

39 N.J.R. 3391(a)

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RULE ADOPTIONS

TRANSPORTATION

MOTOR VEHICLE COMMISSION

39 N.J.R. 3391(a)

Adopted Amendments: N.J.A.C. 13:23-2.1, 2.14, 2.18, 2.28, 2.29, 2.30, 2.34, 3.3 and 3.4

Driving Schools

Proposed: October 16, 2006 at 38 N.J.R. 4405(a).

Adopted: July 12, 2007 by the Motor Vehicle Commission, Sharon A. Harrington, Chair.

Filed: July 12, 2007 as R.2007 d.236, with substantive changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:2-3 and 39:12-4.

Effective Date: August 6, 2007.

Expiration Date: November 5, 2009.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***):

13:23-2.1 Licenses

(a) (No change.)

(b) A **driving school license**, either initial or renewal, shall not be issued unless at least one motor vehicle, which is owned or leased by the **driving school** and registered in the name of the **driving school** or the lessor, is insured and equipped in accordance with N.J.A.C. 13:23-2.28.

(c)-(e) (No change.)

13:23-2.14 Business hours

(a) (No change.)

(b) A **driving school** shall be accessible to the public during regular business hours of each business day. This requirement may be satisfied either by having office personnel available at the **driving school's** principal place of business and branch office(s) or by having a telephone answering machine at such places of business.

13:23-2.18 Changes in addresses of officers; notice

The Chief Administrator shall be notified within 30 days, in writing, if a change occurs in the residence address of any proprietor, partner, officer, director, authorized agent, or instructor of any **driving school**.

13:23-2.28 Insurance and vehicle equipment requirements

(a) (No change.)

(b) A licensee shall file with the Chief Administrator evidence of liability insurance with a company authorized to do business in this State, in the amount of at least \$ 250,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for any one person, to a limit of at least \$ 500,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of \$ 50,000 because of damage to, or destruction of, property of others in any one accident; or, in the alternative, a licensee shall file with the Chief Administrator evidence of liability insurance with a company authorized to do business in this State, in the amount of at least \$ 500,000 combined single limit of liability in any one accident for bodily injury liability and property damage liability. A **driving school** shall furnish evidence of insurance coverage required by this subsection by submitting an original certificate of insurance to the Commission listing each motor vehicle owned or leased by the **driving school** and used for behind-the-wheel driving instruction or for the road test portion of the driving test administered by the Commission. This certificate of insurance shall stipulate that such insurance may not be cancelled or terminated, except upon 30 days prior written notice by the insurer to the Chief Administrator of the Motor Vehicle Commission. In the event of the cancellation or expiration of such insurance, no motor vehicle listed on the certificate of insurance shall thereafter be used for the provision of behind-the-wheel driving instruction or for the road test portion of the driving test administered by the Commission.

(c)-(e) (No change.)

13:23-2.29 Sign(s) displayed on vehicles

(a) Every vehicle of a **driving school**, while being used for driving instruction and/or the transportation of **driving school** students to or from a Commission driver testing facility, shall have conspicuously displayed thereon a roof-mounted sign visible to both front and rear indicating "Student Driver." The sign shall also indicate the business name and license number of the **driving school** unless an additional sign containing such information is utilized in accordance with (b) below.

(b) In lieu of including its business name and license number on the sign required by (a) above, a **driving school** may display an additional sign on its vehicles that sets forth such information. This additional sign, if utilized, shall be placed on the exterior of the front driver's side door of the vehicle and may be permanent or removable.

(c) The sign(s) utilized pursuant to this section shall have a background and letters and numbers of contrasting colors. The letters and numbers shall be not less than three inches in height and of a stroke of not less than inch. Letters and numbers may be of a reflectorized material.

13:23-2.30 Advertising

(a) Advertising by driving schools shall conform to the following:

1.-7. (No change.)

8. A **driving school** shall not solicit business, or cause business to be solicited on its behalf, or display or distribute any advertising material in such a manner as to give the impression that the business has some official connection with the Commission or an authorized motor vehicle agent. This paragraph shall not be construed to prohibit **driving schools** from appearing at driver testing locations with vehicles that contain the business name, license number, address, or telephone number of the **driving school**, or any sign(s) or identification required or permitted by this chapter or N.J.S.A. 39:12-1 et seq.

9. (No change.)

(b)-(c) (No change.)

(d) A **driving school** may advertise only those telephone numbers that are listed for the school's principal place of business or licensed branch office(s). Telephone calls shall not be received at, call forwarded to, or otherwise transferred to any other location during regular business hours.

13:23-2.34 Requirements at driving (road) test

Applicants appearing for the road test portion of the driving test in a motor vehicle used for instruction by a **driving school** shall be accompanied by a licensed driver who has in his or her possession a valid New Jersey instructor's license or a New Jersey authorized agent identification certificate, a valid registration, a valid insurance identification card, and a copy of the declaration page of the liability insurance policy issued to the **driving school** confirming that the motor vehicle is insured in the amounts set forth in N.J.A.C. 13:23-2.28(b).

13:23-3.3 Standards for instructor's license issuance

An instructor's license shall not be issued to any person unless that person is the holder of a valid basic driver's license issued by the Commission pursuant to N.J.S.A. 39:3-10 or a valid driver's license issued by another state that is substantially similar to this State's basic driver's license, and has held such a license permitting him or her to drive for at least the past three consecutive years, and has complied with the other requirements contained in this subchapter.

13:23-3.4 Application for instructor's license

(a)-(d) (No change.)

(e) An initial instructor's license shall not be issued unless the applicant is at least 21 years of age and has a minimum of three **\*consecutive\*** years driving experience with a basic driver's license issued by the Commission pursuant to N.J.S.A. 39:3-10 or a driver's license issued by another state that is substantially similar to this State's basic driver's license.

(f) An applicant who has been licensed to drive by another state or states during the past three **\*consecutive\*** years shall submit a certified abstract of his or her driving record from the state or states in which he or she is or was licensed to drive with the initial application and all renewals thereof.