

**CHAPTER 21
LICENSING SERVICE**

Authority

N.J.S.A. 17:33B-45, 39:2-3, 39:2-3.8, 39:3-4, 39:3-4c, 39:3-5, 39:3-5.1, 39:3-8, 39:3-10, 39:3-10.1, 39:3-10.17a, 39:3-10.20, 39:3-10.27, 39:3-10.29, 39:3-10a, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-15.1, 39:3-20, 39:3-24, 39:3-26.1, 39:3-29.9, 39:3-30, 39:3-33, 39:3-36, 39:3-43, 39:3-84, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-19, 39:10-20, 39:10-37, 39:10A-6, 39:13-7, and 56:10-25; and 42 U.S.C. §405(c)(2)(C).

Source and Effective Date

R.2006 d.250, effective June 8, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Chapter Expiration Date

Chapter 21, Licensing Service, expires on June 8, 2011.

Chapter Historical Note

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

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

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

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

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

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

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

Subchapter 3, Dealer's Temporary Certificates, was repealed by R.1981 d.14, effective January 16, 1981.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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 21, Licensing Service, was readopted effective December 12, 2000, and Subchapter 11, Central Title and Registration Service, was repealed effective January 16, 2001 by R.2001 d.19. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

Subchapter 11, Central Title and Registration Service, was repealed by R.2001 d.19, effective January 16, 2001. See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).

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

Chapter 21, Licensing Service, was readopted by R.2006 d.250, effective June 8, 2006. See: Source and Effective Date. See, also, section annotations.

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

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

(d) The social security number shall be provided to and used in communications with the Commercial Driver License Information System, the National Driver Register and the driver licensing authorities of other states and jurisdictions, including the District of Columbia, Canadian provinces and the Republic of Mexico. It shall be used in reporting motor vehicle and other violations, driver license suspensions, revocations, disqualifications or out-of-service orders. The social security number may be displayed on the commercial driver license and examination permits and shall be used in carrying out the purposes and provisions of the Federal Commercial Motor Vehicle Safety Act of 1986 and the regulations adopted thereunder and the “New Jersey Commercial Driver License Act” (P.L. 1990, c.103) and the regulations adopted thereunder.

(e) Neither the Motor Vehicle Commission nor its designee shall utilize social security numbers for any purpose other than those specified in this section.

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

New Rule, R.1985 d.307, effective June 17, 1985.
See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).
Amended by R.1990 d.514, effective October 15, 1990.
See: 22 N.J.R. 2134(a), 22 N.J.R. 3236(b).

Extended social security number disclosure requirements to applicants for commercial licenses.
Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Amended by R.1998 d.422, effective August 17, 1998.
See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (a), inserted “;” and the “New Jersey Automobile Insurance Reform Act of 1982” (N.J.S.A. 17:29A-33 et seq.) and the regulations adopted thereunder, “preceding “utilize social security”; rewrote (b); and in (e), inserted “Neither the” and “nor its designee”, and deleted “not” following “shall”.

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

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

Substituted “Motor Vehicle Commission” for “Division of Motor Vehicles” throughout; and in (b), substituted “Commission” for “Division”.

13:21-1.5 Public record exception; disclosure prohibited

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

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

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

See: 16 N.J.R. 2746(a), 17 N.J.R. 1579(a).
Amended by R.1990 d.514, effective October 15, 1990.
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Extended social security number disclosure requirements to applicants for commercial licenses.

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

Amended by R.1998 d.422, effective August 17, 1998.

See: 29 N.J.R. 3197(a), 30 N.J.R. 3065(b).

In (b), inserted “or its designee” following “Motor Vehicles” in the first sentence.

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

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

In (a), substituted “Open Public Records Act,” for ““Right to Know Law”” and deleted parenthesis around and period following “N.J.S.A. 47:1A-1 et seq.”; in (b), substituted “Motor Vehicle Commission” for “Division of Motor Vehicles” and “Commission” for “Division”.

SUBCHAPTER 2. STATUTORY LANGUAGE INTERPRETATION

13:21-2.1 Basis for interpretation

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

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Substantially amended.

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

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

Rewrote the section.

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

A person learning to drive a motor vehicle in preparation for the driving (road) test shall be accompanied by a New

Jersey licensed driver who is at least 21 years of age and has been licensed to drive such designated class of motor vehicles for not less than three years. The term “accompanied” shall mean that the licensed driver shall sit in the front seat of the vehicle next to the person learning to drive and be in a position to assume control of the vehicle if the need should arise. Operating controls shall be within easy reach of the accompanying driver.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed motor vehicle driver” and substituted “driver licensed by ... of motor vehicles.”

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

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

Rewrote the section.

13:21-2.3 “Accompanied” in motorcycles defined

A person learning to drive a motorcycle in preparation for the driving (road) test shall be accompanied by a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive motorcycles for not less than three years and who is qualified to handle the type of motorcycle being used by the person learning to drive. The term “accompanied” shall mean that the licensed driver shall assume a position where he or she can visually supervise the person learning to drive and render immediate assistance to that person if the need should arise.

R.1980 d.495, effective November 6, 1980.

See: 11 N.J.R. 87(c), 12 N.J.R. 727(b).

“Accompanied” redefined to include the language “assure a position where he can visually supervise and” to delete language immediately preceding.

Amended by R.1985 d.576, effective November 18, 1985.

See: 17 N.J.R. 2090(b), 17 N.J.R. 2780(b).

Deleted the text “New Jersey licensed Motor Vehicle driver” and substituted “driver licensed by ... operate motorcycles and”.

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

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

Rewrote the section.

13:21-2.4 (Reserved)

R.1972 d.253, effective December 12, 1972.

See: 4 N.J.R. 275(a), 5 N.J.R. 18(b).

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

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

Section was “Nonconventional type motor vehicles”.

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. TITLES

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

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

developed by the American Association of Motor Vehicle Administrators.

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

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

As amended, R.1980 d.112, effective March 18, 1980.

See: 11 N.J.R. 628(a), 12 N.J.R. 209(c).

13:21-4.2 (Reserved)

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

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

Section was “Modification of year model designation”.

13:21-4.3 (Reserved)

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

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

Section was “Modification certificate form”.

13:21-4.4 Certificate of ownership application for homemade vehicles

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

(b) The forms referenced in (a) above shall include a certification by the owner:

1. That the vehicle is roadworthy;
2. That all items of equipment requiring approval by statute or Motor Vehicle Commission rule have been so approved; and
3. That construction meets industry standards and the New Jersey inspection requirements.

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

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

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section heading was "Certificate application for homemade vehicles". In (a) and (d), substituted "Motor Vehicle Commission" for "Division of Motor Vehicles"; rewrote introductory paragraph of (b); in (b)1, substituted "That" for "A certification of the owner that"; in (b)2, substituted "Motor Vehicle Commission rule" for "regulation of the Director of Motor Vehicles", and added "and" at the end.

13:21-4.5 through 13:21-4.6 (Reserved)

SUBCHAPTER 5. REGISTRATIONS

13:21-5.1 Weight class

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

(b) The weight class shall be determined from the manufacturer's shipping weight and the weight class shall be entered on the first and all subsequent certificates of ownership.

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

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), deleted "in the spaces now provided for 'HPS. A.E.'" at the end.

13:21-5.2 Certificate of Origin

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

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

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Deleted designation (a); and deleted (b) and (c).

13:21-5.3 (Reserved)

Repealed by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Section was "Published listing of models".

13:21-5.4 Registration fee

Where any motor vehicle, having been previously registered in New Jersey, is re-registered or title is transferred as the result of sale or otherwise, the weight classification on the prior registration or Certificate of Ownership shall control and be the basis for the registration fee to be paid.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Rewrote the section.

13:21-5.5 (Reserved)

Repealed by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
Section was "Certification of weight class".

13:21-5.6 Registering flood-damaged vehicles

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

13:21-5.7 Notification of flood damage

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

13:21-5.8 Mileage reading on certificate of ownership

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

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

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

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

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

(b) Every buyer, as defined in N.J.S.A. 39:10-2, to whom title is transferred in his or her capacity as a licensed New Jersey motor vehicle dealer, shall obtain the written disclosure required by (a) above and shall maintain a copy thereof for a period of five years or a lesser period if so determined by the Chief Administrator of the Motor Vehicle Commission.

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

R.1973 d.2, effective January 2, 1973.
 See: 4 N.J.R. 307(b), 5 N.J.R. 53(d).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
 Rewrote (b).

13:21-5.10 Surrender of registration plates

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

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

R.1979 d.315, effective August 15, 1979.
 See: 11 N.J.R. 350(a), 11 N.J.R. 466(b).
 As amended, R.1984 d.408, effective September 17, 1984.
 See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).
 Deleted "intend to"; "he shall ... N.J.S.A. 39:3-30".
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Inserted gender neutral language and substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; and in the last sentence of (b), substituted "his or her" for "this".

13:21-5.11 Registration refusal

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

New Rule R.1986 d.38, effective February 3, 1986.
 See: 17 N.J.R. 2737(a), 18 N.J.R. 421(a).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Chief Administrator of the Motor Vehicle Commission" for "Director".

13:21-5.12 Registration plate decals

Upon issuance of each initial commercial motor vehicle registration and initial motorcycle registration and each commercial motor vehicle registration renewal and motorcycle registration renewal by the Motor Vehicle Commission, a distinctive registration plate decal(s) shall also be issued by

the Commission for affixation to the front and rear license plates of such commercial motor vehicles, or to the rear license plate of such motorcycles, to indicate the month and year of expiration of the commercial motor vehicle registration or motorcycle registration. This section shall not apply to passenger automobiles registered in accordance with N.J.S.A. 39:3-4 or to noncommercial trucks registered in accordance with N.J.S.A. 39:3-8.1. This section shall not apply to motor vehicles registered at no fee in accordance with N.J.S.A. 39:3-27.

New Rule, R.1999 d.422, effective December 6, 1999.
 See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).
 Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).
 Rewrote the section.

13:21-5.13 Nonresident temporary registrations issued by motor vehicle agencies

(a) A motor vehicle agency may, in accordance with this section, issue a nonresident temporary registration for a new or used vehicle to a nonresident person or entity who has purchased or leased said vehicle from a person or entity in this State while enroute to another state or Federal district provided that said vehicle will not be permanently registered in New Jersey. A nonresident temporary registration may be issued for passenger vehicles, noncommercial trucks, unladen non-apportioned commercial vehicles, motorcycles, and motorized bicycles. The nonresident temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents a properly assigned manufacturers' statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle.

(c) A nonresident temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof that he or she is a nonresident. Such proof of nonresidency shall include, but not be limited to, a valid out-of-State driver license which lists an out-of-State address for the applicant.

(d) An applicant for a nonresident temporary registration pursuant to this section shall indicate on the application therefor the name of the insurance company which is providing liability insurance coverage for the vehicle and the insurance policy number or binder number.

(e) If the vehicle is subject to the Federal Heavy Vehicle Use Tax imposed by section 4481 of the Internal Revenue Code of 1954 (26 U.S.C. § 4481), a nonresident temporary registration shall not be issued unless the applicant therefor presents proof in the form prescribed by the United States Secretary of the Treasury that the tax has been paid.

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the

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

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

Amended by R.1995 d.365, effective July 3, 1995.
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Increased the fee from \$30 to \$50.

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

Amended by R.2005 d.129, effective April 18, 2005.
See: 36 N.J.R. 1886(a), 37 N.J.R. 1212(b).

In (a), increased the fee from \$50.00 to \$100.00 and substituted "Commission" for "Division" throughout; in (b) and (c), substituted "Chief Administrator" for "Director" throughout.

SUBCHAPTER 22. SALVAGE CERTIFICATES OF TITLE

13:21-22.1 Purpose

(a) N.J.S.A. 39:10-31 et seq. provide for the issuance of salvage certificates of title and regulate the transfer of ownership of salvage motor vehicles. The purposes of this subchapter are to:

1. Establish standards and procedures necessary to protect the public from fraud by preventing negotiable certificates of ownership for salvage motor vehicles from being used to title or register stolen or other motor vehicles;
2. Establish standards and procedures necessary to protect the public from fraud by providing for the seizure of salvage motor vehicles which are determined, after inspection pursuant to this subchapter, to be stolen or reconstructed, rebuilt or repaired using parts from stolen motor vehicles.
3. Establish standards and procedures necessary to notify the public that a salvage motor vehicle has been subsequently reconstructed, rebuilt or repaired;
4. Establish standards and procedures for the issuance of salvage certificates of title;
5. Establish a system which regulates the transfer of ownership of salvage motor vehicles only as salvage motor vehicles until a negotiable certificate of ownership is obtained;

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

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

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

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Section was "Purposes". Rewrote (a); in (a)8, substituted "certificates of title that" for "certificate of title which" and "Chief Administrator" for "Director" and deleted "auto salvage yards," preceding "junk yards".

13:21-22.2 Prohibition on transfer

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

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

13:21-22.3 Definitions

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

"Bona fide repair estimate" means any written determination of the approximate cost of parts and labor required to repair the damaged motor vehicle that is prepared by an auto body repair facility licensed pursuant to N.J.S.A. 39:13-1 et seq. or by an adjuster of an insurance company licensed to do business in New Jersey. Licensed auto body repair facilities shall prepare the estimate in accordance with N.J.A.C. 13:21-21.10. In the event that more than one such repair estimate is prepared for the damaged motor vehicle, then the highest repair estimate shall be used to determine if the damaged motor vehicle is economically impractical to repair. This term does not include any repair estimate prepared by the motor vehicle owner.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

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

"Economically impractical to repair" means that the motor vehicle is damaged to such an extent that:

1. For those motor vehicles manufactured eight or less model years from the current model year, the cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or

2. For those other motor vehicles where the fair market value of such damaged motor vehicle immediately before it was damaged equals or exceeds the fair market value of a motor vehicle of the same make and model manufactured five years from the current model year, or similar make and model if the same make and model is no longer manufactured, if the motor vehicle has sustained damage to the extent that either:

i. The cost to repair such damaged motor vehicle, as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was damaged; or

ii. The insurer settles a total loss claim with the motor vehicle owner as a result of the damage to the motor vehicle.

“Fair market value” means the retail value of the motor vehicle as determined by the average of the official valuation manuals approved by the Commissioner of the Department of Banking and Insurance in accordance with auto physical damage claims, N.J.A.C. 11:3-10. In the event that the retail value of the motor vehicle is not listed in the official valuation manuals, then the retail value of the motor vehicle may be determined by any other valuation method approved by the Commissioner of the Department of Banking and Insurance, in accordance with auto physical damage claims.

“Owner” means the owner of record with the Commission on the date that the motor vehicle was stolen or sustained sufficient damage to render it economically impractical to repair.

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

“Salvage certificate of title” means the document issued by the Chief Administrator pursuant to N.J.S.A. 39:10-31 et seq., or a similar document issued by another state, which serves as proof of ownership of a salvage motor vehicle.

“Salvage motor vehicle” means any motor vehicle which has been reported stolen or is damaged to such an extent that it is economically impractical to repair.

“State inspection” means an inspection conducted by persons approved and designated by the Chief Administrator to inspect salvage motor vehicles.

Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).
Amended by R.2001 d.19, effective January 16, 2001.
See: 32 N.J.R. 3739(a), 33 N.J.R. 277(a).
Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Added definitions “Chief Administrator” and “Commission”; deleted definitions “Director” and “Division”; in definition “Owner”, substituted “Commission” for “Division”; in definitions “Salvage certificate of title” and “State inspection”, substituted “Chief Administrator” for “Director”.

13:21-22.4 Issuance of salvage certificates of title; fee

(a) Whenever a motor vehicle is reported as being stolen or is damaged to such an extent that it is economically impractical to repair such motor vehicle, the owner, insurer or person in possession of the certificate of ownership shall, within 10 working days after the motor vehicle was reported as stolen or damaged, or within 10 working days after settling a total loss insurance claim, surrender the certificate of ownership for such motor vehicle to the Commission.

(b) Upon surrender of the certificate of ownership, as required by (a) above, the Chief Administrator shall issue a salvage certificate of title to the owner of the salvage motor vehicle, after determining that the person applying for a salvage certificate of title is the owner of record; provided, however, that if the salvage motor vehicle is owned subject to a lien, a salvage certificate of title shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record by the Commission.

(c) A lienholder of record shall be noted on the salvage certificate of title until the lien is properly satisfied and discharged in accordance with N.J.S.A. 39:10-10.

(d) A fee, set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a salvage certificate of title.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted “Commission” for “Division” throughout; and in (b), substituted “Chief Administrator” for “Director”.

13:21-22.5 Subsequent transfer of salvage motor vehicles

(a) Until such time as the owner obtains a certificate of ownership in accordance with this subchapter, no person shall transfer ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

(b) No salvage motor vehicle shall be sold at auction, or otherwise disposed of, in this State except by proper assignment and delivery of a salvage certificate of title.

(c) The buyer of a salvage motor vehicle shall, within 10 working days after its purchase, apply for a new salvage certificate of title. The Chief Administrator shall issue a new salvage certificate of title to the buyer upon surrender of the previous salvage certificate of title properly executed and assigned by the seller, together with the required title fee and New Jersey sales tax.

(d) Whenever ownership of a salvage motor vehicle is transferred by a motor vehicle dealer in accordance with N.J.S.A. 39:10-19, the dealer may assign and attach a dealer reassignment certificate to the salvage certificate of title.

Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

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

13:21-22.6 Salvage motor vehicles precluded from obtaining a registration

(a) A salvage motor vehicle shall not be registered for the purpose of being driven or operated on the public highways of this State, except in accordance with N.J.A.C. 13:21-22.11.

(b) The Chief Administrator shall deny registration, except a temporary registration issued in accordance with N.J.A.C. 13:21-22.11, to the owner of a salvage motor vehicle until the owner obtains a certificate of ownership in accordance with this subchapter.

Amended by R.2006 d.250, effective July 3, 2006.
 See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

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

13:21-22.7 Inspection of salvage motor vehicles which are subsequently reconstructed, rebuilt or repaired

(a) A salvage motor vehicle that has sustained damage to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired must be inspected in accordance with N.J.A.C. 13:21-22.10(a) to determine the accuracy of its vehicle identification number and/or any identification numbers of any major component parts used to reconstruct, rebuild or repair the motor vehicle before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Commission before the salvage motor vehicle will be inspected:

1. Salvage certificate of title;
2. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10;
3. Bill of sale as proof of ownership for each major component part used in the reconstruction, rebuilding or repair of the motor vehicle, including the following parts:
 - i. Engine;
 - ii. Transmission or transaxle;
 - iii. Front bumper;
 - iv. Rear bumper;
 - v. Each fender;
 - vi. Hood or engine cover;
 - vii. Each door;
 - viii. Each quarter panel;

ix. Decklid, tailgate or hatchback (whichever is present);

x. Roof (including T-tops/removable roof if present);

xi. Cowl;

xii. Frame;

xiii. Shock tower or apron; and

xiv. Assembled items:

(1) Nose (fenders, hood, bumper, radiator support);

(2) Front clip (cowl, frame section, shock and apron structure);

(3) Rear clip (rear sheet metal, frame section, roof);

(4) Short clip (rear clip without roof); and

4. A set of "before" and "after" color photographs of the motor vehicle. Each set of "before" and "after" color photographs shall consist of:

i. One photograph showing the entire front and entire left side of the motor vehicle; and

ii. One photograph showing the entire rear and entire right side of the motor vehicle.

(c) The bill of sale for each major component part shall include the following information:

1. Name and address of the buyer;
2. Name and address of the seller;
3. Date and the purchase price; and
4. For parts, as follows:

i. For a new part: description of the part and part number; or

ii. For a used part: description of the part, the vehicle identification number (if available), make, model, and year of the motor vehicle from which the part was removed, the date the part was dismantled or removed (if available), and the name and address of the person or business which dismantled or removed the part. If the vehicle identification number is not indicated on the bill of sale, then the owner must obtain a letter from the seller or person who dismantled or removed the part stating why the vehicle identification number was not indicated on the bill of sale.

(d) If the motor vehicle had been reported stolen, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(e) It is the responsibility of the owner to arrange satisfactory transportation of his or her salvage motor vehicle to have it inspected (for example, flatbed truck, towing by means of an approved towing device, temporary registration).

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Commission" for "Division".

13:21-22.8 Inspection of stolen motor vehicles recovered with damaged or missing vehicle identification numbers

(a) A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate must, whether or not the vehicle has been damaged, be inspected in accordance with N.J.A.C. 13:21-22.10(b) to determine the accuracy of its vehicle identification number before a certificate of ownership will be issued for the motor vehicle.

(b) The following documents must be presented to the Commission before the motor vehicle will be inspected:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. Notice of appointment obtained in accordance with N.J.A.C. 13:21-22.10.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Commission" for "Division".

13:21-22.9 Inspection of stolen motor vehicles recovered without damaged or missing vehicle identification numbers and without damage sufficient to be rendered economically impractical to repair

The inspection performed upon a recovered stolen motor vehicle by the recovering law enforcement agency to ascertain ownership of the vehicle shall be deemed sufficient inspection for purposes of the issuance of a certificate of ownership to the owner of such vehicle pursuant to N.J.A.C. 13:21-22.14, provided that the recovered stolen vehicle does not have a missing, altered or damaged vehicle identification number or plate and has not sustained damage to such an extent that it has been rendered economically impractical to repair.

13:21-22.10 Inspection; appointment; inspection fee; rescheduling

(a) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which has been damaged to such an extent that it has been rendered economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently recon-

structed, rebuilt or repaired must undergo an inspection at a State inspection facility.

(b) As a prerequisite to the issuance of a certificate of ownership, a salvage motor vehicle which is a recovered stolen vehicle with a missing, altered or damaged vehicle identification number or plate must undergo an inspection at a State inspection facility.

(c) As a prerequisite to the issuance of a certificate of ownership, the owner of a salvage motor vehicle which is a recovered stolen vehicle that does not have a missing, altered or damaged vehicle identification number or plate and which has not been damaged to such an extent that it has been rendered economically impractical to repair shall supply the Commission with a copy of the report from the law enforcement agency which recovered the stolen motor vehicle to confirm that the vehicle has been inspected to ascertain ownership, together with the other documents required by N.J.A.C. 13:21-22.14.

(d) Upon receipt of the completed application, together with the required inspection fee, if any, the Commission shall mail a notice of appointment to the owner indicating the date, time and place of the inspection.

(e) The following fees, payable to the Commission, shall be charged to inspect the following salvage motor vehicles:

1. For a stolen motor vehicle (including a stolen motorcycle) that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate, there is no fee.

2. For a motor vehicle (other than a motorcycle) that was previously determined to be economically impractical to repair, including a stolen motor vehicle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$200.00.

3. For a motorcycle that was previously determined to be economically impractical to repair, including a stolen motorcycle that is recovered in such condition, and that is subsequently reconstructed, rebuilt or repaired, the fee is \$100.00.

(f) An inspection appointment shall be rescheduled at no additional cost provided that the owner notifies the Commission at least five days prior to his or her scheduled inspection date that he or she is unable to have his or her salvage motor vehicle inspected on such date. In the event that the owner fails to provide the Commission with at least five days notice of his or her inability to have his or her salvage motor vehicle inspected on the scheduled inspection date, then the owner must submit an additional inspection fee equal to the amount of the original inspection fee to the Commission before a new inspection appointment will be issued to the owner to have his or her salvage motor vehicle inspected.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

Substituted "Commission" for "Division" throughout.

13:21-22.11 Temporary registration for salvage motor vehicles

(a) Owners of salvage motor vehicles may apply for a temporary registration in accordance with this section.

(b) After receiving a notice of appointment in accordance with N.J.A.C. 13:21-22.10, the owner may apply for a temporary registration.

(c) A temporary registration for a salvage motor vehicle may be obtained from any motor vehicle agency no sooner than five days before the scheduled appointment date.

(d) The following documents must be presented at a motor vehicle agency before a temporary registration will be issued to the owner:

1. Notice of appointment in accordance with N.J.A.C. 13:21-22.10;
2. Salvage certificate of title; and
3. Proof of current liability insurance coverage.

(e) If the motor vehicle was reported stolen and was subsequently recovered, then the owner must also present a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(f) No temporary registration shall be issued unless the owner presents proof of current liability insurance coverage as required by N.J.S.A. 39:6B-1 and/or N.J.S.A. 39:6A-3. An insurance identification card or a photocopy of the declaration page of the insurance policy for that vehicle shall constitute proof of current liability insurance coverage.

(g) A temporary registration issued to owners of salvage motor vehicles shall only be valid for a period of five days.

(h) A fee of \$5.00 shall be charged for the issuance of a temporary registration issued to owners in accordance with this section.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (h), increased fee from "\$2.00" to "\$5.00".

13:21-22.12 Grounds for failing State inspection

(a) No vehicle identification number verification form or inspection report shall be issued if it is determined upon inspection that:

1. The salvage motor vehicle is a stolen motor vehicle;
2. The salvage motor vehicle contains a stolen major component part; or
3. The salvage motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The vehicle identification number verification forms and inspection reports referred to in (a) above are not public records and are not accessible for public examination pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Open Public Records Act," for "'Right to Know Law'".

13:21-22.13 Seizure of a salvage motor vehicle

(a) Members of the State and/or local law enforcement agencies shall seize and confiscate a salvage motor vehicle in the following circumstances:

1. Where the motor vehicle, or a major component part thereof, is determined to be stolen; and/or
2. Where the motor vehicle, or a major component part thereof, displays the identification number or plate of a stolen motor vehicle.

(b) The Chief Administrator may also designate employees of the Commission to seize and confiscate salvage motor vehicles as set forth in (a) above.

(c) The State or local law enforcement agency seizing a salvage motor vehicle shall retain custody of the vehicle, pending prosecution of any person arrested in connection with the seizure. The police shall retain custody of the vehicle until the ownership has been ascertained.

(d) Whenever a salvage vehicle is seized pursuant to this section, the law enforcement agency seizing the vehicle or part shall notify the owner of record for the vehicle, any person holding a security interest of record for the vehicle, any other person claiming an interest in the vehicle, and the person from whom the vehicle or part was seized. This notice shall be in writing and shall be served in person or by certified or registered mail, return receipt requested, to the last known address of the person to whom the notice is given within five days after the seizure. If the notice is unclaimed by the addressee or if the address of the person to whom the notice is to be given is unknown to the agency giving notice and cannot be ascertained from the records on file with the Commission, then notice shall be given by publication twice in a newspaper circulating in the county where the vehicle or part was seized, once in each of two consecutive weeks, and by posting in five public places in this State designated by the Chief Administrator. The notice shall describe the vehicle or part, state that it has been recovered, where it is located, and that it will be turned over to the named owner of record, unless an objection in writing is received by the Commission within 10 days of the receipt or (where applicable) publication of the notice. The notice shall also advise that if no objection is timely filed and the vehicle or part remains unclaimed for a period of 90 days, the agency which seized the vehicle or part may sell the vehicle or part forthwith at auction in a public place as an abandoned vehicle. No vehicle

or part shall be surrendered to an owner or other party or sold until the appropriate identification number has been affixed by the Commission as necessary, nor where the vehicle is required as evidence in connection with a prosecution.

(e) Any objection filed pursuant to (d) above shall identify the person claiming an interest in the salvage vehicle or part, shall set forth in detail the facts upon which the claim is based, and shall provide copies of all documents supporting the claim, including invoices, bills of sale, and title papers.

(f) Upon sale of a salvage vehicle or part pursuant to this section all claims for interest shall be forever barred and the proceeds realized therefrom, after the payment of the expenses of possession and sale, shall become the sole property of the public entity seizing the vehicle and shall be remitted to the treasury of that public entity.

(g) Unless the Chief Administrator determines to hear a case personally when an objection has been filed with the Commission pursuant to this section, hearings on objections shall be conducted, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, by the Office of Administrative Law. At the hearings, the burden shall be on the agency that seized the salvage vehicle or part to prove that the vehicle or part was stolen. Thereafter, the burden shall be on the person objecting to prove that the vehicle or part was not stolen and to prove that he or she has a rightful interest in the vehicle or part.

(h) Where inspection discloses that only a major component part is stolen, the owner of the salvage vehicle shall be provided the following options:

1. Seizure of the entire vehicle;
2. Seizure of only the major component part(s) that are determined to be stolen, provided the owner of the salvage vehicle has made arrangements, acceptable to the Commission, to have that major component part removed from the vehicle. The owner shall bear any cost of removing the part; or
3. Any other equitable method of restoring the salvage vehicle and/or major component parts that are not stolen to the owner agreed upon by the owner and the Commission.

(i) A copy of N.J.A.C. 13:21-22 shall be given to every person applying to the Commission for an appointment for inspection of a salvage motor vehicle.

(j) When a salvage motor vehicle seized pursuant to (h)1 above is sold pursuant to (d) above, the owner of the salvage motor vehicle shall receive that portion of the purchase price representing the fair market value of the vehicle minus the fair market value of the stolen major component part.

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

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

Substituted "Chief Administrator" for "Director" and "Commission" for "Division" throughout; and in (g), inserted gender neutral reference.

13:21-22.14 Issuance of certificates of ownership without a salvage designation

(a) A certificate of ownership without a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership without a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following motor vehicles:

1. A stolen motor vehicle that is subsequently recovered and which has not sustained damage to such an extent that it has been rendered economically impractical to repair, provided that the recovered stolen motor vehicle does not have a missing, altered or damaged vehicle identification number or plate.
2. A stolen motor vehicle that is subsequently recovered with a missing, altered or damaged vehicle identification number or plate after determination at a State inspection that such recovered motor vehicle is not a stolen motor vehicle, provided such vehicle has not sustained damage to such an extent that it has been rendered economically impractical to repair.

(b) No certificate of ownership without a salvage designation shall be issued unless the following documents are presented to the Commission:

1. Salvage certificate of title;
2. Copy of the report from the law enforcement agency which recovered the stolen motor vehicle; and
3. For vehicles described in (a)2 above, a vehicle identification number verification form or inspection report.

(c) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership without a salvage designation.

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

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

In (b), substituted "Commission" for "Division".

13:21-22.15 Issuance of certificates of ownership with a salvage designation

(a) A certificate of ownership with a salvage designation shall be issued to the owner (or, if the motor vehicle is owned subject to a lien, a certificate of ownership with a salvage designation shall be issued in the name of the vehicle owner and shall be delivered to the lienholder of record) of the following salvage motor vehicles:

1. A motor vehicle that was previously determined to be economically impractical to repair and that is subsequently reconstructed, rebuilt or repaired.
2. A stolen motor vehicle that is recovered in damaged condition (for example, stripped for major component parts) and that is subsequently reconstructed, rebuilt or repaired where the cost to repair the damaged motor vehicle,

as determined by a bona fide repair estimate, equals or exceeds the fair market value of the motor vehicle immediately before it was stolen.

(b) No certificate of ownership with a salvage designation shall be issued unless the following documents are presented to the Commission:

1. Salvage certificate of title;
2. Inspection report; and
3. For vehicles described in (a)2 above, a copy of the report from the law enforcement agency which recovered the stolen motor vehicle.

(c) A unique vehicle identification number shall be assigned by the Commission to a motor vehicle that is reconstructed, rebuilt or repaired from more than one salvage motor vehicle.

(d) A fee, as set forth in N.J.S.A. 39:10-11, shall be charged for the issuance of a certificate of ownership with a salvage designation.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b) and (c), substituted "Commission" for "Division"; in (c), substituted "that" for "which" following "vehicle".

13:21-22.16 Penalties

(a) Any person who transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title shall be subject to the penalties set forth in N.J.S.A. 39:10-24.

(b) In addition to the penalties set forth in (a) above, the Chief Administrator may suspend or revoke the license of any person who is licensed by the Chief Administrator as an auto body repair facility, junk yard and/or motor vehicle dealer for a period not to exceed three years if such person transfers or obtains ownership of a salvage motor vehicle except by proper assignment and delivery of a salvage certificate of title.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (b), substituted "Chief Administrator" for "Director" twice.

13:21-22.17 Written notice

(a) Any person who transfers ownership of a salvage motor vehicle in violation of N.J.S.A. 39:10-31 et seq. and/or this subchapter shall be notified by the Chief Administrator, in writing by registered mail, of any license suspension or revocation or other action sought to be imposed and the grounds thereof.

(b) Written notice shall be mailed to the person at the address of record with the Commission.

Amended by R.2006 d.250, effective July 3, 2006.
See: 38 N.J.R. 445(a), 38 N.J.R. 2875(a).

In (a), substituted "Chief Administrator" for "Director"; and in (b), substituted "Commission" for "Division".

13:21-22.18 Request for hearing

(a) Any person who has been notified in accordance with N.J.A.C. 13:21-22.17 shall be entitled to an administrative hearing, provided that such person has filed with the Chief Administrator a written request for a hearing within 30 days from the date of such notice. The 30-day period shall commence on the date such notice was mailed to the person by the Commission in accordance with N.J.A.C. 13:21-22.17.

(b) Any written request for a hearing shall be sent to the Chief Administrator. The hearing request shall contain the following information:

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

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

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

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

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

Section was "Request for a hearing". Substituted "Chief Administrator" for "Director" and "Commission" for "Division" throughout; in (b)3, substituted "Commission's" for "Division's" and "that" for "which" following "cause".

13:21-22.19 Hearing procedures

Any hearing pursuant to this subchapter shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

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

"Alien registration number" means the number issued by the United States Department of Homeland Security to an individual when he or she becomes a lawful permanent resident of the United States.

“Basic driver’s license” means a license issued by the Commission which authorizes a person to operate motor vehicles other than CMVs.

“Cargo tank” means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle. Any packaging fabricated under specifications for cylinders is not a cargo tank.

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

“Commercial driver license” or “CDL” means a license issued in accordance with the “New Jersey Commercial Driver License Act” (P.L. 1990, c.103) to a person authorizing the person to operate a certain class of commercial motor vehicle.

“Commercial Driver License Information System” or “CDLIS” means the information system established pursuant to the Federal “Commercial Motor Vehicle Safety Act of 1986,” Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

“Commercial motor vehicle” or “CMV” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property on a highway:

1. If the motor vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;
2. If the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
3. If the motor vehicle is designed to transport 16 or more passengers including the driver;
4. If the motor vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire, including such vehicles used to transport persons on a daily basis to and from places of employment;
5. If the motor vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with subpart f. of 49 CFR § 172, or the vehicle displays a hazardous material placard; or
6. If the motor vehicle is operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or is privately operated, and is used for the transportation of children to or from school, school connected activity, day camp, summer

day camp, summer residence camp, nursery school, child care center, preschool center, or other similar places of education.

This term shall include those vehicles specifically described and classified in N.J.A.C. 13:21-23.5.

This term shall not include recreation vehicles.

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

“Controlled substance” means any substance so classified under subsection (6) of section 102 of the “Controlled Substances Act” (21 U.S.C. § 802), and includes all substances listed on Schedules I through V of 21 CFR § 1308, or under P.L. 1970, c.226 (C. 24:21-1 et seq.) as they may be revised from time to time. The term shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act, (21 U.S.C. § 355).

“Conviction” means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person’s appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

“Disqualification” means:

1. The suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privilege to operate a commercial motor vehicle;
2. A determination by the Federal Motor Carrier Safety Administration under the rules of practice for motor carrier safety contained in 49 CFR Part 386 that a person is no longer qualified to operate a commercial motor vehicle under 49 CFR Part 391;
3. The loss of qualification that automatically follows conviction of an offense listed in 49 CFR § 383.51;
4. Failure to meet the citizenship status or possessing a disqualifying criminal or mental health history as set forth in 49 CFR § 1572.5(b)(1)(i)(A), (B), or (C); or
5. A determination by the TSA of a security threat by service of a Final Notification of Threat Assessment pur-

suant to 49 CFR § 1572.141(e)(2) or a direction by the TSA to revoke a hazardous materials endorsement immediately pursuant to 49 CFR § 1572.5(d)(4).

“Domicile” means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

“Driver license” means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

“Endorsement” means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

“Final Notification of Threat Assessment” means a final administrative determination by the TSA that an individual poses a security threat warranting denial of the authorization for which the individual is applying.

“Foreign jurisdiction” means any jurisdiction other than a state of the United States or the District of Columbia.

“Gross vehicle weight rating” or “GVWR” means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

“Hazardous material” means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provision of the “Hazardous Materials Transportation Act,” (49 U.S.C. § 1801 et seq.).

“Incarceration” means confined or otherwise restricted to a jail-type institution, half-way house, treatment facility, or another institution, on a full or part-time basis pursuant to a sentence imposed as the result of a conviction.

“Lawful permanent resident” means an individual who has been lawfully admitted for permanent residence to the United States, as defined in 8 U.S.C. § 1101.

“Mental institution” means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

“Motor vehicle” includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only

upon rails or tracks. The term “motor vehicle” includes motorized bicycles.

“Nonresident CDL” means a CDL issued by a State under either of the following two conditions:

1. To an individual domiciled in a foreign country meeting the requirements of 49 CFR § 383.23(b)(1); or
2. To an individual domiciled in another State meeting the requirements of 49 CFR § 383.23(b)(2).

“Notification of No Security Threat” means an administrative determination by the TSA that an individual does not pose a security threat warranting denial of the authorization for which the individual is applying.

“Out of service order” means a temporary prohibition against operating a CMV.

“Portable tank” means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

“Representative vehicle” means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

“Serious traffic violation” means conviction for one of the following offenses committed while operating a commercial motor vehicle:

1. Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;
2. Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of N.J.S.A. 39:4-96;
3. Improper or erratic traffic lane changes;
4. Following a vehicle ahead too closely, including violations of N.J.S.A. 39:4-89;
5. A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation;
6. Driving a CMV without a CDL in the driver’s possession;

7. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or

8. Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 CFR § 383.5 to be a serious traffic violation.

This term shall not include vehicle weight or equipment defect violations.

“Severe transportation security incident” means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

“State” means a state of the United States or the District of Columbia.

“State of domicile” means the state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever he or she is absent.

“Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined in this section. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

“TSA” means the Transportation Security Administration in the United States Department of Homeland Security.

“Vehicle group” means a class or type of vehicle with certain operating characteristics.

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

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

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

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

Amended introductory paragraph and “State of domicile”.

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

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

Rewrote the section.

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

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

In definition “Chief Administrator”, capitalized second occurrence of “Chief Administrator”.

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person operates or expects to operate;

2. Pass a driving or skills test in accordance with the standards contained in N.J.A.C. 13:21-23.8 through 23.15 taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate or provide evidence that he or she has successfully passed a driving test administered by an authorized third party;

3. If a person operates or expects to operate in interstate commerce, meet the driver qualification requirements set forth in 49 CFR Part 391;

4. Make application for an initial CDL, CDL examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL, to the Commission in the form specified in (g) below. An applicant must provide complete and accurate information and all certifications on the application;

5. Complete the application form with the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;

6. Surrender his or her noncommercial driver’s license to the Commission;

7. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years; and

8. Pay to the Commission the license fee established by N.J.S.A. 39:3-10.30.

(b) In addition to any other requirements provided by law, a person applying for a CDL, a CDL examination permit, a transfer of a CDL from another state, a renewal of a CDL or a person applying to operate a CMV in a different group or endorsement from the group or endorsement in which he or she already holds a CDL, shall provide the following certifications:

1. A certification that he or she meets the qualification requirements contained in 49 CFR Part 391; provided, a person who operates or expects to operate entirely in intrastate commerce and is not subject to 49 CFR Part 391, may instead certify that he or she is not subject to 49 CFR Part 391; and

2. Certify that the motor vehicle in which he or she takes the driving skills test, if such test is required, is representative of the type of motor vehicle he or she operates or expects to operate; and

3. Certify that he or she is not subject to any disqualification, suspension, revocation or cancellation as contained in the “New Jersey Commercial Driver License Act” or 49 CFR § 383.51; and

4. Certify that he or she does not have a driver license from more than one state or jurisdiction.

(c) When applying to transfer a CDL from another state of domicile to New Jersey, an applicant shall apply for a CDL from the Commission within no more than 30 days after

establishing his or her new domicile in New Jersey. The applicant shall:

1. Provide to the Commission the certifications contained in (b)1 and (b)3 above;
2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;
3. If the applicant wishes to retain a hazardous materials endorsement, comply with Commission requirements as specified in N.J.A.C. 13:21-23.3(b) 4;
4. Surrender the CDL from the old state of domicile to the Commission; and
5. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(d) When applying for a renewal of a CDL, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 above;
2. Provide to the Commission updated information as specified in N.J.A.C. 13:21-23.19;
3. If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in N.J.A.C. 13:21-23.14; and
4. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years.

(e) When applying to operate a CMV in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, the applicant shall:

1. Provide to the Commission the necessary certifications as specified in (b)1 and (b)2 above;
2. Pass the tests specified in (a)1 and (a)2 above for the new vehicle group and/or different endorsements; and
3. Surrender his or her current CDL to the Commission.

(f) When applying for a CDL examination permit, all applicants shall:

1. Provide to the Commission the certifications contained in (b)1 through (b)4 above;
2. Provide to the Commission the information required to be included on the CDL as specified in N.J.A.C. 13:21-23.19;
3. Provide the names of all States where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years;

4. Pay to the Commission the examination permit fee established by N.J.S.A. 39:3-10.30; and

5. Pass a knowledge test in accordance with the standards contained in N.J.A.C. 13:21-23.9 for the type of motor vehicle the person intends to operate.

(g) An application for an initial CDL, commercial driver examination permit, transfer of a CDL from another state, CDL upgrade, CDL endorsement, or renewal of a CDL shall include the following:

1. The full legal name, including any middle name and any applicable suffix, the street address of the current residence, all other residential addresses for the previous seven years, and the mailing address, if different from the street address of the applicant; a post office box shall appear on the application only as a part of a mailing address that is submitted in addition to a street address;

2. A physical description of the person including sex, height, weight, and eye color;

3. Full date of birth;

4. The applicant's Social Security number (An applicant shall be required to exhibit the original Social Security card or other acceptable proof of said number);

5. The applicant's signature and date of signature;

6. Such proof of physical condition, experience, training, prior driving experience and knowledge as the Chief Administrator may require;

7. City, state and country of birth;

8. Citizenship;

9. The date of naturalization, if the applicant is a naturalized citizen;

10. Alien registration number, if the individual is a lawful permanent resident of the United States;

11. Any other information required by the Chief Administrator.

(h) In addition to the requirements of (g) above, an application for an initial, renewal, or transfer of an hazardous materials endorsement shall include the following:

1. A statement that the individual signing the application was not convicted, or found not guilty by reason of insanity, of any of the following disqualifying crimes or their equivalent in this or any other state or in a Federal, military, or civilian court during the seven years before the date of the individual's application:

i. Any crime listed in 18 U.S.C. Chapter 113B—Terrorism;

ii. Murder;

iii. Assault with intent to murder;

- iv. Espionage;
- v. Sedition;
- vi. Kidnapping or hostage taking;
- vii. Treason;
- viii. Rape or aggravated sexual abuse;
- ix. Unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon;
- x. Extortion;
- xi. Robbery;
- xii. Arson;
- xiii. Distribution of, intent to distribute, possession, or importation of a controlled substance;
- xiv. Dishonesty, fraud, or misrepresentation, including identity fraud;
- xv. A crime involving a severe transportation security incident;
- xvi. Improper transportation of a hazardous material;
- xvii. Bribery;
- xviii. Smuggling;
- xix. Immigration violations;
- xx. Violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §§ 1961 et seq.); or
- xxi. Conspiracy or attempt to commit any of the crimes listed in (h)1i through xx above.

2. A statement that the applicant was not released from incarceration in any jurisdiction set forth in (h)1 above for committing any disqualifying crime set forth in (h)1i through xxi above during the five years before the date of the individual's application.

3. A statement that the applicant is not wanted for, charged with, or under indictment for any disqualifying crime set forth in (h)1i through xxi above in any jurisdiction set forth in (h)1 above.

4. A statement that the applicant has not been adjudicated as a mental defective or committed to a mental institution involuntarily.

5. A statement that the applicant is a United States citizen who has not renounced his or her United States citizenship, or is a lawful permanent resident of the United States.

6. A statement that the applicant has or has not served in the military, and if so, the branch in which he or she served, and the date of discharge and the type of discharge;

7. A statement that the applicant has been informed that Federal regulations under 49 CFR 1572.5(b) impose a continuing obligation to disclose to the State within 24 hours if he or she is convicted, or found not guilty by reason of insanity, of any disqualifying crime set forth in (h)1i through xxi above, or adjudicated as a mental defective or committed to a mental institution, while he or she has an hazardous materials endorsement for a CDL.

8. A statement reading:

The information I have provided on this application is true, complete, and correct to the best of my knowledge and belief and is provided in good faith. I understand that a knowing and willful false statement, or an omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code), and may be grounds for denial of an hazardous materials endorsement.

(i) In addition to fulfilling the requirements of this section, an applicant for an initial, renewal, or transfer of an hazardous materials endorsement shall submit his or her fingerprints in accordance with the TSA's requirements through the State fingerprint vendor along with the fee therefor in accordance with the instructions on the Universal Fingerprint Form supplied with the application package.

(j) In the case of a renewal of an hazardous materials endorsement the application process must be completed no later than 90 days prior to the expiration of the current endorsement. If an applicant for a renewal of an hazardous materials endorsement completes the application process no later than 45 days prior to the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall be extended by the Commission for a period of 45 days. If an applicant for a renewal of an hazardous materials endorsement completes the application process within 45 days of the expiration of the current hazardous materials endorsement, the hazardous materials endorsement shall not be renewed by the Commission until the Commission receives a Notification of No Security Threat from the TSA.

(k) For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court.

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

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

Rewrote the section.

13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; reciprocity

(a) Prior to issuing a CDL to a person, the Commission shall: