

**SUBCHAPTER 50D. AUTOBUSES APPROVED FOR PUPIL
TRANSPORTATION BY THE NEW
JERSEY DEPARTMENT OF
TRANSPORTATION PRIOR TO MAY 21,
1993**

13:20-50D.1 Scope of exceptions and exemptions

The exceptions and exemptions set forth in this subchapter shall apply to autobuses approved for school use by the New Jersey Department of Transportation prior to May 21, 1993.

13:20-50D.2 Exceptions and exemptions

(a) The prohibition against advertisements of any kind on either the interior or exterior of the vehicle shall not apply.

(b) The seat requirements imposed pursuant to N.J.A.C. 13:20-50B.33(e) shall not apply to longitudinal seats seating not more than four pupils.

(c) The entrance door and the emergency door with aisles leading to each shall be deemed to be in compliance with the requirement for doors imposed pursuant to N.J.A.C. 13:20-50B.11(i).

(d) The requirement imposed pursuant to N.J.A.C. 13:20-50B.11(g) to have the words "Emergency Door" applied to the inside and outside of the emergency door shall not apply.

(e) In lieu of the lettering, Type I school vehicles that are operated by a privately or publicly owned local transit system and used for regular common carrier transit route service, as well as special school route service shall meet the requirements of N.J.A.C. 13:20-50B.19(b), except as follows:

1. Such vehicles shall, while transporting children to and from school, be equipped with signs, located conspicuously on the front and back of the vehicle:

i. The sign on the front shall have the words "School Bus" printed in black letters not less than six inches high on a background of national school bus glossy yellow; and

ii. The sign on the rear shall be at least 10 square feet in size and shall be painted national school bus glossy yellow and have the words "School Bus" printed in black letters not less than eight inches high.

(f) The requirements for the main aisle and the aisle to the emergency door imposed pursuant to N.J.A.C. 13:20-50B.2(a) shall not apply.

(g) The requirement pursuant to N.J.A.C. 13:20-50B.5 for bumpers shall not apply.

(h) The window requirements imposed pursuant to N.J.A.C. 13:20-50B.46(d) shall not apply.

(i) The color requirements imposed pursuant to N.J.A.C. 13:20-50B.6(a) shall not apply.

13:20-50D.3 Certificate of inspection

(a) No autobus under the jurisdiction of the Motor Vehicle Commission's Inspection Services Bus Unit shall be used for school pupil transportation services, as defined in N.J.S.A. 18A:39-1 and under contract with a local board of education for transportation to and from school, unless such autobus is authorized on the certificate of inspection issued by the Motor Vehicle Commission's Inspection Services Bus Unit.

(b) Owners or operators of buses approved by the Motor Vehicle Commission's Inspection Services Bus Unit shall submit evidence of such approval at such times as requested by the county superintendent.

13:20-50D.4 Inspection by county superintendent

(a) The county superintendent may inspect any bus approved by the Motor Vehicle Commission's Inspection Services Bus Unit for any item not covered by the approval of the Motor Vehicle Commission's Inspection Services Bus Unit and from which they are not specifically exempted by this subchapter.

(b) Whenever, in the opinion of the county superintendent, a bus chassis or body is outworn or in a dilapidated condition, it shall not be used for pupil transportation.

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Title to Vehicles Abandoned on Private Property

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

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:4-56.6, and 39:10-4.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-240.

Submit written comments by December 1, 2017, to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 160
Trenton, New Jersey 08666-0160
or via e-mail: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

This notice of proposal is exempted from the rulemaking calendar pursuant to N.J.A.C. 1:30-3.3(a)5. Since this notice of proposal is not listed in the agency rulemaking calendar, the public comment period for this notice will be 60 days.

N.J.S.A. 39:4-56.6 provides statutory authority for the sale at public auction of vehicles abandoned on private property if the vehicle owner does not claim possession of the vehicle and/or refuses to pay the reasonable costs for removal and storage within a prescribed period of time. The purpose of these proposed new rules is to set forth the procedure required to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle pursuant to N.J.S.A. 39:4-56.6. These proposed new rules also allow title to the abandoned vehicle to be issued in the applicant's name if the vehicle cannot be sold at auction.

N.J.A.C. 13:21-11.1, Purpose and scope, establishes the purpose and scope of the new rules.

N.J.A.C. 13:21-11.2, Definitions, provides the definitions of various pertinent terms, including "abandoned vehicle," "applicant," "Commission," and "person."

N.J.A.C. 13:21-11.3, Application forms, provides information to applicants, so that they may properly complete the procedure for issuance of a title to an abandoned vehicle after public auction.

N.J.A.C. 13:21-11.4, Power of attorney, allows a property owner, or other person in control or possession of the property on which the vehicle was abandoned, to have another person submit the application and required documents for the vehicle to be sold at public auction on their behalf.

N.J.A.C. 13:21-11.5, Transfer of interest in abandoned vehicle, allows a property owner, or other person in control or possession of the property on which the vehicle was abandoned, to release his or her interest in the abandoned vehicle to a towing facility dispatched to remove the vehicle from the property on which the vehicle was abandoned.

N.J.A.C. 13:21-11.6, Application for Certificate of Title, provides the requirements for obtaining an Application for Certificate of Title, which is the document used to transfer title to the abandoned vehicle after public auction.

N.J.A.C. 13:21-11.7, Public auction of abandoned vehicle, sets forth the requirements an applicant must meet in order to sell the abandoned vehicle at public auction.

N.J.A.C. 13:21-11.8, Submission of completed Application for Certificate of Title, provides the documents that must be submitted, after the public auction of the abandoned vehicle, in order for title to be issued to the purchaser.

N.J.A.C. 13:21-11.9, Auction proceeds, provides that the proceeds from the sale of the abandoned vehicle first be applied to pay any perfected liens, storage expenses, and sale expenses. Any remaining proceeds must be transferred to the abandoned vehicle’s owner identified in any lien searches. If the owner cannot be located, the proceeds must be held in escrow for 60 days and then submitted to the municipality in which the vehicle was sold at auction.

Social Impact

The Commission anticipates that the proposed new rules will have a positive social impact on New Jersey private property owners or other persons in control or possession of property where vehicles are abandoned, towing and storage companies, vehicle owners, vehicle lienholders, and purchasers of abandoned vehicles at public auctions. The Commission receives approximately 1,000 requests annually from property owners or other persons in control or possession of property to sell and transfer title to vehicles abandoned on their property. These proposed new rules codify the procedure that will allow applicants to sell a vehicle abandoned on private property at auction and provide for the transfer of title to the purchaser. The proposed new rules also allow those property owners to be reimbursed for costs incurred for the removal, storage, and sale of abandoned vehicles. The proposed new rules also allow property owners and other persons in control or possession of property to release their interest in the abandoned vehicles to the towing and/or storage company that removed and stored the abandoned vehicle, thereby allowing towing and storage companies to also sell abandoned vehicles and to be reimbursed for the cost of removal, storage, and sale.

The proposed new rules also protect owners and lienholders of vehicles that are abandoned on private property. The proposed new rules require applicants to perform lien searches on the abandoned vehicle in New Jersey, and where appropriate, in surrounding states, to identify possible owners and lienholders. The proposed new rules also require the vehicle’s identification number to be verified through a national search, which may further reveal an ownership interest not previously identified. The proposed new rules will protect owners and lienholders that may be unaware a vehicle has been abandoned. The owners and lienholders will receive ample notice the vehicle is deemed abandoned and of the intent to sell the vehicle at auction. Owners and lienholders are provided with an opportunity to object to the auctions, to protect their ownership interest or lien, and to have any liens satisfied from the auction proceeds.

The proposed new rules will also protect purchasers of abandoned vehicles at auctions. A purchaser can only obtain title to an abandoned vehicle sold at auction by purchasing the vehicle from an applicant who has complied with the proposed new rules, reducing the risk purchasers at auction will take title to a vehicle with an undisclosed lien or ownership interest.

Economic Impact

The proposed new rules will have a positive economic impact. The proposed new rules provide private property owners or persons in control or possession of property with a codified procedure to be reimbursed for costs associated with the removal, storage, and sale of vehicles abandoned on their property. Under the proposed new rules, the applicant and the Commission will also identify abandoned vehicle owners and lienholders, and provide them with notice of the intent to sell the abandoned vehicle. The proposed new rules provide an opportunity for the abandoned vehicle’s owner(s) and lienholder(s) to protect their lien(s) or interest and to object to the auction of the vehicle if the vehicle was not truly abandoned, and receive proceeds from the auction to satisfy their lien.

Federal Standards Statement

The proposed new rules have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

Jobs Impact

The Commission anticipates no job impact in relation to the proposed new rules. The proposed new rules codify a Commission procedure that allows property owners or other persons in control or possession of

property where vehicles are abandoned to sell abandoned vehicles at auction.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in New Jersey because the proposed new rules deal exclusively with vehicles abandoned on private property.

Regulatory Flexibility Analysis

The proposed new rules will affect some property owners and other persons in control or possession of property, including small business owners, if vehicles are abandoned on their property. Additionally, towing and storage companies removing and storing abandoned vehicles may also fall under the small business designation. Finally, there are entities that property owners or other persons in control or possession of property will hire to comply with the requirements of the proposed new rules that will also be considered small businesses. The Commission receives approximately 1,000 requests annually for the appropriate forms and directions to be followed to hold these auctions. However, the proposed new rules do not require any specific reporting or recordkeeping requirements that small businesses would be required to maintain.

The proposed new rules codify a procedure applicants must follow to sell an abandoned vehicle at auction. The proposed new rules require an applicant to provide notices by certified mail to known owners and lienholders and to provide notice of the auction in a local newspaper where the vehicle was abandoned before the auction can be held. Compliance with the proposed new rules requires minimal notice costs for mailing and newspaper publications. The proposed new rules strike a balance between the cost and time an applicant must expend to provide adequate notice to known/unknown owners and lienholders, and the protection that notice and time provides to owners and lienholders to object to the vehicle’s sale and protect their interests. Additionally, applicants are able to be reimbursed for costs associated with the removal, storage, and sale of the abandoned vehicle from the proceeds at auction.

The Commission anticipates a very small impact on small businesses. The cost of compliance with the proposed new rules is administrative in nature and will not require any additional professional services. This requirement must be uniform for all applicants in order to ensure adherence to statutory and regulatory requirements. Accordingly, an exception from the compliance requirements of the proposed new rules is not warranted.

Housing Affordability Impact Analysis

The proposed new rules will not have any impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing because the proposed new rules deal exclusively with vehicles abandoned on private property.

Smart Growth Development Impact Analysis

The proposed new rules will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed new rules deal with vehicles abandoned on private property.

Full text of the proposed new rules follows:

SUBCHAPTER 11. VEHICLES ABANDONED ON PRIVATE PROPERTY

13:21-11.1 Purpose and scope

This subchapter sets forth the procedure an applicant must follow to dispose of a vehicle abandoned on private property, pursuant to N.J.S.A. 39:4-56.6. This subchapter shall not apply to manufactured or mobile homes left unattended and for which there exists or existed a rental agreement to occupy a space on the property.

13:21-11.2 Definitions

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

“Abandoned vehicle” means a motor vehicle that has been left unattended on the private property of another without the consent of the owner or other person in control or possession of the property or for a period in excess of that for which consent was given, except in the case of emergency or disablement of the vehicle.

“Applicant” means the property owner or person in control or possession of the property where the vehicle was abandoned, or in a case where the interest in such a vehicle has been properly released, pursuant to the requirements in this subchapter, to the towing company dispatched by the property owner or person in control or possession of the property to remove the abandoned vehicle.

“Commission” means the New Jersey Motor Vehicle Commission.

“Person” means a natural person, or association, corporation, partnership, sole proprietorship, trust, non-profit or not-for-profit legally registered to conduct business in New Jersey, or any other legal entity.

13:21-11.3 Application forms

The applicant must contact the Commission to obtain the required forms and procedures that must be followed to allow the vehicle’s title to be transferred after public auction. Forms may be obtained by contacting the Special Title-Foreign Title Department, New Jersey Motor Vehicle Commission, at PO Box 017, Trenton, New Jersey 08666.

13:21-11.4 Power of attorney

If another person is completing any of the forms prescribed in this subchapter on behalf of the applicant, the applicant or attorney-in-fact must submit a properly executed and notarized original or certified copy of a power of attorney to the Commission at the address provided by the Commission. The power of attorney must list the abandoned vehicle’s make, model, and vehicle identification number.

13:21-11.5 Transfer of interest in abandoned vehicle

(a) The property owner or other person in control or possession of the property may release his or her interest in a vehicle abandoned on his or her property to the towing facility dispatched to remove the vehicle or the storage facility where the vehicle is being stored after being removed from the property.

(b) If an applicant releases his or her interest in a vehicle abandoned on his or her property to the towing facility dispatched to remove the vehicle or the storage facility where the vehicle is being stored after being removed from the property, the applicant must complete and execute an Authority to Transfer Interest, which form must be submitted to the Commission with all other required documents pursuant to this subchapter.

13:21-11.6 Application for Certificate of Title

(a) Prior to conducting an auction for the sale of the abandoned vehicle, the applicant must first obtain an Application for Certificate of Title from the Commission. In order to obtain an Application for Certificate of Title from the Commission, the applicant must submit the following to the Commission:

1. Proof of ownership and lienholder information. A lien search request must be obtained from the Commission and returned to the Commission properly executed and accompanied by the appropriate fee for the lien search.

i. If there is no record of ownership of the abandoned vehicle in New Jersey, the applicant must perform a lien search in each of the following states and return the lien search results to the Commission: New York, Delaware, Pennsylvania, Connecticut, and Maryland.

ii. The Commission may also require an applicant to perform a lien search in any state where the abandoned vehicle is titled, registered, or primarily operated in, and submit the lien search results to the Commission;

2. A detailed notarized affidavit stating the following:

- i. How the abandoned vehicle came into the applicant’s possession;
- ii. The address where the vehicle was abandoned;
- iii. How long the abandoned vehicle has been in the applicant’s possession;
- iv. The abandoned vehicle’s year, make, and vehicle identification number;
- v. The applicant’s name, address, and daytime telephone number; and

vi. The steps taken by the applicant to locate the abandoned vehicle’s owner;

3. A copy of the completed Abandoned Vehicle 90-Day Notice and the original proof of mailing. The Abandoned Vehicle 90-Day Notice must be sent by certified mail, return receipt requested, to the owner(s) and any lienholders reported on any lien searches required pursuant to this subchapter. If the certified mail is undeliverable or unclaimed, the notice must be sent by regular mail. If the Abandoned Vehicle on Private Property-90 Day Notice is returned to the applicant, the original unopened, undelivered envelopes showing the U.S. Postal Service notation indicating the reason(s) for non-delivery must be submitted to the Commission;

4. A pencil tracing or a photograph of the abandoned vehicle’s vehicle identification number; and

5. One photograph each of the front, back, passenger, and driver’s side of the abandoned vehicle.

13:21-11.7 Public auction of abandoned vehicle

(a) Upon receipt from the Commission of the Application for Certificate of Title, the applicant may sell the abandoned vehicle at public auction, pursuant to the requirements of this section.

1. The applicant must publish a notice in a newspaper of general circulation in the municipality where the vehicle was abandoned for two weeks, at least once each week, prior to the vehicle being sold at public auction. The second publication must appear not less than five business days prior to the date of the public auction. The publication must state that the applicant has applied to the chief administrator of the Commission for authority to sell the vehicle at public auction and if anyone desires to be heard in opposition, he or she may do so by contacting the chief administrator prior to the date of the public auction. The publication must also include the year, make, and model of the vehicle and a full and correct vehicle identification number or, if applicable, hull identification number.

i. For an abandoned vehicle on private property, the five-day notice must be posted at the location where the vehicle was left abandoned, not less than five days prior to the date of the public auction.

13:21-11.8 Submission of completed Application for Certificate of Title

(a) To obtain title to the abandoned vehicle in the purchaser’s name following public auction, the applicant must submit the following to the Commission:

1. The original or certified copy of the notarized affidavit of newspaper publication for the two publications required by this subchapter;

2. A copy of the abandoned vehicle on private property, five-day notice required by this subchapter;

3. A notarized affidavit of public auction identifying all persons who attended the public auction, including an accounting of the auction proceeds and costs incurred. If no persons attended the public auction or no bids were received, the applicant must state that a public auction was held but that no bids were received and/or no persons attended. The applicant must also describe any liens placed on the vehicle as a result of the sale of the vehicle at the public auction. If the applicant is a business, the affidavit must be on the business’s letterhead;

4. A completed Application for Certificate of Ownership for a vehicle abandoned on private property, with the applicable title fee and sales tax due; and

5. A copy of the purchaser’s driver’s license or, if the purchaser is not an individual, the entity’s corporation code (entity identification number assigned by the Commission).

(b) If the documents submitted are not satisfactory to the Chief Administrator, the Chief Administrator may, in his or her sole discretion, require the applicant to submit additional documents supporting the request for title to the abandoned vehicle.

(c) A \$25.00 fee will be assessed if the completed Application for Certificate of Title to the abandoned vehicle is not submitted to the Commission within 10 days of the date of the public auction.

(d) Upon the Commission’s receipt of all required documents set forth in this section, the Chief Administrator will conduct a national search to verify the abandoned vehicle’s vehicle identification number. If the national search reveals an ownership interest not previously

disclosed, the application for title will be rejected and the Commission will notify the applicant that the process set forth in this subchapter must be repeated, including the public auction.

(e) When the Commission has received all required documents and the Chief Administrator is satisfied that title should be issued to the purchaser at public auction, the Chief Administrator will issue a certificate of title, which will be mailed to the purchaser as indicated on the Application for Certificate of Title. If there is a lien as a result of the sale at public auction, title will be mailed to the lienholder.

(f) If a sale through public auction cannot be accomplished pursuant to this subchapter, the applicant may apply for a title in his or her name or business name, provided the applicant has complied with the requirements of this subchapter.

13:21-11.9 Auction proceeds

(a) The proceeds from the public auction of the abandoned vehicle shall be applied to pay any liens and expenses incurred for storage and sale of the vehicle.

(b) Any remaining proceeds shall be remitted to the owner of the abandoned vehicle identified in the lien search(es) performed pursuant to this subchapter.

(c) If the owner of record cannot be located, the applicant must hold the balance of the proceeds in escrow for 60 days after the public auction of the abandoned vehicle. If the owner of the abandoned vehicle does not claim the balance within 60 days of the date of the public auction, the applicant must remit the balance of the proceeds to the municipality in which the vehicle was abandoned.
