

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

SUBCHAPTER 5. REGISTRATIONS

13:21-5.1 Weight class

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

(b) The weight class shall be determined from the manufacturer's shipping weight and the weight class shall be entered on the first and all subsequent certificates of ownership in the spaces now provided for "HPS. A.E."

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

13:21-5.2 Certificate of Origin

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

(b) Where registration or title is sought for a 1958 or later model passenger automobile for which no Certificate of Origin has been issued and which vehicle is not in violation of N.J.S.A. 39:10-8, the owner will be required by the Director or his agent to register the vehicle in accordance with the weight classification described in the published listing of all models issued by this office.

(c) Only in a case where the published listing indicates that there may be a difference in weight in vehicles of the same model, shall the owner be required by the Director or his agent to produce a certification of weight of the vehicle executed by a certified weighmaster.

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

13:21-5.3 Published listing of models

(a) In the case of an initial registration or titling, or both, any 1957 or earlier model of passenger vehicle, the published listing of all models issued by this office shall govern and be the basis for the determination of the vehicle's weight class.

(b) This published listing is hereby made a part of this Chapter

13:21-5.4 Registration fee

(a) Where any motor vehicle, having been previously registered in New Jersey subsequent to March 1, 1956, is re-

registered or title is transferred as the result of sale or otherwise, the weight classification on the prior registration or Certificate of Ownership, or if not available the published listing of such vehicles, shall control and be the basis for the registration fee to be paid.

(b) If such weight class has not already been inserted on a Certificate of Ownership the agent shall make such insertion and it thereafter shall be made on all subsequent Certificates of Ownership covering said vehicle.

13:21-5.5 Certification of weight class

(a) In any case where there is doubt or dispute regarding the manufacturer's shipping weight of a particular passenger automobile, the application for registration or transfer or title shall be accompanied by a certification of weight executed by a certified weighmaster.

(b) The certification shall then become the basis for the weight class and registration fee for said vehicle and the weight class shall be entered on the Certificate of Ownership from such certification.

(c) The certification shall then be attached to the copy of the Certificate of Ownership which is forwarded by the agent to the Central Office of the Division in Trenton.

13:21-5.6 Registering flood-damaged vehicles

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

Authority

N.J.S.A. 39:3-43.

13:21-5.7 Notification of flood damage

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

Authority

N.J.S.A. 39:4-43.

13:21-5.8 Mileage reading on certificate of ownership

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

mileage recording instrument (odometer) and shall certify the truth thereof.

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

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

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

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

(b) Every buyer, as defined in N.J.S.A. 329:10-2, to whom title is transferred in his capacity as a licensed New Jersey automobile dealer, shall obtain the written disclosure required by subsection (a) above and shall maintain a copy thereof for a period of five years or a lesser period if so determined by the Director of the Division of Motor Vehicles.

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

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

13:21-5.10 Surrender of registration plates

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

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

R.1979 d.315, effective August 15, 1979.
See: 11 N.J.R. 350(a), 11 N.J.R. 466(b).
As amended, R.1984 d.408, effective September 17, 1984.
See: 16 N.J.R. 1695(a), 16 N.J.R. 2445(b).

~~Deleted "intend to"; "he shall ... N.J.S.A. 39:3-30".~~

13:21-5.11 Registration refusal

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

~~New Rule R.1986 d.38, effective February 3, 1986.
See: 17 N.J.R. 2737(a), 18 N.J.R. 421(a).~~

13:21-5.12 Registration plate decals

~~Upon issuance of each initial motor vehicle registration and each motor vehicle registration renewal by the Division of Motor Vehicles, a distinctive registration plate decal(s) shall also be issued by the Division for affixation to the front and rear license plates of such motor vehicles to indicate the month and year of expiration of the motor vehicle registration. This section shall not apply to motor vehicles registered at no fee in accordance with N.J.S.A. 39:3-27.~~

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

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

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

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

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

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

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

(f) A nonresident temporary registration issued pursuant to this section shall expire at the end of 20 days or as soon as the 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) The expiration date of a nonresident temporary registration shall not be extended, nor shall another nonresident temporary registration be issued to the same registrant for the same vehicle.

(h) A nonresident temporary registration is not transferable from one vehicle to another.

(i) A fee of \$5.00 shall be charged for the issuance of a nonresident temporary registration to a nonresident person or entity making application therefor in accordance with this section.

(j) A nonresident temporary registration issued by a motor vehicle agency 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 agency 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 agency 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; and
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.

(l) The expiration date of the nonresident temporary registration shall be entered by the motor vehicle agency 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 agency in smaller numerals on the right side of the document in accordance with (k)5 above.

(m) 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 agency.

(n) The "original" of the nonresident temporary registration issued by a motor vehicle agency pursuant to this section shall be affixed by the registrant 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.

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

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.1 Definitions

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

"Examination permit" means a permit issued by the Director of the Division of Motor Vehicles to a person over 17 years of age, in accordance with the provisions of N.J.S.A. 39:3-13, for the purpose of fitting himself or herself for the issuance of a New Jersey basic driver's license or motorcycle license.

"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.

R.1970 d.8, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
Amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no examination permit 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).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-6.3 Prerequisites for validation of examination permits

(a) No examination permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:

1. Successful completion of a law-knowledge test; and
2. Minimum standard in visual acuity is attained.

R. 1970 d.8, effective January 9, 1970.
See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).
Recodified from 13:21-6.2 and amended by R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).
Prior text at 13:21-6.3, Provisional requirements, repealed.

13:21-6.4 Expiration of examination permits

Examination permits shall expire two years from the date of issuance.

New Rule, R. 2001 d.143, effective May 7, 2001.
See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

13:21-7.1 Definitions

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

"Special learner's permit" means a permit issued to a person at least 16 years of age but under 17 years of age, in accordance with the provisions of N.J.S.A. 39:3-13.1, allowing such person, for the purpose of fitting himself or herself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a licensed driving school, and which, in accordance with the provisions of N.J.S.A. 39:3-13.2a may, upon successful completion of a behind-the-wheel driving course, be retained by the holder to operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 P.M. and 5:00 A.M. while in the company and under the control of a licensed motor vehicle driver of this State who has at least three years experience as a licensed motor vehicle driver and is at least 21 years of age.

"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.

As amended, R. 1984 d.11, effective February 6, 1984
See: 15 N.J.R. 1831(a), 16 N.J.R. 247(d).

"Student" changed to "Special" permit. Also added course of behind-the-wheel instruction conducted by licensed driving school.

Amended by R. 1994 d.486, effective September 19, 1994.

See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

Amended by R. 2001 d.143, effective May 7, 2001.

See: 32 N.J.R. 4048(a), 33 N.J.R. 1395(a).

In "Special learner's permit", substituted "at least 16 years of age but under 17 years of age," for "over 16 years of age", substituted "11:01 P.M." for "12:01 A.M.", and added "and is at least 21 years of age" at the end.

13:21-7.2 Requirements for issuance of special learner's permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the regulations promulgated thereunder, no special learner's permit 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).

New Rule, R. 1994 d.486, effective September 19, 1994.
See: 26 N.J.R. 2522(a), 26 N.J.R. 3874(a).

13:21-7.3 Driving test appointment requirements

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

1. The student will be at least 17 years of age on the date of the appointment;
2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. An oral law-knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf, Interpreter Referral Service must accompany the student for the oral test.
3. The special learner's permit, when presented for the driving test, bears the Snellen eye reading recorded by the school nurse or a representative of the Division of Motor Vehicles;
4. The special learner's permit, when presented for the driving 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.