

Conviction on plea of guilty to murder of sixteen-year-old disqualified applicant from obtaining special license to bus juvenile offenders. *Russell v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 1.

Driver's bus/commercial driving privileges were suspended indefinitely. *Division of Motor Vehicles v. Reginald Mann*, 94 N.J.A.R.2d (MVH) 71.

Licensee who had been convicted for sexually assaulting minors was allowed to retain his bus driving privilege subject to restriction. *Division of Motor Vehicles v. Mead*, 94 N.J.A.R.2d (MVH) 65.

Licensee was permitted to maintain commercial driver license. *Division of Motor Vehicles v. Heffernan*, 94 N.J.A.R.2d (MVH) 59.

Licensee was permitted to maintain bus driver license despite driving while intoxicated conviction. *Division of Motor Vehicles v. Pincus*, 94 N.J.A.R.2d (MVH) 58.

Licensee's bus driving privileges were suspended for careless driving. *Division of Motor Vehicles v. Cromer*, 94 N.J.A.R.2d (MVH) 56.

Licensee's bus driving privileges were suspended. *Division of Motor Vehicles v. Napolitano*, 94 N.J.A.R.2d (MVH) 54.

Licensee was permitted to maintain bus/commercial driver license driving privileges; rehabilitation. In the Matter of the Bus Driver's License of Edward Lanza, 94 N.J.A.R.2d (MVH) 53.

Proposed suspension of driver's bus driving privileges due to a disqualifying cardiovascular disease was dismissed. *Langlois v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 36.

Proposed suspension of bus driver's license arising out of a manslaughter conviction was dismissed. *Division of Motor Vehicles v. Pearce*, 94 N.J.A.R.2d (MVH) 34.

Driver's license was suspended for driving a bus without checking for emergency reflectors and for failing to attempt to place reflectors on the road. *Division of Motor Vehicles v. Tulli*, 94 N.J.A.R.2d (MVH) 13.

Suspension of passenger endorsement to bus driver's license was proper. *Rech v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 9.

Denial of bus driver's license was proper. *Division of Motor Vehicles v. Reale*, 94 N.J.A.R.2d (MVH) 5.

Bus driver's license; failure to meet the medical and physical qualifications. *Oleksza v. Division of Motor Vehicles*, 94 N.J.A.R.2d (MVH) 1.

Driver with disqualifying criminal record could have "no passenger" mechanic's endorsement. *Division of Motor Vehicles v. DiBiase*, 93 N.J.A.R.2d (MVH) 13.

Driver with asymptomatic cardiovascular condition was subject to more frequent testing. *Leek v. Division of Motor Vehicles*, 93 N.J.A.R.2d (MVH) 9.

Bus driver not guilty of careless driving or failing to yield to pedestrian. *Division of Motor Vehicles v. Hurdle*, 93 N.J.A.R.2d (MVH) 1.

Amputation of left leg warranted indefinite suspension. *Division of Motor Vehicles v. Ingenito*, 92 N.J.A.R.2d (MVH) 37.

Bus driver was rehabilitated following conviction for criminal negligent homicide. *Division of Motor Vehicles v. Montenero*, 92 N.J.A.R.2d (MVH) 28.

No present cardiovascular disease warranted suspension. *Michalski v. Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 24.

No disqualifying cardiovascular disease found. *McLaughlin v. Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 22.

Cardiovascular disease warranted suspension of bus driving privilege. *McCaughey v. New Jersey Division of Motor Vehicles*, 92 N.J.A.R.2d (MVH) 13.

Bus driver disclosed arrest record. *Division of Motor Vehicles v. Jones*, 92 N.J.A.R.2d (MVH) 5.

13:21-14.6 Release of privileged application information

(a) The information on any application for a bus driver license shall be considered as privileged information and shall not be available for release to any person except under the following conditions.

1. Upon receipt of a request for information, the Division will release the name, address, personal description and driver license numbers of the applicant; the name and address of the physician who conducted the physical examination and the date of the physical examination.

2. Upon receipt of written authorization from the licensee, a copy of the application will be released, either to the licensee or to a person designated by him.

3. Certified copies of applications may be issued, within the restrictions listed in this section, upon payment of the standard fee provided for by Title 39 of the New Jersey Statutes.

13:21-14.7 (Reserved)

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

13:21-14.8 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.1 General provisions

(a) Applications for a dealer license required to be obtained under the provisions of N.J.S.A. 39:10-19 shall be verified by an oath or affirmation of the applicant and shall be on forms prescribed by the Director and furnished to such applicants.

(b) An initial applicant, if a natural person, shall submit with his application, two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency.

(c) The initial applicant, if a corporation or partnership, shall submit with its application two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

11. Failed to meet the medical and physical qualifications set forth in the regulations of United States Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or

12. A criminal record which 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 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;

(5) He fails to notify the Division of Motor Vehicles that he 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.

13. In the absence of a conviction, the Director shall refuse to issue or shall revoke or suspend the bus driver license of any person arrested for, charged with, or indicted for any crime or other offense if the Director determines that such person is of bad character or is morally unfit to retain the privilege of holding a bus driver license, or of a potential danger to his passengers or to other motorists or to himself.

(d) If sufficient and reasonable grounds are established at a hearing, the Director 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 Director a request for such waiver and the basis of such request.

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

In (a) increased the minimum age from 18 to 21.

Case Notes

Minimal risk of cardiac collapse, syncope, or near-syncope from atrial fibrillation did not automatically disqualify bus driver from maintaining his passenger-carrying endorsement to license. *Mernick v. Division of*

Motor Vehicles, 328 N.J.Super. 512, 746 A.2d 493 (N.J.Super.A.D. 2000).

Rule providing that Director shall not issue, or shall suspend, bus driver license if applicant or holder has disqualifying criminal record upheld as reasonable and not violative of procedural due process rights; conviction of assault on youngster sufficiently disqualifying. *Sanders v. Div. of Motor Vehicles*, 131 N.J.Super. 95, 328 A.2d 637 (App.Div. 1974).

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

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

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

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

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

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

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

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

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

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

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

Bus driving endorsement on commercial driver's license was properly refused on basis of conviction on counts charging conspiracy and theft and failure to reveal same on application for endorsement. *Division of Motor Vehicles v. Ortiz*, 95 N.J.A.R.2d (MVH) 39.

Driver with coronary insufficiency or ischemia could not obtain passenger endorsement on commercial driver's license. *Division of Motor Vehicles v. Lovallo*, 95 N.J.A.R.2d (MVH) 35.

Driver's conviction for assault and battery warranted his disqualification from obtaining school bus endorsement, but his subsequent rehabilitation also warranted retention of his commercial driver's license without endorsement. *Division of Motor Vehicles v. Argese*, 95 N.J.A.R.2d (MVH) 28.

Applicant with irregular heart rate was precluded from obtaining passenger endorsement on commercial driver's license by reason of coronary insufficiency. In *Matter of Oleksza*, 95 N.J.A.R.2d (MVH) 5.

(d) Examinations may be conducted of all applicants to determine knowledge of appropriate motor vehicle laws of the State of New Jersey before granting a dealer license.

(e) All title papers of a dealer shall be executed in the name of the dealer.

(f) All applicants shall disclose whether they intend to trade or do business under a name other than the name in which the application is filed. Subsequent to licensing, a dealer shall be required to report to the Division of Motor Vehicles any additional business name or changes in existing names under which the dealer intends to do business.

(g) Photographs and/or plans which clearly depict the complete premises from which a dealer intends to do business shall be submitted with the initial application for a dealer license.

13:21-15.2 Proper person

(a) In order to be considered a proper person, an applicant must:

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts;
2. Be of sufficient good character, in the Director's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Director in making this determination, he may consider an applicant's financial responsibility as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license;
3. Not have been convicted of a crime arising out of fraud or misrepresentation in the sale or financing of a motor vehicle;
4. Submit, within ten days after preliminary approval of his application, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance shall be in an amount sufficient in the judgment of the Director of the Division of Motor Vehicles to protect the public from injury or loss due to the operation of said vehicles.

Case Notes

Suspension of dealer's license ordered due to misrepresentation of prior criminal conviction on renewal application; license not revoked due to nature of offense and licensee's conduct of business. In Re: Allen Rosenberg, 4 N.J.A.R. 208 (1981).

Denial of motor vehicle dealer license reversed upon finding of good moral character despite aberrant narcotics conviction. *Leston v. Div. of Motor Vehicles*, 3 N.J.A.R. 111 (1981).

13:21-15.3 Established place of business

(a) All applicants for a dealer license shall submit satisfactory evidence that the applicant has established and maintained a permanent, properly identified location where-in there are facilities to display automobiles and at which

place of business shall be kept and maintained the books, records and files necessary to conduct the business, including all documents required by N.J.S.A. 39:10-6.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

(c) A proposed place of business will not be considered suitable for approval if there are two or more licenses issued for the same premises, except where there is absolutely common identity of ownership or where an affiliated motor vehicle leasing company is also licensed as a motor vehicle dealer and in such cases a record of the transactions of each licensed dealer shall be separately maintained.

(d) Any licensed dealer who changes his or her business location or intends to open a branch operation must notify the Dealer Licensing Unit of the Division of Motor Vehicles prior to doing so.

As amended, R.1979 d.371, effective September 20, 1979.
See: 11 N.J.R. 350(b), 11 N.J.R. 580(a).
Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Case Notes

Automobile franchise would be allowed to relocate without notice to Division of Motor Vehicles, even though previous relocation had occurred within last five years, where that relocation occurred within 180 days of franchisee's purchase of franchise. *The New A.C. Chevrolet, Inc. v. Chevrolet Division of General Motors*, 96 N.J.A.R.2d (MVH) 28.

13:21-15.4 Grounds for rejection or suspension or revocation of a dealer license

(a) The Director may deny an application for a license, or revoke or suspend a license after it has been granted for any of the following reasons:

1. Applicant or licensee is not a proper person as defined above;
2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule;
3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued or which was suspend for cause and the terms of such suspension have not been satisfied;
4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant be a corporation, previously held a license issued under the authority of this Division, which was revoked

for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied;

5. Any willful failure to comply with any provision of this rule;

6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule.

7. The dealer fails to comply with the requirements of existing law governing the standards for used motor vehicles. (N.J.S.A. 39:10-26 thru 39:10-30);

8. If it is found by an administrative determination of the Division of Motor Vehicles that the subject dealer has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the dealer's possession shall be prima facie proof that such alteration was performed by the dealer or with his consent;

9. Any failure to maintain the qualifications for a license herein set forth or otherwise set forth by law.

As amended, R.1976 d.4, effective January 8, 1976.
See: 7 N.J.R. 481(a), 8 N.J.R. 83(b).

Case Notes

Dealer license, plates and registration certification privileges were permanently revoked. Division of Motor Vehicles v. Keirle. 94 N.J.A.R.2d (MVH) 67.

Suspension of dealer's license ordered due to misrepresentation of prior criminal conviction on renewal application; license not revoked due to nature of offense and licensee's conduct of business. In Re: Allen Rosenberg. 4 N.J.A.R. 208 (1981).

13:21-15.5 Hearing

Before the Director denies an application for or revokes or suspends a dealer license, he shall provide the applicant or licensee an opportunity for a hearing in accordance with N.J.S.A. 52:14B-1 et seq.

Case Notes

Denial of motor vehicle dealer license reversed upon finding of good moral character despite aberrant narcotics conviction. Leston v. Div. of Motor Vehicles. 3 N.J.A.R. 111 (1981).

13:21-15.6 Presentation or reassignment of altered title documents; suspension; period of suspension; refusal to renew license

(a) No motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 nor any person on his behalf shall present to the Division or reassign to a subsequent purchaser a motor vehicle title issued by this or any other state, province or jurisdiction or any other title document, which contains any erasure, obliteration, correction, or any other alteration where said alteration was reasonably detectable by a person of ordinary intelligence from a routine review of the motor vehicle title or any other title document.

(b) A motor vehicle dealer who violates (a) above may have his motor vehicle dealer's license suspended for the periods as set forth in (c) below, pursuant to the provisions set forth in N.J.S.A. 39:10-20.

(c) For the purpose of suspending a motor vehicle dealer's license pursuant to (b) above, each document presented or reassigned shall constitute a separate violation. For a first violation the dealer's license may be suspended for a period less than the unexpired period of the license or 15 days, whichever period is lesser. For subsequent violations the dealer's license shall be suspended for a period of not less than 15 days or more than 90 days.

(d) The Director may refuse to renew a dealer license where the applicant has had two or more violations of (a) above which resulted in a suspension pursuant to (b) above.

New Rule, R.1985 d.699, effective January 21, 1986.
See: 17 N.J.R. 169(a), 18 N.J.R. 203(b).

13:21-15.7 Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance

(a) Prior to entering into any agreement for the retail sale of a used passenger motor vehicle, a motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 shall give written notice to the purchaser of a used passenger motor vehicle to be registered in this State of the dealer's responsibilities under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(b) In the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(c) Notwithstanding (b) above, the motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles than that set forth in (b) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(d) A motor vehicle dealer who violates this section may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

New Rule. R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a) 31 N.J.R. 4078(a).

13:21-15.8 Temporary registrations issued by licensed motor vehicle dealers for vehicles that are to be permanently registered in New Jersey

(a) A motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 which has been authorized to issue temporary registrations by the Division of Motor Vehicles may, in accordance with this section, issue a temporary registration for a new or used vehicle to a person or entity who has purchased or leased said vehicle from such dealer provided that said vehicle is to be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a temporary registration. A temporary registration may be issued for passenger vehicles, noncommercial trucks, laden or unladen non-apportioned commercial vehicles, motorcycles, and motorized bicycles, and may be issued for either initial or transfer registrations. If the registrant is not transferring a registration as permitted by N.J.S.A. 39:3-30, the temporary registration shall serve as both a temporary registration and marker (license plate).

(b) A temporary registration shall not be issued pursuant to this section if the motor vehicle dealer does not have in its possession a valid manufacturers' statement of origin or title for the vehicle and, if applicable, a valid dealer reassignment certificate for the vehicle.

(c) A temporary registration shall not be issued pursuant to this section unless the applicant therefor intends to secure permanent New Jersey registration for the vehicle.

(d) A temporary registration shall not be issued pursuant to this section unless the applicant therefor presents proof of current liability insurance coverage for the vehicle as required by N.J.S.A. 39:6B-1 and/or 39:6A-3. Such proof of current liability insurance coverage shall include, but not be limited to, a valid New Jersey insurance identification card for the vehicle, or the declarations page of the insurance policy for the vehicle, or an insurance policy binder for the vehicle.

(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 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 temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the permanent registration for the vehicle (and, if applicable,

license plates) have been received by the registrant, whichever occurs first. The temporary registration shall be destroyed by the registrant at the time of expiration.

(g) A motor vehicle dealer shall not extend the expiration date of a temporary registration, nor issue another temporary registration to the same registrant for the same vehicle. A motor vehicle dealer shall not in any way alter a previously issued temporary registration.

(h) A temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A temporary registration shall not be loaned by a motor vehicle dealer to a customer, to another motor vehicle dealer, or to any other person or entity. A temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer.

(i) A licensed motor vehicle dealer that has been authorized to issue temporary registrations by the Division of Motor Vehicles may purchase temporary registrations from a motor vehicle agency at a cost of \$3.00 per temporary registration upon submission of a motor vehicle dealership business check in an amount that reflects the number of such temporary registrations being purchased by the dealer.

(j) A temporary registration issued by a motor vehicle dealer pursuant to this section is a four-part document consisting of an original and three copies thereof. Prior to the issuance of a temporary registration, the motor vehicle dealer's authorized representative shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle dealer's authorized representative shall enter the following information in the appropriate locations on the right side of the temporary registration:

1. The name of the registrant;
2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);
3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;
4. The date of issue of the temporary registration;
5. The date of expiration of the temporary registration;
6. The license plate number, if applicable;
7. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number; and
8. The motor vehicle dealer's name, address, dealer identification number, and telephone number.

(l) The motor vehicle dealer's authorized representative shall both print and sign his or her name in the appropriate locations on the temporary registration.

(m) The expiration date of the temporary registration shall be entered by the motor vehicle dealer's authorized representative in the appropriate location on the lower left side of the document directly below the large numerals indicating the temporary registration number. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle dealer's authorized representative in smaller numerals on the right side of the document in accordance with (k)5 above.

(n) The registrant shall sign his or her name in the appropriate location on the temporary registration after all other required information has been typed or printed on the document by the motor vehicle dealer's authorized representative.

(o) The "original" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be affixed by an authorized representative thereof to the driver's side of the rear window inside the passenger compartment of the vehicle. The temporary registration shall be affixed in such a manner so as to be clearly visible from the rear of the vehicle. For motorcycles, motorized bicycles and vehicles without rear window glass, the temporary registration shall be in the possession of the driver of such vehicle when it is being operated and shall be exhibited upon the request of any law enforcement official or authorized representative of the Division.

(p) The "customer copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be given to the registrant. This copy of the temporary registration shall be in the possession of the driver of such vehicle when it is being operated, and shall be exhibited upon the request of any law enforcement official or authorized representative of the Division.

(q) The "DMV copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be forwarded, together with a properly assigned manufacturers' statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle, and together with the title and registration applications and the fees therefor, to a motor vehicle agency for issuance of a motor vehicle title, permanent registration, and, if applicable, license plates. If the registrant is transferring a registration as permitted by N.J.S.A. 39:3-30, the motor vehicle dealer shall also forward to such agency the current registration which is being transferred.

(r) The "dealer copy" of the temporary registration issued by a motor vehicle dealer pursuant to this section shall be retained by such dealer for a period of three years from the date of issuance of the temporary registration. Records pertaining to the issuance of temporary registrations by a motor vehicle dealer pursuant to this section, as well as records pertaining to unissued or voided temporary registrations, shall be maintained in a ledger by such dealer. Such records, including the "dealer copy" of temporary registrations issued by such dealer as well as any unissued or voided temporary registrations which are in the possession of such dealer, shall be made available by the licensed dealer for examination by authorized representatives of the Division at any time during regular business hours. Such authorized Division representatives shall be granted access to the licensed dealer's business premises for such purpose during regular business hours. A licensed dealer's failure to permit authorized Division representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of temporary registration records shall, upon notice and an opportunity to be heard, be cause for the suspension of the dealer's privilege of issuing temporary registrations and, upon notice and an opportunity to be heard, for the suspension or revocation of the motor vehicle dealer license or for the refusal to renew same.

(s) A motor vehicle dealer who violates any provision of this section shall, upon notice and an opportunity to be heard, have his or her privilege of issuing temporary registrations suspended. In addition, a motor vehicle dealer who commits such a violation shall, upon notice and an opportunity to be heard, have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

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

13:21-15.9 Nonresident temporary registrations issued by licensed motor vehicle dealers

(a) A motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 which has been authorized to issue temporary registrations by the Division of Motor Vehicles 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 such dealer while enroute to another state or Federal district provided that said vehicle will not be permanently registered in New Jersey. A bona fide sale or lease of such vehicle is a prerequisite to the issuance of a nonresident temporary registration. 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 if the motor vehicle dealer does not have in its possession a valid manufacturers' statement of origin or title for the vehicle and, if applicable, a valid 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 notify the motor vehicle dealer's authorized representative of 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 permanent registration for the vehicle has been received by the registrant from his or her state or Federal district of residence, whichever occurs first. The nonresident temporary registration shall be destroyed by the registrant at the time of expiration.

(g) A motor vehicle dealer shall not extend the expiration date of a nonresident temporary registration, nor issue another nonresident temporary registration to the same registrant for the same vehicle. A motor vehicle dealer shall not in any way alter a previously issued nonresident temporary registration.

(h) A nonresident temporary registration is not transferable from one motor vehicle dealer to another, nor from one vehicle to another. A nonresident temporary registration shall not be loaned by a motor vehicle dealer to a customer, to another motor vehicle dealer, or to any other person or entity. A nonresident temporary registration shall not be issued for vehicles titled in the name of the motor vehicle dealer.

(i) A licensed motor vehicle dealer that has been authorized to issue temporary registrations by the Division of Motor Vehicles may purchase nonresident temporary registrations from a motor vehicle agency at a cost of \$5.00 per nonresident temporary registration upon submission of a motor vehicle dealership business check in an amount that reflects the number of such nonresident temporary registrations being purchased by the dealer

(j) A nonresident temporary registration issued by a motor vehicle dealer pursuant to this section is a three-part document consisting of an original and two copies thereof. Prior to the issuance of a nonresident temporary registration pursuant to this section, the motor vehicle dealer's authorized representative shall assure that all required information has been either typed or printed in ink on the document and that such information is legible on the original and each of the copies thereof.

(k) The motor vehicle dealer's authorized representative shall enter the following information in the appropriate locations on the right side of the nonresident temporary registration:

1. The name of the registrant;
2. The address of the registrant (provided, however, that the address does not appear on the original but only appears on each of the copies thereof);
3. A full description of the vehicle including its make, year, model, body type, vehicle identification number, color and, if a commercial vehicle, its gross weight;
4. The date of issue of the nonresident temporary registration;
5. The date of expiration of the nonresident temporary registration;
6. The name of the insurance company that has issued a policy covering the vehicle, as well as the insurance policy number or binder number; and
7. The motor vehicle dealer's name, address, dealer identification number, and telephone number.

(l) The motor vehicle dealer's authorized representative shall both print and sign his or her name in the appropriate locations on the nonresident temporary registration.

(m) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle dealer's authorized representative in the appropriate location on the lower left side of the document. The expiration date shall be written with black felt tip pen or indelible marker in numerals at least one inch high and one inch wide. This date must coincide with the expiration date entered by the motor vehicle dealer's authorized representative in smaller numerals on the right side of the document in accordance with (k)5 above.

(n) The registrant shall sign his or her name in the appropriate location on the nonresident temporary registration after all other required information has been typed or printed on the document by the motor vehicle dealer's authorized representative.

(o) The "original" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be affixed by an authorized representative

thereof to the driver's side of the rear window inside the passenger compartment of the vehicle. The nonresident temporary registration shall be affixed in such a manner so as to be clearly visible from the rear of the vehicle. For motorcycles, motorized bicycles and vehicles without rear window glass, the nonresident temporary registration shall be in the possession of the driver of such vehicle when it is being operated and shall be exhibited upon the request of any law enforcement official or authorized representative of the Division.

(p) The "DMV copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be forwarded, together with a properly assigned manufacturer's statement of origin or title for the vehicle and, if applicable, a properly assigned dealer reassignment certificate for the vehicle, to the Division of Motor Vehicles.

(q) The "dealer copy" of the nonresident temporary registration issued by a motor vehicle dealer pursuant to this section shall be retained by such dealer for a period of three years from the date of issuance of the nonresident temporary registration. Records pertaining to the issuance of nonresident temporary registrations by a motor vehicle dealer pursuant to this section, as well as records pertaining to unissued or voided nonresident temporary registrations, shall be maintained in a ledger by such dealer. Such records, including the "dealer copy" of nonresident temporary registrations issued by such dealer as well as any unissued or voided nonresident temporary registrations which are in the possession of such dealer, shall be made available by the licensed dealer for examination by authorized representatives of the Division at any time during regular business hours. Such authorized Division representatives shall be granted access to the licensed dealer's business premises for such purpose during regular business hours. A licensed dealer's failure to permit authorized Division representatives on the premises of the licensee during regular business hours for the purpose of conducting such an examination of nonresident temporary registration records shall, upon notice and an opportunity to be heard, be cause for the suspension of the dealer's privilege of issuing temporary registrations and, upon notice and an opportunity to be heard, for the suspension or revocation of the motor vehicle dealer license or for the refusal to renew same.

(r) A motor vehicle dealer who violates any provision of this section shall, upon notice and an opportunity to be heard, have his or her privilege of issuing temporary registrations suspended. In addition, a motor vehicle dealer who commits such a violation shall, upon notice and an opportunity to be heard, have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

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

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

"Nondriver identification card" means an identification card issued by the Director of the Division of Motor Vehicles to a person whose state of residence is New Jersey and who is 17 years of age or older and who is not the holder of a valid examination or special learner's permit or a valid driver license, in accordance with the provisions of N.J.S.A. 39:3-29.2 et seq.

"State of residence" 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.

"United States" means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

13:21-16.2 Requirements for issuance of nondriver identification cards

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no nondriver identification card shall be issued by the Division unless the applicant therefor submits proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law in the manner set forth in N.J.A.C. 13:21-8.2(b).

13:21-16.3 Nondriver identification card class codes

The following alphabetic codes on nondriver identification cards designate the indicated class of identification card:

IDENTIFICATION CARD CLASS

I—Identification Only (Nondriver)

K—Identification Only (Disabled Nondriver)

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

SUBCHAPTER 17. SPECIAL ROAD CROSSING PERMITS

13:21-17.1 Application; fees

(a) An application for a special road crossing permit or permits shall be made, and a permit for each vehicle shall be issued, in the name of the property owner. The permit must be in the possession of the vehicle operator whenever crossing a public roadway between sections of private property.