they"; in (b), substituted "Commission" for "Division"; in (d), substituted "shall" for "will" and "Chief Administrator" for "Director".  
Amended by R.2012 d.072, effective April 2, 2012.  
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote (b) and (e); and in (c) and (f), substituted "one week" for "two weeks".

**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 interpreter shall read from the standard computer test and use sign language to assist the applicant in understanding the test.

(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 shall not be retested for a period of at least one week 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 and Hard of Hearing, Interpreter Referral Service.

(f) The Commission shall pay the interpreter fees for hearing-impaired applicants. An approved interpreter shall be paid at the interpreter's customary rate, not to exceed \$55.00 per hour, plus \$0.31 per mile for travel over 25 miles round trip. The supervisor shall ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters shall be paid a minimum of two hours.

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.

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

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

In (f) altered the rate of pay and travel compensation, and increased the minimum period of payment from one to two hours.

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

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

In (d), substituted "shall not" for "cannot" preceding "be retested".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (e), substituted "and Hard of Hearing," for "or the"; in (f), substituted "Commission shall" for "Division will", "shall" for "will" throughout, "\$55.00" for "\$35.00", "\$0.31" for "\$0.25", and deleted the second sentence.

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Rewrote (b); and in (d), substituted "one week" for "two weeks".

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

(a) All applicants shall be required to meet the minimum vision standards established by the Commission.

(b) Color perception tests shall consist of the applicant's ability to distinguish between red, amber, and green as used on official traffic control devices.

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

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

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), "substituted "shall" for "will", "established" for "as set", and "Commission" for "Division of Motor Vehicles"; in (b), substituted "shall" for "will", "applicant's" for "applicants's" and "official traffic control devices" for "Official Traffic Control Devices".

### 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 Administrator or his or her designee for final determination.

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

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

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.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (e), substituted "Chief Administrator" for "Director".

### 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, effective January 9, 1970.

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

### 13:21-8.12 Necessity of road test

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

(b) If a driver does not obtain a driver license within two years from the date the driver passes the road test, the results of the road test shall become invalid and the driver must retake the road test.

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

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

Amended by R.2001 d.143, effective May 7, 2001.

See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

Designated existing paragraph as (a) and added (b).

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Necessity of driving (road) test". Inserted designations (a) and (b); in (a), inserted "or her" and "or she"; and in (b), substituted "two years" for "one year".

### 13:21-8.13 Road test maneuvers

(a) The road 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;
9. Speed; and
10. Following distance.

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

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

Amended by R.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Driving test maneuvers". In the introductory paragraph of (a), substituted "road" for "driving" and inserted a comma following "include" and "to"; in (a)8, substituted a semicolon for a period at the end; and added (a)9 and (a)10.

### 13:21-8.14 Vehicle used for road test

(a) The vehicle used for the road test shall be provided by the applicant, who must have a current validated permit and a primary document as listed in N.J.A.C. 13:21-8.2(b)1 in his or her possession.

(b) The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment. A vehicle registered and insured in a state other than New Jersey may be used for the road test if it is properly registered and insured 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 road 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) In the case of a motorcycle or "commercial motor vehicle" as that term is defined in N.J.S.A. 39:3-10.11 and N.J.A.C. 13:21-23.1, the provisions of (a), (b) and (c) above may not be applicable.

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

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

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

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.2012 d.072, effective April 2, 2012.

See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Vehicle used in driving demonstration". Rewrote (a); in (b) and (d), substituted "road" for "driving"; in (b), inserted "and insured" twice; deleted former (e); and recodified (f) as (e).

### 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, effective 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 shall 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 or her performance, shall be referred to the Unit Supervisor-in-charge of the Driver Testing Center, who may recommend to the Chief Administrator 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, effective January 3, 1984.

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

In (b), added last sentence.

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).

In (a), substituted "shall" for "may" preceding "not be retested".

Amended by R.2006 d.250, effective July 3, 2006.

See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "shall" for "will" and "Chief Administrator" for "Director".

## SUBCHAPTER 14. PASSENGER ENDORSEMENTS

**13:21-14.1 (Reserved)**

Repealed by R.1996 d.27, effective January 16, 1996.  
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).  
Section was "Purpose".

**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, effective January 9, 1970.  
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

**13:21-14.3 Passenger endorsement requirement**

Every driver of a bus, as defined in N.J.A.C. 13:21-14.2, shall be qualified with a passenger endorsement in accordance with the provisions of N.J.S.A. 39:3-10.1.

Amended by R.2012 d.072, effective April 2, 2012.  
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Special bus license requirement". Substituted "N.J.A.C. 13:21-14.2" for "section 1 (Definitions), of this subchapter" and "qualified with a passenger endorsement" for "specially licensed as a bus driver".

**13:21-14.4 (Reserved)****13:21-14.5 Passenger endorsement regulations**

(a) Applicants for passenger endorsements shall submit an application as prescribed. Applicants shall be at least 21 years of age, have a minimum of three years driving experience, be of good character and physically fit and possess a valid New Jersey 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 Chief Administrator of the Motor Vehicle Commission may not issue a passenger endorsement, or may revoke or suspend the passenger endorsement of any person when it is determined that the applicant or holder of such passenger endorsement 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;
2. Twelve or more current points under the point system;
3. A record of at least three motor vehicle accidents within one year preceding the date of application;
4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions;
5. Committed a misstatement of fact or withheld material information on applications;
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 a satisfactory medical report submitted by a licensed physician). If the medical report submitted by the licensed physician indicates that it is valid for a period of time less than 24 months, then a new updated medical report shall be submitted prior to the expiration of the current medical report. Pursuant to N.J.A.C. 13:60-1.1 et seq., failure to meet the medical and physical qualifications of this paragraph will subject the applicant or holder of such passenger endorsement to denial, revocation, or suspension of that person's underlying commercial driver license (CDL), as well as his or her passenger endorsement;
7. Failed to notify the Motor Vehicle Commission and his or her employer immediately of any medical condition that may affect his or her ability to operate a motor vehicle safely;
8. Failed to pass the prescribed driving test;
9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices;
10. Failed to submit a renewal application within one year of the expiration of his or her last valid passenger endorsement;
11. Failed to meet the medical and physical qualifications set forth in the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, 49 CFR 391.41, as amended and supplemented. Pursuant to N.J.A.C. 13:60-1.1 et seq., failure to meet the medical and physical qualifications of this paragraph will subject the applicant or holder of such passenger endorsement to denial, revocation, or suspension of that person's underlying CDL, as well as his or her passenger endorsement;
12. A criminal record that 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 or she 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; or

(5) He or she fails to notify the Motor Vehicle Commission that he or she 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; or

13. In the absence of a conviction, the Chief Administrator of the Motor Vehicle Commission shall refuse to issue or shall revoke or suspend the passenger endorsement of any person arrested for, charged with or indicted for any crime or other offense if the Chief Administrator determines that such person is of bad character or is morally unfit to retain the privilege of holding a passenger endorsement, or is a potential danger to his or her passengers or to other motorists or to himself or herself.

(d) If sufficient and reasonable grounds are established either upon initial review or at a hearing, the Chief Administrator of the Motor Vehicle Commission 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 Chief Administrator a request for such waiver and the basis of such request.

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

In (a) increased the minimum age from 18 to 21.  
Amended by R.2006 d.250, effective July 3, 2006.  
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Rewrote (c) and (d).  
Amended by R.2012 d.072, effective April 2, 2012.  
See: 43 N.J.R. 1852(a), 44 N.J.R. 1123(c).

Section was "Bus driver licensing regulations". In the introductory paragraph of (a), substituted "passenger endorsements" for "bus driver licenses" and "have" for "having", and deleted "previously" following "experience"; in the introductory paragraph of (c) and in (c)10 and (c)13, substituted "passenger endorsement" for "bus driver license" throughout; in (c)1 through (c)11, deleted "or" at the end; in (c)10, inserted "a" and "or her"; in (c)11, deleted "\$" following "CFR"; in (c)12i(4), inserted "or" at the end; in (c)12i(5), substituted "; or" for a period at the

end; in (c)13, deleted a comma following "with"; and in (d), inserted "either upon initial review or".

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

In the introductory paragraph of (c), substituted "passenger endorsement" for "license"; in (c)6, inserted a comma following "character", and inserted the last two sentences; and in (c)11, inserted the last sentence.

#### Case Notes

Minimal risk of cardiac collapse, syncope, or near-syncope from atrial fibrillation did not automatically disqualify bus driver from maintaining his passenger-carrying endorsement to license. *Mernick v. Division of Motor Vehicles*, 328 N.J.Super. 512, 746 A.2d 493 (N.J.Super.A.D. 2000).

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).

Denial of commercial driver license due to licensee's failure to demonstrate physical qualification sustained. *Johnson v. Division of Motor Vehicles*, 97 N.J.A.R.2d (MVH) 1.

Passenger endorsement would be removed from bus driver's commercial license where driver suffered from chronic atrial fibrillation. *Division of Motor Vehicles v. Geibel*, 96 N.J.A.R.2d (MVH) 22.

Application for commercial driver's license passenger endorsement would be denied based upon applicant's coronary insufficiency. *Division of Motor Vehicles v. Johnson*, 96 N.J.A.R.2d (MVH) 15.

Application for bus driver's license would not be denied on basis of applicant's 30-year old assault conviction where applicant was able to demonstrate his rehabilitation. *Division of Motor Vehicles v. Outlaw*, 96 N.J.A.R.2d (MVH) 10.

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Coronary artery disease was noncritical and did not require revocation of bus endorsement on licensee's commercial driver's license. *Division of Motor Vehicles v. Abagnale*, 95 N.J.A.R.2d (MVH) 75.

Convictions on charge of possessing marijuana were not a basis for indefinite suspension when licensee was not otherwise a threat to public safety. *Division of Motor Vehicles v. Ellerbe*, 95 N.J.A.R.2d (MVH) 65.

Drug conviction arising from isolated incident that did not otherwise reflect on reliability as bus driver did not require license suspension. *Division of Motor Vehicles v. Cecala*, 95 N.J.A.R.2d (MVH) 53.

Acquittal on charge of second degree sexual assault, in face of applicant's good character and excellent employment record, was not sufficient to deny passenger endorsement on commercial driver's license. *Department of Motor Vehicles v. Rivas*, 95 N.J.A.R.2d (MVH) 50.

Admission of occasional drug use, and consequent possession, warranted suspension of licensee's bus/commercial driving privilege. *Division of Motor Vehicles v. Borowicz*, 95 N.J.A.R.2d (MVH) 49.

Incident which led to licensee's conviction was isolated and, in view of licensee's successful rehabilitation thereafter, was not a basis for suspending licensee's bus driving privileges. *Division of Motor Vehicles v. Richardson*, 95 N.J.A.R.2d (MVH) 40.

Bus driving endorsement on commercial driver's license was properly refused on basis of conviction on counts charging conspiracy and theft

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.

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

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

Amended by R.2005 d.48, effective February 7, 2005.

See: 36 N.J.R. 4015(a), 37 N.J.R. 511(a).

In (a), substituted "Commission" for "Division" following "general areas as developed by the" in the introductory paragraph.

**13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation; out-of-State testing; time requirement between knowledge test and skills test**

(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.

(e) The Commission shall accept the results of a skills test administered to the applicant by another state, if the skills test is administered in accordance with the requirements of the Federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ 2701 et seq., and 49 CFR 383.73 through 383.77.

(f) A CDL examination permit holder shall become eligible to take the required skills test for the class and endorsement for which the driver holds a CDL examination permit after the expiration of 14 days from the permit's issuance date. If the permit holder fails the required skills test, the permit holder is prohibited from retaking the required skills test until the expiration of 14 days from the date of the failed test.

Amended by R.2014 d.007, effective January 6, 2014.

See: 45 N.J.R. 870(a), 46 N.J.R. 122(a).

Section was "Required skills; control skills; safe driving skills; air brake skills; test area; simulation". Added (e) and (f).

### **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.

#### **Case Notes**

License was restricted to prohibit operating passenger-carrying commercial motor vehicles. Division of Motor Vehicles v. Brine, 94 N.J.A.R.2d (MVH) 30.

### **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