

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-4e, 39:3-43, 39:3-84, 39:4-54, 39:5-30, 39:6-25, 39:6-86, 47:1A-1 et seq., 17:33B-41, 52:14B-3(1), 54:39A-8 and 54:39A-24.

Source and Effective Date

R.1995 d.218, effective March 28, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Executive and Administrative Service, expires on March 28, 2000.

Chapter Historical Note

Chapter 18, Executive and Administrative Service, was adopted, pursuant to N.J.S.A. 39:3-84, prior to September 1, 1969. Chapter 18 was repealed and replaced by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). Chapter 18 was readopted with amendments pursuant to Executive Order No. 66(1978) as R.1990 d.225, effective March 30, 1990. See: Source and Effective Date. See subchapters and section levels for further rulemaking activity.

Chapter 18, Executive and Administrative Service, was filed and became effective with Subchapters 1 through 5 prior to September 1, 1969. Subchapters 1, 2 and 3 were repealed and a new Subchapter 1, Permits for Overdimensional or Overweight Vehicles, was adopted as R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). A new Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b). A new Subchapter 3, Overwidth Vehicles, was adopted as R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a). Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and a new Subchapter 4, Motor Fuels Use Tax Act, was adopted as R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b). Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b). Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e). Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a). Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a). Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b). Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2 and Subchapter 10 were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c). Pursuant to Executive Order No. 66(1978), Chapter 18 was readopted as R.1990 d.225, effective March 30, 1990. As a part of R.1990 d.225, Subchapters 3 and 7 were repealed, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b). Subchapter 6 was repealed and a new Subchapter 6, Insurance Verification, was adopted as R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66(1978), Chapter 18 was readopted as R.1995 d.218. See: Source and Effective Date. As a part of R.1995 d.218, Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b). See, also, section annotations.

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SUBCHAPTER 1. PERMITS FOR
OVERDIMENSIONAL OR OVERWEIGHT
VEHICLES

13:18-1.1 Scope

(a) This Subchapter 1 replaces the following regulations previously adopted:

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;

3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;

4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

13:18-1.2 Requirement of permit

(a) A permit is required for each one-way trip of an oversize or overweight vehicle.

(b) In the event the vehicle is both oversize and overweight, two permits are required for each one-way trip.

13:18-1.3 Period of permit validity

(a) A permit shall be valid for a period of three days.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, a one-day extension may be granted provided that the request is made to the Division before the permit expires.

13:18-1.4 Reservation of Division's rights

The Division reserves the right to designate the routes of travel, speed limits, exact day and time of operation, or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

13:18-1.5 Fees

(a) The base fee for a permit shall be \$10.00.

(b) There shall be an additional fee of \$1.00 for each foot or fraction thereof, that the dimensions of the vehicle, including load, exceeds 14 feet in width and/or 70 feet in length.

(c) There shall be an additional fee of \$5.00 for each 2,000 pounds or fraction thereof, that the weight of the vehicle, including load, exceeds either the axle or gross weight limits—whichever is greater—set forth in Title 39 of the Revised Statutes.

(d) No fee shall be imposed for a permit issued to a vehicle owned or operated by the United States, the State, any government or local government subdivision, agency or instrumentality thereof.

As amended, R.1973 d.261, effective September 14, 1973.

See: 5 N.J.R. 289(a), 5 N.J.R. 357(a).

Amended by R.1995 d.139, effective March 6, 1995.

See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.6 Liability for damage; application requirements; insurance

(a) Any person driving any vehicle, object or contrivance subject to and in excess of statutory weight limitations and permit requirements upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which the highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

1. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

2. The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the authorized size and weight limitations or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided in this subsection if damage is caused to highways or structures posted for weight limits less than those set forth by statute.

3. Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage.

(b) An application for a permit or book of permits shall not be accepted unless the applicant has filed in the Division of Motor Vehicles a certificate of insurance in the following minimum limits:

1. \$100,000 for bodily injury or death to any one person in any one occurrence;
2. \$300,000 for bodily injury or death to two or more persons in any one occurrence;
3. \$100,000 for damage to or destruction of property in any one occurrence.

(c) Said certificate shall contain a provision that there will be ten-day prior notice to the Division in the event of cancellation or termination of the insurance.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.7 Exceptions; insurance certificate requirement

The filing of an insurance certificate shall not be required in the case of an oversize permit issued for the operation of a private utility trailer, house-type trailer, or semitrailer. In such cases the provisions of the Compulsory Motor Vehicle Insurance Law (N.J.S.A. 39:6B-1 et seq.) and the Security-Responsibility Law (N.J.S.A. 39:6-23 et seq.) will apply.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-1.8 Permits generally

(a) No permit shall be valid:

1. For the operation of a vehicle or combination of vehicles transporting a load which can be dismantled, reduced in quantity or feasibly loaded in such a manner so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not exceeded, except for sealed containers of the type commonly used

for the conveyance of freight transport in international oceangoing commerce, bearing the seal of the United States Custom Service, the seal of another governmental agency, or seal of the shipper, where the per-axle weight limitation does not exceed 38,000 pounds for one tandem axle unit only in a tractor/semi-trailer combination;

2. On any toll road;

3. Unless there is compliance with all applicable requirements of this subchapter and pertinent statutory provisions.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.1996 d.227, effective May 20, 1996.
See: 28 N.J.R. 1478(a), 28 N.J.R. 2565(a).

In (a)1 added "the seal of another government agency or the seal of the shipper".

13:18-1.9 Overweight permits

(a) An overweight permit shall not be valid:

1. For the operation of a vehicle registered or required to be registered in New Jersey unless the vehicle is registered in this State at the maximum registration weight permitted under N.J.S.A. 39:3-20.

2. When the gross weight of the vehicle or combination of vehicles, including load, exceeds 800 pounds per inch in width of tires on all wheels, or when the load is distributed so as to impose a weight of more than 800 pounds per inch in width of tire on any one wheel.

(b) Overweight vehicles for which permits have been issued and which are incapable of being operated safely at a maximum speed of 40 miles per hour shall be prohibited from operating on the highways during hours when lighted lamps are required, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.10 Invalidity of oversize permits

(a) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles on any highway where clear space available for use by passing traffic is less than ten feet, including roadway and improved shoulder.

(b) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles after 12:00 noon on Saturdays, or at any time on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day. If the holiday falls on a Sunday, the operation shall not be permitted on the next Monday. If

the holiday falls on a Saturday, the operation shall not be permitted on the preceding Friday.

(c) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles from a half-hour after sunset to a half-hour before sunrise, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

(d) The Director may grant a written waiver of the holiday, weekend and/or the night-time restrictions under the minimum situations in (d)1 through 3 below. Any request for a waiver must accompany the permit application.

1. If it is determined that traffic congestion would be reduced by the waiver;
2. If the permit applicant can justify a business hardship caused by the restrictions; or
3. If an emergency condition exists.

Amended by R.1976 d.297, effective September 22, 1976.

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).

Amended by R.1990 d.225, effective May 7, 1990.

See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Allows oversize vehicles to operate on Saturdays until 12:00 noon.

Amended by R.1996 d.227, effective May 20, 1996.

See: 28 N.J.R. 1478(a), 28 N.J.R. 2565(a).

In (c) provided for a half-hour after sunset to a half-hour before sunrise, and added (d).

13:18-1.11 Escort vehicle requirements

(a) One escort vehicle shall be required when the width, including load, exceeds 14 feet and/or when the length exceeds 100 feet.

(b) Two escort vehicles shall be required when the width, including load, exceeds 16 feet and/or when the length exceeds 120 feet.

(c) When the height, including load, exceeds 14 feet the provisions of N.J.S.A. 39:4-28 will apply.

(d) When one escort vehicle is required, it shall precede the escorted vehicles on highways having less than four traffic lanes and shall follow the escorted vehicles on highways having four or more traffic lanes.

(e) When two escort vehicles are required, one shall precede the escorted vehicles and one shall follow the escorted vehicles.

(f) The preceding escort vehicle shall maintain a distance of from 200 feet minimum to 500 feet maximum from the lead vehicle of the escorted combination of vehicles.

(g) The following escort vehicle shall maintain a distance of from 100 feet minimum to 250 feet maximum from the rearmost vehicle of the escorted combination of vehicles.

13:18-1.12 Warning signs

(a) The minimum size of a warning sign shall be six feet wide by one foot high.

(b) The term "WIDE LOAD" or "OVERSIZE LOAD" shall be displayed on the sign in black letters of 10 inches minimum height on a yellow background.

(c) When two escort vehicles are required, a warning sign shall be displayed on the front of the preceding escort vehicle and on the rear of the following escort vehicle.

(d) When only one escort vehicle is required, a warning sign shall be displayed on the rear of the rearmost vehicle in the escorted combination and on the front of the escort vehicle if it is preceding, or on the front of the lead vehicle of the escorted combination and on the rear of the escort vehicle if it is following.

(e) When no escort vehicles are required, warning signs shall be displayed on the front and rear of the oversize vehicle combination.

As amended, R.1976 d.297, effective September 22, 1976.

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).

Amended by R.1995 d.139, effective March 6, 1995.

See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.13 Warning flags

(a) A warning flag shall be red in color and its minimum size shall be 18 inches square.

(b) Warning flags shall be displayed on the two front corners of the preceding escort vehicle.

(c) Warning flags shall be displayed on the two rear corners of the following escort vehicle.

(d) Warning flags shall be placed at the four corners of an oversize vehicle.

(e) When a vehicle, whether oversize or not, is transporting a load which projects beyond the sides of the vehicle the warning flags shall be placed at the four corners of the load rather than the vehicle.

(f) If the load projects only beyond the rear of the transporting vehicle, two flags shall be placed on the two rear corners of the load.

(g) If the projecting load is round or some other shape without distinguishable corners, a warning flag shall be placed at the outermost extremity of the load on each side and/or to the rear of the vehicle.

13:18-1.14 Headlamps and taillamps

Low beam headlamps and red taillamps shall be illuminated on all escort vehicles, the towing vehicle and the towed vehicle.

13:18-1.15 Oversize private utility or house-type trailer or semitrailer

(a) A permit shall not be valid for the operation of any private utility or house-type trailer or semitrailer, on its own wheels, with a width of more than 14 feet.

(b) Any such vehicle whose width exceeds 14 feet may be transported on a commercial type low-bed trailer, semitrailer or properly registered dolly wheels.

(c) The towing vehicle shall be a truck, truck tractor or road tractor equipped with dual wheels on the drive axle and a heavy-duty towing hitch.

(d) If the trailer or semitrailer is not more than 10 feet wide, the towing vehicle shall have a capacity of $\frac{3}{4}$ ton or more, and if the trailer or semitrailer is more than 10 feet wide, the towing vehicle capacity shall be $1\frac{1}{2}$ tons or more.

(e) A private utility or house-type trailer or semitrailer in excess of 12 feet in width, or its towing vehicle, shall be equipped with and have in operation two sway control devices between the towing vehicle and the towed vehicle.

As amended, R.1976 d.297, effective September 22, 1976.

See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).

Amended by R.1995 d.139, effective March 6, 1995.

See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.16 Book permits

(a) Any person, firm or corporation may prepurchase permits in multiples of ten. Such permits are hereinafter referred to as "book" permits.

(b) The base fees for book permits are payable at time of purchase. Additional fees due upon use of a permit may be charged against escrow funds deposited with the Division by the permittee or may be remitted to the Division together with a carbon copy of the permit provided for in subsection (c) of this Section.

(c) Two copies of the blank book permit will be provided to the purchaser. The permit shall be prepared for use by typewriter only and with an exact carbon copy. The permit shall be void if there are any omissions, additions, corrections, alterations or erasures. The carbon copy shall be mailed to the Division on the day the permit is typed. The postmark on the transmitting envelope shall be considered conclusive evidence of the mailing date.

(d) Book permits are not transferable and may be used only by the original purchaser.

(e) Every book permit shall be usable only in the 12-month period from July 1 to June 30 during which it was purchased. The base fee for any book permit not used on or before June 30 shall be forfeited.

(f) Book permits shall be valid only when the dimensions of the vehicle combination, including load, do not exceed 14

feet in width and/or 120 feet in length provided that additional fees due for lengths in excess of 70 feet are paid in accordance with the provisions of subsection (b) of this Section.

(g) Book permits shall not be valid for operation of overweight vehicles.

(h) A book permit shall be valid for one day only. No extension will be granted if the permit is not used on the day designated on the permit.

(i) The privilege to prepurchase book permits may be withdrawn from any person, firm or corporation who or which fails to comply with the conditions for their use prescribed in this Subchapter.

As amended, R.1972 d.210, effective October 26, 1972.

See: 4 N.J.R. 223(a), 4 N.J.R. 277(b).

SUBCHAPTER 2. INTERNATIONAL REGISTRATION PLAN

Authority

N.J.S.A. 39:3-20 and P.L.1995, c.157.

Source and Effective Date

R.1996 d.186, effective April 1, 1996.

See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

13:18-2.1 Definitions

The following definitions apply for the purposes of the International Registration Plan (IRP):

"Allocated vehicle" means a vehicle to which a particular jurisdiction's base registration plate or apportioned registration plate is attached upon payment of the jurisdiction's full base registration fee. A portion of each fleet of one-way vehicles is "allocated" to each jurisdiction into or through which the fleet travels. (Each vehicle of the fleet need not enter every jurisdiction.)

"Apportioned fleet" means one or more vehicles identified as a fleet (except recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles) used in two or more member jurisdictions that allocate or apportionally register vehicles used for the transportation of persons for-hire or designed, used or maintained primarily for the transportation of property, and each vehicle: is a power unit having a gross vehicle weight in excess of 26,000 pounds; or is a power unit having three or more axles, regardless of weight; or is used in combination when the weight of such combination exceeds 26,000 pounds gross weight. Vehicles or combinations thereof having a gross vehicle weight of 26,000 pounds or less and

two-axle vehicles may be apportionally registered at the option of the registrant.

“Apportioned vehicle” means any vehicle used or intended for use in two or more member jurisdictions that register vehicles, which is designed, used, or maintained for transportation of persons for hire, or is designed, used, or maintained for transportation of property, having a declared gross weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the gross vehicle weight of such combination exceeds 26,000 pounds, except that recreation vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles are not apportioned vehicles.

“Base jurisdiction” means, for the purpose of fleet registration, the jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet vehicles and where operational records for the vehicles are maintained or can be made available.

“Base jurisdiction of rental vehicle” means the jurisdiction in or from which the rental vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, where the registrant has an established place of business, where mileage is accrued by the fleet and where operational records of such fleet are maintained or can be made available.

“Base plate” means the apportioned license plate issued by the base jurisdiction.

“Bus” means, for the purpose of apportionment, a motor vehicle designed to carry more than 10 passengers and used for the transportation of persons.

“Cab card” means a registration card issued by the base jurisdiction for a vehicle of an apportioned fleet which identifies the vehicle, base plate, registered weight by jurisdiction and the jurisdictions where a vehicle is apportionally registered.

“Carrier” means an individual, partnership or corporation engaged in the transportation of goods or persons.

“Chartered party” means a group of persons who, pursuant to a common purpose and under a single contract have acquired the exclusive use of a vehicle to travel together as a group.

“Combined gross vehicle weight” means the total unladen weight of a combination of vehicles plus the weight of the load carried.

“Division” means the Division of Motor Vehicles in the New Jersey Department of Transportation.

“Established place of business” means a physical structure owned, leased or rented by a fleet registrant, within the boundaries of a base jurisdiction, designated by a street number or road location, open during normal business hours, with a person conducting fleet business and an operable telephone listed to the registrant.

“Fleet” means one or more apportioned vehicles.

“Gross vehicle weight” means the combined weight of a vehicle and a load thereon.

“Household good carriers” means carrier (including owners, lessors/lessees and service representatives) handling:

1. Personal effects and property used or to be used in a dwelling;
2. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments, where a part of the stock, equipment, or supply of such stores, offices, museums, institutions, including objects of art, displays and exhibits which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

“In-jurisdiction miles” means the total number of miles operated by a fleet of apportioned vehicles in a jurisdiction during the preceding year. Mileage of New Jersey-registered vehicles accrued in jurisdictions that are not member jurisdictions shall be counted as in-jurisdiction miles operated in New Jersey.

“International Registration Plan” (“IRP”) means a registration reciprocity agreement among the signatory states of the United States and provinces of Canada providing for the payment of registration fees on the basis of fleet miles operated in each jurisdiction.

“Interstate operations” means apportioned vehicle movement between or through two or more jurisdictions.

“IVMR” means the Individual Vehicle Mileage Record which is the original record generated in the course of actual vehicle operation and used as a source document to verify the registrant’s application for accuracy.

“Jurisdiction” means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a state, province or territory of another country.

“Lease” means a written document vesting exclusive possession and control of the operation of an apportioned vehicle to a lessee for a specific period of time.

“Lessee” means a person or entity to whom or which a lease is conveyed.

“Lessor” means a person or entity granting a lease.

“Member jurisdiction” means a jurisdiction which is a party to the International Registration Plan.

“Motor carrier audit” means a physical examination of a motor carrier’s operational records including source documentation to verify fleet mileage and accuracy of the carrier’s recordkeeping system.

“Negotiable title” means a title issued by a jurisdiction that documents ownership of a vehicle which can be used to transfer ownership.

“One-way vehicle” means a vehicle having a declared gross vehicle weight of 26,000 pounds or less rented, for a specified period of time and traveling from one jurisdiction to another.

“Operational records” mean documents supporting miles traveled in each jurisdiction and total miles traveled, such as, but not limited to, fuel reports, trip sheets, and logs.

“Owner” means a person or entity holding the negotiable title to a vehicle or in whom the legal right of possession or control is vested.

“Owner-operated” means an equipment lessor who leases his vehicular equipment with driver to a carrier.

“Pool fleet” means a fleet of rental company trailers and semi-trailers, each vehicle having a gross vehicle weight in excess of 6,000 pounds, used solely in pool operation without a permanent base.

“Preceding year” means the period of 12 consecutive months immediately prior to July 1 of the year preceding the commencement of the registration year for which apportioned registration is sought.

“Reciprocity” means that an apportioned vehicle registered in New Jersey shall be exempt from further registration requirements by any other member jurisdiction(s).

“Reciprocity agreement” means the agreement, arrangement or understanding governing the reciprocal grant of rights and privileges to vehicles that are based in and properly registered under the applicable laws of the jurisdictions that are parties to the International Registration Plan.

“Recreational vehicle” means a vehicle commonly known as a “camper,” “house trailer,” “motor home” or “mobile home” used for personal pleasure or travel but not for business activity.

“Registrant” means a person or entity in whose name a vehicle or fleet of vehicles is registered.

“Registration year” means the 12-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

“Rental fleet” means five or more vehicles which are rented or offered for rental to a lessee/carrier, with or without drivers, and which are designated by a rental owner as a rental fleet.

“Rental owner” means, with respect to one or more rental fleets, an owner principally engaged in renting the vehicles of such fleets, with or without drivers.

“Rental transaction” means that a rental of a vehicle shall be deemed to have occurred in the jurisdiction where such vehicle first comes into the possession of the user.

“Rental vehicle” means a vehicle of a rental fleet.

“Renting” means the giving of possession and control of a vehicle for valuable consideration for a specified time period.

“Service representative” means one who furnishes facilities and services including sales, warehousing, motorized equipment and drivers under contract or other arrangement to a carrier for the transportation of property by a household goods carrier.

“Total distance” means the total number of miles or kilometers operated by fleet of apportioned vehicles in all jurisdictions during the preceding year. For purposes of bus apportionment, total distance shall be calculated as provided in N.J.A.C. 13:18-2.19. For purposes of reduced operations, total distance shall be reduced by actual miles or kilometers traveled in the eliminated jurisdictions. When a jurisdiction needs to be added back during the registration year, the carrier shall use as a minimum the number of miles or kilometers traveled in that state in the preceding year; the original application percentages that were established shall not reflect these changes.

“Total fleet miles” means the total mileage generated by any apportioned vehicle during the mileage reporting period preceding the year for which registration is sought.

“Total miles” means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of a fleet while they were part of the fleet. Mileage accumulated by a fleet that did not engage in interstate operations shall not be included in total miles.

“Trip permit” means a permit issued by a jurisdiction in lieu of a regular registration for reciprocity.

“Unladen vehicle” means a vehicle fully equipped for service excluding the weight of any load.

13:18-2.2 Exempt vehicles

(a) The following vehicles are exempt from the provisions of this subchapter.

1. Vehicles affected under separate reciprocity agreements that are not superseded by the IRP;

2. Any recreational vehicle as defined in N.J.A.C. 13:18-2.1;
3. Any vehicle that displays a restricted plate as defined by N.J.S.A. Title 39;
4. Any bus used in the transportation of chartered parties;
5. Any government-owned (municipal, county, state or Federal) vehicle; and
6. Any city pick-up/delivery vehicle.

13:18-2.3 Filing application for IRP registration

(a) Any owner of one or more apportioned vehicles, titled in New Jersey and engaged in interstate operations, shall register the vehicle(s) by filing an apportioned vehicle registration application with the Division. The application shall contain the following information pertinent to vehicle registration for each apportioned vehicle:

1. The license plate number;
2. The vehicle identification number;
3. The vehicle make, model, type, and gross vehicle weight;
4. The name, street address, city, and zip code of the registrant (and owner if different from the registrant);
5. A listing of all member jurisdictions in which registration is desired and such other information as those member jurisdictions require; and
6. A mileage schedule, including gross vehicle weight, for miles accrued in all jurisdictions during the preceding year. If no operations were conducted for a fleet during the preceding year, the applicant shall attach to the application a statement describing the method of operation and estimates of annual mileage in each applicable jurisdiction.

13:18-2.4 Mileage and registration fee calculation

(a) Based upon the application, the Division shall determine the in-jurisdiction miles and the total miles to be used in computing the apportioned registration fee for the fleet vehicle(s) as follows:

1. Divide each state's in-jurisdiction miles by the total miles generated during the preceding year;
2. Determine the total fees required under the laws of each jurisdiction for registration of each vehicle;
3. Multiply the sum obtained under (a)2 above by the quotient obtained under (a)1 above;
4. If the applicant is estimating operation in a jurisdiction for a second or subsequent year, the registrant shall pay a mileage percentage that is in excess of the 100 percent registration miles and fees for that jurisdiction(s);

5. If the registrant adds a vehicle after the beginning of the registration year, the mileage percentage used in the original application for the fleet shall be used to calculate the regular registration fees due with respect to such vehicle(s);

6. If the applicant adds a jurisdiction(s) in which no miles were accrued during the previous reporting period, the mileage percentage shall be calculated as follows:

i. The estimated miles for the added jurisdiction(s) shall be added to the applicant's total fleet miles;

ii. The estimated miles for the added jurisdiction(s) shall be divided by the sum obtained in (a)6i above to obtain the mileage percentage for the added jurisdiction;

7. If the applicant for an additional jurisdiction accrued miles in such jurisdiction during the preceding year, the calculation for mileage percentage(s) shall be the same as (a)6 above, except that the estimated mileage for the added jurisdiction shall be equal to or greater than the actual mileage accrued in the preceding year;

8. If an applicant has withdrawn a vehicle from an apportioned fleet and is replacing that vehicle with one that is of the same weight class/category and all jurisdictions are the same, a transfer of plates shall be permitted upon application to the Division. When a replacement vehicle is of a greater weight category, the mileage percentage shall be calculated pursuant to this subsection;

9. The applicant shall furnish accurate mileage and weight information. The Division may adjust a mileage estimate if not satisfied with its accuracy, and may deny registration for vehicles where the registration weight requested does not reflect standard operating practices.

13:18-2.5 Payment of fees

Each registrant shall, upon receipt of billing, provide payment of the required fee by cash, check, money order or other method of payment approved by the Division.

13:18-2.6 Part-year registration; vehicle deletion; credit

(a) Vehicles acquired by the registrant after the commencement of the registration year and added to the apportioned fleet shall be registered by applying the mileage percentage used in the original application for each fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year. The registration fee shall be reduced by one-twelfth for each full registration month that has elapsed between the beginning of the registration year and the date a supplemental application for registration is received by the Division.

(b) When a vehicle is deleted from an apportioned vehicle fleet before the expiration of registration, the registrant of the fleet shall notify the Division on the prescribed forms and return to the Division all credentials issued to the vehicle.

1. Credit shall not be provided if an apportioned vehicle is deleted from the fleet for repair, auto body work, or other reasons of a temporary nature.
2. Credit shall not be provided for an apportioned vehicle deleted from any fleet which is returned to the fleet during any particular registration year.
3. Credit shall be given if a vehicle is permanently deleted from an apportioned vehicle fleet, as a result of being destroyed, sold, or otherwise completely removed from service of the fleet registrant.

(c) Credit for registration fees shall be applied to the current registration year only. Credit may not be carried forward to a subsequent registration year under any circumstances.

(d) No credit shall be applied for a deleted apportioned vehicle regarding a weight increase for any apportioned vehicle of an existing fleet unless the weight increase is applied to the replacement vehicle.

(e) No credit shall be applied for a deleted apportioned vehicle for any fees due as a result of adding a jurisdiction to an existing fleet.

(f) No credit shall be applied for a deleted apportioned vehicle for any fees due as a result of a vehicle transfer from one fleet to another fleet.

(g) Any credit less than \$1.00 shall not be applied.

13:18-2.7 Refunds

(a) Refunds shall be permitted under the following circumstances:

1. Error by the Division;
2. Error by the registrant on a mileage application; or
3. An audit by the Division indicates overpayment.

(b) No refund shall be permitted under the following circumstances:

1. Where a vehicle is transferred from one fleet to another fleet by the same registrant if the mileage percentage of the receiving fleet is lower than that of the transferring fleet;
2. Where an apportioned vehicle is permanently or temporarily removed from a fleet for any reason; or
3. Where a lease expires or is terminated.

(c) Refund claims of apportioned registration fees paid to other jurisdictions must be submitted to those jurisdictions.

(d) Any refund less than \$1.00 shall not be granted.

13:18-2.8 Additional gross vehicle weight

(a) The gross vehicle weight may be increased for registered vehicles, pursuant to the limits authorized under N.J.S.A. 39:3-20, by application on forms prescribed by the Division.

(b) Re-registration at a higher gross vehicle weight for the balance of the registration year shall include the registration month during which the apportioned vehicle was initially registered at the higher gross vehicle weight.

1. The apportioned fee initially paid to the Division, reduced for the number of full registration months the registration was in effect, shall be deducted from the total fee to be paid for registering at the higher gross vehicle weight for the balance of the registration year.

2. Gross vehicle weight fee calculations shall be based on current fee schedules provided to New Jersey by other jurisdictions.

13:18-2.9 Addition of jurisdictions

(a) A registrant of an apportioned vehicle fleet who has filed an original apportioned registration application for a registration year may expand operation into or through a member jurisdiction not previously included in the original filing by making supplemental application.

(b) The application shall include the estimated miles in the new jurisdiction(s) and an indication of an estimated weight in the new jurisdiction(s).

13:18-2.10 Apportioned license plates; registration certificate ("cab card")

(a) Upon receipt of payment for all applicable apportioned and non-apportioned registration fees, the Division shall issue a certificate of registration ("cab card") and two license plates marked "Apportioned" for each vehicle. Such license plates shall be displayed as required by N.J.S.A. 39:3-33.

(b) Apportioned license plates may be transferred from one vehicle to another in accordance with the provisions of this subchapter.

(c) Distinctive validation stickers, of a design, size and shape prescribed by the Division, shall be issued annually and affixed to the apportioned license plates to indicate the month and year of expiration of the vehicle registration.

(d) The cab card issued for an apportioned vehicle shall contain a list of the member jurisdictions for which the vehicle is apportionally registered and the corresponding

weight in pounds (for states) and kilograms (for Canadian provinces), in addition to all other required information.

1. The card shall be free of any errors, erasures, or strikeovers and shall include security features.
2. The original cab card is to be carried in the vehicle.
3. An effective date and expiration date shall be listed on the cab card.

13:18-2.11 Administrative transaction/cab card fee

(a) In addition to all registration fees and assessments permitted by law and pursuant to this section, a non-apportioned \$7.00 administrative transaction fee per vehicle shall be assessed by the Division for the following:

1. Initial application;
2. Renewal application;
3. Supplemental application;
4. Change of weight request during the registration year;
5. Addition of jurisdiction(s) during the registration year;
6. Addition or transfer of an apportioned vehicle to or from an apportioned fleet during the registration year;
7. Cab card replacement;
8. IRP plate(s) replacement;
9. Plate transfer.

(b) No refund or credit shall be permitted for an administrative transaction fee.

13:18-2.12 Temporary registration; New Jersey based carrier(s)

(a) A temporary registration credential known as a temporary authorization ("TA") shall be issued by the Division, upon receipt of a properly completed application, in order to provide registrants with a temporary registration for the movement of unregistered vehicles, the transfer of an existing apportioned plate or the correction of the information on a previously issued cab card. The application shall contain a full explanation of the need for such TA.

(b) A TA shall be issued only to a New Jersey-based carrier with an established IRP account in good standing.

(c) A TA shall contain all the information required by the Division, in addition to the issue date and the expiration date. The expiration shall be 72 hours from the issue time for new or additional vehicles added to a fleet.

(d) All vehicles for which TA's have been issued are subject to apportioned and permanent registration as part of the New Jersey fleet of a carrier.

(e) A TA shall be issued only to a specific vehicle as identified by the vehicle description information. The TA must be carried in the applicable vehicle and is not transferable.

(f) No erasures or alterations of any kind, including double character/digit strikes, shall be permitted, and any evidence of tampering shall immediately render the TA null and void.

(g) No refund or credit shall be provided to any registrant for any reason for a TA purchased and not used.

(h) The Division may refuse to issue a TA authorized by this section to any person or entity that formerly held a license or registration issued by the Division which was suspended, revoked, denied or cancelled for any reason.

(i) The Division may revoke any TA issued to any person or entity for any appropriate reason.

(j) The Division may deny issuing permanent plates and cab cards until evidence of payment due other member jurisdictions has been received.

(k) The fee for issuance of a TA shall be \$25.00.

13:18-2.13 Temporary registration; out-of-state carrier(s)

(a) A temporary registration credential known as a trip permit shall be issued, upon application on forms prescribed by the Division, in lieu of IRP credentials to a vehicle registrant that has been apportionally registered in its base jurisdiction but not in New Jersey.

(b) The trip permit shall allow both intrastate and interstate movement and shall be valid for the 72-hour period beginning at the time of issue.

(c) The trip permit shall contain all the information required by the Division. The date and time of issue and expiration shall be shown. The trip permit shall be carried in the cab of the vehicle for which such permit is issued and is not transferrable.

(d) The Division may refuse to issue a trip permit to any person or entity that formerly held a license or registration issued by the Division which was suspended, revoked, denied or cancelled for any reason.

(e) The fee for a Trip Permit shall be \$25.00.

13:18-2.14 Hunter's permit

(a) The Division shall provide a "hunter's permit" upon application by an owner-operator not operating as a lessor.

(b) The permit shall be valid only if the vehicle or combination of vehicles is unladen.

(c) A "hunter's permit" may be issued to an owner-operator that has terminated a lease and is required to surrender the apportioned license plates and cab card to the carrier pursuant to this subchapter.

(d) The permit shall be issued to a specific vehicle and shall not be transferable.

(e) The permit shall be valid for 10 days.

(f) No refund or credit for a hunter's permit fee shall be provided.

(g) The fee for issuance of a Hunter's Permit shall be \$25.00.

13:18-2.15 Fleet merger; fleet acquisition

(a) The registrant shall notify the Division within 30 calendar days of a substantial change in operations of a New Jersey-based fleet because of merger or acquisition.

(b) The registrant shall be required to file an amended application setting forth the changes as a result of the merger or acquisition.

13:18-2.16 Registration of owner-operated vehicles

(a) The owner-operator of an IRP vehicle, leasing such vehicle to a carrier, may allow the carrier to become the registrant to obtain IRP credentials (registration cab card, license plates, temporary authority and trip permit) provided:

1. The carrier provides the Division with an affidavit from the owner-operator authorizing the carrier to become the registrant;
2. All credentials issued under this arrangement remain the property of the registrant; and
3. All recordkeeping (N.J.A.C. 13:18-2.21) and audit obligations (N.J.A.C. 13:18-2.22) are assumed by the registrant.

13:18-2.17 Rental fleets

(a) A "rental owner" may apportionally register a rental fleet in the name of the rental owner rather than the name(s) of individual lessee(s), provided:

1. The operational records of the rental fleet are maintained by the rental owner;
2. The rental fleet includes only vehicles for which New Jersey is the base jurisdiction;
3. All vehicles are part of a rental fleet and have been identified as such by the rental owner on the forms and in the manner prescribed by the Division;
4. The rental owner receives Division approval to make application to apportion such designated rental

vehicle(s), on the forms and in the manner prescribed by the Division; and

5. The rental owner apportionally registers the rental vehicle(s) pursuant to N.J.A.C. 13:18-2.3.

(b) Rental owner registrants engaged in the business of renting and/or leasing rental vehicles, such as tractors, single trucks and truck-tractors (not including any one-way vehicles), with or without drivers, into or through one or more jurisdictions, shall apply for apportioned registration on forms prescribed by the Division.

(c) Rental owner registrants engaged in the business of rental or leasing passenger cars in more than one jurisdiction shall prepare and maintain monthly and yearly records reflecting gross revenue earned in each jurisdiction, as well as monthly inventories listing all rental passenger cars, their corresponding license plate numbers and dates of purchase, on the forms and in the manner prescribed by the Division.

1. All monthly revenue earnings reports and summaries shall be submitted on the forms and in the manner prescribed by the Division, and shall be accompanied by appropriate rental settlement contracts.

2. All yearly earnings reports and summaries shall be accompanied by company financial statements and/or copies of Federal, state and local (if any) income tax returns.

3. Inventories shall be reported and submitted to the Division on a quarterly basis on forms and in the manner prescribed by the Division. Attached to the quarterly reports shall be a listing of all rental passenger cars, their corresponding license plate numbers and dates of purchase.

4. Monthly inventories shall be certified by the rental owner to have been taken on, or as near as possible to, the first day of each month of each year.

5. Each monthly inventory shall be supported by primary source inventory reports.

(d) The determination of the percentage of total rental fleet vehicles that shall be apportionally registered in New Jersey shall be calculated as follows:

1. Divide the gross revenue received from rental(s) in New Jersey during the preceding year by the total gross revenue earned in all jurisdictions in which the vehicle(s) was operated/rented; and

2. Multiply the percentage in (d)1 above by the total number of rental passenger cars in the fleet on the first day of the registration year.

(e) If rental passenger vehicles are added to the rental fleet after the first day of the registration year, the percentage figures used at the beginning of that registration year shall be applied to determine the number of additional rental vehicles subject to registration in New Jersey during any particular quarter of the full registration year.

(f) Rental owner registrants engaged in the business of renting or leasing trailers and/or semi-trailers of more than 6,000 pounds gross vehicle weight in pool fleets in more than one jurisdiction shall apportionally register such vehicles in the following manner:

1. Divide the gross revenue earned in the preceding year for use of the rental trailers arising from rental transactions occurring in New Jersey by the total gross revenue earned in the preceding year in all jurisdictions;

2. Multiply the percentage in (f)1 above by the total number of rental trailers or semi-trailers owned or operated in such rental fleet on the first day of each registration year, resulting in the number of rental pool fleet trailers/semi-trailers to be registered in New Jersey during the renewal period of each registration year.

3. Registrants of trailers/semi-trailers rented in pool fleets shall prepare and maintain monthly reports, summaries and inventories and yearly earnings records.

i. The monthly reports and summaries shall reflect gross revenue earned in each jurisdiction and shall be accompanied by rental settlement contracts.

ii. The monthly inventories shall include all rental trailers/semi-trailers owned and operated.

iii. Yearly earnings figures shall be supported by company financial statements and/or copies of Federal, state and local (if any) income tax returns.

4. If rental trailers or semi-trailers are added to the rental fleet after the first day of the registration year, the percentage factor used at the beginning of that registration year shall be used to determine the number of additional trailers/semi-trailers subject to registration in New Jersey during a particular quarter.

5. The rental owner shall record and maintain a current listing (less than 30 days old) of the license plate numbers and date of purchase and/or renewal in New Jersey for all rental fleet trailers and semi-trailers. The listing shall be supported by copies of all registration records (applications as completed by the registrant), corresponding cancelled checks or other remittance items, or credit card statements that represent the proof of payment of trailer and semi-trailer registration and/or renewal.

(g) Rental owners engaged in the business of renting or leasing utility trailers equal to or less than 6,000 pound gross vehicle weight in more than one jurisdiction shall prepare and maintain monthly records including:

1. An inventory of all rental utility trailers equal to or less than 6,000 pounds gross vehicle weight located, but not rented, in New Jersey at the time of inventory;

2. A total inventory of all rental utility trailers located in all jurisdictions but not rented at the time of inventory;

3. An inventory of the entire rental fleet of utility trailers equal to or less than 6,000 pounds gross vehicle weight, owned and/or operated (whether or not rented) at the time of inventory;

4. The rental owner registrant of utility vehicles shall allocate and register, initially and during the renewal period of each year, a number of utility trailers equal to no less than the average number of such trailers rented in or through New Jersey during a particular quarter;

5. If additional trailers are added to the fleet after the first day of the registration year, the percentage factor used at the beginning of the registration year shall be used to determine the number of additional vehicles that are subject to registration in New Jersey for any particular quarter; and

6. The rental owner registrant of utility vehicles shall maintain a current listing (less than 30 days old) of all license plate numbers and dates of initial purchase or renewal for each unit.

(h) Rental owner registrants of vehicles equal to or less than 26,000 pounds gross vehicle weight, separately identified by registration weight classes by the rental owner as a part of a one-way rental fleet (rented in one jurisdiction, driven to another and remaining in the second jurisdiction), shall obtain New Jersey-apportioned registration credentials for such units based on the fleet mileage factor calculation pursuant to N.J.A.C. 13:18-2.4.

1. If an additional one-way vehicle(s) is added to the fleet after the first day of the registration year, the same percentage factor used at the beginning of the registration year shall be used to determine, by weight class, the number of additional one-way vehicles subject to be registered in New Jersey during any particular quarter.

2. Registrants of rental one-way vehicles equal to or less than 26,000 pounds gross vehicle weight registered in more than one jurisdiction shall prepare and maintain monthly and yearly summaries of individual rental vehicle mileage operated by each vehicle in each registration weight class for New Jersey, each applicable member jurisdiction(s), and a total mileage figure for all jurisdictions.

3. Registrants shall maintain monthly inventories of each vehicle owned and/or operated (rented or not rented) in each vehicle registration weight class in each jurisdiction, including New Jersey. Such inventories shall be supported by the actual inventory reports for each weight class.

4. The rental owner shall maintain a current listing (less than 30 days old) of the license plate numbers and dates of purchase and/or renewal in New Jersey of all rental one-way vehicles by weight class.

13:18-2.18 Household goods carriers

(a) A household goods carrier leasing vehicles and/or equipment from a service representative may elect to base (register) such vehicles and/or equipment in the base jurisdiction of the service representative or in that of the household goods carrier.

1. If the household goods carrier selects the base jurisdiction of the service representative as its base jurisdiction, the apportioned registration shall be in the name of the service representative as the lessor and the household goods carrier as the lessee.

i. Mileage records of both the service representative and the household goods carrier shall be used in calculating the apportionment of fees.

ii. All mileage records shall be maintained or available in the service representative's base jurisdiction.

2. If the household goods carrier selects its jurisdiction to be its base jurisdiction, the vehicles shall be registered by and in the name of the household goods carrier as the registrant and the service representative as the lessor.

i. Mileage records of both the household goods carrier and those of the service representative (which shall include those miles traveled within New Jersey as intrastate miles) shall be used to calculate the apportionment of fees.

ii. All mileage records shall be maintained or available in the base jurisdiction of the household goods carrier.

(b) If an owner-operator other than a service representative uses its vehicle(s) exclusively to transport cargo for a household goods carrier, such vehicle(s) shall be apportionally registered in the jurisdiction of the household goods carrier.

1. The name of the owner-operator as lessor and the household goods carrier as lessee shall appear in the registration record and on the cab card itself.

2. The household goods carrier shall maintain a record of the miles traveled for calculating fees.

13:18-2.19 Buses

(a) The apportionment of bus registration fees shall be based solely on the relationship of base jurisdiction miles versus total miles operated. Apportionment shall be accomplished as provided in this section.

(b) The registrant shall file an application for apportioned registration with the base jurisdiction listing buses assigned in pools.

(c) At the option of the registrant, total miles may be the sum of all actual in-jurisdiction miles or a sum equal to the scheduled route miles per jurisdiction from the farthest

point of origination to the farthest point of destination of the scheduled pool.

(d) After determining the total miles as specified in (c) above, in-jurisdiction mileage percentage factors shall be derived by dividing the total miles into the in-jurisdiction miles.

(e) Miles generated outside the designated pool are deemed to be reciprocity miles and the base jurisdiction may add such miles to the base jurisdiction's mileage total.

13:18-2.20 Replacement credentials

(a) The applicant shall certify the reason for replacement of any apportioned credential.

(b) If an apportioned license plate has been reported as stolen, the corresponding apportioned cab card shall be returned to the Division.

(c) The fee for issuance of a replacement of a lost, stolen, mutilated or illegible apportioned cab card shall be \$7.00.

(d) The fee for issuance of a replacement of a lost, stolen, mutilated or illegible license plate set shall be set forth in N.J.A.C. 13:20-34.5.

13:18-2.21 Recordkeeping and preservation

(a) Apportioned registrants shall preserve all operational records for three years after the apportioned registration credential expiration date, including, but not limited to, the following:

1. All initial, replacement, renewal, supplemental, or other apportioned applications, hunter's permits, temporary authorizations, and trip permits;

2. All source documents supporting the total mileage and in-jurisdiction mileage figures reported. Source documentation shall contain the minimum following information and shall be completed for each driver of an apportioned vehicle: the date of trip (starting and ending); the trip origin and destination; the route of travel and/or beginning and ending odometer or hubometer reading of the trip; the total trip miles; the mileage by jurisdiction; the unit number, plate number or vehicle identification number; the vehicle fleet number; the registrant's name; the trailer number; and the driver's signature and/or name.

i. Registrants shall recap the source documentation into monthly and yearly summaries broken down by fleet, unit and jurisdiction.

ii. The registrant may use a computer or other electronic form of summarization only if directly supported by IVMR's.

iii. The registrant may use electronic and/or photographic processes to maintain copies of source docu-

mentation only if the review of such copies is readily available to the Division during an audit.

iv. The information recorded on the source documentation shall be accurate and readable. The mileage figures entered on the source documentation shall be obtained from the vehicle odometer or hubometer readings, state maps, standard mileage guides or household goods mileage guides. The method used to report mileage shall be consistent during the annual reporting period.

v. The registrant shall record all movement of an apportioned vehicle (interstate and intrastate) including loaded, empty, deadhead and/or bobtail miles. The registrant shall also record all miles generated while operating under a trip permit.

vi. The registrant shall provide an explanation for any discrepancies regarding mileage or lapses of vehicle movement.

vii. It shall be the responsibility of the lessor in a trip lease situation to report all miles accumulated by the apportioned units.

(b) An acceptable source document is an "Individual Vehicle Mileage Record" (IVMR).

(c) If the registrant fails to maintain required records in the prescribed manner, the Division shall provide notification that the registrant must provide such records within 30 days. Failure to comply within 30 days may result in the imposition of assessments based upon the available information and documentation.

13:18-2.22 Audits

(a) The Division shall perform audits in accordance with the International Registration Plan Agreement.

(b) The Division shall initiate and conduct audits as may be reasonably necessary to establish the existence of non-compliance with this subchapter.

(c) For the purpose of audit, investigation, or proceeding, the Division shall administer oaths, subpoena witnesses, compel attendance, take evidence and require the production of any book, log, paper, correspondence, memorandum, agreement, contract, lease, or any other document, record, or report, deemed to be relevant or material to the inquiry.

(d) If all of the operational records are not located within New Jersey, the Division shall require the registrant to fully reimburse the Division for all costs that the Division incurs in the performance of the audit.

(e) After completion of an audit, the Division shall notify all member jurisdictions in which the registrant is apportionally registered as to the accuracy of the records maintained or preserved by the registrant.

(f) If a discrepancy is found in the records of a registrant in the performance of an audit, the Division shall notify the registrant and furnish such information to the affected member jurisdictions.

13:18-2.23 On-board recording systems

(a) The use of on-board recording systems/devices is permitted under the following conditions:

1. A review of the system is performed by the Division and written approval is given by the Director; and
2. The system meets all current requirements of the IRP.

SUBCHAPTER 3. INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION

Authority

P.L. 1995, c.347; Pub. L. 102-240, § 4008.

Source and Effective Date

R.1996 d.311, effective July 1, 1996.
See: 28 N.J.R. 2328(a), 28 N.J.R. 3307(a).

13:18-3.1 Definitions

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

"Applicant" means a carrier in whose name the uniform application for licensing is filed with a base jurisdiction for the purpose of motor fuel tax reporting under the provisions of IFTA.

"Audit" means a physical examination of the records and source documents supporting the licensee's motor fuels use tax returns.

"Base jurisdiction" means the member jurisdiction where qualified motor vehicles are based for vehicle registration purposes, where the operational control and operational records of the licensee's qualified motor vehicles are maintained or can be made available, and where some travel is accrued by qualified motor vehicles within the fleet.

"Cancellation" means the annulment of a license and its provisions by either the Director or the licensee.

"Carrier" means a motor carrier.

"Commuter bus service" means regularly scheduled passenger service provided by qualified motor vehicles within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets, not including charter bus operations or special bus operations as defined in N.J.S.A. 48:4-1 or buses operated for the transportation of enrolled children and adults referred to in N.J.S.A. 48:4-1(c).

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation.

“Division” means the Division of Motor Vehicles in the New Jersey Department of Transportation.

“Exempt vehicle” means any vehicle owned or operated by an agency of this State or any political subdivision thereof, or any quasi-governmental authority of which this State is a participating member, or any agency of the Federal government or the District of Columbia, or of any state or province or political subdivision thereof; school bus as defined in N.J.S.A. 39:1-1; vehicles operated under authority of dealer, manufacturer, converter and transporter general registration plates such as prescribed in N.J.S.A. 39:3-18 and similar laws of other states; special mobile equipment not designed or used primarily for the transportation of persons or property; vehicles operated not for profit by any religious or charitable organization; vehicles operated by a public utility as defined in N.J.S.A. 48:2-13, or under contract with the New Jersey Transit Corporation or under contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to N.J.S.A. 27:25-1 et seq. whose operations are limited to the State of New Jersey, or vehicles providing commuter bus service which receive or discharge passengers in New Jersey; vehicles operated, not for hire, by a farmer as defined in N.J.S.A. 39:3-25; vehicles used to transport farm labor; and recreational vehicles such as motor homes, pickup trucks with attached campers and buses when used exclusively for personal pleasure by an individual. A recreational vehicle is a vehicle that is not used in connection with any business endeavor.

“Fleet” means one or more vehicles.

“Identification marker” means the decal that shall be affixed to the applicable motor vehicle as described further in N.J.A.C. 13:18-3.3. The two terms are used interchangeably in this regulation.

“In-jurisdiction distance” means the total number of miles or kilometers operated by a registrant’s/licensee’s qualified motor vehicle(s) within a jurisdiction including miles operated under an IFTA temporary permit. In-jurisdiction miles or kilometers do not include those operated on fuel tax trip permit or those exempted from fuel taxation by a jurisdiction.

“International Fuel Tax Agreement” (“Agreement” or “IFTA”) means the multi-jurisdictional agreement to make uniform the administration of motor fuels use taxation laws with respect to motor vehicles operated in multiple member jurisdictions; establish and maintain the concept of one license and administering base jurisdiction for each licensee; provide that a licensee’s base jurisdiction will be the administrator of the Agreement; execute all its provisions with respect to such licensee and execute the tax licensing under

the name of the licensee, except as otherwise provided in this subchapter.

“Jurisdiction” means a state of the United States, the District of Columbia, or a province or territory of Canada.

“Lease” means a written document vesting exclusive possession and control of the operation of an apportioned vehicle to a lessee for a specific period of time.

“Leased vehicle” means a vehicle operated, but not owned, by a user who has the right to exclusive use, possession and control of the vehicle for a period of 30 days or more by virtue of a lease, contract or other arrangement.

“Leasing company” means a person, firm or corporation engaged in the business of leasing vehicles.

“Lessee” means a person or entity to whom or which a lease is conveyed.

“Lessor” means a person or entity granting a lease.

“License” means the cab card or identification card issued by the Director to a motor carrier who has made successful application to the Director for IFTA credentials.

“Licensee” means a carrier who holds an uncanceled Agreement license issued by a base jurisdiction.

“Motor carrier” means a person, firm, corporation or partnership who transports persons or property by vehicle as a business in itself or in the furtherance of a commercial enterprise.

“Motor fuels” means any combustible liquid or gaseous substance used, or suitable for, the generation of power to propel motor vehicles.

“Motor fuel tax” means a tax imposed at a rate equal to the sum of: the tax rate per gallon on motor fuels imposed under N.J.S.A. 54:39-1 et seq. and the tax rate per gallon on motor fuels imposed pursuant to N.J.S.A. 54:15B-3.

“Operations” means operations of all qualified motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by, contracted for use by, or leased by the licensee who operates or causes them to be operated, except operations of an omnibus in a regular route bus operation as defined in N.J.S.A. 48:4-1 and under operating authority conferred pursuant to N.J.S.A. 48:4-3.

“Principal place of business” means the place where the licensee transacts his principal business, makes up and approves payroll, maintains a central file of corporate records and maintains the principal executive offices. If not all of the above functions are performed in one place, then that place in which the majority of such functions are performed shall be deemed to be the principal place of business.

“Purchaser” means the person, firm or corporation who or which purchases fuel and pays the motor fuel tax thereon, used in the qualified motor vehicles of the licensee.

“Qualified motor vehicle” means a motor vehicle that is not an exempt vehicle and that is used, designed or maintained for transportation of persons or property, having:

1. Two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds;
2. Three or more axles, regardless of weight; or
3. That is used in combination, when the weight of such combination is in excess of 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight.

“Recreational vehicle” means vehicles such as motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle must not be used in connection with any business endeavor.

“Registration” means the qualification of motor vehicles normally associated with a prepayment of licensing fees for the privilege of using the highway and the issuance of license plates and a registration card or temporary registration containing owner and vehicle data.

“Rental company” means a person, firm or corporation engaged in the business of renting vehicles to the general public, including motor carriers, on an hourly, daily, trip, or other short-term basis.

“Rental vehicle” means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip, or other short-term basis.

“Reporting period” means a period of time consistent with the calendar quarterly periods of January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

“Revocation” means withdrawal of IFTA license and associated privileges by the Director.

“Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property nor designed to tow a trailer or some other non-powered equipment, and only incidentally operated or moved over a highway, including, but not limited to: ditch digging apparatus; well boring apparatus; construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors and road tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, self-propelled cranes and earth moving equipment; and vehicles designed and used exclusively for removing disabled vehicles from the highways, but not used merely to move vehicles from one dealership to another, nor to move a vehicle to perform a service on that vehicle (repair or enhancement) for which compensation is received.

“Suspension” means temporary removal of IFTA license and associated privileges granted to the licensee by the Director.

“Temporary permit” means a permit issued by the base jurisdiction or its agent to be carried in a qualified vehicle in lieu of display of the permanent annual decals. A temporary permit is valid for a period of 30 days in order to allow a carrier sufficient time to affix permanent decals and carry the identification card.

“Total distance” means all miles or kilometers traveled during the reporting period by every qualified vehicle in a licensee’s fleet, regardless of whether the miles or kilometers are considered taxable or nontaxable by a jurisdiction.

“Trip lease” means rental of a vehicle from a user for a period of less than 30 days. A vehicle operated on a trip lease basis is deemed to be a rental vehicle and the user is deemed to be a rental company.

“Trip permit” means a 96-hour IFTA credential issued by the Director to an out-of-State carrier for a specific vehicle, in lieu of regular IFTA licensing. A trip permit is issued to a user whose vehicle(s) in the aggregate makes not more than six trips into or through New Jersey in a 12-month period.

“User” means every person, firm or corporation that operates or causes to be operated a qualified motor vehicle on any highway in this State. The term shall include a rental company in the case of a rental vehicle.

“Weight” means the maximum weight of a loaded vehicle or combination of vehicles during a registration period.

13:18-3.2 Agreement application

(a) Any motor carrier based in New Jersey and operating one or more qualified motor vehicle(s) in at least one other jurisdiction (that is, engaged in interstate operations) shall file an Agreement Application with the Division on forms and in a manner prescribed by the Director. The application shall contain the following information:

1. The applicant’s legal name and business location address (P.O. Boxes not permitted);
2. The applicant’s trade name, if different from legal name;
3. The applicant’s Federal Employer’s Identification Number (FEIN) or, if sole proprietor, Social Security number;
4. The applicant’s mailing address (if different from business address);
5. The name and telephone number of a contact person;
6. The type of ownership;
7. The name, title, and telephone number for all partners or corporate officers (president, vice president, secretary, treasurer);

8. The location of records for audit purposes;
 9. The type of motor carrier operation;
 10. The name and address of lessor(s) or lessee(s) where qualified vehicles are involved in lease agreement(s) and a declaration indicating whether lessor or lessee is responsible for reporting all operations;
 11. The type(s) of fuel consumed by qualified motor vehicles;
 12. A declaration of having been previously licensed by another Agreement jurisdiction, if applicable;
 13. A declaration of never having had an Agreement license suspended or revoked by another Agreement jurisdiction, if applicable;
 14. A declaration of maintaining special fuel storage in New Jersey and the listing of any special fuel license number(s) or exemption certificate number(s), if applicable;
 15. A declaration of the jurisdictions in which the applicant plans to operate qualified motor vehicles, and the fuel type(s) if the applicant maintains bulk storage in other jurisdictions;
 16. A declaration that the applicant agrees to comply with all the reporting, payment, recordkeeping and license/identification requirements specified in the Agreement; and
 17. A certification by signature of the owner, partner, or corporate officer that the information contained in the application is true, accurate and complete.
- (b) If the name or address of the applicant or other information shown in the original fuel tax registration changes subsequent to its filing, the applicant shall file corrected information within seven days of the change.
- (c) In the case of a lessor, lessee, independent contractors and household goods agents, the following shall apply:
1. A lessor regularly engaged in the business of leasing or renting motor vehicles without drivers for compensation to licensees or other lessees may be deemed to be the licensee, and such lessor may be issued a license if an application has been properly filed and approved by the Director.
 2. In the case of a carrier using independent contractors under long-term (more than 30 days) leases, the lessor and lessee must designate which party will report and pay fuel use tax. If the lessee (carrier) assumes responsibility for reporting and paying motor fuel taxes, the base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered by the lessor for vehicle registration purposes.
 3. For motor vehicle leases of 30 days or less, the licensee for the motor vehicle under lease will be liable to report and pay tax.
4. In the case of a household goods carrier using independent contractors, agents, or service representatives under intermittent leases, the party liable for motor fuel tax shall be as follows:
- i. The lessee (carrier), where the qualified motor vehicle is being operated under the lessee's jurisdictional operating authority. The base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessee (carrier), regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor or lessee.
 - ii. The lessor (independent contractor, agent, or service representative), where the qualified motor vehicle is being operated under the lessor's jurisdictional operating authority. The base jurisdiction for purposes of this subsection shall be the base jurisdiction of the lessor, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes.
5. The Director shall not require the filing of such leases, but such leases shall be made available upon request of the Director or any member jurisdiction.
- (d) The applicant shall declare the total number of decals required and pay a \$5.00 statutory fee per decal with the application.
- (e) The Director shall review and process each application, except where the applicant is suspended or revoked by any member jurisdiction under a previously-issued license pursuant to IFTA, or where the application contains misstatement, misrepresentation, or omission of information required, or where proper payment of fees is lacking.
- (f) The Director may deny issuance of an identification card and decals where any applicant has failed to pay any monies or file any report required pursuant to this subsection or any law or rule administered by the Director. The Director shall mail written notice stating the reason(s) for denial to the applicant's principal place of business by ordinary mail.
- i. An applicant who has been denied a license may appeal by making a written request for a conference regarding the denial within 30 calendar days after the notice of the original denial. If the written request is not received within 30 calendar days, the original denial is deemed final.
 - ii. The sole issue to be resolved at such conference is whether or not the applicant in fact did fail to pay monies due or to file such report. The applicant shall bear the burden of proof. The applicant shall be given an opportunity to explain or correct any misstatement, misrepresentation or omission of required information.
 - iii. The conference shall be conducted by the Manager, Motor Carriers Unit, Division of Motor Vehicles, or such individual as he or she may designate. Notice of the determination made at a conference shall be given to the applicant at the close of the conference.

iv. An applicant who disagrees with the Director's determination to deny an identification card or decal may, within 90 days after the date of the written determination, appeal by filing a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

(h) If the applicant cancels the application for any reason and the application has not been processed, the Division shall return the application and payment to the applicant. If the application has been processed, the applicant may be charged a \$.50 handling fee per decal, at the discretion of the Director.

(i) The Director shall cause a renewal application for license and decals to be issued for the following year to each licensee provided the license has not been revoked or canceled, all reports have been filed and all motor fuels use taxes, penalties and interest due have been paid.

13:18-3.3 Identification card/license; identification markers/decals

(a) For each approved application for IFTA credentials, the Director shall issue one license identification cab card per fleet and two identification marker/decals for each vehicle listed on the application as part of that particular fleet.

(b) The license and decals shall qualify the licensee to operate in all member jurisdictions without further licensing requirements or identification requirements regarding motor fuels use taxes.

(c) The license shall expire on December 31 of each IFTA licensing year.

(d) The original cab card (license) shall be kept in the licensee's principal place of business. The licensee shall photocopy the card and carry such photocopy in each qualified vehicle.

(e) The form and content of the license and decal shall be as specified in IFTA.

(f) Decals shall be issued annually to coincide with the IFTA license, and the licensee's identification account number shall not be changed from year to year, unless the license is canceled or revoked. The Director shall determine if the code shall be changed or retained upon reinstatement of IFTA privileges and licensing after such cancellation or revocation.

(g) The decals shall be securely affixed to the exterior portion of the cab's passenger and driver's side.

(h) The Director shall recall the identification card and decals if a licensee has failed to pay any monies or file any report due pursuant to this subsection or any other law or rules administered by the Director.

(i) The Director shall mail written notice stating the reason(s) for recall to the licensee's principal place of business by ordinary mail.

1. A licensee may appeal such recall by making a written request for a conference before the recall is effective provided such request was mailed within 30 days of issuance of the notice of recall.

2. The sole issue to be resolved at such conference is whether or not the licensee in fact did fail to pay monies due or to file such report. The licensee shall bear the burden of proof.

3. The conference in such cases shall be conducted by the Manager, Motor Carriers Unit, Division of Motor Vehicles, or such individual as he may designate. Notice of the determination made at such conference shall be given to the licensee at the close of the conference. If the determination is adverse to the applicant the recall shall be effective immediately.

4. A licensee who disagrees with the Director's determination to recall an identification card and decals may, within 90 days after the date of the written determination, appeal to the Tax Court of New Jersey by filing a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

(j) The Director shall cancel a license upon request from the licensee on forms and in a manner prescribed by the Director.

(k) The Director, for cause, may require a licensee to post a bond where it is determined that the licensee has failed to file timely reports or has failed to pay tax due.

(l) Improper use of the license or decal by the licensee is cause for recall or revocation of the license.

(m) Qualified motor vehicles that are operated by more than one IFTA licensee during a given calendar year may display decals for each active licensee concurrently.

(n) Where a vehicle has been sold, traded or otherwise passed from control of the licensee, within 48 hours the decals shall be removed from the vehicle and surrendered to the Director. If a licensee discontinues business in this State the identification card shall also be surrendered. The licensee to whom the identification card and decals were issued shall be liable for taxes applicable to the operations of the vehicles licensed pursuant to IFTA through the date the card and/or decals were surrendered. In the event the vehicle is that of an owner/operator who fails to surrender the decals to the licensee before leaving service, the licensee's liability will terminate upon the date of notification to the Director providing the serial number of the decals and the name and address of the person having possession of same. The provisions of this subsection shall not apply where the vehicle has been stolen and a report of such theft has been made to an appropriate law enforcement agency.

13:18-3.4 Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a fee of \$5.00 per decal from a New Jersey IFTA license with an account in good standing, the Director shall issue in person, by mail or through a pre-approved third party an IFTA Temporary Permit for a qualified motor vehicle. A temporary permit shall be valid for a period of 30 consecutive days beginning with the date of issue to allow a carrier sufficient time to affix permanent decals and carry the identification card.

(b) Such permit shall be valid in all member jurisdictions, shall be carried in the cab of the vehicle for which the permit is issued, and is not transferrable.

(c) The permit shall include, at a minimum, the following:

1. The vehicle identification number;
2. The issue and expiration date;
3. The licensee name and address;
4. The licensee account number, if not a new account; and
5. The vehicle plate number, make, vehicle type, and fuel type.

(d) The fee of \$5.00 per decal shall be credited against the annual identification marker fees applicable to the same vehicle.

(e) All mileage and fuel purchases must be reported while operating pursuant to a temporary permit.

13:18-3.5 Trip permits

(a) A licensing permit credential known as a trip permit shall be issued, upon application on forms prescribed by the Director, in lieu of regular IFTA licensing credentials.

(b) The trip permit is a 96-hour IFTA credential issued by the Director to an out-of-State carrier for a specific vehicle, in lieu of regular IFTA licensing. A trip permit is issued to a user whose vehicle(s) in the aggregate makes not more than six trips into or through New Jersey in a 12-month period.

(c) The trip permit shall contain the following:

1. The date and time of issue;
2. The name and address of the user; and
3. The vehicle identification number.

(d) The trip permit shall be carried in the cab of the vehicle for which such permit is issued and is not transferrable.

(e) The Division may refuse to issue a trip permit to a carrier that formerly held an IFTA license issued by the Division which was suspended, revoked, or canceled for any reason.

(f) The fee for such permit shall be \$25.00, which shall be in lieu of tax reports, fees and taxes which otherwise would be applicable to said trip.

13:18-3.6 Tax reports; due dates

(a) Each licensee shall, on or before the last day of January, April, July and October of each year, make to the Director such aggregate reports of the licensee's entire operations during the quarter ending on the last day of the preceding month as the Director may require.

(b) Each licensee shall accompany the quarterly reports with a single remittance, in total amount equal to the net taxes due all member jurisdictions, made payable to New Jersey Division of Motor Vehicles.

(c) The Director may require a licensee to post a bond where timely reports have not been filed, tax due has not been remitted, or where payment has been dishonored.

(d) If the licensee is required to post bond in guarantee of fuel tax payment, the Director may require that payment be in the form of certified funds.

(e) Each quarterly tax report shall reflect operations for the previous calendar quarter, and shall be filed even where no operations were conducted during the reporting period.

(f) The tax report filed by the licensee shall be due on the last day of the month immediately following the close of the quarter for which the report is due. Reports postmarked with U.S. or Canadian Postal Service postmark by the due date or otherwise verified as timely delivered shall be considered timely filed.

1. In the event the licensee files the report by personal delivery, the Division of Motor Vehicles date-received stamp shall be conclusive evidence of the filing date.

2. Reports not filed by the due date shall be considered late and any taxes due considered delinquent.

13:18-3.7 Tax reports; penalties; interest

(a) The Director shall assess a penalty of \$50.00 or 10 percent of the taxes due, whichever is greater, for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(b) The Director may waive the penalty imposed in (a) above if it is determined there is reasonable cause for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(c) For a fleet based in the United States, interest shall accrue at the rate of one percent per month or fraction thereof, calculated from the date the tax was due until the tax is paid. The interest shall be computed on the tax due each member jurisdiction. For a fleet based in a Canadian jurisdiction, interest shall accrue at a rate equal to the Canadian Federal Treasury Bill rate, plus two percent, and adjusted every calendar year quarter, calculated from the date tax was due until the tax is paid. All interest collected shall be remitted to the appropriate jurisdictions.

(d) The Director shall waive interest on unpaid amounts where the licensee reasonably relied on erroneous advice furnished to him in writing by an employee of the Division of Motor Vehicles acting in the employee's official capacity, provided that such interest did not result from failure of the licensee to provide adequate or accurate information.

13:18-3.8 Tax reports; annual reporting

The Director shall in his or her discretion exempt any licensee who has sufficient liability to warrant quarterly reporting from the quarterly reporting requirements of this subchapter, upon finding that the administration and purpose of this subchapter would not be adversely affected. Such licensee may be permitted to make an annual report of the licensee's entire operations subject to such terms, conditions, or limitations as the Director may prescribe, provided no objection is received from other member jurisdictions to which the licensee is reporting.

13:18-3.9 Tax reports; content

(a) The tax report shall include the following information:

1. The name, address, account number or license number of the licensee;
2. The type of fuel used and being reported;
3. The total distance traveled during the reporting period by qualified motor vehicles in the licensee's fleet, regardless of whether the mile or kilometers are taxable or non-taxable by a jurisdiction;
4. The total number of gallons or liters of motor fuel used by the licensee in operation of qualified motor vehicles;
5. The in-jurisdiction miles or kilometers traveled by qualified motor vehicles within each member jurisdiction;
6. The average fuel consumption in miles per gallon, carried to two decimal places, for the reporting period;
7. The gallons or liters of all taxable motor fuel consumed within each member jurisdiction;
8. The total number of gallons or liters of tax-paid fuel purchased within each member jurisdiction; and
9. Interest, penalty or credit data.

(b) The tax report shall be certified as true, accurate and complete by date and signature of the owner, partner or corporate officer.

13:18-3.10 Credit; refunds

(a) Every licensee shall receive credit for fuel taxes paid on fuel consumed outside the jurisdiction where the fuel was purchased. Such credit shall be the equivalent to the rate per gallon for tax paid by a licensee in effect for any particular reporting period.

(b) Credit may be used to offset motor fuels use tax liability of the licensee in the current period or until eight calendar quarters have elapsed since the end of the calendar quarter in which the credit was accrued. Credit(s) shall expire after eight quarters unless offset.

(c) A licensee shall receive, on request, a refund for any accumulated credits within the two-year period commencing with the end of the reporting period from which the credit was derived. Refunds shall be withheld from the licensee if such licensee is delinquent on any amounts due to be paid or collected pursuant to IFTA, unless such amount is under appeal.

(d) A refund determined to be properly due shall be paid within 90 calendar days after receipt of request for payment by a licensee. If not paid within 90 calendar days, interest at the rate of one percent per month or fraction thereof shall begin to accrue on the date of the filing by the taxpayer of a claim for refund.

(e) A licensee shall file a request for refund in the manner and on forms prescribed by the Director. A refund request shall be rejected if the licensee has not complied with the provisions of this subsection and IFTA.

(f) Refunds of fuel use tax for exempt fuel, such as fuel used in refrigeration units, purchased in New Jersey must be claimed from, and in accordance with the procedures of, the New Jersey Division of Taxation. If such fuel is purchased elsewhere, the licensee must apply directly to applicable member jurisdictions.

(g) All fuel placed into supply tanks of qualified motor vehicles must be reported as taxable on the tax report being filed and must be included in the mile per gallon calculation filed with New Jersey.

13:18-3.11 Receipts for tax-paid purchases

(a) A licensee shall maintain receipt records to substantiate information on quarterly tax reports regarding fuel purchases and tax paid by fuel type.

(b) Source documents required in order for a licensee to obtain credit for tax paid purchases shall be a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice. Such receipt records must be retained by the licensee as evidence of purchases and payment of tax separated and totalled by fuel type.

(c) A fuel purchase receipt or invoice must include at least the following:

1. The month, day and year of purchase;
2. The seller's name and address;
3. The number of gallons or liters purchased;
4. The fuel type;
5. The price per gallon/liter and total amount of sale;
6. The vehicle unit number and license plate number; and
7. The name of the licensee, purchaser or lessee/lessor.

(d) Where fuel is supplied from licensee-owned, tax-paid bulk storage facilities or tanks, the following records shall be maintained:

1. The date of fuel pumped;
2. The number of gallons or liters pumped;
3. The fuel type;
4. The vehicle unit number and license plate number of vehicle receiving fuel;
5. Purchase and inventory records to substantiate that tax was paid on such fuel; and
6. Inventory records of fuel pumped from bulk storage into licensee vehicles shall separately identify gallons or liters pumped into qualifying vehicles and non-qualifying vehicles, by unit number and other vehicle identifiers as prescribed by the Director.

13:18-3.12 Records

(a) Each licensee shall maintain records to substantiate information on tax reports as required by this subchapter.

(b) Records shall be retained for four years (16 quarters) from the due date of the tax return or the date the return was filed, whichever is later, plus any time period added pursuant to waivers or assessments.

(c) Each licensee shall maintain, at a minimum, the following source documents, filed chronologically by month, segregated by quarter, and summarized in monthly summary sheets for each vehicle:

1. The trip record for each trip by each vehicle showing date of the trip; vehicle identification number; vehicle fleet number; beginning and ending readings from mileage recording instrument; total trip miles traveled; trip miles traveled in each jurisdiction; points of origin, destination and turn around for each jurisdiction; points of entry and exit from each jurisdiction; licensee's name and driver's name;
2. Driver's logs required to be kept by all governmental agencies;

3. Copies of mileage and fuel use reports made to any jurisdiction or government agency;

4. Shipping manifests, freight bills, or bills of lading;
5. Payroll records, where driver's wages are affected by miles traveled;
6. Records of payments based on mileage paid to leasing companies;
7. Fuel purchase receipts pursuant to this subchapter; and
8. Bulk fuel storage records for each storage facility within and outside each jurisdiction, showing inventory at beginning of quarter, purchases made during a quarter, withdrawals by individual vehicle, and inventory at the end of the quarter.

(d) Each licensee shall maintain a chronological summary sheet for each tax quarter which shall, at a minimum, include:

1. Each vehicle subject to the agreement identified by its fleet number, serial number and license plate number, vehicle type, and type of fuel used;
2. Readings for each vehicle at beginning and end of quarter taken from mileage record instrument;
3. The total mileage traveled by each vehicle in all jurisdictions;
4. The total mileage traveled by all vehicles in all jurisdictions;
5. The number of gallons or liters of fuel by type of fuel delivered into the service tanks of each vehicle in all jurisdictions from bulk storage or purchased on the road;
6. The total gallons or liters of fuel by fuel type delivered into the service tanks of all vehicles in all jurisdictions; and
7. The total gallons/liters of fuel by fuel type delivered into service tanks of all vehicles in each jurisdiction from bulk storage or purchased on the road.

(e) All fuel records and mileage records shall be separately maintained for each jurisdiction for both taxable and non-taxable purposes.

(f) A licensee using on board recording device, satellite tracking systems or other electronic data record systems, alone or in conjunction with each other or in conjunction with manual systems or any combination thereof, shall do so only upon approval by the Director.

(g) If the mileage recording instrument of any vehicle must be repaired or replaced, the mileage traveled by the vehicle within and outside New Jersey during the period when the instrument is inoperative shall be deemed to be the average daily mileage traveled by the vehicle during that period or a previous quarter when the instrument last properly operated.

(h) Non-compliance with any recordkeeping requirement shall be cause for suspension or revocation of the license.

13:18-3.13 Audits

(a) A licensee's records may be audited by sampling method or in total, at the discretion of the Director, to verify the correctness and completeness of tax reports and refund claims.

1. The Director shall send a notice of intention to conduct an audit by ordinary mail to the licensee. No such notice shall be provided if the Director has reason to believe the licensee intends to discontinue operations in this State or to do any other act which may hinder the Director's efforts to collect monies due.

2. Upon the auditor's appearance at the location where the required records are to be made available, the licensee shall produce such records upon demand. If such records are not produced within one hour, the auditor shall depart. In such a case, the Director shall make an assessment in the manner prescribed by this chapter.

3. Upon completion of the examination, the auditor shall discuss the findings with said licensee and shall offer the licensee the opportunity to present additional data which may affect the audit findings.

4. The auditor shall submit a report to the Director including findings and recommendation(s) as to the disposition of the matter.

5. The Director shall review the auditor's report and make such determination as is warranted. Notice of such determination shall be sent to the licensee by ordinary mail.

(b) The Director shall notify all member jurisdictions in which operations were conducted, providing documentation obtained in the course of the audit.

(c) In the event that a licensee's records are not located within New Jersey, the licensee shall reimburse the Director for all per diem and travel expenses of the auditors in traveling to the location where the licensee's records are kept.

(d) Failure to provide records required for the purpose of audit shall be deemed to toll any applicable record retention requirement until such records are provided to the Director by the licensee.

(e) If any licensee fails to make records available upon proper request or if any licensee fails to maintain records from which the licensee's true liability may be determined, the Director may, 30 days after requesting in writing that the records be made available or receiving notification of the insufficient records, determine a tax finding for each jurisdiction based upon the Director's determination of the tax liability of such licensee. The Director may make a determination from information previously furnished by the licensee, if available, and any other pertinent information that may be available.

(f) All audits conducted by the Director shall be in compliance with the requirements of IFTA.

(g) A member jurisdiction may re-examine a base jurisdiction's audit findings if the member jurisdiction reviews the audit work papers and, within 45 days of receipt of the audit findings notifies the base jurisdiction of any errors found during such review and of its intention to conduct the re-examination. Such re-examination by a member jurisdiction must be based exclusively on the audit sample period utilized by the base jurisdiction in conducting its audit.

(h) A member jurisdiction may re-audit a licensee if said member jurisdiction notifies the base jurisdiction and the licensee of reasonable cause for the re-audit.

(i) The re-audit or re-examination by a member jurisdiction must be performed in cooperation with the base jurisdiction. An adjustment to original audit findings as a result of such re-audit or re-examination must be reconciled with the original audit findings issued by the base jurisdiction. New audit findings shall be issued by the base jurisdiction. A member jurisdiction conducting a re-audit or re-examination shall pay its own expenses.

(j) Upon completion of an audit and the determination by the Director that monies are due to any jurisdiction from a licensee, the Director shall issue a demand for payment notice to the licensee. The notice shall demand payment within 30 days from the postmark date of the notice. Failure to respond to the demand for payment notice shall be cause for license suspension or revocation.

13:18-3.14 Audit appeals

(a) A licensee may appeal an audit finding issued by the Director by making a written request for a Division hearing within 30 days after the service of notice of the original finding. If the hearing is not requested in writing within 30 days, the original finding or action shall be final.

(b) The hearing shall be held expeditiously but may be continued for reasonable cause by either party. The Director shall give at least 20 days written notice of the time and place of the hearing. The hearing shall be conducted by the Manager, Motor Carriers Unit, Division of Motor Vehicles or such individual as he may designate.

(c) The Director shall notify the licensee of the findings and determination of the appeal. If the licensee remains in disagreement, he may request an audit by other member jurisdiction(s). Each jurisdiction to which a request is made may accept or deny the request. Each jurisdiction electing to audit the licensee's records shall audit only its own portion of the licensee's operations. The licensee shall make records available at the office of the jurisdiction or at a place designated by the jurisdiction or pay reasonable per diem and travel expenses associated with conducting an audit at the licensee's place of business.

(d) The licensee may appear in person and/or be represented by counsel at the hearing, and is entitled to produce witnesses, documents, or other pertinent material to substantiate the appeal.

(e) An applicant wishing to appeal from an audit finding issued by the Director may, within 90 days of the finding, file a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

13:18-3.15 License cancellation

(a) A licensee may request to cancel IFTA credentials only if all reporting requirements and tax liabilities to all member jurisdictions have been satisfied.

(b) Such cancellation request shall be made in the manner and on the forms prescribed by the Director.

(c) The Director shall notify the requesting licensee of the acceptance or reason for non-acceptance of the cancellation request by ordinary mail.

(d) An IFTA license may be cancelled only by written notice to the Director.

(e) Upon receipt of the acceptance of cancellation notice, the licensee shall return the applicable IFTA license and all unused IFTA decals to the Director. The return of credentials shall be made within 45 days of the post-marked date of the acceptance of cancellation notice.

(f) Any member jurisdiction may conduct an audit upon receipt of a cancellation notice by a licensee.

(g) Nothing in this section shall relieve a licensee from compliance with the requirements of the record retention schedules of this subchapter.

13:18-3.16 License suspension or revocation

(a) The Director may suspend or revoke an identification card and decals where any applicant has failed to pay any monies or file any report required pursuant to this subsection or any law or rule administered by the Director. The Director shall mail written notice stating the reason(s) for suspension or revocation to the applicant's principal place of business by ordinary mail.

1. A licensee who has been proposed for suspension or revocation of a license may appeal by making written a request for a conference regarding the suspension or revocation within 30 calendar days after the notice of the original suspension or revocation. If the written request is not received within 30 calendar days, the licensee shall be suspended or revoked.

2. The sole issue to be resolved at such conference is whether or not the applicant in fact did fail to pay monies due or to file such report. The applicant shall bear the burden of proof.

3. The conference shall be conducted by the Manager, Motor Carriers Unit, Division of Motor Vehicles, or such individual as he may designate. Notice of the determination made at a conference shall be given to the applicant at the close of the conference.

4. An applicant who disagrees with the Director's determination to suspend or revoke an identification card or decal may, within 90 days after the date of the written determination, appeal by filing a complaint with the New Jersey Tax Court pursuant to New Jersey Court Rules.

(b) The Director shall notify all member jurisdictions and appropriate New Jersey law enforcement agencies when an IFTA license suspension or revocation has occurred.

13:18-3.17 License reinstatement

The Director shall reinstate a revoked IFTA license provided the cause of the revocation has been satisfied.

13:18-3.18 Overpayment refund

(a) A licensee may file a refund claim for overpayment of tax within four years after payment of tax.

(b) An overpayment refund application shall extend the record retention period until such time as pertinent records are no longer required by the Director.

(c) Upon receipt of an overpayment refund claim, the Director may examine the records preserved by the licensee pursuant to N.J.A.C. 13:18-3.11 and 12.

(d) Upon determination of the examination findings, the Director shall refund the overpayment or notify the claimant otherwise.

13:18-3.19 Replacement identification markers; license

(a) The Director shall provide for replacement of any lost, stolen, damaged or mutilated identification marker or license, in the manner and on the forms prescribed.

(b) The Director shall charge a \$5.00 fee for replacement of a decal. The Director may waive the replacement fee for good cause.

SUBCHAPTER 4. (RESERVED)

Subchapter Historical Note

Subchapter 4, Motor Fuels Use Tax Act, was repealed by R.1996 d.311, effective July 1, 1996. See: 28 N.J.R. 2328(a), 28 N.J.R. 3307(a).

SUBCHAPTER 5. (RESERVED)

“Effective date of policy cancellation” means the date designated by the insurer’s notice of cancellation pursuant to N.J.A.C. 11:3-7.6 or the date cancellation takes effect pursuant to N.J.S.A. 17:16D-13.

SUBCHAPTER 6. INSURANCE VERIFICATION

“FAIR Act” means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

13:18-6.1 Definitions

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

“Insurer” means an entity authorized or admitted to transact the business of personal private passenger automobile insurance in New Jersey.

“Act” means the Fair Automobile Insurance Reform Act of 1990, P.L. 1990, c.8.

“Newly issued policy” means any contract or endorsement of personal private passenger automobile insurance that provides liability coverage for an automobile not previously covered by a contract of liability insurance issued by the insurer, or that was previously covered by a policy issued by the insurer which was cancelled for nonpayment of premium.

“Cancellation for nonpayment of premium” means the termination of a policy during the policy term due to the failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

“Nonfleet” describes an automobile insurance policy issued by a commercial lines insurer that provides coverage to less than five vehicles, or less than such other number of vehicles as is provided by the insurer’s filed rating system.

“Commercial lines insurer” means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a commercial lines rating system filed in accordance with N.J.S.A. 17:29A-1 et seq.

“Person” means any natural person or persons, corporation, association, partnership or company authorized by the laws of this State to transact the business of insurance in this State.

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

“Personal lines insurer” means a person authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a personal lines rating system filed and approved in accordance with N.J.S.A. 17:29A-1 et seq.

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

“Private passenger automobile insurance” means direct insurance on private passenger automobiles as defined in N.J.S.A. 39:6A-2, but excluding excess liability insurance.

Amended by R.1994 d.252, effective May 16, 1994.
See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

13:18-6.2 Reports of personal private passenger automobile insurance policy information to the Director of the Division of Motor Vehicles

(a) Personal lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial lines insurers shall provide the Director, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of nonfleet private passenger automobile insurance policies on and after July 1, 1994. Commercial lines insurers shall only provide information concerning policies covering nonfleet private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Director.

(b) Personal lines insurers shall report by magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director on a monthly basis beginning September 15, 1991, the following information concerning policies cancelled for nonpayment of premium and newly issued policies. Commercial lines insurers shall report by magnetic computer tape or cartridge to the Director on a monthly basis beginning September 7, 1994, the following information concerning nonfleet policies cancelled for nonpayment of premium and newly issued nonfleet policies. These reports shall be provided to the Director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices A and B, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Address of insured including street, city, state and zip code;
6. Transaction type (either cancellation or new policy);
7. Policy effective date;
8. Effective date of policy cancellation;
9. The date on which the tape or cartridge or personal computer diskette containing the information was prepared; and

10. Policy number.

(c) Insurers shall report the cancellation of private passenger automobile liability coverage for nonpayment of premium after the effective date of the cancellation of a policy.

(d) Insurers shall make reasonable provision to exclude from reports those policies cancelled for nonpayment of premium when the insurer knows that the reason for nonpayment of premium is the death of the insured, the permanent relocation of the insured outside of the State of New Jersey, the total loss of the motor vehicle, the unrecovered theft of the motor vehicle, or the repossession of the motor vehicle by a lienholder.

(e) Insurers shall also report by magnetic computer tape or cartridge (or, for insurers that write less than 750 private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette) to the Director every six months, or at such other interval as may be specified by the Director, the following information concerning all of their current personal private passenger automobile insurance policies. These reports shall be provided to the Director in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices C and D which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Policy effective date; and
6. The date on which the tape or cartridge or personal computer diskette containing the information was prepared.

(f) Insurers shall report to the Director the termination of policies of motor vehicle liability insurance for reasons other than nonpayment of premium, including any cancellation or nonrenewal, as may be required by the Director.

(g) In addition to the other information that must be submitted under these rules, insurers shall provide the Director, or his or her designee, a report of information concerning policies cancelled for nonpayment of premium for a month designated by the Director and a report of information concerning new policies issued for two consecutive months designated by the Director. The reports required to be submitted pursuant to this subsection shall be provided not later than August 15, 1991, and shall be utilized by the Division to test and evaluate the insurance verification program prior to its implementation.

(h) In order to ensure that reports submitted are compatible with the Division's information system, insurers shall transmit reports of information required by the Director pursuant to this section in accordance with all of the Division's technical specifications including, but not limited to, data set name, internal and external labeling, data block size, codes, tape format and layout, and other physical characteristics of tapes or cartridges or personal computer diskettes.

Amended by R.1994 d.252, effective May 16, 1994.
See: 25 N.J.R. 3925(b), 26 N.J.R. 2135(a).

13:18-6.3 Registration expiration

For purposes of section 50(c)(1) of the FAIR Act and this subchapter, a vehicle registration certificate shall be deemed to be "expired" only if such certificate has not been renewed and either the expired registration certificate and registration plates for said vehicle have been surrendered to the Division of Motor Vehicles or ownership of said vehicle has been transferred to a third party.

13:18-6.4 Suspension of vehicle registration; exceptions; surrender of registration certificate and plates; expiration of registration; removal of vehicle from United States and Canada; short-term lapse in coverage not exceeding 15 days

(a) Except as otherwise provided in this section, the Division shall suspend the registration of a vehicle pursuant to section 50(c) of the FAIR Act if the owner has not filed with the Division and the Division has not received proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 or the owner has not presented proof of allowable circumstances as specified in N.J.A.C. 13:18-6.6.

(b) Proof of motor vehicle liability insurance or allowable circumstances shall be filed with and received by the Division within 30 days of the Division's notice to the owner issued in accordance with section 50(b) of the FAIR Act.

(c) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the owner has surrendered or caused to be surrendered to the Director, or his or her designee, the registration certificate (including any duplicate registration certificate and family registration certificate), and registration plates issued thereto prior to the time the cancellation of insurance became effective.

(d) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the registration of the vehicle has expired and has not been renewed prior to the time the cancellation of insurance became effective and the owner of the vehicle has surrendered or caused to be surrendered to the Director, or his or her designee, the expired registration certificate and registration plates for the vehicle prior to the time the cancellation of insurance became effective.

(e) The Division shall not suspend a vehicle registration pursuant to section 50(c) of the FAIR Act if the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic prior to the time the cancellation of insurance became effective. The owner of the vehicle must satisfy the following requirements:

1. File or cause to be filed with the Director, or his or her designee, a formal statement informing the Director that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;
2. File or cause to be filed with the Director, or his or her designee, proof in a form specified in N.J.A.C. 13:18-6.7 that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic;
3. Agree to immediately notify the Director upon the return of the vehicle to the United States in North America or the Dominion of Canada; and
4. Agree to file or cause to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 when the vehicle is returned to the United States in North America or the Dominion of Canada.

(f) The Director may withhold the suspension of a vehicle registration pursuant to section 50(c) of the FAIR Act if the period of time during which the vehicle was both registered and uninsured does not exceed 15 days. For purposes of this subsection, the 15 day period shall commence on the date that the cancellation of insurance becomes effective. The owner of a vehicle must file or cause to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 which was effective within 15 days from the date of cancellation of motor vehicle liability insurance coverage.

13:18-6.5 Proof of insurance; submission of fictitious proof

(a) For purposes of section 50 of the FAIR Act, proof of motor vehicle liability insurance coverage shall consist of the original or copy of the following:

1. A valid permanent insurance identification card issued in accordance with N.J.A.C. 11:3-6.2;
2. A valid temporary insurance identification card issued in accordance with N.J.A.C. 11:3-6.3;
3. The declaration page of an insurance policy;
4. An insurance policy binder;
5. A notice of policy reinstatement issued by the insurer which notified the Division of cancellation of motor vehicle liability insurance coverage pursuant to section 50(b) of the FAIR Act;

6. A certificate of self-insurance issued by the Department of Insurance pursuant to N.J.S.A. 39:6-52; or

7. Any other proof deemed acceptable by the Director, including post-audit verification by confirmation from the new policy data received from the insurance company.

(b) An owner may present proof of motor vehicle liability insurance coverage to the Division by mail or in-person.

(c) Any person who submits or causes to be submitted to the Division any falsely made, forged, altered or counterfeit proof of motor vehicle liability insurance coverage pursuant to this subchapter may be subject, upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19, to a suspension of his or her driving privileges for a period not to exceed two years.

13:18-6.6 Existence of "allowable circumstances"; avoidance of suspension; proof

(a) For purposes of section 50 of the FAIR Act, the Director deems the existence of the following circumstances sufficient good cause to avoid the suspension of a vehicle registration after notice of cancellation of motor vehicle liability insurance has been received by the Division:

1. The owner has transferred ownership of the vehicle to a third party as evidenced by the owner's surrender to the Division of the registration certificate and registration plates for the vehicle pursuant to N.J.A.C. 13:21-5.10 or the Division's issuance of a transfer registration to another vehicle for the unexpired portion of the registration period of the original vehicle pursuant to N.J.S.A. 39:3-30;

2. The vehicle is inoperable or not in use. The owner must submit to the Division a notarized statement setting forth a description of the vehicle, including the vehicle identification number and registration plate number issued therefore, and the condition of the vehicle which makes it inoperable and/or setting forth the reason why the vehicle is not being used by the owner. The owner must also surrender to the Division the registration certificate and registration plates for the vehicle;

3. The owner has established domicile in a State other than New Jersey as evidenced by the issuance of a certificate of ownership or registration certificate and registration plates for the vehicle by the State of domicile and the surrender of the New Jersey registration certificate and registration plates for the vehicle to the Division;

4. The owner has qualified as a self-insurer as evidenced by a certificate of self-insurance issued by the Department of Insurance pursuant to N.J.S.A. 39:6-52; or

5. The owner has removed or will remove the vehicle from the United States in North America and the Dominion of Canada for the purpose of international traffic as

evidenced by his or her submission of the statement specified in N.J.A.C. 13:18-6.7.

13:18-6.7 Removal of vehicle from United States and Canada; proof thereof

(a) For purposes of section 50(c)(2) of the FAIR Act, the statement to be filed with the Director by a vehicle owner prior to the date of cancellation of motor vehicle insurance coverage for a vehicle which has been or will be removed from the United States in North America and the Dominion of Canada for the purpose of international traffic shall include the following proof that said vehicle has been or will be so removed:

1. A shipping document issued to the vehicle owner by the United States Customs Service prior to the date of motor vehicle insurance coverage cancellation for the vehicle which indicates that the vehicle has been or will be removed from the United States in North America and the Dominion of Canada;

2. A bill of lading and receipt issued to the vehicle owner by the common carrier transporting the vehicle which confirms that said vehicle has been or will be removed from the United States in North America and the Dominion of Canada; or

3. Any other similar proof deemed acceptable by the Director.

13:18-6.8 Rescission of suspension; requirements; limitation; calculation of time

(a) The Director, in his or her discretion, may rescind an order of suspension of a vehicle registration and an order of suspension of a driver's license pursuant to subsections (d) and (g) of section 50 of the FAIR Act if the owner of the vehicle satisfies the following requirements:

1. Pays or causes to be paid to the Commissioner of Insurance, or the Director as his or her designee, a civil penalty in the amount of \$4.00 for each day up to 90 days for which motor vehicle liability insurance was not in effect after cancellation for nonpayment of premium; and either

i. Surrenders or causes to be surrendered to the Director, or his or her designee, the registration certificate (including any duplicate registration certificate and family registration certificate) and registration plates for the vehicle not more than 90 days from the date of cancellation of motor vehicle liability insurance coverage; or

ii. Files or causes to be filed with the Director, or his or her designee, proof of motor vehicle liability insurance in a form specified in N.J.A.C. 13:18-6.5 which was effective not more than 90 days from the date of cancellation of motor vehicle liability insurance coverage and which remains in effect.

(b) The Director may rescind a suspension of a vehicle registration or a driver's license pursuant to subsections (d) and (g) of section 50 of the FAIR Act only once during any 36 month period.

(c) For purposes of calculating the 36 month period with regard to rescission of a vehicle registration suspension or driver's license suspension pursuant to subsections (d) and (g) of section 50 of the FAIR Act, said 36 month period shall be calculated by referring to the respective dates of vehicle registration suspensions imposed upon a registrant pursuant to section 50 of the FAIR Act.

(d) For purposes of the submission of proof of motor vehicle liability insurance coverage to the Director by a registrant seeking rescission of a vehicle registration or driver's license suspension pursuant to subsections (d) and (g) of section 50 of the FAIR Act, such proof must be submitted to the Director no later than 180 days after the effective date of a vehicle registration suspension imposed upon the registrant pursuant to the FAIR Act unless the registrant is unable to submit such proof within said period of time due to an act of God or because of the registrant's absence from the State.

13:18-6.9 Return of surrendered registration plates to registrant

(a) In those instances in which a registrant has surrendered registration plates to the Division pursuant to N.J.S.A. 17:33B-41 and thereafter acquires motor vehicle liability insurance and furnishes proof of same to the Director as required by N.J.S.A. 17:33B-41 and this subchapter, the Division shall return to the registrant a valid set of replacement registration plates upon payment to the Division of the fee for the set of replacement plates as set forth in N.J.A.C. 13:20-34.5(b).

(b) If a registrant seeking the return of surrendered registration plates in accordance with (a) above desires plates which contain the same combination of letters and numbers as had been contained on the surrendered plates, he or she shall first be issued a set of replacement plates at the fee as set forth in N.J.A.C. 13:20-34.5(b). Upon receipt of the replacement registration plates, the registrant may apply to the Division for plates which contain the same combination of letters and numbers as had been contained on the surrendered plates. Plates which contain the specific combination of letters and numbers requested, unless already issued to another registrant or unless such issuance is prohibited by N.J.S.A. 39:3-33.5, shall be issued to the registrant upon payment to the Division of the fee for the set of such plates as set forth in N.J.A.C. 13:20-34.5(a)3.

Amended by R.1992 d.263, effective June 15, 1992.
See: 24 N.J.R. 1467(a), 24 N.J.R. 2283(a).
Revised text.
Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-6.10 Confidentiality of information

All information contained in the reports submitted by insurers pursuant to the requirements of this subchapter shall be confidential and such reports shall not be subject to public inspection or copying pursuant to the "Right to Know Law," N.J.S.A. 47:1A-1 et seq.

13:18-6.11 Operative date

Subsections (a) through (g) of section 50 of the FAIR Act shall become operative as of the effective date of the adoption of this subchapter by the Division (that is, June 3, 1991), in accordance with P.L. 1990, c.8, § 103.

APPENDIX A

Insurance Verification Program

**INSURANCE FILING RECORD—ONE
(N.J.A.C. 13:18-6.2(b))**

Item No.	Field Position	Field Size	Elem. Char.	Just	Req. Opt.	Field Name
1.	1-19	19	A/N	LJ	R	Vehicle-Identification-Number
2.	20-34	15	A/N	NA	R	Driver-License-Number
3.	35-39	5	A/N	LJ	R	Make
4.	40-43	4	N	NA	R	Year
5.	44-48	5	A/N	LJ	O	Model
6.	49-52	4	N	NA	R	Insurance-Company-Code
7.	53-82	30	A/N	LJ	R	Policy-Owner-Street-Address
8.	83-102	20	A	LJ	R	Policy-Owner-City
9.	103-104	2	A	NA	R	Policy-Owner-State
10.	105-113	9	N	NA	R	Policy-Owner-Zip-Code
11.	114	1	A	NA	R	Transaction-Type
12.	115-122	8	N	NA	R	Policy-Effective-Date
13.	123-130	8	N	NA	R	Policy-Cancel-Date
14.	131-138	8	N	NA	R	Date-Stamp
15.	139-168	30	A/N	LJ	O	Policy-Number
16.	169-200	32	A	NA	O	Filler

Legend:

Elem. Char.	Just	Req. Opt.
A/N = alphanumeric	LJ = left justified	R = required
A = alpha	RJ = right justified	O = optional
N = numeric	NA = not applicable	

APPENDIX B

**INSURANCE FILING RECORD—ONE
(N.J.A.C. 13:18-6.2(b))**

FIELD DESCRIPTION

No.	Field Name	Description
1.	Vehicle-Identification-Number	If vehicle year 1981 or newer, must have 17 positions.
2.	Driver-License-Number	Owner of vehicle (preferred) or primary driver's driver license number. No spaces.
3.	Make	National Crime Information Center (NCIC) or Insurance Services Office (ISO) vehicle make code.
4.	Year	Four digit vehicle model year.
5.	Model	National Crime Information Center (NCIC) vehicle model code. Space fill if not available.
6.	Insurance-Company-Code	MVR code assigned by New Jersey Motor Vehicle Services for driver abstracts.
7.	Policy-Owner-Street-Address	Street address of policy holder.

No.	Field Name	Description
8.	Policy-Owner-City	City of policy holder.
9.	Policy-Owner-State	State of policy holder.
10.	Policy-Owner-Zip-Code	Zip code of policy holder. Five digits required, nine digits if available. Space fill last four digits if nine digits are not available.
11.	Transaction-Type	C = Cancellation N = New Policy
12.	Policy-Effective-Date	Required if Transaction-Type = N, otherwise leave blank. Format is MMDDYYYY.
13.	Policy-Cancel-Date	Required if Transaction-Type = C, otherwise leave blank. Format is MMDDYYYY.
14.	Date-Stamp	Format is MMDDYYYY.
15.	Policy-Number	Policy number. Space fill if not supplied.
16.	Filler	Spaces.

Item No.	Field Position	Field Size	Elem. Char.	Just	Req. Opt.	Field Name
8.	61-68	8	N	NA	R	Date-Stamp
9.	69-80	12	A	NA	O	Filler

Legend:

Elem. Char.	Just	Req. Opt.
A/N = alphanumeric	LJ = left justified	R = required
A = alpha	RJ = right justified	O = optional
N = numeric	NA = not applicable	

APPENDIX C

Insurance Verification Program

INSURANCE FILING RECORD—TWO (N.J.A.C. 13:18-6.2(e))

Item No.	Field Position	Field Size	Elem. Char.	Just	Req. Opt.	Field Name
1.	1-19	19	A/N	LJ	R	Vehicle-Identification-Number
2.	20-34	15	A/N	NA	R	Driver-License-Number
3.	35-39	5	A/N	LJ	R	Make
4.	40-43	4	N	NA	R	Year
5.	44-48	5	A/N	LJ	O	Model
6.	49-52	4	N	NA	R	Insurance-Company-Code
7.	53-60	8	N	NA	R	Policy-Effective-Date

APPENDIX D

INSURANCE FILING RECORD—TWO (N.J.A.C. 13:18-6.2(e))

FIELD DESCRIPTION

No.	Field Name	Description
1.	Vehicle-Identification-Number	If vehicle year 1981 or newer, must have 17 positions.
2.	Driver-License-Number	Owner of vehicle (preferred) or primary driver's driver license number. No spaces.
3.	Make	National Crime Information Center (NCIC) or Insurance Services Office (ISO) vehicle make code.
4.	Year	Four digit vehicle model year.
5.	Model	National Crime Information Center (NCIC) vehicle model code. Space fill if not available.
6.	Insurance-Company-Code	MVR code assigned by New Jersey Motor Vehicle Services for driver abstracts.
7.	Policy-Effective-Date	Format is MMDDYYYY.
8.	Date-Stamp	Format is MMDDYYYY.
9.	Filler	Spaces.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. UNINSURED MOTORISTS

13:18-9.1 Security deposits for uninsured motorists

(a) A deposit from an uninsured motor vehicle owner or operator to secure the payment of a reimbursement or a judgement which may be rendered against him for damages arising out of a motor vehicle accident in which such an individual has been involved shall be required in those situations where:

1. The uninsured owner or operator has been involved in an accident resulting in injury to a passenger in his vehicle and the passenger is not otherwise protected by an automobile insurance policy;
2. The uninsured owner or operator has been involved in an accident resulting in injury to a pedestrian or bicyclist who is not otherwise protected by an automobile insurance policy;
3. The uninsured owner or operator has been involved in an accident resulting in injury to a non-resident motorist who is not protected by uninsured motorist coverage;
4. The uninsured owner or operator has been involved in an accident resulting in damage to property other than a motor vehicle;
5. The uninsured owner or operator has been involved in an accident resulting in the filing of a claim by a qualified individual against the Unsatisfied Claim and Judgment Fund for payment of personal injury protection benefits pursuant to N.J.S.A. 39:6-86.1 or N.J.S.A. 39:6-86.4;
6. The Director of the Division of Motor Vehicles determines a deposit of security to be necessary in view of the total insurance protection available to an injured party.

R.1976 d.75, effective March 8, 1976.
See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

SUBCHAPTER 10. (RESERVED)

SUBCHAPTER 11. ORGANIZATION OF THE DIVISION OF MOTOR VEHICLES

13:18-11.1 Division of Motor Vehicles organizational structure

(a) The Division of Motor Vehicles consists of a Director of Motor Vehicles and such offices and other organizational units as allowed by law and as necessary to carry out the Division's statutory mandates.

(b) The Director has a deputy. The following subunits exist under the deputy:

1. Internal Audit Office;
2. Regulatory Affairs Office; and
3. Special Projects Office.

(c) The Division has a Chief of Staff who has the powers and responsibilities set forth in N.J.S.A. 39:2-4 and 39:2-5. The following subunits exist under the Chief of Staff:

1. Office of Special Assistance and Customer Complaints;
2. Planning Office;
3. Legal/Legislative Office;
4. Public Affairs Office; and
5. Human Resource and Organizational Development Office.

(d) The Division has three Administrators, as follows:

1. Customer Services;
2. Information and Systems Management; and
3. Administrative Services.

(e) The following subunits exist under the Administrator for Customer Services:

1. Northern Regional Services Offices;
2. Central Regional Services Offices;
3. Southern Regional Services Offices; and
4. Operations and Support Services Bureau.

(f) The following subunits exist under the Administrator for Information and Systems Management:

1. Information Update and Retrieval Bureau; and
2. Systems Management Bureau.

(g) The following subunits exist under the Administrator for Administrative Services:

1. Central Services Bureau;
2. Facilities Management Bureau;
3. Financial Management Bureau; and
4. Personnel Administration Bureau.

R.1989 d.365, effective June 14, 1989.
See: 21 N.J.R. 2048(a).

13:18-11.2 Public information requests and submissions

(a) A member of the public may obtain information or make a submission or a request by writing to the Office of the Director, Division of Motor Vehicles, 225 E. State Street, 9th Floor, Trenton, New Jersey 08666.

(b) A member of the public seeking general information may telephone the Division of Motor Vehicles by calling 1-609-292-6500.

R.1989 d.365, effective June 14, 1989.

See: 21 N.J.R. 2048(a).

Amended by R.1995 d.218, effective May 1, 1995.

See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-11.3 Public records; examination; purchase of copies; exemption

(a) Except as otherwise provided in N.J.S.A. 47:1A-1 et seq. or by any other statute, resolution of either or both houses of the Legislature, executive order of the Governor, rule of court, any Federal Law, regulation or order, or by any regulation promulgated under the authority of any statute or executive order of the Governor, all records which are required by law to be made, maintained, or kept on file by the Division of Motor Vehicles shall be considered public records. Public records shall be available for examination by the citizens of New Jersey during the regular business hours of the Division at the Trenton Regional Service Center, 120 South Stockton Street, Trenton, New Jersey or other office of the Division as determined by the Custodian of Records. Citizens of New Jersey shall have the right to copy public records by hand under reasonable supervision during regular business hours. Citizens shall have the right to purchase copies of public records by written request upon payment of the fee as set forth in N.J.A.C. 13:18-11.4.

(b) The right of examination of public records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the records being sought for examination pertain to any investigation in progress, if the inspection, copying, or publication of the records is not in the best interest of the public.

(c) The Division's database and the information contained in it do not constitute public records. In no event shall data or information contained in the database be provided to any person or entity which seeks to use such information for the purpose of commercial solicitation for profit or political canvassing or campaigning or any similar purpose or objective.

(d) In the interest of public safety and privacy, the public records listed below shall only be made available for inspection, examination, and copying by a citizen who demonstrates to the satisfaction of the Director of the Division of Motor Vehicles that he or she is the person to whom the record pertains or that he or she has a legitimate beneficial interest in the requested record for the protection of his or her property rights or the protection of any interest the citizen may have in any matter affecting the citizen to which

said record is relevant. Availability may be limited to that part of the record which is particularly relevant to the citizen, and personal information may be deleted from the copy of such record. Such records include all those which are made, maintained or kept on file by the Division of Motor Vehicles relating to:

1. Driver licenses;
2. Vehicle registrations;
3. Vehicle titles; and
4. Driver histories.

(e) Citizens requesting the inspection, examination or copying of records of the Division shall be required to present identification, and to complete a formal request form prepared by the Division of Motor Vehicles, which shall include:

1. The requestor's name and address;
2. The requestor's driver license number or corporate identification number;
3. The requestor's reason for requesting the record;
4. The driver license number or the name, address, and birth date of the person whose driver record is requested;
5. The license plate number or VIN number of the vehicle for which a record is requested; and
6. A description of the information the requestor is seeking in order to ensure that a copy of the appropriate record is provided.

(f) Nothing in this section shall be construed as prohibiting the provision of an abstract of the operating record of any person by the Division of Motor Vehicles to insurance companies, persons furnishing any financial responsibility, and sureties on bonds in accordance with the provisions of N.J.S.A. 39:6-42.

(g) Nothing in this section shall be construed as prohibiting the provision of certificates of ownership by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. 39:10-14.

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (c) through (g).

Case Notes

Computerized database of the DMV is not a public record itself, but its contents are contained within the public records maintained by the DMV. *State v. Donis*, 157 N.J. 44, 723 A.2d. 35 (N.J.1998).

13:18-11.4 Fees; information search; exemption

(a) A citizen requesting to purchase a public record shall pay the fee established by the Division as set forth in this section.

(b) The fees are as follows:

1. A Driver History Abstract:
 - i. Uncertified, \$10.00.
 - ii. Certified, \$10.00.
2. A Notice of Scheduled Suspension, Order of Suspension or Notice of Restoration:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
3. Violation Record:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
4. Mail Lists:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
5. Registration or Driver License Application:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
6. Boat Registration Application:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
7. Final Decision of Director:
 - i. Uncertified, \$4.00.
 - ii. Certified, \$5.00.
8. File Search of Division Records:
 - i. Uncertified, \$8.00.
 - ii. Certified, \$10.00.
9. Telephonic Search of Division Records: \$6.00.

(c) Payment shall be made by check or money order payable to the New Jersey Division of Motor Vehicles.

(d) Government agencies are exempt from the fees set forth in this section.

(e) Notwithstanding the fees set forth in this section, the Director shall collect a fee of \$2.00 per driver history abstract from high volume tape to tape users.

(f) Notwithstanding the fees set forth in this section, the Director shall collect from high volume on-line information users a fee of \$4.00 for each driver history abstract, drivers license record, or vehicle registration record requested on-line.

(g) "High volume users," as used in this section, shall be defined as those businesses approved by the Director of the Division of Motor Vehicles for participation in its Tape to Tape Exchange program or its Limited On-Line Access program. The Director's approval shall be based on a business demonstrating its beneficial interest in and legitimate business use of the Division's database information, as well as on the volume of requests for such information.

1. Political and commercial solicitation and marketing shall not constitute legitimate business uses of the database information.

2. The volume of requests constituting "high volume" shall be a minimum of 250 requests per tape for the Tape to Tape Exchange program and 100 requests per calendar quarter for the Limited On-Line Access program.

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).

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

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

Amended by R.1996 d.410, effective September 3, 1996.

See: 28 N.J.R. 2795(b), 28 N.J.R. 4110(a).

Added \$4 fee for high volume on-line information users.

Amended by R.1997 d.13, effective January 6, 1997.

See: 28 N.J.R. 4566(a), 29 N.J.R. 147(a).

Added (g).

13:18-11.5 Procedure for record examination or request to purchase public records

A private citizen may request a copy of a public record, or make inquiry concerning the examination of a public record, by contacting:

Official Custodian of Records

New Jersey Division of Motor Vehicles

120 South Stockton Street

Trenton, New Jersey 08666

Attn: Manager, Bureau of Information Update and Retrieval

Telephone: (609) 292-4572

New Rule, R.1991 d.575, effective November 18, 1991.

See: 23 N.J.R. 2857(a), 23 N.J.R. 3520(a).