

participant. The Program participant may not use the Commission logo in any advertising;

xiii. The Program participant violated any of the provisions contained in the applicable rules;

xiv. The Program participant has been convicted of a crime arising out of fraud in connection with the sale of a motor vehicle in any state, a felony in any state, or a crime involving violence against another person in any state, or the Program participant is affiliated with any other Program participant or other requester whose access to Commission data and information has been, or was, suspended or revoked, and not reinstated;

xv. The agreement or MOU between the Commission and the Program participant has expired; or

xvi. For any other reason determined to be appropriate by the Commission.

2. The Commission may terminate any Program participant’s approval for the Standard Data Files Program, and any agreement or MOU with a Program participant in its sole discretion upon 10 days notice to the Program participant.

3. The Commission may terminate a Program participant’s approval for the Standard Data Files Program, and any agreement or MOU with a Program participant immediately and in its sole discretion, if it believes an individual or public health or individual or public safety may be at risk.

4. The Commission may terminate a Program participant’s approval for the Standard Data Files Program, and any agreement or MOU with a Program participant if the Program participant or end users are found to be using Commission records to conduct surveillance or to investigate or locate an individual, unless pursuant to N.J.S.A. 39:2-3.4(c)(6), for use by an insurer or insurance support organization, its agents, employees, or contractors, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, ratings, or underwriting. For any other purpose involving surveillance, the Program participant must submit an individual request for the evaluation and consideration of the Commission.

5. The Commission may cancel or amend a Program participant’s approval for the Standard Data Files Program, and any agreement or MOU with a Program participant, if such cancellation or amendment is deemed necessary by the Commission due to any changed requirement in the law or Commission policy that would prohibit such access or agreement, or upon a determination by the Commission that there has been a breach of the integrity or security of the data or information provided to the Program participant or a failure of the Program participant to comply with established procedures or legal requirements relating to the Standard Data Files Program.

6. The Program participant is required to ensure that all end users comply with all the terms, conditions, and limitations of the Program participant’s agreement or MOU with the Commission and is required to ensure that its end users use any and all data and information solely for the permitted purposes set forth in the Program participant’s agreement or MOU with the Commission. A violation of the terms of the agreement between the Program participant and end users to whom the Program participant sells or discloses, or has sold or disclosed, Commission data or information, will result in termination of participation in the Standard Data Files Program, but the Chief Administrator may, in the Chief Administrator’s sole discretion, allow remediation of the violation by permitting the Program participant to provide to the Commission a remediation plan, which the Chief Administrator may accept, modify, or reject, in the Chief Administrator’s sole discretion.

7. The Commission’s decision to terminate participation in the Standard Data Files Program for any violation of the terms and conditions of a Standard Data Files Program Agreement or MOU between the Commission and any subsidiary, related entity, or parent company of the Program participant shall automatically terminate the Program participant’s agreement or MOU with the Commission.

8. If a Standard Data Files Program Agreement or MOU between the Commission and any subsidiary, related entity, or parent company of the Program participant is suspended or terminated for violation of the terms of that agreement or MOU by end users to whom the subsidiary, related entity, or parent company sells or discloses, or has sold or disclosed, Commission data and information, the Program participant’s participation in the Standard Data Files Program shall be indefinitely suspended. The

Chief Administrator may, in the Chief Administrator’s sole discretion, allow remediation of the violation by permitting the subsidiary, related entity, or parent company to provide to the Commission a remediation plan, which the Chief Administrator may accept, modify, or reject, in the Chief Administrator’s sole discretion.

9. If any combination of the Program participant’s subsidiaries, related entities, parent companies, or end users violates the terms of the end users’ agreements or their agreement with the Commission or the Program participant, the Commission may terminate the Program participant’s participation in the Standard Data Files Program permanently with no opportunity for reinstatement. Additionally, if the Program participant’s participation in the Standard Data Files Program was suspended for a violation or violations by end users of subsidiaries, related entities, or parent companies to the Program participant, and thereafter reinstated, a subsequent violation may result in the Program participant’s participation in the Standard Data Files Program being terminated with no opportunity for reinstatement.

(n) Program participants enrolled in the Limited Online Access or Standard Data Files programs shall at all times maintain compliance with N.J.S.A. 56:8-163, Disclosure of breach of security to customers.

(o) Program participants enrolled in the Limited Online Access or Standard Data Files programs shall develop and implement a cybersecurity program, that reasonably conforms to the current version of an industry-recognized cybersecurity framework, such as any of the following, or any combination of the following, subject to required revisions, if applicable:

1. The Framework for Improving Critical Infrastructure Cybersecurity developed by the National Institute of Standards and Technology (NIST);

2. The Center for Internet Security Critical Security Controls for Effective Cyber Defense publication; or

3. The International Organization for Standardization and International Electrotechnical Commission 27000 family—information security management systems.

(p) When updates or changes in the form of a final revision to a framework listed \*[in]\* \*at\* (o) above is published, a Program participant shall reasonably conform to the revised framework not later than one year after the publication date stated in the revision.

(a)

**MOTOR VEHICLE COMMISSION**

**Licensing Services**

**Title to Vehicles Abandoned at Repair Facilities**

**Adopted New Rules: N.J.A.C. 13:21-11A**

Proposed: October 19, 2020, at 52 N.J.R. 1905(a).

Adopted: April 22, 2021, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: May 11, 2021, as R.2021 d.058, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), and **with proposed new N.J.A.C. 13:21-11A.8 not adopted.**

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, 39:10-4, and 39:10A-19.

Effective Date: June 7, 2021.

Expiration Date: September 9, 2027.

**Summary of Public Comments and Agency Responses:**

The written comments received by the Motor Vehicle Commission (“Commission” or “MVC”), regarding its October 19, 2020, proposed new rules at 52 N.J.R. 1905(a), are available for inspection by contacting the Office of Legal and Regulatory Affairs, at [rule.comments@mvc.nj.gov](mailto:rule.comments@mvc.nj.gov) or Motor Vehicle Commission, 225 East State Street, PO Box 162, Trenton, New Jersey, 08666.

The following individuals submitted timely written comments to the Commission regarding the notice of proposed new rules, which comments are addressed below: Anthony E. Bush, Esq., of Eckert Seamans Attorneys at Law on behalf of NextGear Capital, Inc., and Les Cravens,

Law Enforcement and Compliance Manager, on behalf of Auto Data Direct, Inc.

1. COMMENT: NextGear Capital, Inc., proposes the definition of “lienholder” at N.J.A.C. 13:21-11A.2 be amended to include secured parties with liens against motor vehicles perfected pursuant to N.J.S.A. 12A:9-311, which liens do not appear on a motor vehicle certificate of ownership.

RESPONSE: The intent of the proposed new rules is to implement the provisions of N.J.S.A. 39:10A-8 et seq., pertaining to the removal, storage, and sale or junking of vehicles abandoned at repair facilities. The Commission’s use of the word “lienholder” was intended solely as a substitute for the term “holder of any security interest in the motor vehicle filed with the Director of the Division of Motor Vehicles” in the notice provisions pursuant to N.J.S.A. 39:10A-11 and 39:10A-12. It was not the Commission’s intent to alter the priority of any perfected lien or security interest in an abandoned motor vehicle, which is addressed at N.J.S.A. 39:10A-20. Consequently, to clarify the Commission’s meaning and the scope of the proposed new rules, and to avoid any confusion, the Commission will not adopt the definition of “lienholder” at N.J.A.C. 13:21-11A.2. In addition, the Commission will remove the word “lienholder” throughout the proposed new rules and replace it with the term “holder of a security interest required to be notified in accordance with this subchapter.” The Commission notes that the definition of “security interest” is taken verbatim from N.J.S.A. 39:10-2 of the Motor Vehicle Certificate of Ownership Law.

2. COMMENT: NextGear Capital, Inc. proposes that the Commission clarify N.J.A.C. 13:21-11A.8, regarding the reclaiming of a motor vehicle by the owner prior to sale or issuance of a junk title certificate, to incorporate other New Jersey laws regarding the priority of any perfected liens or security interests in the abandoned motor vehicle, and to include language stating that “a lienholder with a superior interest does not have to pay storage, repair, towing or other costs to a repair facility.”

RESPONSE: The Abandoned and Unclaimed Motor Vehicles Act, N.J.S.A. 39:10A-1 et seq., specifically addresses the requirements for an owner to reclaim a vehicle left at a repair facility, at N.J.S.A. 39:10A-14. Additionally, the Act “provides an additional remedy and shall not be construed to supersede procedures provided under any other act, and shall not be deemed to supersede or alter the priority of any perfected lien or security interest in an abandoned motor vehicle, which lien or security interest shall have priority over the amounts due to the motor vehicle repair facility.” N.J.S.A. 39:10A-20.

Accordingly, because the commenter’s concerns regarding the reclaiming of an abandoned vehicle and the priority of liens are very clearly addressed by the Abandoned and Unclaimed Motor Vehicles Act, it is not necessary for the Commission to include those provisions in its rules. Therefore, the Commission will not adopt proposed N.J.A.C. 13:21-11A.8.

3. COMMENT: Auto Data Direct, Inc., proposes an addition at N.J.A.C. 13:21-11A.2 to include a definition for an “Authorized Real Time Data Provider,” in connection with Auto Data Direct, Inc.’s request that the MVC accept title and lien search results obtained by third party companies, such as Auto Data Direct, Inc.

4. COMMENT: Auto Data Direct, Inc., proposes an edit at N.J.A.C. 13:21-11A.4(a) to include the term “Authorized Vehicle Data Provider” as an option for record searches.

5. COMMENT: Auto Data Direct, Inc., proposes amending N.J.A.C. 13:21-11A.4(a)2 to allow for verifiable searches through an Authorized Vehicle Data Provider’s website. Further, Mr. Cravens suggests an amendment to the regulations to allow for third-party searches if they are obtained from the State’s Authorized Vehicle Data Provider.

RESPONSE TO COMMENTS 3, 4, AND 5: Record searches with certified results may only be provided by, and obtained from, the New Jersey Motor Vehicle Commission, official state motor vehicle commissions/departments, and NMVTIS searches. Third-party searches are not accepted. The New Jersey Motor Vehicle Commission relies upon NMVTIS as the United States Department of Justice was responsible for the oversight of implementation and operation of the system and has been in partnership with the American Association of Motor Vehicle Administrators (AAMVA) who has operated NMVTIS since 1992. NMVTIS data is reported from each state, some as quickly as at the time

of transaction and others within 24 hours to a few days, providing an up-to-date and reliable, secure system upon which the Commission can rely for data provision. The accuracy and reliability of out-of-State owner/lienholder search results of third-party data providers cannot be verified by the Motor Vehicle Commission. Accordingly, the Commission declines to make the suggested addition.

6. COMMENT: Auto Data Direct, Inc. recommends amending proposed N.J.A.C. 13:21-11A.4(a)(3) to require the motor vehicle repair shop to perform a title and lien search in any state within which an NMVTIS search revealed that the vehicle is currently titled or registered. The suggested change would amend the requirement from any state in which a vehicle may have been titled, registered, or primarily operated to requiring where the vehicle is currently titled, registered, or primarily in operation. Additionally, the commenter suggests making mandatory, the requirement that a motor vehicle repair facility perform a title and lien search in any state where the abandoned motor vehicle is titled, registered, or primarily operated and submit such results to the Commission.

RESPONSE: N.J.A.C. 13:21-11A.4(a)1 requires the motor vehicle repair shop to perform a title and lien search in any state where an NMVTIS search revealed a record may exist. N.J.A.C. 13:21-11A.4(a)3 permits the Commission to request a search from an additional state if information or belief suggests the vehicle was titled, registered, or primarily operated in another state. The Commission requires the flexibility to request records, as necessary, to determine owners and/or lienholders of abandoned vehicles. As to making mandatory the requirement that a motor vehicle repair facility provide their search results to the Commission, this information is already submitted to the Commission.

7. COMMENT: Auto Data Direct, Inc., suggests an amendment at N.J.A.C. 13:21-11A.5(b)2 to include Authorized Vehicle Data Providers. The commenter also suggest an amendment at N.J.A.C. 13:21-11A.5(b)3 to expand the requirement that the MVC require the motor vehicle repair shop to perform a title and lien search in any state that the NMVTIS search revealed the vehicle is currently titled or registered.

RESPONSE: The Commission requires the flexibility to request records, based upon the NMVTIS search performed, of states in which the vehicle may have been titled or registered. The Commission, therefore, declines to make the changes. See also, the Response to Comments 3, 4, and 5.

8. COMMENT: Auto Data Direct, Inc., seeks to amend N.J.A.C. 13:21-11A.6(c)2 to include Authorized Vehicle Data Providers and N.J.A.C. 13:21-11A.6(c)3 to expand the requirement that repair shops perform a title and lien search in the state identified by the NMVTIS search.

RESPONSE: The Commission may request, and the motor vehicle shop may be required, to perform search(es) in any state(s) where NMVTIS identifies a vehicle may have been titled. See also, the Response to Comments 3, 4, and 5.

9. COMMENT: Auto Data Direct, Inc., suggests an amendment at N.J.A.C. 13:21-11A.7, relating to notices and method of delivery and publication, to include electronic certified mail with tracking, in addition to, certified, or registered mail, return receipt requested.

RESPONSE: Electronic certified mail with tracking is an electronic alternative to the traditional “green card” that is used as a return receipt for certified mail. The electronic certified mail option must be purchased at time of mailing and provides the sender with evidence of delivery, making it the official United States Postal Service equivalent to the hardcopy postcard return receipt. Electronic certified mail with tracking, known as “return receipt (electronic)” by the United States Postal Service will be accepted in addition to certified, or registered, mail, return receipt requested. The Commission has made the requested clarification to allow for more flexibility.

10. COMMENT: Auto Data Direct, Inc., suggests amending N.J.A.C. 13:21-11A.9, relating to the sale of the motor vehicle, certificate of ownership, and the application and issuance of the certificate of title by the Motor Vehicle Commission. The commenter suggests requiring that the motor vehicle repair shop provide copies of any vehicle record or NMVTIS history report obtained from another state, an authorized vehicle data provider, or NMVTIS history provided when application for certificate of title is made.

RESPONSE: The submission of vehicle records and/or the NVMTIS report are not required to be submitted with the application for certificate of title as these documents were already submitted to the Motor Vehicle Commission during the proof of ownership process required for vehicles abandoned at repair facilities. Therefore, the Commission declines to make this change.

#### Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules are not being adopted to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

**Full text** of the adopted new rules follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

#### SUBCHAPTER 11A. VEHICLES ABANDONED AT REPAIR FACILITIES

##### 13:21-11A.1 Purpose and scope

This subchapter sets forth the procedure an applicant must follow to sell or dispose of a vehicle abandoned at a motor vehicle repair facility, pursuant to N.J.S.A. 39:10A-8 through 20.

##### 13:21-11A.2 Definitions

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

“Abandoned motor vehicle” means a motor vehicle that has been left at a motor vehicle repair facility:

1. Without an attempt by the owner, a person on the owner’s behalf, or any other person having a legal right to the vehicle to regain possession thereof, for a period in excess of 60 days without the consent of an authorized representative of the motor vehicle repair facility;
2. For a period of 60 days in excess of the period for which consent has been given by an authorized representative of the motor vehicle repair facility; or
3. For a period in excess of 60 days after being notified by an authorized representative of the motor vehicle facility that service or repairs to the motor vehicle have been completed.

“Commission” means the New Jersey Motor Vehicle Commission.

\*[“Lienholder” means a person holding a security interest in a motor vehicle, identified as a result of the lien searches performed pursuant to this subchapter.]\*

“Motor vehicle repair facility” means a corporation, partnership, or sole proprietorship legally registered to conduct business, including the repair of motor vehicles in New Jersey.

“Person” includes natural persons, firms or copartnerships, corporations, associations, or other artificial bodies, receivers, trustees, common law or statutory assignees, executors, administrators, sheriffs, constables, marshals, or other persons in representative or official capacity, and members, officers, agents, employees, or other representatives of those hereinbefore enumerated.

“Security interest” means an interest in a motor vehicle that secures payment or other performance of an obligation.

##### 13:21-11A.3 Removal and storage, sale, or obtaining junk title certificate; inapplicability if dispute between repair facility and owner on amount due

(a) An authorized representative of a motor vehicle repair facility may take one or more of the following actions with respect to an abandoned motor vehicle:

1. Remove and store, or hire another person to remove and store, the motor vehicle pursuant to the provisions of this subchapter;
2. Sell, or cause the motor vehicle to be sold, at public or private sale, pursuant to the provisions of this subchapter; or
3. Cause a junk title certificate to be issued, pursuant to N.J.S.A. 39:10A-12, for the motor vehicle pursuant to the provisions of this subchapter.

(b) No motor vehicle shall be sold and no junk title certificate shall be issued pursuant to this subchapter where the cause for a motor vehicle being left in the possession of a motor vehicle repair facility for a period

in excess of that set forth in this subchapter (see N.J.A.C. 13:21-11A.2 for the definition of an “abandoned motor vehicle”) is a dispute between the motor vehicle repair facility and the owner of the motor vehicle or other person having a legal right thereto regarding the amount to be paid in order to regain possession of the motor vehicle.

##### 13:21-11A.4 Notice to owner of intent to remove and store

(a) Prior to the removal and storage of a motor vehicle pursuant to the provisions of this subchapter, an authorized representative of a motor vehicle repair facility shall give the owner of the motor vehicle or other person having a legal right to it 30 days notice of the facility’s intent to remove and store the motor vehicle. The notice shall be sent to the owner, or other person having a legal right to the vehicle, as determined by a search of the records of the Commission using forms to be supplied by the Commission, accompanied by the fee specified by the Commission for the search.

1. If the Commission reports having no record of ownership of the motor vehicle on file, the motor vehicle repair facility shall then obtain either a title search through the National Motor Vehicle Title Information System (NMVTIS), or a title and lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland. If a search using NMVTIS results in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall contact the state in which the motor vehicle was last titled to verify the owner and any holder of a security interest in the motor vehicle. If a NMVTIS search does not result in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall obtain a lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland.

2. Proof of ownership and the identity of any \*[lienholder]\* **\*holder of a security interest required to be notified in accordance with this subchapter,\*** must be certified and issued by the state in which the motor vehicle was last titled. Third-party searches are not acceptable as proof of ownership or as proof of liens.

3. If the Commission has reason to believe that the vehicle may have been titled, registered, or primarily operated in another state, the Commission may also require a motor vehicle repair facility to perform a title and lien search in any state where the abandoned motor vehicle is titled, registered, or primarily operated in, and submit the title and lien search results to the Commission.

##### 13:21-11A.5 Notice of intent to sell and of date, time, place, and manner of sale

(a) Prior to the sale of an abandoned motor vehicle, the motor vehicle repair facility or its authorized representative shall:

1. Obtain the required forms and procedures regarding motor vehicles abandoned at motor vehicle repair facilities by contacting the New Jersey Motor Vehicle Commission, Special Titles-Abandoned Title Unit, 225 East State Street, PO Box 017, Trenton, New Jersey, 08666-0017, or online at [www.njmvc.gov](http://www.njmvc.gov).

2. Give the owner or other person having a legal right thereto, the holder of any security interest in the motor vehicle, and the Chief Administrator 30 days notice of the intent to sell the motor vehicle or cause it to be sold; and

3. Give the owner or other person having a legal right thereto and the holder of any security interest in the motor vehicle at least five days’ notice of the date, time, place, and manner of the proposed sale.

(b) The notices required by this section shall be sent to the owner or other person having a legal right thereto, and the holder of any security interest in the motor vehicle, as determined through the search procedure set forth at N.J.A.C. 13:21-11A.4.

1. If there is no record of ownership of the motor vehicle on file with the Commission, the notices shall be sent to the owner or other person having a legal right thereto, and the holder of any security interest in the motor vehicle, as determined by the title and lien search performed as follows: the motor vehicle repair facility shall either obtain a title search through the National Motor Vehicle Title Information System (NMVTIS) or obtain a title and lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland. If a search using NMVTIS results in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall contact the

state in which the motor vehicle was last titled to verify the owner and any holder of a security interest in the motor vehicle. If a NMVTIS search does not result in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall obtain a lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland.

2. Proof of ownership and the identity of any \*[lienholder]\* **\*holder of a security interest required to be notified in accordance with this subchapter,\*** must be certified and issued by the state in which the motor vehicle was last titled. Third-party searches are not acceptable as proof of ownership or as proof of liens.

3. If the Commission has reason to believe that the vehicle may have been titled, registered, or primarily operated in, or registered in, another state, the Commission may also require a motor vehicle repair facility to perform a title and lien search in any state where the abandoned motor vehicle is titled, registered, or primarily operated in, and submit the title and lien search results to the Commission.

#### 13:21-11A.6 Junk title certificate; issuance; notice

(a) If a motor vehicle repair facility determines that a motor vehicle subject to the provisions of this subchapter is incapable of being operated safely or of being put in safe operational condition, except at a cost in excess of the value thereof, the motor vehicle repair facility may apply to the Commission for issuance of a junk title certificate.

(b) In applying for issuance of a junk title certificate, an authorized representative of the motor repair facility shall certify to the Commission, on a form prescribed by the Chief Administrator, that the motor vehicle is incapable of being operated safely or of being put in safe operational condition, except at a cost in excess of the value thereof.

(c) No junk title certificate shall be issued unless the motor vehicle repair facility first gives 30 days notice of its intention to obtain a junk title certificate to the owner of the motor vehicle or other person having a legal right thereto and to the holder of any security interest in the motor vehicle. The notice required by this section shall be sent to the owner or other person having a legal right thereto and the holder of any security interest in the motor vehicle as determined by a search of the records of the Commission using forms to be supplied by the Commission, accompanied by the fee specified by the Commission for the search.

1. If there is no record of ownership of the motor vehicle on file with the Commission, the notice shall be sent to the owner or other person having a legal right thereto and the holder of any security interest in the motor vehicle as determined by the title and lien search performed as follows: the motor vehicle repair facility shall either obtain a title search through the National Motor Vehicle Title Information System (NMVTIS) or obtain a title and lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland. If a search using NMVTIS results in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall contact the state in which the motor vehicle was last titled to verify the owner and any holder of a security interest in the motor vehicle. If a NMVTIS search does not result in a record of ownership of the motor vehicle, the motor vehicle repair facility or authorized representative shall obtain a lien search from each of the following states: New York, Delaware, Pennsylvania, Connecticut, and Maryland.

2. Proof of ownership and the identity of any \*[lienholder]\* **\*holder of a security interest required to be notified in accordance with this subchapter,\*** must be certified and issued by the state in which the motor vehicle was last titled. Third-party searches are not acceptable as proof of ownership or as proof of liens.

3. If the Commission has reason to believe that the vehicle may have been titled, registered, or primarily operated in, or registered in, another state, the Commission may also require a motor vehicle repair facility to perform a title and lien search in any state where the abandoned motor vehicle is titled, registered, or primarily operated in, and submit the title and lien search results to the Commission.

(d) Application for a junk title certificate shall be made on a form prescribed by the Chief Administrator and shall include a copy of the notice and proof of mailing, proof that the notice was unclaimed by the addressee, or a certification that the address of the person to whom the notice is to be given is unknown, and cannot be ascertained from the title

and lien searches conducted pursuant to this subchapter, and a certified affidavit of newspaper publication. (See N.J.A.C. 13:21-11A.7.)

(e) A fee specified by the Commission shall accompany the application for issuance of a junk title certificate.

#### 13:21-11A.7 Notices; writing; method of delivery; publication

The notices required for intent to remove and store, intent to sell, and intent to seek issuance of a junk title certificate shall be in writing and sent by certified or registered mail, return receipt requested, **\*or return receipt (electronic),\*** to the last known address of the person identified in the title and lien searches, as required by this subchapter. In the event the notice is unclaimed by the addressee, or if the address of the person to whom the notice is to be given is unknown to the repair facility giving the notice and cannot be ascertained from the title and lien searches required by this subchapter, the notice shall be given by publishing it twice, over two consecutive weeks, in at least one newspaper published in this State and circulating in the municipality in which the motor vehicle is abandoned.

#### 13:21-11A.8 \*[Reclamation of possession by owner prior to sale or issuance of junk title certificate]\* **\*(Reserved)\***

\*[At any time prior to the sale of the motor vehicle or the issuance of a junk title certificate for the vehicle, the owner of the motor vehicle may reclaim possession of the motor vehicle from the motor vehicle repair facility, or other person with whom the motor vehicle is stored, pursuant to N.J.S.A. 39:10A-8 et seq., upon payment of the reasonable costs of removal and storage of the motor vehicle, the expenses incurred pursuant to the provisions in this subchapter, and the charges for the servicing or repair of the motor vehicle.]\*

#### 13:21-11A.9 Sale of motor vehicle; certificate of ownership; application; issuance; fee

(a) No certificate of title to a motor vehicle that has been sold, or a junk title certificate shall be issued, unless the repair facility has submitted the documents pursuant to this subsection, in the order and form required, to the Commission. Any incomplete documents or incorrect information may cause the application for certificate of title to be rejected by the Commission and the application returned to the motor vehicle repair facility for proper completion. The following documents must be submitted:

1. A completed Application for Certificate of Title on the form provided by the Chief Administrator and accompanied by a fee of \$60.00. An additional fee of \$25.00 will be due if the completed Application for Certificate of Title is not submitted to the Commission within 10 days of the date of sale, pursuant to N.J.A.C. 13:21-4.2(e);

2. The repair bill, or estimate, on the motor vehicle repair facility's letterhead, which must include, at a minimum, the year, make, model, and vehicle identification number of the motor vehicle;

3. A notarized affidavit stating the following:

i. The motor vehicle repair facility's name, address, and daytime telephone number;

ii. How the abandoned motor vehicle came into the motor vehicle repair facility's possession;

iii. The address where the motor vehicle was abandoned;

iv. How long the abandoned motor vehicle has been in the motor vehicle repair facility's possession;

v. The abandoned motor vehicle's year, make, model, and vehicle identification number; and

vi. The steps taken by the motor vehicle repair facility to locate the abandoned motor vehicle's owner;

4. A copy of the 30-day notice and proof of mailing, proof that the notice was unclaimed by the addressee, or a certification that the address of the person to whom the notice is to be given is unknown and cannot be ascertained from the title and lien searches conducted pursuant to this subchapter, and a certified affidavit of newspaper publication;

5. A copy of the five-day notice and proof of mailing, proof that the notice was unclaimed by the addressee, or a certification that the address of the person to whom the notice was to be given is unknown and cannot be ascertained from the title and lien searches conducted pursuant to this subchapter, and a certified affidavit of newspaper publication;

6. A completed Report of Possession of Abandoned Vehicle at a Repair Facility on the form provided by the Chief Administrator;

7. A legible pencil tracing or photograph of the motor vehicle's vehicle identification number;

8. One photograph each of the front, back, passenger, and driver's side of the motor vehicle;

9. A certification setting forth the form of sale, the sale amount, the expenses of the sale, the costs, and expenses incurred in the removal and storage of the motor vehicle, and the charges of the motor vehicle repair facility for the servicing and repair of the motor vehicle;

10. A certification from the motor vehicle repair facility stating that the sale of the motor vehicle was in conformity with the provisions of this subchapter; and

11. A copy of the purchaser's driver license or, if the purchaser is not an individual, the entity's identification number assigned by the Commission pursuant to N.J.A.C. 13:21-25.

## TREASURY—GENERAL

### (a)

#### DIVISION OF PENSIONS AND BENEFITS

#### STATE HOUSE COMMISSION

#### Judicial Retirement System

#### Disability Retirement Process (P.L. 2019, c. 287)

#### Adopted Amendments: N.J.A.C. 17:10-1.5, 2.2, 2.3, 2.4, 3.4, 3.5, 4.5, 4.7, 4.9, 5.1, 5.2, 5.4, and 5.10

#### Adopted Repeal and New Rule: N.J.A.C. 17:10-3.6

#### Adopted New Rule: N.J.A.C. 17:10-1A

Proposed: November 16, 2020, as 52 N.J.R. 2051(a).

Adopted: April 26, 2021, by the State House Commission, Shirlene Scott, Secretary, Division of Pensions and Benefits.

Filed: May 3, 2021, as R.2021 d.055, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 43:6A-29.d.

Effective Date: June 7, 2021.

Expiration Date: May 17, 2023.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Summary of Agency-Initiated Changes:

The State House Commission (Commission) is changing N.J.A.C. 17:10-2.2 upon adoption to add the conjunction "and" to join the two phrases, thus, making the language easier to read.

The Commission is also changing N.J.A.C. 17:10-5.4(b) upon adoption to cross-reference N.J.A.C. 17:10-5.11. P.L. 2019, c. 287 (N.J.S.A. 43:6A-11.1), states that if a person "attains the age of 70 while serving as a county prosecutor, the person shall be deemed to be retired for purposes of section 7 of P.L. 1973, c. 140 (C.43:6A-7) and paragraph 3 of Section VI of Article VI of the Constitution of the State of New Jersey based on the approved application for the member's retirement the effective date of which has been deferred." As the adopted new rule impacts deferred retirement and compulsory retirement, a cross-reference to N.J.A.C. 17:10-5.11 is provided for reference.

#### Federal Standards Statement

A Federal standards analysis is not required because N.J.S.A. 43:16A-13(7) governs the subject of this rulemaking, and there are no Federal requirements or standards that affect the subject of this rulemaking.

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

#### SUBCHAPTER 1. ADMINISTRATION

##### 17:10-1.5 Records

(a) In addition to the provisions at N.J.A.C. 17:1-1.2, the approved minutes of the Commission are a matter of public record and may be inspected during regular business hours in the office of the secretary.

(b) The mailing address, telephone number, or email address of any active or retired member is considered to be a part of the member's confidential files and shall not be released for any purpose.

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

#### SUBCHAPTER 1A. DEFINITIONS

##### 17:10-1A.1 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Final salary" means the salary on which a member's Judicial Retirement System pension contributions are based upon as of the date of his or her retirement.

"In the aggregate of public service" means a member's total years of both judicial and non-judicial service credit in the Judicial Retirement System. This would include service purchased or inter-fund transferred into the Judicial Retirement System from another State-administered retirement system.

"Judicial service" means a member's years of service as a judge under the Judicial Retirement System.

#### SUBCHAPTER 2. ENROLLMENT AND PURCHASES

##### 17:10-2.2 Enrollment following deferred retirement

Any member who was granted a deferred retirement **\*and\*** who again becomes a member while under the age of 60, shall be reenrolled in the JRS with a new account.

##### 17:10-2.3 Eligibility for purchase

(a) Only active members of the Judicial Retirement System shall be eligible to make application for purchase of credit. An active member is a member who is contributing to the System. After a member separates from service, but does not retire or defer retirement, the member must purchase his or her requested service in a lump sum.

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

##### 17:10-2.4 Optional purchase of eligible service

(a) A member may purchase all, or a portion, of former membership in a New Jersey State-administered retirement system. A member may also purchase service rendered in an office, position, or employment of the State of New Jersey, or of a county, municipality, board of education, or public agency of the State of New Jersey. "Service" means public service rendered for which pension credit is allowed on the basis of contributions made by the State.

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

#### SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

##### 17:10-3.4 Survivor benefits

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

(c) If a member dies in "active" status, a return of contributions plus interest up until the date of death will be paid to the designated beneficiary on file or, if no beneficiary was selected, to the deceased member's estate.

##### 17:10-3.5 Contributory group life insurance; beneficiary designation

(a) Contributory Group Life Insurance is an optional insurance plan available at different coverage levels of subsidized coverage, in which the member pays a portion of the premium through regular payroll deductions. Judicial Retirement System members who are not covered by contributory group life insurance may elect to enroll at any later time, but must then provide evidence of insurability. There are two contributory group life insurance plans available to JRS members: Group Term Life Insurance or Group Variable Universal Life Insurance (GVUL). Contributory Group Term Life Insurance coverage ends 31 days after a member ceases judicial service, whether for reasons of retirement, termination of service, or the end of a period of coverage under a leave of absence without pay. This contributory group life insurance plan can be