



New Jersey Motor Vehicle Commission

STATE OF NEW JERSEY

P.O. Box 681
Trenton, New Jersey 08666-0681

Jon S. Corzine
Governor

Sharon A. Harrington
Chief Administrator

February 5, 2008

To: All New Car Dealer Principals or General Managers Participating in the Dealer Online Service Program:

Re: Fingerprinting Requirements

Safeguarding New Jersey's motor vehicle records and providing a high level of customer service are two of the Motor Vehicle Commission's (MVC) top priorities. The enabling legislation that established the MVC - *The Motor Vehicle Security and Customer Service Act, N.J.S.A. 39:2A-1 et seq.* ("the Act") - requires that the MVC fingerprint "all prospective employees, employees of the Commission, and employees of the agents of the Commission, for purposes of determining employment eligibility in any title or capacity that is either directly or indirectly involved in the issuance or processing of driver's licenses, permits, business licenses identification cards, driving records, or vehicle registrations and titles." *N.J.S.A. 39:2A-32*. The Act also mandates that the MVC require the fingerprinting "of all independent contractors and their employees who...have access to motor vehicle records or documents." *N.J.S.A. 39:2A-32*.

Since the 2003 effective date of the Act, the MVC has systematically been incorporating all necessary revisions into contracts and agreements to ensure that all "agents" and/or "independent contractors" of the MVC require fingerprinting and background checks of their respective employees and/or consultants who have access to MVC records and documents, and/or access to the MVC database.

The MVC's Dealer Online Service Program enables duly and properly licensed automotive dealers, acting under agreements with the MVC, to electronically process certain motor vehicle related transactions. Specifically, qualified dealers will be authorized to electronically process transactions for titles and registrations. Therefore, the MVC will be requiring all participating dealers to execute Dealer Acknowledgment Forms that will require fingerprinting and criminal history record background checks for any employee accessing the online system.

The MVC, along with its service providers, triVin/General Systems Solutions (GSS) and Computerized Vehicle Registration (CVR), are working together to facilitate this background and fingerprinting process with the State-approved vendor, Sagem Morpho. The deadline for all authorized users to complete the background and fingerprinting process is March 15, 2008. The MVC will continue to allow authorized users online access for processing transactions while complying with this requirement.

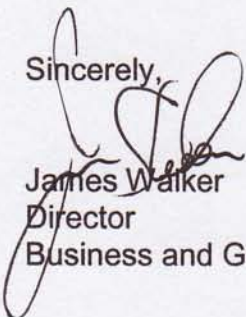
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In the event that a criminal background check reveals a disqualifying offense, the MVC will instruct the online service provider to remove the individual's online access. In addition, the individual and the dealer management will be notified in writing regarding the employee's removal from the online system, including the appeal and rehabilitation process for challenging the accuracy of the disqualifying record or to provide proof of rehabilitation. The MVC cannot share or release any information relative to a criminal record due to privacy issues. If an employee chooses to challenge the accuracy of a disqualifying offense or submits evidence of rehabilitation, the employee must be denied online access pending the outcome of the process.

Please note that the MVC has no authority to require a dealership to terminate an employee as a result of a disqualifying offense under the provisions of this Act.

Information, instructions and applications on fulfilling this requirement have been distributed to both GSS and CVR. If you have not yet received information on the process or you have any questions or concerns regarding the results of fingerprinting or background checks, please contact your service provider's representative.

Sincerely,



James Walker
Director
Business and Government Operations

Enclosure

The Motor Vehicle Security and Consumer Service Act

N.J.S.A. 39:2A-32 Fingerprinting, criminal history checks of employees; use

a. The commission shall require the fingerprinting of all prospective employees, employees of the commission, and employees of the agents of the commission, for purposes of determining employment eligibility in any title or capacity that is either directly or indirectly involved in the issuance or processing of driver's licenses, permits, business licenses, identification cards, driving records, or vehicle registrations and titles, and of all independent contractors and their employees who work on a motor vehicle premises or have access to motor vehicle records of documents. The commission is hereby authorized to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation and the Division of State Police, consistent with the provisions of Pub.L.92-544, for use in determining employment eligibility.

b. The commission may, as deemed necessary by the commission, receive the results of periodic follow-ups of criminal history record checks of all employees of the commission and employees of its agents, for purposes of determining continuing employment eligibility in any title or capacity that is either directly or indirectly involved in the issuance or processing of driver's licenses, identification cards, driving records, or vehicle registrations and titles.

c. If the information from the criminal history record background check discloses that a prospective or current employee has a record of criminal history, the commission shall review the information with respect to the type and date of the criminal offense to determine if the person is qualified for employment with the commission. Criminal offenses which shall disqualify an individual from employment include, but are not limited to, any crime or offense, whether committed in New Jersey or in another jurisdiction, which in New Jersey would constitute murder, assault with intent to murder, espionage, treason, rape, kidnapping, unlawful possession of an explosive or weapon, extortion, armed robbery, distribution of or intent to distribute a controlled substance, possession of a controlled substance, willful destruction of property, burglary, theft, fraud, forgery, terrorism, solicitation of money or resources for terrorist organization and aggravated assault.

d. Notwithstanding the provisions of subsection b. or c. of this section, an individual shall not be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal record check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record.

e. An individual who has been disqualified under the provisions of this act shall be entitled to reapply for the position if the disqualifying conviction is reversed.

f. Notwithstanding the provisions of subsection b. or c. of this section, an individual shall not be disqualified from employment or service on the basis of any conviction disclosed by a criminal history record background check performed to this act if the individual has affirmatively demonstrated to the administrator, clear and convincing evidence of the individual's rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) the nature and responsibility of the position which the applicant would hold, has held or currently holds, as the case may be;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the date of the offense;
- (5) the age of the applicant when the offense was committed;
- (6) whether the offense was an isolated or repeated incident;
- (7) the social conditions which may have contributed to the offense; and
- (8) any evidence of rehabilitation, including good conduct in or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the applicant under their supervision.