

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Licensing Service

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Proposed Repeal: N.J.A.C. 13:21-5.12

Proposed Amendments: N.J.A.C. 13:21-1.3, 1.4, 1.5, 5.6, 5.8, 5.9, 7.3, 7.4, 8.1, 8.2, 8.5, 8.6, 8.7, 8.8, 8.12, 8.13, 8.14, 8.18, 8.22, 10.1, 12.6, 14.3, 14.5, 18.1, 18.6, 23.16, 23.19 and 23.21

Authorized By: Motor Vehicle Commission Board, Raymond P. Martinez, Chair.

Authority: N.J.S.A. 2A:17-56.41 et seq., 2A:17-56.52 et seq., 39:3-4, 39:3-5, 39:3-10, 39:3-10.1, 39:3-10.27, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-20, 39:3-24, 39:3-25, 39:3-29.9, 39:3-33, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-19, 39:10-20 and 39:10A-6; 42 U.S.C. §405(c)(2)(C); and 49 CFR 580.5(g).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-164.

Submit comments by September 30, 2011 to:

Steven E. Robertson, Director
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162

The agency proposal follows:

Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. Since this notice is not listed in the agency rulemaking calendar, the public comment period for this notice will be 60 days.

N.J.A.C. 13:21-1.4, Restricted use of Social Security numbers, is proposed for amendment. The proposed amendment to the rule would reflect the current practice, as dictated by statute (N.J.S.A. 2A:17-56.59 and 2A:17-56.60), of releasing Social Security information to the New Jersey Department of Human Services, so that they can locate individuals for child support enforcement purposes.

N.J.A.C. 13:21-5.6, Registering flood-damaged vehicles, is proposed for amendment. The proposed amendment reflects the fact that the flood vehicle indicator formerly located directly beneath the Certificate of Ownership number on the vehicle title has been moved. The flood vehicle indicator is now located directly beneath the word "STATUS" on the Certificate of Title.

N.J.A.C. 13:21-5.8, Mileage reading on certificate of ownership, is proposed for amendments. One proposed amendment adds language to make subsection (a) gender neutral. The other proposed amendment changes subsection (b), which formerly stated that if there was no space on the certificate of ownership, manufacturer's statement of origin or other prescribed form for the recordation and certification of the date of transfer of ownership and the mileage reading, the information did not need to be provided. Under the proposed amendment, if there is no space on

the certificate of ownership, manufacturer's statement of origin or other prescribed form for the recordation and certification of the date of transfer of ownership and the mileage reading, a separate document containing such information must be created and submitted to the Motor Vehicle Commission. This is consistent with Federal regulation (49 CFR 580.5(g)).

N.J.A.C. 13:21-5.9, Transferring of ownership on certain motor vehicles, is proposed for amendment. A proposed amendment to subsection (a) adds gender neutral language. A proposed amendment to subsection (b) reduces the required document retention period for licensed New Jersey motor vehicle dealers who must retain written mileage recording instrument (odometer) statements. It changes the retention period from "five years or less" to three years to reflect current Motor Vehicle Commission requirements.

N.J.A.C. 13:21-5.12, Registration plate decals, is proposed for repeal. The Motor Vehicle Commission no longer issues registration plate decals. The proposed repeal reflects existing Commission practice.

N.J.A.C. 13:21-7.3, Driving test appointment requirements, is proposed for amendment. Proposed amendments to the rule substitute the word "road" for "driving," so that "driving tests" are now referred to as "road tests." The section heading is also proposed for amendment consistent with this change. This change is intended to provide clarification and to distinguish the road test from the law-knowledge test. The term "driving test" could technically include both the road test and the law-knowledge test.

N.J.A.C. 13:21-7.4, Methods of securing appointment, is proposed for amendment. Amendments include clarifying that this subsection refers to appointments for road tests; a new subsection (a) indicating that students may secure road test appointments online; a technical change recodifying the existing text as subsection (b) and substituting “road test” for “driving test”; and a new subsection (c) indicating that the holder of a special learner’s permit must complete six hours of “behind-the-wheel” training before the permit holder will be permitted to schedule a road test. The subsection heading is being proposed for amendment consistent with this change to read, “Methods of securing appointment for road test.” Allowing road tests to be scheduled online enhances customer convenience.

N.J.A.C. 13:21-8.1, which contains definitions of words and terms used in N.J.A.C. 13:21-8, is proposed for amendment. “Road test” is being substituted for “driver test” to clarify and distinguish that test from the law-knowledge test.

N.J.A.C. 13:21-8.2, Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is proposed for amendment. Proposed technical amendments to the rule include the substitution of “United States Citizenship and Immigration Services” for “Immigration and Naturalization Service or Bureau of Citizenship and Immigration Services” and the substitution of “USCIS” for “INS or BCIS” in subsection (b).

N.J.A.C. 13:21-8.5, Driving privilege status, is proposed for amendment. Proposed amendments to subsection (b) include the addition of gender neutral language and a reference to the fact that the Motor Vehicle Commission utilizes the National Driver Register as an alternative to written evidence to verify whether an

applicant's driving privilege has been restored in another state. The MVC does not consider a current driver license issued by another state sufficient evidence that the driving privilege has been restored.

N.J.A.C. 13:21-8.6, Law-knowledge tests; written; English language; foreign language, is proposed for amendment. Proposed amendments involve the substitution of "law-knowledge tests" for "written tests" in referring to the written portion of the driving test. It is now being referred to as the law-knowledge test because most law-knowledge testing is now computer-based.

N.J.A.C. 13:21-8.7, Law knowledge tests; oral; English language; foreign language, is proposed for amendment. The proposed amendment in subsection (b) explains how the English oral language law-knowledge test is currently administered. An MVC employee reads the questions to the applicant from the computer and asks the applicant to choose the letter that represents the correct answer. Subsection (c) is proposed for amendment to reflect the fact that a student who fails the English oral language-knowledge test only has to wait one week, instead of two weeks, before becoming eligible to retake the test. The test was formerly administered by having the applicant view 20 slides, transparencies or other facsimiles and asking the applicant to read and explain the meaning of each one. The applicant was also orally asked 20 questions from a questionnaire, concerning the safe operation of a motor vehicle or motorcycle. Existing subsection (e) is proposed to be deleted and replaced with a new subsection that indicates that foreign language oral testing shall be administered in the same manner as English language oral testing. A translator reads the questions to the applicant from the standard computer test in the applicant's language. Translator

requirements are also detailed. Subsection (f) is proposed for amendment to reflect the fact that a student who fails the foreign language oral test only has to wait one week, rather than two weeks, before becoming eligible to retake the test.

N.J.A.C. 13:21-8.8, Special examination; hearing-impaired, is proposed for amendment. Existing subsection (b) is proposed to be replaced with a new subsection that reflects changes in testing procedures. The interpreter reads the standard computer test and uses sign language to assist the applicant in understanding the test. Subsection (d), which indicates that a person who fails a special examination for a driver license may reapply after two weeks is proposed for amendment to reflect the fact that such a person is permitted to reapply after one week.

N.J.A.C. 13:21-8.12, Necessity of driving (road) test, is proposed for amendment. Language additions are being proposed for subsection (a) to make it gender neutral. The proposed amendment in subsection (b) increases the period of time in which a driver may obtain a driver license from up to one year after the driver passed the road test, to up to two years after the driver passes the road test reflects current MVC practice.

N.J.A.C. 13:21-8.13, Driving test maneuvers, is proposed for amendment. Proposed amendments include the substitution of “road test” for “driving test” and also indicate that drivers are tested for speed and following distance. The section heading is also being proposed for amendment to reflect the change from “driving test” to “road test.”

N.J.A.C. 13:21-8.14, Vehicle used in driving demonstration, is proposed for amendment. Proposed amendments in subsection (a) include substituting the term

“road test” for “driving demonstration” and indicating that, in addition to having a current validated permit, an applicant for a road test must have in his or her possession a primary document. This reflects existing Commission practice. Subsection (b) has a proposed amendment to substitute “road test” for “driving test” and a proposed amendment to specify that when an out-of-State car is used for the road test, it must be insured in addition to being registered. A proposed amendment in subsection (d) substitutes “road test” for “driving test.” A proposed amendment deletes subsection (e), which requires vehicles brought to the road testing site to be equipped with snow tires and chains when it is necessary, in the opinion of the testing site supervisor. Road tests are not held in weather or road conditions where it is necessary to have snow tires or chains. The section heading is proposed for amendment consistent with the changes in this section.

N.J.A.C. 13:21-8.18, Employment and religious waivers of time restrictions for permit and provisional drivers under 21, is proposed for amendment. The term “probationary drivers” is being substituted for “provisional drivers” and the commencement of the time period restriction is being changed from 12:01 A.M. to 11:01 P.M. to reflect changes in two of the graduated driving statutes (N.J.S.A. 39:3-13 and 39:3-13.4). The section heading is proposed for amendment consistent with the changes in this section.

N.J.A.C. 13:21-8.22, License class, endorsement and restriction codes, is being proposed for amendment. In subsection (c), the S restriction (Excludes School Age Passengers) is being eliminated in this proposed amendment. This change is occurring because instead of an S restriction, there is now an S endorsement. A person can no

longer drive a bus with school age passengers unless the person has an S endorsement.

N.J.A.C. 13:21-10.1, Terminal certificate, is proposed for amendment. The proposed amendment to the rule consists of the substitution of “Final certificate” for “Terminal certificate” to provide clarification. When it comes to motor vehicles, the word terminal can have meanings other than final. For example, it can refer to a truck terminal or a bus terminal. The word final is less susceptible to ambiguity when used in this context. The section heading is proposed for amendment consistent with the change proposed in this section.

N.J.A.C. 13:21-12.6, Vehicle dimensions, is being proposed for amendment. In paragraph (a)2, the proposed amendment removes the restriction that prohibits any farm vehicle, implement or machinery and/or load that exceeds 12 feet in width and/or 60 feet in length from operating on Sundays and holidays. The restriction has existed since before 1969 and is an anachronism. It most likely originated in the days when Blue Laws were common and commerce was severely restricted on Sundays. There was also a concern that the farm vehicles would pull overhead utility poles down on days when utility crews were unavailable. Today, it serves as an impediment to farmers who find it desirable or necessary to conduct business on Sundays and holidays.

N.J.A.C. 13:21-14.3, Special bus license requirement, is proposed for amendment. “Passenger endorsement” is being substituted for “Special bus license,” under one proposed amendment. Another proposed amendment substitutes “qualified with a passenger endorsement” for “specially licensed as a bus driver.” Another

proposed amendment is technical in nature and refers to the correct section where a definition can be found, as well as the proper format for that cross-reference.

N.J.A.C. 13:21-14.5, Bus driver licensing regulations, is proposed for amendment. Most of these proposed amendments involve substituting “passenger endorsement” or “passenger endorsements” for “bus driver license” or “bus driver licenses.” Other proposed amendments include adding gender neutral language and minor grammatical changes. In subsection (d), an amendment is being proposed to clarify the authority that the Chief Administrator possesses to waive these restrictions on the Chief Administrator’s own initiative without waiting for a hearing and prior to granting or renewing the endorsement. The section heading is proposed for amendment consistent with the changes in this section.

N.J.A.C. 13:21-18.1, Proof of ownership, is proposed for amendment. The proposed amendment to the rule consists of clarifying the rule and conforming the rule to current MVC procedure. Paragraph (a)1 is being amended to specify that a dealer who transfers ownership of a snowmobile to a customer shall issue a manufacturer’s statement or certificate of origin (MSO/MCO) in addition to a dealer invoice showing the date of purchase, make, model year and serial number to the new owner. Paragraph (a)2 is being amended to indicate that a seller who transfers ownership of a snowmobile must provide the buyer with an MSO/MCO together with the seller’s registration certificate, if applicable. If no MSO/MCO is available, the seller must provide a notarized bill of sale that fully describes the snowmobile and lists the sales price and the names of the buyer(s) and seller(s). The seller must also provide his or her registration certificate with the notarized bill of sale. If the snowmobile has never

been registered, the seller must provide a notarized statement of ownership that indicates the length of time the seller has owned the snowmobile and why it was never registered.

N.J.A.C. 13:21-18.6, Transfer of ownership, is proposed for amendment. Subsection (a) is being amended to require the seller to provide the buyer with an MSO/MCO or notarized bill of sale, in addition to the current registration, which is already required by regulation, to be provided when ownership of a registered snowmobile is transferred. If a snowmobile has never been registered, the seller must provide a notarized statement of ownership that indicates the length of time the seller has owned the snowmobile and why it has never been registered. Subsection (c) is being amended to require a dealer to retain, in addition to the former owner's registration certificate and the required invoice, which are already required by rule, the MCO/MSO or a notarized bill of sale. A proposed amendment to subsection (c) also would require the dealer to retain the MSO/MCO or notarized bill of sale for a snowmobile, in addition to the existing requirement in the rule that requires the dealer to retain the former owner's registration certificate. The purchaser when applying for a registration is already required by rule to present the invoice and the former owner's registration certificate. An amendment to subsection (c) would require the purchaser to also present the MSO/MCO or notarized bill of sale for the snowmobile. If a snowmobile has never been registered, a notarized statement from the seller would have to be presented indicating the length of time that the seller owned the snowmobile and the reason that the snowmobile was never registered.

N.J.A.C. 13:21-23.16, Minimum passing scores; test longevity; waiting period between tests, is proposed for amendment. The proposed amendment indicates that test results will now be valid for two years, instead of one year for commercial driver license knowledge tests. This means that a commercial driver license applicant has two years to pass the skills test after the applicant passes the knowledge test before the commercial driver license applicant must take another knowledge test.

N.J.A.C. 13:21-23.19, Information on the document and application, is proposed for amendment. In paragraph (a)10, the “S except School Age Passengers” restriction is being eliminated. This change is occurring because it is now necessary to have a passenger endorsement with an S (school bus) endorsement in order to drive school age passengers on a bus.

N.J.A.C. 13:21-23.21, Duplicate CDL, is proposed for amendment. The proposed amendment is intended to clarify that an applicant for a duplicate CDL must provide satisfactory proof of identity, date of birth, address and lawful presence in the United States. There is a technical amendment to correct punctuation.

Social Impact

The proposed amendments have numerous beneficial impacts upon the public. They assist child support enforcement efforts, protect consumers by eliminating odometer mileage reading reporting requirement exceptions and institute gender neutral language, where needed. Rules that are no longer needed are being eliminated and terminology is being changed to be more accurate, contemporary both in style and

substance by taking technological advances, agency name changes, personnel titles and procedures into account.

Allowing farm vehicles, implements or machinery and/or loads that exceed 12 feet in width and/or 60 feet in length to operate on Sundays and holidays will benefit the public by making fresh produce more widely available every day and possibly creating additional jobs. This change also creates a more business friendly environment by reducing a regulatory burden on business in general and the agricultural industry in particular.

Economic Impact

The proposed amendments benefit children economically because it facilitates the collection of child support by making Social Security numbers available to the Department of Human Services, a practice that is mandated by State (N.J.S.A. 2A:17-56.59 and 2A:17-56.60) and Federal law (the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193).

Requiring licensed motor vehicle dealers to retain odometer reading statements for three years instead of five years represents a cost savings to licensed motor vehicle dealers.

The elimination of registration plate decals has saved the Motor Vehicle Commission money because it no longer needs to pay for the production of the decals and it no longer has to distribute the decals to the owners of motor vehicles.

Allowing drivers to schedule road test appointments online saves money for both drivers and the Motor Vehicle Commission because scheduling online is less costly than visiting an MVC office for both the customer and the MVC.

A person who uses an out-of-State vehicle to take the road test can potentially incur an additional expense as a result of the amendment to N.J.A.C. 13:21-8.14 because the amendment requires an out-of-State vehicle to be insured in addition to being registered. Only registered and insured in-State vehicles may be used for the road test; this amendment applies the same requirements to out-of-State vehicles. Road tests need to be taken in insured vehicles.

Federal Standards Statement

Federal law (42 U.S.C. §666(13)(A)) requires applicants for driver licenses to record their Social Security numbers on their driver license applications, so that the numbers can be used to assist in locating individuals who owe child support and/or to enforce child support obligations. Accordingly, the Commission is amending N.J.A.C. 13:21-1.4(e) to indicate that the Social Security numbers can be shared with the New Jersey Department of Human Services for child support enforcement purposes.

The Commission is amending N.J.A.C. 13:21-5.8, mileage reading on certificate of ownership, to comply with 49 CFR 580.5(g), which states, "If the vehicle has not been titled or if the title does not contain a space for the information required, the written disclosure shall be executed as a separate document."

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments. It is possible, however, that some jobs may be gained as a result of the removal of the Sunday and holiday restriction for the operation of farm vehicles, implements or machinery and/or loads that exceed 12 feet in width and/or 60 feet in length.

Agricultural Industry Impact

The proposed amendments will have a favorable impact on the agricultural industry. Farm vehicles, implements or machinery and/or loads that exceed 12 feet in width and/or 60 feet in length will now be allowed to operate on Sundays and holidays. This amendment represents an easing of the regulatory burden on the agricultural industry. Farmers and agricultural businesses will have more control over their schedules and more flexibility to run their businesses, transport supplies to their farms and deliver their produce.

Regulatory Flexibility Analysis

The proposed amendments would affect small businesses as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Every effort has been made to minimize the impact on all businesses, including small businesses. The following analysis details how various amendments impact small businesses.

Whenever there is no space on the certificate of ownership, manufacturer's statement of origin or other prescribed form for the recordation and certification of the date of transfer of ownership and the mileage reading, a separate document must be created and submitted to the Motor Vehicle Commission, pursuant to the amendment to

N.J.A.C. 13:21-5.8, which is consistent with Federal law (49 CFR 580.5(g)). This has an impact on small businesses including motor vehicle dealers. Most motor vehicle dealers are considered small businesses. The number of motor vehicles that will be affected by this change is not anticipated to be very high and this amendment should have a minimal impact on small businesses.

The amendment to N.J.A.C. 13:21-5.9 will have a beneficial impact on motor vehicle dealers because it will reduce the retention period for written mileage recording (odometer) statements from five years to three years. By reducing the amount of documents the motor vehicle dealers must retain over time, the dealers will save space and, possibly, be able to reduce expenses.

The removal of the prohibition, in N.J.A.C. 13:21-12.6(a)2, on the operation of any farm vehicle, implement or machinery and/or load that exceeds 12 feet in width and/or 60 feet in length on Sundays and holidays is proposed. This would remove a restriction on farmers and farm businesses, many of which are small businesses.

The proposed amendment to N.J.A.C. 13:21-18.1 consists of clarifying the rule and conforming the rule to current MVC procedure. Paragraph (a)1 is being amended to specify that a dealer who transfers ownership of a snowmobile to a customer shall issue a manufacturer's statement or certificate of origin (MSO/MCO) in addition to a dealer invoice showing the date of purchase, make, model year and serial number to the new owner. Paragraph (a)2 is being amended to indicate that a seller who transfers ownership of a used snowmobile must provide the buyer with an MSO/MCO together with the seller's registration certificate. If no MSO/MCO is available, the seller must provide a notarized bill of sale that fully describes the snowmobile and lists the sales

price and the names of the buyer(s) and seller(s). The seller must also provide his or her registration certificate with the notarized bill of sale. If the snowmobile has never been registered, the seller must provide a notarized statement of ownership that indicates the length of time the seller has owned the snowmobile and why it was never registered.

N.J.A.C. 13:21-18.6(a) is being amended to require the seller to provide the buyer with an MSO/MCO or notarized bill of sale, in addition to the current registration, which is already required by regulation, to be provided when ownership of a registered snowmobile is transferred. If a snowmobile has never been registered, the seller must provide a notarized statement of ownership that indicates the length of time the seller has owned the snowmobile and why it has never been registered. Subsection (c) is being amended to require a dealer to retain, in addition to the former owner's registration certificate and the required invoice, which are already required by rule, the MCO/MSO or a notarized bill of sale. A proposed amendment to subsection (c) also would require the dealer to retain the MSO/MCO or notarized bill of sale for a snowmobile, in addition to the existing requirement in the rule that requires the dealer to retain the former owner's registration certificate. The purchaser when applying for a registration is already required by rule to present the invoice and the former owner's registration certificate. An amendment to subsection (c) would require the purchaser to also present the MSO/MCO or notarized bill of sale for the snowmobile. If a snowmobile has never been registered, a notarized statement from the seller would have to be presented indicating the length of time that the seller owned the snowmobile and the reason that the snowmobile was never registered.

The requirements imposed on snowmobile sellers by these amendments to N.J.A.C. 13:21-18.1 and 18.6 are necessary to insure that the buyer of a snowmobile has the necessary paperwork to provide to the MVC, so that an accurate chain of title can be compiled and maintained for the snowmobile.

Smart Growth Impact

It is not anticipated that the amendments will have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to driving licensing and motor vehicle registration, titling and use.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to driver licensing and motor vehicle registration, titling and use.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

13:21-1.3 Mandatory disclosure of [social security] **Social Security** number

(a) An applicant for any special learner's permit, examination permit, driver license, commercial driver license or any endorsement thereto[,] or registration shall disclose his or her [social security] **Social Security** number[(s)] upon the application form furnished by the Chief Administrator of the Motor Vehicle Commission.

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

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

13:21-1.4 Restricted use of [social security] **Social Security** numbers

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

(b) The Motor Vehicle Commission or its designee shall utilize [social security] **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] **rules** 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] **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.

(e) (d) The [social security] **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] **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] **rules** adopted thereunder and the "New Jersey Commercial Driver License Act" (P.L. 1990, c.103) and the [regulations] **rules** adopted thereunder. **The Social Security number shall be provided to and used in communications with the New Jersey Department of Human Services for child support enforcement purposes.**

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

[(f)] **(g)** The Motor Vehicle Commission shall inform an individual required to disclose a [social security] **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. 13:21-1.5 Public record exception; disclosure prohibited

(a) Social [security] **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] **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] **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).

SUBCHAPTER 5. REGISTRATIONS

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 **word "STATUS" on the Certificate of [Ownership number] Title.**

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 **or she** 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.]

(b) If the certificate of ownership, manufacturer's statement of origin or other prescribed form does not provide a space for the recordation and certification of the required information, the written disclosure shall be executed as a separate document.

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 **or she** 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] **three** years [or a lesser period if so determined by the Chief Administrator of the Motor Vehicle Commission].

(c) (No change.)

13:21-5.12 [Registration plate decals] (**Reserved**)

[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.]

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

13:21-7.3 [Driving] **Road** test appointment requirements

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

1. – 2. (No change.)

3. The special learner's permit, when presented for the [driving] **road** test, bears the Snellen eye reading recorded by the school nurse or a representative of the Commission;

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

5. (No change.)

13:21-7.4 Methods of securing appointment **for road test**

(a) A student may secure a road test appointment online at www.state.nj.us/mvc.

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

(c) A student may not secure an appointment for a road test unless the student has completed six hours of "behind-the-wheel" automobile driver training.

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.1 Definitions

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

...

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

...

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

...

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

(a) (No change.)

(b) The following are acceptable documents:

1. Primary documents:

i. (No change.)

ii. A person who is not a United States citizen must submit at

least one document from the following list:

<u>Document</u>	<u>Value</u>
Current Alien Registration Card (Form I-551) with expiration date and with [Immigration and Naturalization Service (INS) or Bureau of United States Citizenship and Immigration Services [(BCIS)] (USCIS) verification	4
Foreign passports with [INS or BCIS] USCIS verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport	4
...	
Valid I-94 stamped "Refugee," "Parolee," "Asylee" or "Notice of Action" (Form I-797 approved petition) by [INS or BCIS] USCIS	4
Valid I-94 with attached photo stamped "Processed for I-551 ... " by [INS or BCIS] USCIS	4
Current photo employment authorization card (Form I-688B or I-766) (must be presented with a valid [social security] Social Security card)	3
Current Alien Registration Card (Form I-551) without expiration date and with [INS or BCIS] USCIS verification	2
...	

2. (No change.)

(c) – (g) (No change.)

13:21-8.5 Driving privilege status

(a) (No change.)

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

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

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

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

(c) [Written] **Law-knowledge** tests will consist of a series of questionnaires concerning the safe operation of an automobile or motorcycle and the New

Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the driver manual and supplements thereto.

(d) The [written] **law-knowledge** test shall consist of 50 questions; provided, however, that the [written] **law-knowledge** test concerning the operation of a motorcycle shall consist of 30 questions. The test shall include a demonstration of an ability to read and understand road signs in common use.

(e) – (f) (No change.)

(g) An applicant who fails the [written] **law-knowledge** test for a driver license shall not be retested for a period of at least one week from the date of failure.

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

(a) (No change.)

(b) The English language oral test administered by the Commission or as part of a high school driver education program shall consist of [two parts as follows:

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

2. Questionnaires concerning the safe operation of a motor vehicle or motorcycle, and the New Jersey Motor Vehicle Laws and Traffic Regulations, as may be contained in the driver's manual or any supplement thereto. The questions on these questionnaires will be asked orally of the applicants. The number of questions will be 20. A passing score of 80 percent must be attained by the applicant.] **a Motor Vehicle Commission employee reading the questions to the applicant from the computer and asking the applicant to choose A, B, C or D.**

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

(d) (No change.)

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

1. A series of at least 20 recorded questions concerning the safe operation of an automobile or motorcycle and the New Jersey Motor Vehicle Laws and Traffic Regulations.
2. A demonstration of the ability to understand traffic control signs in common use.
3. A passing score of 80 percent must be attained in each part of the oral test.]

(e) Foreign language oral testing shall be administered in the same manner as English language oral testing. The questions shall be read to the applicant in

the applicant's language by a translator from the standard computer test. The translator must be either a full-time college professor, a person from the clergy or a person who is listed on the New Jersey Administrative Office of the Courts' (Language Service Section) Registry of Interpreters and Agencies.

(f) An applicant who fails the foreign language oral test for a driver license shall not be retested for a period of at least [two] **one** week[s] from the date of failure.

13:21-8.8 Special examination; hearing-impaired

(a) (No change.)

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

(b) The interpreter shall read from the standard computer test and use sign language to assist the applicant in understanding the test.

(c) (No change.)

(d) An applicant who fails the special examination for a driver license shall not be retested for a period of at least [two] **one** week[s] from the date of failure.

(e) – (f) (No change.)

13:21-8.12 Necessity of [driving (]road[)] test

- (a) Every applicant for a New Jersey driver[’s] license must satisfactorily complete a practical demonstration of his **or her** ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he **or she** desires a license to drive.
- (b) If a driver does not obtain a driver license within [one] **two years** from the date the driver passes the road test, the results of the road test shall become invalid and the driver must retake the road test.

13:21-8.13 [Driving] **Road** test maneuvers

- (a) The [driving] **road** test may include, but is not limited to, the following maneuvers:
1. - 7. (No change.)
 8. Signaling[.];
 - 9. Speed; and**
 - 10. Following distance.**

13:21-8.14 Vehicle used [in driving demonstration] **for road test**

- (a) The vehicle used for the [driving demonstration] **road test** shall be provided by the applicant, who must have a current validated permit **and a primary document as listed in N.J.A.C. 13:21-8.2(b)1** in his or her possession.
- (b) The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment. A vehicle registered **and**

insured in a state other than New Jersey may be used for the [driving] **road** test if it is properly registered **and insured** in the home state of the registered owner and is properly equipped in accordance with the laws of this State.

(c) (No change.)

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

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

[(f)] **(e)** (No change in text.)

13:21-8.18 Employment and religious waivers of time restrictions for permit and [provisional] **probationary** drivers under 21

Any holder of an examination permit or a [provisional] **probationary** driver license under the age of 21 who needs to drive between the hours of [12:01 A.M.] **11:01 P.M.** and 5:00 A.M. for employment or religious purposes shall have in his or her possession, a certification from his or her employer or religious official on the official letterhead of the business, organization or religious institution which indicates the need to drive during those hours. The certification shall include the name, title, address[,] and

phone number of the certifying official. Each certification shall be typed or written in permanent, non-erasable ink. The signature of the certifying official must be in permanent, non-erasable ink.

13:21-8.22 License class, endorsement and restriction codes

(a) - (b) (No change.)

(c) The following numeric and alphabetic codes on driver licenses designate the indicated restriction(s) applicable to the licensee:

RESTRICTION

...

[S---Excludes School Age Passengers]

SUBCHAPTER 10. JUNK TITLE CERTIFICATES

13:21-10.1 [Terminal] **Final** certificate

A motor vehicle junk title certificate issued by the Motor Vehicle Commission to a public agency in accordance with N.J.S.A. 39:10A-3 is a [terminal] **final** certificate, and the vehicle described thereon may not be subsequently titled and registered in this State.

SUBCHAPTER 12. FARM VEHICLES

13:21-12.6 Vehicle dimensions

(a) Vehicles as described in this [Subchapter] **subchapter** may not be operated on a highway when the vehicle, including load, exceeds a maximum width of eight feet

and/or maximum overall length exceeds 50 feet unless such operation is in compliance with the following safety regulations concerning vehicles in excess of these regulatory dimensions:

1. (No change.)
2. Any farm vehicle, implement or machinery and/or load which exceeds 12 feet in width and/or 60 feet in length will, in addition to the red flags provided for in [subsection] (a) [of this Section] **above**, require one escorting vehicle when operating on a highway[; and such operation may not be made on Sundays or holidays].
3. (No change.)

SUBCHAPTER 14. [BUS DRIVERS] **PASSENGER ENDORSEMENTS**

13:21-14.3 [Special bus license] **Passenger endorsement** requirement

Every driver of a bus, as defined in [section 1 (Definitions), of this subchapter] **N.J.A.C. 13:21-14.2**, shall be [specially licensed as a bus driver] **qualified with a passenger endorsement** in accordance with the provisions of N.J.S.A. 39:3-10.1.

13:21-14.5 [Bus driver licensing] **Passenger endorsement** regulations

- (a) Applicants for [bus driver licenses] **passenger endorsements** shall submit an application as prescribed. Applicants shall be at least 21 years of age, [having] **have** a minimum of three years driving experience [previously], be of good character and physically fit and possess a valid New Jersey driver license. Fingerprinting will be required.

(b) (No change.)

(c) The Chief Administrator of the Motor Vehicle Commission may not issue a [bus driver license] **passenger endorsement**, or may revoke or suspend the [bus driver license] **passenger endorsement** of any person when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; [or]
2. Twelve or more current points under the point system; [or]
3. A record of at least three motor vehicle accidents within one year preceding the date of application; [or]
4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions; [or]
5. Committed a misstatement of fact or withheld material information on applications; [or]
6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a licensed physician); [or]
7. Failed to notify the Motor Vehicle Commission and his or her employer immediately of any medical condition that may affect his or her ability to operate a motor vehicle safely; [or]
8. Failed to pass the prescribed driving test; [or]

9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices; [or]

10. Failed to submit a renewal application within one year of the expiration of his **or her** last valid [bus driver license] **passenger endorsement**; [or]

11. Failed to meet the medical and physical qualifications set forth in the regulations of the United States Department of Transportation, Federal Motor Carrier Safety Administration, 49 CFR [§]391.41, as amended and supplemented; [or]

12. A criminal record that is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:

i. He or she has been convicted of, or forfeited bond or collateral upon, any of the following:

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

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

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

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

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

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

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

SUBCHAPTER 18. SNOWMOBILE REGISTRATION

13:21-18.1 Proof of ownership

(a) Every owner of a snowmobile who applies for a registration certificate shall present to the Motor Vehicle Commission proof of ownership in the following form:

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

number and a manufacturer's statement of origin or a manufacturer's certificate of origin;

2. If purchased from an individual, or a dealer invoice is unobtainable, **the seller's registration certificate, if applicable, and the manufacturer's statement of origin (MSO) or the manufacturer's certificate of origin (MCO). If the MSO/MCO is unavailable,** a notarized statement by the applicant showing from whom the snowmobile was purchased, the date of purchase, make, model year and serial number. **If the snowmobile has never been registered, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.**

13:21-18.6 Transfer of ownership

- (a) When ownership of a registered snowmobile is transferred to a new owner, the seller shall deliver the current registration certificate for the snowmobile to the purchaser[.] **together with the manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) or notarized bill of sale as described in N.J.A.C. 13:21-18.1. When ownership of a snowmobile that has never been registered is transferred to a new owner, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.**
- (b) (No change.)

(c) When ownership of a registered snowmobile is transferred to a dealer in snowmobiles, the dealer shall retain the former owner's registration certificate **and the MSO or MCO or notarized bill of sale** until the vehicle is resold. Upon resale, the dealer shall deliver [said] **the former owner's registration** certificate, **the MSO or MCO or notarized bill of sale** to the purchaser together with the required invoice. The purchaser shall, when applying for a registration in his or her name, present both the invoice and the former owner's registration certificate **and the MSO or MCO or notarized bill of sale** to the Motor Vehicle Commission. **If a snowmobile has never been registered, the seller must provide a notarized statement of ownership that details the length of time that he or she has owned the snowmobile and why the snowmobile has never been registered.**

SUBCHAPTER 23 COMMERCIAL DRIVER LICENSING

13:21-23.16 Minimum passing scores; test longevity; waiting period between tests

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test. The results of a knowledge test shall remain valid for a period of [one] **two** years from the date that the applicant achieved a passing score.

(b) – (d) (No change.)

13:21-23.19 Information on the document and application

(a) All CDLs shall contain the following information:

1.-9. (No change.)

10. The restriction(s) and/or exception(s) applicable to the driver, if any, indicated as follows:

i.-v. (No change.)

vi. Q except Passenger Vehicles Capacity 16 or more; **and**

vii. R No Passengers (Bus Mechanics)[; and].

[viii. S except School Age Passengers.]

(b) – (e) (No change.)

13:21-23.21 Duplicate CDL

The Chief Administrator, upon presentation of a statement[,] stating that the original CDL has been destroyed, lost or stolen, may, if he or she is satisfied that the facts as set forth in the statement are true, issue a duplicate CDL, if needed, to the original holder thereof, upon the payment to the Chief Administrator of the fee set forth in N.J.S.A. 39:3-31 for the duplicate CDL so issued and a fee for the color photograph established by the Chief Administrator in accordance with N.J.S.A. 39:3-10.30. **The original CDL holder must provide satisfactory proof of identity, date of birth, address, and lawful presence in the United States, as indicated in N.J.A.C. 13:21-8.2.**